House Bill 930 (AS PASSED HOUSE AND SENATE)
By: Representatives Tanner of the 9th, Smyre of the 135th, Coomer of the 14th, Shaw of the 176th, Oliver of the 82nd, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 9 of Title 32, Chapter 80 of Title 36, Title 48, and Title 50 of the Official Code of Georgia Annotated, relating to mass transportation, provisions applicable to counties, municipal corporations, and other governmental entities, revenue and taxation, and state government, respectively, so as to provide for transit funding and governance; to provide for definitions; to provide for procedures for the authorization of the creation of certain community improvement districts; to provide for exceptions to the ceiling on local sales and use taxes; to provide for the imposition of a transit special purpose local option sales and use tax within special districts; to establish special districts; to provide for definitions, procedures, conditions, and limitations for the imposition, collection, disbursement, and termination of the tax; to provide for powers, duties, and authority of the state revenue commissioner; to provide for other matters relative to the foregoing; to create the Atlanta-region Transit Link "ATL" Authority; to provide for a short title; to provide for definitions; to provide for a board of directors and provide for appointments, removal, voting, and meetings; to provide for purpose and powers of the authority; to provide for jurisdiction of the authority; to provide for funding for such authority; to provide for the provision of local government services by such authority; to provide for a new article relating to the Metropolitan Atlanta Rapid Transit Authority; to provide for definitions; to provide for conditions and limitations for levy of retail sales and use tax by City of Atlanta to provide public transportation; to provide for the levy of a sales and use tax in Fulton County to provide public transportation; to provide for procedures, conditions, and limitations for the imposition of such tax; to provide for a referendum; to require compliance with zoning ordinances by certain development; to provide for the Metropolitan Atlanta Rapid Transit Overview Committee; to require certain branding by the Metropolitan Atlanta Rapid Transit Authority; to provide for definitions; to remove limitations upon the amount the state can contribute to the Metropolitan Atlanta Rapid Transit Authority for a system of rapid transit; to authorize transportation services to be entered into with such authority; to provide for conditions and limitations upon such transportation services contracts; to provide for procedures for Gwinnett County for entering a rapid transit contract with such authority; to
provide for methods of funding services obtained through such rapid transit contract; to provide conditions upon approval of such rapid transit contract; to provide for a referendum; to provide for ballot language; to create a Cobb County Special District for Transit Committee for the purposes of formulating a proposed map for a special district in Cobb County and proposed terms of a rapid transit contract for transportation services and facilities within such district to be provided by the Metropolitan Atlanta Rapid Transit Authority; to provide for definitions; to provide for membership of such committee; to authorize the board of commissioners of Cobb County to enter into a rapid transit contract on behalf of a special district within the county; to provide for methods of funding services obtained through a rapid transit contract; to provide conditions upon such rapid transit contract; to provide for a referendum; to provide for ballot language; to provide for authority to collect a tax in such special district; to provide for limitations upon the collection of such tax; to provide for automatic repeals; to provide for authority to collect a tax in such special district; to provide for limitations upon the collection of such tax; to provide for the appointment of members to the board of directors of such authority; to amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to amend the referendum requirement prior to the provision of transit services by contract; to provide for definitions and powers relative to the State Road and Tollway Authority; to redesignate Code Section 32-10-76 of the Official Code of Georgia Annotated, relating to grant programs, pilot program formation, factors to be considered in selecting pilot projects, and eligible projects; to amend Chapter 1 of Title 36 of the Official Code of Georgia Annotated, relating to local government provisions applicable to counties, so as to provide for referendum approval required prior to expenditure of public funds for establishment of fixed guideway transit; to amend Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Governor, so as to provide for the power of the Governor to delegate approval of the state-wide transportation improvement plan; to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to provide for definitions relative to the Environmental Finance Authority; to provide for definitions relative to the Georgia Regional Transportation Authority; to repeal Code Section 50-32-5 of the Official Code of Georgia Annotated, relating to development of the Atlanta region's Concept 3 transit proposal, use of federal and state planning funds, and assessment of economic benefit and environmental impact; to amend power of the Georgia Regional Transportation Authority; to provide for legislative intent relative to the provision of transit services; to repeal Code Section 50-32-71 of the Official Code of Georgia Annotated, relating to exemption of buses, motor vehicles, and rapid rail systems of the Georgia Regional Transportation Authority from motor carrier regulations; to amend the Official Code of Georgia Annotated, so as to correct cross-references; to provide for related matters; to provide for effective dates; to
provide for nonapplicability to prior taxable years; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
FUNDING
SECTION 1-1.

Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to provisions applicable to counties, municipal corporations, and other governmental entities, is amended by adding a new Code section to read as follows:

"36-80-26.
(a) For purposes of this Code section, the term:
(1) 'County' means any county created under the Constitution or laws of this state.
(2) 'Regional transit plan' means the official multiyear plan for transit services and facilities adopted pursuant to Code Section 50-39-12.
(3) 'Transit' means regular, continuing shared-ride or shared-use surface transportation services that are made available by a public entity and are open to the general public or open to a segment of the general public defined by age, disability, or low income. Such term includes services or systems operated by or under contract with the state, a public agency or authority, a county or municipality, a community improvement district, or any other similar public entity of this state and all accompanying infrastructure and services necessary to provide access to these modes of transportation. Such term excludes charter or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal services, limousine carriers, and ride share network services, transportation referral services, and taxi services not paid for by a public entity.
(4) 'Transit projects' means and includes purposes to establish, enhance, operate, and maintain, or improve access to transit, including general obligation debt and other multiyear obligations issued to finance such projects.
(b) A community improvement district for the purpose of the provision of transit projects which are wholly or partially located in more than one county may be created under the authority granted in and consistent with the processes set forth in Section VII of Article IX of the Georgia Constitution. Any such multi-county community improvement district may be authorized to be created upon the passage of a local act of the General Assembly by each county in which such community improvement district is to be wholly or partially located. The transit projects to be provided by such community improvement district shall
be projects included in the regional transit plan and through agreement with the Atlanta-region Transit Link ‘ATL’ Authority. The administrative body of any such community improvement district shall include one member appointed by the governing authority of each county or municipality which is located wholly or partially within such community improvement district.”

SECTION 1-2.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended in Code Section 48-8-6, relating to prohibition of political subdivisions from imposing various taxes, ceiling on local sales and use taxes, and taxation of mobile telecommunications, by revising subsection (a) as follows:

“(a) There shall not be imposed in any jurisdiction in this state or on any transaction in this state local sales taxes, local use taxes, or local sales and use taxes in excess of 2 percent. For purposes of this prohibition, the taxes affected are any sales tax, use tax, or sales and use tax which is levied in an area consisting of less than the entire state, however authorized, including such taxes authorized by or pursuant to constitutional amendment, except that the following taxes shall not count toward or be subject to such 2 percent limitation:

(1) A sales and use tax for educational purposes exempted from such limitation under Article VIII, Section VI, Paragraph IV of the Constitution;

(2) Any tax levied for purposes of a metropolitan area system of public transportation, as authorized by the amendment to the Constitution set out at Georgia Laws, 1964, page 1008; the continuation of such amendment under Article XI, Section 1, Paragraph IV(d) of the Constitution; and the laws enacted pursuant to such constitutional amendment; provided, however, that the exception provided for under this paragraph shall only apply:

(A) In a county in which a tax is being imposed under subparagraph (a)(1)(D) of Code Section 48-8-111 in whole or in part for the purpose or purposes of a water capital outlay project or projects, a sewer capital outlay project or projects, a water and sewer capital outlay project or projects, water and sewer projects and costs as defined under paragraph (4) of Code Section 48-8-200, or any combination thereof and with respect to which the county has entered into an intergovernmental contract with a municipality, in which the average waste-water system flow of such municipality is not less than 85 million gallons per day, allocating proceeds to such municipality to be used solely for water and sewer projects and costs as defined under paragraph (4) of Code Section 48-8-200. The exception provided for under this subparagraph shall apply only during the period the tax under such subparagraph (a)(1)(D) is in effect. The exception
provided for under this subparagraph shall not apply in any county in which a tax is being imposed under Article 2A of this chapter;

(B) In a county in which the tax levied for purposes of a metropolitan area system of public transportation is first levied after January 1, 2010, and before November 1, 2016. Such tax shall not apply to the following:

(i) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport. For purposes of this division, a 'qualifying airline' means any person which is authorized by the Federal Aviation Administration or another appropriate agency of the United States to operate as an air carrier under an air carrier operating certificate and which provides regularly scheduled flights for the transportation of passengers or cargo for hire. For purposes of this division, a 'qualifying airport' means any airport in this state that has had more than 750,000 takeoffs and landings during a calendar year; and

(ii) The sale of motor vehicles; or

(C) In a county in which a tax is levied and collected pursuant to Part 2 of Article 2A of this chapter;

(3) In the event of a rate increase imposed pursuant to Code Section 48-8-96, only the amount in excess of the initial 1 percent sales and use tax and in the event of a newly imposed tax pursuant to Code Section 48-8-96, only the amount in excess of a 1 percent sales and use tax;

(4) A sales and use tax levied under Article 4 of this chapter;

(5) Either a sales and use tax levied under Article 5 of this chapter or a sales and use tax levied under Article 5B of this chapter; and

(6) A sales and use tax levied under Article 5A of this chapter; and

(7) A sales and use tax levied under Article 2 of Chapter 9 of Title 32.

If the imposition of any otherwise authorized local sales tax, local use tax, or local sales and use tax would result in a tax rate in excess of that authorized by this subsection, then such otherwise authorized tax may not be imposed."

**SECTION 1-3.**

Said title is further amended by adding a new article to read as follows:

"ARTICLE 5B

Part 1

48-8-269.40

As used in this article, the term:
(1) 'Authority' means the Atlanta-region Transit Link 'ATL' Authority created pursuant to Chapter 39 of Title 50.

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

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

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

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

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

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

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

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

48-8-269.41.

(a) Pursuant to the authority granted by Article IX, Section II, Paragraph VI of the Constitution of this state, 159 special districts are created within this state. The
The geographical boundary of each county shall correspond with and shall be conterminous
with the geographical boundary of the 159 special districts created.

(b)(1) Any two or more neighboring counties which are not located within a
nonattainment area may, by following the procedures required by Part 2 of this article,
and use tax, the proceeds of which shall be used only for transit projects.

(2) Any county located in a nonattainment area may, by following the procedures
required by Part 3 of this article, impose within the special district a transit special
purpose local option sales and use tax, the proceeds of which shall be used only for transit
projects.

48-8-269.42.
Prior to the issuance of any call for the referendum by any county that desires to levy a tax
for transit projects authorized under this article, the county shall determine whether the
region has proposed a referendum on a tax under Article 5 of this chapter. This
determination shall be based on whether, pursuant to paragraphs (2) and (3) of
subsection (c) of Code Section 48-8-245, a majority of the governing authorities of
counties within the region containing the county proposing the tax have passed resolutions
calling for the levy of a tax under Article 5 of this chapter. If a majority of the governing
authorities of the counties in the region have passed such a resolution, the county proposing
a tax under this article shall postpone the referendum under this part until the regional
referendum has been decided. No ballot shall propose a tax under this article and under
Article 5 of this chapter at the same election.

Part 2

48-8-269.43.
(a) Any two or more neighboring counties qualified to levy a tax pursuant to paragraph (1)
of subsection (b) of Code Section 48-8-269.41 shall deliver or mail a written notice to the
mayor or chief elected official in each qualified municipality located within its respective
special district prior to the issuance of the call for the referendum. Such notice shall
contain the date, time, place, and purpose of a meeting at which the governing authorities
of the counties and of each qualified municipality therein are to meet to discuss possible
transit projects for inclusion in the referendum and the rate of tax. The notice shall be
delivered or mailed at least ten days prior to the date of the meeting. The meeting shall be
held at least 60 days prior to any issuance of the call for the referendum.
(b) At the meeting required by subsection (a) of this Code section, the two or more neighboring counties and all qualified municipalities therein may select transit projects to be funded by the proceeds of the tax authorized by this article. Each county planning to participate in the selected transit project or projects shall enter into intergovernmental agreements which shall include, at a minimum:

1. A list of the transit projects proposed to be funded from the tax;
2. An agreement identifying the operator of any transit projects proposed if such project or projects are services which require an operator;
3. The estimated or projected dollar amounts allocated for each transit project from proceeds from the tax;
4. The procedures for distributing proceeds from the tax to each county;
5. A schedule for distributing proceeds from the tax to each county, which shall include the priority or order in which transit projects will be fully or partially funded;
6. A provision that all transit projects included in the agreement shall be funded from proceeds from the tax except as otherwise agreed;
7. A provision that proceeds from the tax shall be maintained in separate accounts and utilized exclusively for the specified purposes;
8. Record-keeping and audit procedures necessary to carry out the purposes of this part; and
9. Such other provisions as the counties choose to address.

(c)(1) As soon as practicable after the meeting required in subsection (a) of this Code section and the execution of an intergovernmental agreement, the governing authority of each county calling for a referendum shall, by a majority vote on a resolution offered for such purpose, submit the list of transit projects and the question of whether the tax should be approved to electors of the special district in the next scheduled election and shall notify the county election superintendent within the special district by forwarding to the superintendent a copy of such resolution calling for the imposition of the tax. Such list, or a digest thereof, shall be available during regular business hours in the office of the county clerk.

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

(A) The specific transit projects to be funded;
(B) The approximate cost of such transit projects;
(C) The operator selected for any transit project or projects proposed if such project or projects are services which require an operator; and
(D) The maximum period of time, to be stated in calendar years, for which the tax may be imposed and the rate thereof. The maximum period of time for the imposition of the tax shall not exceed 30 years.

d) Unless the referendum required in Code Section 48-8-269.44 is approved in each of the participating counties, the tax shall not be imposed.

48-8-269.44.

(a)(1) The ballot submitting the question of the imposition of a tax for transit projects to the voters within the special district shall have written or printed thereon the following:

'( ) YES Shall a special ___ percent sales and use tax be imposed in the special district consisting of _______ County for a period of time not to exceed ___ and for the raising of funds for transit projects?

( ) NO

(2) The ballot shall have written and printed thereon the following:

'NOTICE TO ELECTORS: Unless the tax is approved in (list each county that has selected the project) for the transit projects, the tax shall not become effective.'

(b) The election superintendent shall issue the call and conduct the election in the manner authorized by general law. Each such election shall be governed, held, and conducted in accordance with the provisions of law from time to time governing the holding of special elections as provided in Code Section 21-2-540. The superintendent shall canvass the returns, declare the result of the election, and certify the result to the Secretary of State and to the commissioner. The expense of the election shall be paid from county funds. All persons desiring to vote in favor of imposing the tax shall vote 'Yes,' and all persons opposed to imposing the tax shall vote 'No.' If more than one-half of the votes cast throughout the entire special district are in favor of imposing the tax in each of the special districts that have elected to hold the referendum, then the tax shall be imposed as provided in this article.

(c) Where such question is not approved by the voters, the county may resubmit such question from time to time upon compliance with the requirements of this article.

(d)(1) If the intergovernmental agreement and proposal include the authority to issue general obligation debt and if more than one-half of the votes cast throughout the entire special district and in each of the special districts that have elected to hold the referendum are in favor of the proposal, then the authority to issue such debt in accordance with
Article IX, Section V, Paragraph I of the Constitution is given to the proper officers of
the county or qualified municipality; otherwise, such debt shall not be issued. If the
authority to issue such debt is so approved by the voters as required in this subsection,
then such debt may be issued without further approval by the voters.
(2) If the issuance of general obligation debt is included and approved as provided in this
Code section, then the governing authority of the county may incur such debt either
through the issuance and validation of general obligation bonds or through the execution
of a promissory note or notes or other instrument or instruments. If such debt is incurred
through the issuance of general obligation bonds, such bonds and their issuance and
validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36 except as
specifically provided otherwise in this article. If such debt is incurred through the
execution of a promissory note or notes or other instrument or instruments, no validation
proceedings shall be necessary, and such debt shall be subject to Code Sections 36-80-10
through 36-80-14 except as specifically provided otherwise in this article. In either event,
such general obligation debt shall be payable first from the separate account in which are
placed the proceeds received by the county from the tax. Such general obligation debt
shall, however, constitute a pledge of the full faith, credit, and taxing power of the
county; and any liability on such debt which is not satisfied from the proceeds of the tax
shall be satisfied from the general funds of the county.

Part 3

48-8-269.45.
(a)(1) Any county qualified to levy a tax pursuant to paragraph (2) of subsection (b) of
Code Section 48-8-269.41 shall deliver or mail a written notice to the mayor or chief
elected official in each qualified municipality located within the special district prior to
the issuance of the call for the referendum. Such notice shall contain the date, time,
place, and purpose of a meeting at which the governing authorities of the county and of
each qualified municipality are to meet to discuss possible transit projects from the
regional transit plan for inclusion in the referendum and the rate of tax. The notice shall
be delivered or mailed at least ten days prior to the date of the meeting. The meeting
shall be held at least 60 days prior to any issuance of the call for the referendum.
(2) At the meeting the county and all qualified municipalities may select transit projects
for the county from the regional transit plan to be funded by the proceeds of the tax
authorized by this article.
(b) Following the meeting required by subsection (a) of this Code section, the county shall
deliver or mail a written notice to the authority of the intent to call for a referendum to
impose the tax authorized by this article. Such notice shall include a list of transit projects located within such county chosen from the regional transit plan which the county intends to fund with proceeds from the tax authorized under this article and the proposed operator of any such transit projects if such project or projects are services which require an operator.

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

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

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

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

(B) The approximate cost of such transit projects;

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

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

48-8-269.46.

(a)(1) The ballot submitting the question of the imposition of a tax for transit projects to the voters within the special district shall have written or printed thereon the following:
'( ) YES Shall a special __________ percent sales and use tax be imposed in the special
district consisting of _______ County for a period of time not to exceed
( ) NO ________ and for the raising of funds for transit projects?'

(2) If debt is to be issued, the ballot shall also have written or printed thereon, following
the language specified by paragraph (1) of this subsection, the following:

'If imposition of the tax is approved by the voters, such vote shall also constitute
approval of the issuance of general obligation debt of __________ in the principal
amount of $_________ for the above purpose.'

(b) The election superintendent shall issue the call and conduct the election in the manner
authorized by general law. Each such election shall be governed, held, and conducted in
accordance with the provisions of law from time to time governing the holding of special
elections as provided in Code Section 21-2-540. The superintendent shall canvass the
returns, declare the result of the election, and certify the result to the Secretary of State and
to the commissioner. The expense of the election shall be paid from county funds. All
persons desiring to vote in favor of imposing the tax shall vote 'Yes,' and all persons
opposed to imposing the tax shall vote 'No.' If more than one-half of the votes cast
throughout the entire special district are in favor of imposing the tax, then the tax shall be
imposed as provided in this article.

(c) Where such question is not approved by the voters, the county may resubmit such
question from time to time upon compliance with the requirements of this article.

(d)(1) If the proposal includes the authority to issue general obligation debt and if more
than one-half of the votes cast throughout the entire special district are in favor of the
proposal, then the authority to issue such debt in accordance with Article IX, Section V,
Paragraph I of the Constitution is given to the proper officers of the county; otherwise,
such debt shall not be issued. If the authority to issue such debt is so approved by the
voters, then such debt may be issued without further approval by the voters.

(2) If the issuance of general obligation debt is included and approved as provided in this
Code section, then the governing authority of the county may incur such debt either
through the issuance and validation of general obligation bonds or through the execution
of a promissory note or notes or other instrument or instruments. If such debt is incurred
through the issuance of general obligation bonds, such bonds and their issuance and
validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36 except as
specifically provided otherwise in this article. If such debt is incurred through the
execution of a promissory note or notes or other instrument or instruments, no validation
proceedings shall be necessary, and such debt shall be subject to Code Sections 36-80-10
through 36-80-14 except as specifically provided otherwise in this article. In either event,
such general obligation debt shall be payable first from the separate account in which are
placed the proceeds received by the county from the tax. Such general obligation debt shall, however, constitute a pledge of the full faith, credit, and taxing power of the county; and any liability on such debt which is not satisfied from the proceeds of the tax shall be satisfied from the general funds of the county.

Part 4

48-8-269.47.
(a) Any tax approved under this article shall be at a rate of up to 1 percent and may be in increments of 0.05 percent.
(b)(1) If the imposition of a tax under this article is approved at the election as provided for pursuant to this article, the tax shall be imposed on the first day of the next succeeding calendar quarter which begins more than 80 days after the date of the election at which the tax was approved by the voters.
(2) With respect to services which are regularly billed on a monthly basis, however, the resolution shall become effective with respect to and the tax shall apply to services billed on or after the effective date specified in paragraph (1) of this subsection.
(c) The tax shall cease to be imposed on the final day of the maximum period of time specified for the imposition of the tax.
(d) At any point in time within two years of the expiration date of a tax under this article, proceedings for the reimposition of a tax under this article may be initiated in the same manner as provided in this article for initial imposition of such tax.

48-8-269.48.
A tax levied pursuant to this article shall be exclusively administered and collected by the commissioner to be used within the special district or special districts imposing the tax for the transit projects specified in the resolution calling for the imposition of the tax. Such administration and collection shall be accomplished in the same manner and subject to the same applicable provisions, procedures, and penalties provided in Article 1 of this chapter; provided, however, that all moneys collected from each taxpayer by the commissioner shall be applied first to such taxpayer's liability for taxes owed the state; and provided, further, that the commissioner may rely upon a representation by or on behalf of the special district or the Secretary of State that such a tax has been validly imposed, and the commissioner and the commissioner's agents shall not be liable to any person for collecting any such tax which was not validly imposed. Dealers shall be allowed a percentage of the amount of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due if such amount is not delinquent at the
time of payment. The deduction shall be at the rate and subject to the requirements specified under subsections (b) through (f) of Code Section 48-8-50.

48-8-269.49. Each sales tax return remitting taxes collected under this article shall separately identify the location of each transaction at which any of the taxes remitted were collected and shall specify the amount of sales and the amount of taxes collected at each such location for the period covered by the return in order to facilitate the determination by the commissioner that all taxes imposed by this article are collected and distributed according to situs of sale.

48-8-269.50. (a) The proceeds of the tax collected by the commissioner in each special district qualified to levy the tax under Part 2 of this article shall be disbursed as soon as practicable after collection as follows:

(1) One percent of the amount collected shall be paid into the general fund of the state treasury in order to defray the costs of administration; and

(2) Except for the percentage provided in paragraph (1) of this subsection, the remaining proceeds of the tax shall be distributed pursuant to the terms of the intergovernmental agreement.

(b) The proceeds of the tax collected by the commissioner in each special district qualified to levy the tax under Part 3 of this article shall be disbursed as soon as practicable after collection as follows:

(1) One percent of the amount collected shall be paid into the general fund of the state treasury in order to defray the costs of administration; and

(2) Except for the percentage provided in paragraph (1) of this subsection, the remaining proceeds of the tax shall be distributed to the special district for the transit projects specified in the resolution calling for the imposition of the tax.

48-8-269.51. (a) The proceeds of a tax under this article shall not be subject to any allocation or balancing of state and federal funds provided for by general law, and such proceeds shall not be considered or taken into account in any such allocation or balancing.

(b) The approval of the tax under this article shall not in any way diminish the percentage of state or federal funds allocated to any of the local governments under Code Section 32-5-27 or Chapter 39 of Title 50 within the special district levying the tax.
(a) Except as to rate, a tax imposed under this article shall correspond to the tax imposed by Article 1 of this chapter. No item or transaction which is not subject to taxation under Article 1 of this chapter shall be subject to a tax imposed under this article, except that a tax imposed under this article shall not apply to:

(1) The sale or use of any type of fuel used for off-road heavy-duty equipment, off-road farm or agricultural equipment, or locomotives;

(2) The sale or use of jet fuel;

(3) The sale or use of fuel that is used for propulsion of motor vehicles on the public highways;

(4) The sale or use of energy used in the manufacturing or processing of tangible goods primarily for resale, as such sale or use is described in Code Section 48-8-3.2;

(5) The sale or use of motor fuel, as defined under paragraph (9) of Code Section 48-9-2, for public mass transit; or

(6) The purchase or lease of any motor vehicle pursuant to Code Section 48-5C-1.

(b) Except as otherwise specifically provided in this article, the tax imposed pursuant to this article shall be subject to any sales and use tax exemption which is otherwise imposed by law; provided, however, that the tax levied by this article shall be applicable to the sale of food and food ingredients as provided for in paragraph (57) of Code Section 48-8-3.

Where a local sales or use tax has been paid with respect to tangible personal property by the purchaser either in another local tax jurisdiction within this state or in a tax jurisdiction outside this state, the tax may be credited against the tax authorized to be imposed by this article upon the same property. If the amount of sales or use tax so paid is less than the amount of the tax due under this article, the purchaser shall pay an amount equal to the difference between the amount paid in the other tax jurisdiction and the amount due under this article. The commissioner may require such proof of payment in another local tax jurisdiction as he or she deems necessary and proper. No credit shall be granted, however, against the tax under this article for tax paid in another jurisdiction if the tax paid in such other jurisdiction is used to obtain a credit against any other local sales and use tax levied in the county or in a special district which includes the county.

No tax shall be imposed upon the sale of tangible personal property which is ordered by and delivered to the purchaser at a point outside the geographical area of the special district in which the tax is imposed regardless of the point at which title passes, if the delivery is
made by the seller's vehicle, United States mail, or common carrier or by private or contract carrier.

48-8-269.55.
The commissioner shall have the power and authority to promulgate such rules and regulations as shall be necessary for the effective and efficient administration and enforcement of the collection of the tax.

48-8-269.56.
Except as provided in Code Section 48-8-6, the tax authorized under this part shall be in addition to any other local sales and use tax. Except as otherwise provided in this article and except as provided in Code Section 48-8-6, the imposition of any other local sales and use tax within a county or qualified municipality within a special district shall not affect the authority of a county to impose the tax authorized under this article, and the imposition of the tax authorized under this article shall not affect the imposition of any otherwise authorized local sales and use tax within the special district.

48-8-269.57.
(a)(1) The proceeds received from the tax shall be used by the special district or special districts exclusively for the transit projects specified in the resolution calling for imposition of the tax. When the proceeds are received by a special district authorized to levy the tax pursuant to Part 2 of this article, such proceeds shall be kept in a separate account from other funds of any county receiving proceeds of the tax and shall not in any manner be commingled with other funds of any county prior to the expenditure.

(2) The governing authority of each county receiving any proceeds from the tax under this article shall maintain a record of each and every purpose for which the proceeds of the tax are used. A schedule shall be included in each annual audit which shows for each purpose in the resolution calling for imposition of the tax the original estimated cost, the current estimated cost if it is not the original estimated cost, amounts expended in prior years, and amounts expended in the current year. The auditor shall verify and test expenditures sufficient to provide assurances that the schedule is fairly presented in relation to the financial statements. The auditor's report on the financial statements shall include an opinion, or disclaimer of opinion, as to whether the schedule is presented fairly in all material respects in relation to the financial statements taken as a whole.

(b) No general obligation debt shall be issued in conjunction with the imposition of the tax unless the county governing authority determines that, and if the debt is to be validated it is demonstrated in the validation proceedings that, during each year in which any payment
of principal or interest on the debt comes due, the county will receive from the tax net
proceeds sufficient to fully satisfy such liability. General obligation debt issued under this
article shall be payable first from the separate account in which are placed the proceeds
received by the county from the tax. Such debt, however, shall constitute a pledge of the
full faith, credit, and taxing power of the county; and any liability on such debt which is
not satisfied from the proceeds of the tax shall be satisfied from the general funds of the
county.

(c) The resolution calling for the imposition of the tax may specify that all of the proceeds
of the tax will be used for payment of general obligation debt issued in conjunction with
the imposition of the tax, and, in that event, such proceeds shall be solely for such purpose
except as otherwise provided in subsection (f) of this Code section.

(d) The resolution calling for the imposition of the tax may specify that a part of the
proceeds of the tax will be used for payment of general obligation debt issued in
conjunction with the imposition of the tax. The resolution shall specifically state the other
purposes for which such proceeds will be used. In such a case, no part of the net proceeds
from the tax received in any year shall be used for such other purposes until all debt service
requirements of the general obligation debt for that year have first been satisfied from the
account in which the proceeds of the tax are placed.

(e) The resolution calling for the imposition of the tax may specify that no general
obligation debt is to be issued in conjunction with the imposition of the tax. The resolution
shall specifically state the purpose or purposes for which the proceeds will be used.

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

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

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

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

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

Not later than December 31 of each year, the governing authority of the county receiving any proceeds from the tax under this part shall publish annually, in a newspaper of general circulation in the boundaries of such county, a simple, nontechnical report which shows for each transit project in the resolution calling for the imposition of the tax the original estimated cost, the current estimated cost if it is not the original estimated cost, amounts expended in prior years, and amounts expended in the current year. The report shall also include a statement of what corrective action the county intends to implement with respect
to each project which is underfunded or behind schedule and a statement of any surplus
funds which have not been expended for a purpose.

PART II
GOVERNANCE
SECTION 2-1.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
by adding a new chapter to read as follows:

CHAPTER 39
ARTICLE 1

50-39-1.
This chapter shall be known and may be cited as the 'Atlanta-region Transit Link 'ATL'
Authority Act.'

As used in this chapter, the term:

(1) 'Authority' means the Atlanta-region Transit Link 'ATL' Authority,
(2) 'Bond' includes any revenue bond, bond, note, or other obligation,
(3) 'Clean Air Act' means the federal Clean Air Act, as amended in 1990 and codified
at 42 U.S.C.A. Sections 7401 to 7671q,
(4) 'Cost of project' or 'cost of any project' means:
   (A) All costs of acquisition, by purchase or otherwise, construction, assembly,
       installation, modification, renovation, extension, rehabilitation, operation, or
       maintenance incurred in connection with any project, facility, or undertaking of the
       authority or any part thereof;
   (B) All costs of real property or rights in property, fixtures, or personal property used
       in or in connection with or necessary for any project, facility, or undertaking of the
       authority or for any facilities related thereto, including but not limited to the cost of all
       land, interests in land, estates for years, easements, rights, improvements, water rights,
       and connections for utility services; the cost of fees, franchises, permits, approvals,
       licenses, and certificates; the cost of securing any such franchises, permits, approvals,
       licenses, or certificates; the cost of preparation of any application therefor; and the cost
       of all fixtures, machinery, equipment, furniture, and other property used in or in
       connection with or necessary for any project, facility, or undertaking of the authority;
(C) All financing charges, bond insurance or other credit enhancement fee, and loan or loan guarantee fees and all interest on revenue bonds, notes, or other obligations of the authority which accrue or are paid prior to and during the period of construction of a project, facility, or undertaking of the authority and during such additional period as the authority may reasonably determine to be necessary to place such project, facility, or undertaking of the authority in operation;

(D) All costs of engineering, surveying, planning, environmental assessments, financial analyses, and architectural, legal, and accounting services and all expenses incurred by engineers, surveyors, planners, environmental scientists, fiscal analysts, architects, attorneys, accountants, and any other necessary technical personnel in connection with any project, facility, or undertaking of the authority or the issuance of any bonds, notes, or other obligations for such project, facility, or undertaking;

(E) All expenses for inspection of any project, facility, or undertaking of the authority;

(F) All fees of fiscal agents, paying agents, and trustees for bond owners under any bond resolution, trust agreement, indenture of trust, or similar instrument or agreement; all expenses incurred by any such fiscal agents, paying agents, bond registrar, and trustees; and all other costs and expenses incurred relative to the issuance of any bonds, revenue bonds, notes, or other obligations for any project, facility, or undertaking of the authority, including bond insurance or credit enhancement fee;

(G) All fees of any type charged by the authority in connection with any project, facility, or undertaking of the authority;

(H) All expenses of or incidental to determining the feasibility or practicability of any project, facility, or undertaking of the authority;

(I) All costs of plans and specifications for any project, facility, or undertaking of the authority;

(J) All costs of title insurance and examinations of title with respect to any project, facility, or undertaking of the authority;

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

(L) Administrative expenses of the authority and such other expenses as may be necessary or incidental to any project, facility, or undertaking of the authority or the financing thereof or the placing of any project, facility, or undertaking of the authority in operation; and

(M) The establishment of a fund or funds for the creation of a debt service reserve, a renewal and replacement reserve, or such other funds or reserves as the authority may approve with respect to the financing and operation of any project, facility, or undertaking of the authority and as may be authorized by any bond resolution, trust
agreement, indenture, or trust or similar instrument or agreement pursuant to the
provisions of which the issuance of any revenue bonds, notes, or other obligations of
the authority may be authorized.

Any cost, obligation, or expense incurred for any of the purposes specified in this
paragraph shall be a part of the cost of the project, facility, or undertaking of the authority
and may be paid or reimbursed as such out of the proceeds of revenue bonds, notes, or
other obligations issued by the authority or as otherwise authorized by this chapter.

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

(6) 'Facility' shall have the same meaning as 'project.'

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

(8) 'May' means permission and not command.

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

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

(11) 'Municipal corporation' or 'municipality' means any city or town in this state.

(12) 'Obligation' means any bond, revenue bond, note, lease, contract, evidence of
indebtedness, debt, or other obligation of the authority, the state, or local governments
which is authorized to be issued under this chapter or under the Constitution or other laws
of this state, including refunding bonds.

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

(14) 'Project' means the acquisition, construction, installation, modification, renovation,
repair, extension, renewal, replacement, or rehabilitation of land, interest in land,
buildings, structures, facilities, or other improvements and the acquisition, installation,
modification, renovation, repair, extension, renewal, replacement, rehabilitation, or
furnishing of fixtures, machinery, equipment, furniture, or other property of any nature
whatsoever used on, in, or in connection with any such land, interest in land, building,
structure, facility, or other improvement, all for the essential public purpose of providing
facilities and services to meet transit needs and environmental standards and to aid in the
accomplishment of the purposes of the authority.
(15) 'Regional transit plan' means the official multiyear plan adopted by the authority for
the provision of transit services throughout the jurisdiction of the authority pursuant to
Code Section 50-39-12.

(16) 'Revenue bond' includes any bond, note, or other obligation payable from revenues
derived from any project, facility, or undertaking of the authority.

(17) 'State implementation plan' means the portion or portions of an applicable
implementation plan approved or promulgated, or the most recent revision thereof, under
Sections 110, 301(d), and 175A of the Clean Air Act.

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

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

(20) 'Undertaking' shall have the same meaning as the term 'project.'

50-39-3.

(a) There is created the Atlanta-region Transit Link 'ATL' Authority as a body corporate
and politic, which shall be deemed an instrumentality of the State of Georgia and a public
corporation thereof, for purposes of managing or causing to be managed transit and air
quality within certain areas of this state; and by that name, style, and title such body may
contract and be contracted with and bring and defend actions in all courts of this state.
Such authority shall serve as the sole entity for coordination and planning and the
dispersing of federal and state funding for transit within the jurisdiction of the authority.
Such authority shall work with counties, municipalities, and operators of transit services
within the jurisdiction of the authority to provide a consistent and integrated vision for
transit through transparent decision making and execution. This Code section shall not be
deemed to impair or interfere in any manner with any existing rights under a contract
entered into prior to December 1, 2018, or any federal grants or agreements awarded or
entered into prior to December 1, 2018. This Code section shall not be applicable to
projects or services provided for under the terms of a contract entered into as of December
1, 2018, under the authority granted pursuant to a local constitutional amendment set out
at Ga. L. 1964, p. 1008, and the planning, funding, coordination, and delivery of such
projects or services shall be as provided for by such contract or contracts.

(b) The management of the business and affairs of the authority shall be vested in a board
of directors, subject to the provisions of this chapter and to the provisions of bylaws
adopted by the board as authorized by this chapter. The board of directors shall make
bylaws governing its own operation and shall have the power to make bylaws, rules, and
regulations for the government of the authority and the operation, management, and
maintenance of such projects as the board may determine appropriate to undertake from
time to time.

(c) Except as otherwise provided in this chapter, a majority of the members of the board
then in office shall constitute a quorum for the transaction of business. The vote of a
majority of the members of the board present at the time of the vote, if a quorum is present
at such time, shall be the act of the board unless the vote of a greater number is required
by law or by the bylaws of the board of directors. The board of directors, by resolution
adopted by a majority of the full board of directors, may designate from among its
members one or more committees, each consisting of two or more members of the board,
which shall have and exercise such authority as the board may delegate to it under such
procedures as the board may direct by resolution establishing such committee or
committees.

(d) No vacancy on the authority shall impair the right of a majority of the appointed
members from exercising all rights and performing all duties of the authority. The
authority shall have perpetual existence. Any change in the name or composition of the
authority shall in no way affect the vested rights of any person under this chapter or impair
the obligations of any contracts existing under this chapter.


(a)(1) The board of directors of the authority shall consist of 16 members, ten of whom
shall be appointed from the authority districts described in paragraph (2) of this
subsection, five of whom shall be appointed as described in paragraph (3) of this
subsection, and the commissioner of transportation who shall serve ex officio and be a
nonvoting member. The members appointed from such authority districts shall be
appointed by a majority vote of a caucus of the members of the House of Representatives
and Senate whose respective districts are include any portion of such authority district,
the chairpersons of the county board of commissioners whose counties are located within
such authority districts, and one mayor from the municipalities located within such
authority districts who shall be chosen by a caucus of all mayors from the municipalities located within such authority districts; provided that if any authority district is wholly or partially located within the City of Atlanta, the mayor of the City of Atlanta shall be entitled to his or her own vote in addition to the vote by the mayor outside the limits of such city selected by the caucus of mayors to cast a vote. Each such appointee shall be a resident of the authority district which he or she represents and possess significant experience or expertise in a field that would be beneficial to the accomplishment of the function and purpose of this chapter. No later than December 1, 2018, the respective caucuses appointing board members from the authority districts shall meet and appoint their respective board members of said board of directors. Such meeting shall be called by the chairperson of the board of commissioners from the county with the largest population represented in the authority district.

(2)(A) For purposes of appointing members of the board other than those members appointed pursuant to paragraph (3) of this subsection, there are hereby created ten authority districts, which shall be as described in the plan attached to and made part of this Act and further identified as 'Plan: transit-dist-2018 Plan Type: Regional Administrator: H009 User: Gina.'

(B) When used in such attachment, the term 'VTD' (voting tabulation district) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia.

(C) The separate numeric designations in an authority district description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia.

(D) Any part of the jurisdiction of the authority which is not included in any such authority district described in that attachment shall be included within that authority district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(E) Any part of the jurisdiction of the authority which is described in that attachment as being in a particular authority district shall nevertheless not be included within such authority district if such part is not contiguous to such authority district. Such noncontiguous part shall instead be included within that authority district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(F) Except as otherwise provided in the description of any authority district, whenever the description of such authority district refers to a named city, it shall mean the
geographical boundaries of that city as shown on the census map for the United States
decennial census of 2010 for the State of Georgia.

(G) The plan attached shall be reviewed by the Senate and House Transportation
Committees after the report of the Bureau of the Census for the United States decennial
census of 2020 or any future such census.

(3) The Lieutenant Governor and Speaker of the House of Representatives shall each
appoint two board members. The Governor shall appoint one member who shall serve
as the chairperson.

(b) All members of the board and their successors shall each be appointed for terms of four
years, except that those members appointed from odd-numbered authority districts shall
each serve an initial term of two years. After such initial two-year term, that caucus which
appointed such member for such initial term shall appoint successors thereto for terms of
office of four years. All members of the board shall serve until the appointment and
qualification of a successor except as otherwise provided in this Code section. Other than
the commissioner of transportation, no person holding any other office of profit or trust
under the state shall serve upon the board. The chairperson of the board of directors shall
be appointed by the Governor and a vice chairperson shall be selected annually from
among the members by majority vote of those members present and voting.

(c) All successors shall be appointed in the same manner as original appointments.

Vacancies in office shall be filled in the same manner as original appointments. A person
appointed to fill a vacancy shall serve for the unexpired term. No vacancy on the board
shall impair the right of the quorum of the remaining members then in office to exercise
all rights and perform all duties of the board.

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

(e) Members of the board of directors shall be subject to removal by the appointing
authority or a majority vote of the appointing caucus for misfeasance, malfeasance,
nonfeasance, failure to attend three successive meetings of the board without good and
sufficient cause, abstention from voting unless authorized under subsection (h) of this Code
section, or upon a finding of a violation of Code Section 45-10-3 pursuant to the
procedures applicable to such Code section. A violation of Code Section 45-10-3 may also
subject a member to the penalties provided in subparagraphs (a)(1)(A), (a)(1)(B), and
(a)(1)(C) of Code Section 45-10-28, pursuant to subsection (b) of such Code section. In
the event that a vacancy or vacancies on the board render the board able to obtain a quorum
but unable to obtain the attendance of a number of members sufficient to constitute such
supermajorities as may be required by this chapter, the board shall entertain no motion or
measure requiring such a supermajority until a number of members sufficient to constitute
such supermajority is present.
(f) The members of the authority shall be subject to the applicable provisions of
Chapter 10 of Title 45, including without limitation Code Sections 45-10-3 through
45-10-5. Members of the authority shall be public officers who are members of a state
board for purposes of the financial disclosure requirements of Article 3 of Chapter 5 of
Title 21. The members of the authority shall be accountable in all respects as trustees. The
authority shall keep suitable books and records of all actions and transactions and shall
submit such books together with a statement of the authority's financial position to the state
auditor on or about the close of the state's fiscal year. The books and records shall be
inspected and audited by the state auditor at least once in each year.
(g) Meetings of the board of directors, regular or special, shall be held at the time and
place fixed by or under the bylaws, with no less than five days' public notice for regular
meetings as prescribed in the bylaws and such notice as the bylaws may prescribe for
special meetings. Each member shall be given written notice of all meetings as prescribed
in the bylaws. Meetings of the board may be called by the chairperson or by such other
person or persons as the bylaws may authorize.
(h) No member may abstain from a vote other than for reasons constituting disqualification
to the satisfaction of a majority of a quorum of the board on a record vote.
(i) The board may, in its discretion, appoint an executive director as the administrative
head of the authority and shall set his or her salary. The executive director of the Georgia
Regional Transportation Authority shall serve as a temporary director until the board is
constituted and an executive director is appointed by such board.
(j) The authority is assigned to the Georgia Regional Transportation Authority for
administrative purposes only.
(k) The authority shall annually submit a report of projects of regional and state
significance from the regional transit plan to the Office of Planning and Budget, the
Governor, the Lieutenant Governor, and the Speaker of the House of Representatives for
consideration by such parties for inclusion in the bond package for the upcoming fiscal
year budget. The required date of submission of such report shall coincide with the
required submission date of estimates of financial requirements of a budget unit pursuant
to Code Section 45-12-78.
50-39-5.
The Atlanta Regional Commission in conjunction with the authority and the director of
planning for the Department of Transportation shall utilize federal and state planning funds
to continue the development of the Atlanta region's Concept 3 transit proposal, including
assessment of potential economic benefit to the region and the state, prioritization of
corridors based on highest potential economic benefit and lowest environmental impact,
and completion of environmental permitting.

ARTICLE 2

50-39-10.

(a)(1) This chapter shall operate uniformly throughout the state.

(2)(A) The initial jurisdiction of the authority for purposes of this chapter shall
encompass the territory of every county which was designated by the United States
Environmental Protection Agency (USEPA) in the Code of Federal Regulations as of
December 31, 1998, as a county included in whole or in part within a nonattainment
area under the Clean Air Act and which the board designates, through regulation, as a
county having excess levels of ozone, carbon monoxide, or particulate matter.

(B) The jurisdiction of the authority for purposes of this chapter shall also encompass
the territory of every county designated by the USEPA in the Code of Federal
Regulations after December 31, 1998, as a county included in whole or in part within
a nonattainment area under the Clean Air Act and which the board designates, through
regulation, as a county having excess levels of ozone, carbon monoxide, or particulate
matter, provided that the jurisdictional area encompassed under this subparagraph shall
be contiguous with the jurisdictional area encompassed under subparagraph (A) of this
paragraph.

(b)(1) By December 1, 2018, the director of the Environmental Protection Division shall
report and certify to the authority those counties which were designated by the USEPA
as included in whole or in part within a nonattainment area pursuant to subsection (a) of
this Code section and, pursuant to criteria established by that division, counties which are
reasonably expected to become nonattainment areas under the Clean Air Act within seven
years from the date of such report and certification. Such report and certification shall
be updated every six months thereafter. Within the geographic territory of any county
so designated, the board shall provide, by resolution or regulation, that the funding,
planning, design, construction, contracting, leasing, and other related facilities of the
authority shall be made available to county and local governments for the purpose of
planning, designing, constructing, operating, and maintaining transit systems and transit
projects, air quality installations, and all facilities necessary and beneficial thereto, and
for the purpose of designing and implementing designated metropolitan planning
organizations' transit plans and transportation improvement programs and the authority's
regional transit plan, on such terms and conditions as may be agreed to between the authority and such county or local governments.

(2) The jurisdiction of the authority for purposes of this chapter shall be extended to any county the territory of which is contiguous with the jurisdiction established by subsection (a) of this Code section which is designated by the USEPA in the Code of Federal Regulations as a county included in whole or in part within a nonattainment area under the Clean Air Act and which the board deems as a county having excess levels of ozone, carbon monoxide, or particulate matter. A majority vote of the board and passage of a resolution by the board of commissioners of such county shall be required for the extension of the jurisdiction to include such a contiguous county.

(3) The jurisdiction of the authority for purposes of this chapter may be extended to any county the territory of which is not contiguous with the jurisdiction established by subsection (a) of this Code section which is designated by the USEPA in the Code of Federal Regulations as a county included in whole or in part within a nonattainment area under the Clean Air Act and which the board designates as a county having excess levels of ozone, carbon monoxide, or particulate matter. Such county may be brought within the jurisdiction of the authority by a majority vote of the board and upon the effective date of a local law enacted by the General Assembly for such purpose.

(c) Upon acquiring jurisdiction over the territory of any county, the authority's jurisdiction over such territory shall continue until 20 years have elapsed since the later of the date such county was redesignated by the USEPA as in attainment under the Clean Air Act or such designation by the USEPA is no longer made.

(d)(1) Upon the lapse of the authority's jurisdiction over a geographic area pursuant to the provisions of this Code section, the authority shall have the power to enter into such contracts, lease agreements, and other instruments necessary or convenient to manage and dispose of real property and facilities owned or operated by the authority within such geographic area, and shall dispose of all such property not more than five years after the lapse of such jurisdiction, but shall retain jurisdiction for the purpose of operating and managing such property and facilities until their final disposition.

(2) The provisions of this subsection shall be implemented consistent with the terms of such contracts, lease agreements, or other instruments or agreements as may be necessary or required to protect federal interests in assets purchased, leased, or constructed utilizing federal funding in whole or in part, and the authority is empowered to enter into such contracts, lease agreements, or other instruments or agreements with appropriate federal agencies or other representatives or instrumentalities of the federal government from time to time as necessary to achieve the purposes of this chapter and the protection of federal interests.
(e) Except for the purpose of reviewing proposed regional transit plans and transportation improvement programs prepared by metropolitan planning organizations in accordance with requirements specifically placed upon the Governor by federal law, the jurisdiction of the authority shall not extend to the territory and facilities of any airport as defined in Code Section 6-3-20.1 and which is certified under 14 C.F.R. Part 139. In no event shall the authority have jurisdiction to design, construct, repair, improve, expand, own, maintain, or operate any such airport or any facilities of such airport.

(f) Any county within the jurisdiction of the authority which provided no transit services or was provided no transit services by a state authority on or before July 1, 2018, shall be prohibited from initiating any transit services within such county without prior approval from the voters in a county wide referendum called for such purpose.


(a) The authority shall have the following general powers:

(1) To sue and be sued in all courts of this state, the original jurisdiction and venue of any such action being the superior court of any county wherein a substantial part of the business was transacted, the tortious act, omission, or injury occurred, or the real property is located, except that venue and jurisdiction for bond validation proceedings shall be as provided by paragraph (9) of subsection (e) of Code Section 50-39-32;

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

(3) To plan, design, acquire, construct, add to, extend, improve, equip, operate, and maintain or cause to be operated and maintained transit systems and transit projects, and all facilities and appurtenances necessary or beneficial thereto, within the geographic area over which the authority has jurisdiction or which are included within a regional transit plan or transportation improvement program and provide transit services within the geographic jurisdiction of the authority, and to contract with any state, regional, or local government, authority, or department, or with any private person, firm, or corporation, for those purposes, and to enter into contracts and agreements with the Georgia Department of Transportation, county and local governments, and transit system operators for those purposes;

(4) To plan, design, acquire, construct, add to, extend, improve, equip, operate, and maintain or cause to be operated and maintained air quality control installations, and all facilities and appurtenances necessary or beneficial thereto, within the geographic area over which the authority has jurisdiction for such purposes pursuant to this chapter, and to contract with any state, regional, or local government, authority, or department, or with any private person, firm, or corporation, for those purposes; provided, however, that where such air quality control measures are included in an applicable implementation
plan, they shall be approved by the Environmental Protection Division of the state
Department of Natural Resources and by the United States Environmental Protection
Agency where necessary to preserve their protected status during any conformity lapse;
(5) To make and execute contracts, lease agreements, and all other instruments necessary
or convenient to exercise the powers of the authority or to further the public purpose for
which the authority is created, such contracts, leases, or instruments to include contracts
for acquisition, construction, operation, management, or maintenance of projects and
facilities owned by local government, the authority, or by the state or any political
subdivision, department, agency, or authority thereof, and to include contracts relating
to the execution of the powers of the authority and the disposal of the property of the
authority from time to time; and any and all local governments, departments, institutions,
authorities, or agencies of the state are authorized to enter into contracts, leases,
agreements, or other instruments with the authority upon such terms and to transfer real
and personal property to the authority for such consideration and for such purposes as
they deem advisable;
(6) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real or
personal property of every kind and character, or any interest therein, in furtherance of
the public purpose of the authority, in compliance, where required, with applicable
federal law including without limitation the Uniform Relocation Assistance and Real
23 C.F.R. Section 1.23, and 23 C.F.R. Section 713(c);
(7) To appoint an executive director who shall be executive officer and administrative
head of the authority. The executive director shall be appointed and serve at the pleasure
of the board. The executive director shall hire officers, agents, and employees, prescribe
their duties and qualifications and fix their compensation, and perform such other duties
as may be prescribed by the authority. Such officers, agents, and employees shall serve
at the pleasure of the executive director;
(8) To finance projects, facilities, and undertakings of the authority for the furtherance
of the purposes of the authority within the geographic area over which the authority has
jurisdiction by loan, loan guarantee, grant, lease, or otherwise, and to pay the cost of such
from the proceeds of bonds, revenue bonds, notes, or other obligations of the authority
or any other funds of the authority or from any contributions or loans by persons,
corporations, partnerships, whether limited or general, or other entities, all of which the
authority is authorized to receive, accept, and use; provided that such debt is consistent
with the state debt management plan as established by the Georgia State Financing and
Investment Commission pursuant to Chapter 17 of this title, the ‘Georgia State Financing
and Investment Commission Act’;
(9) To extend credit or make loans or grants for all or part of the cost or expense of any project, facility, or undertaking of a political subdivision or other entity for the furtherance of the purposes of the authority within the geographic area over which the authority has jurisdiction upon such terms and conditions as the authority may deem necessary or desirable; and to adopt rules, regulations, and procedures for making such loans and grants;

(10) To borrow money to further or carry out its public purpose and to issue guaranteed revenue bonds, revenue bonds, notes, or other obligations to evidence such loans and to execute leases, trust indentures, trust agreements for the sale of its revenue bonds, notes, or other obligations, loan agreements, mortgages, deeds to secure debt, trust deeds, security agreements, assignments, and such other agreements or instruments as may be necessary or desirable in the judgment of the authority, and to evidence and to provide security for such loans;

(11) To issue guaranteed revenue bonds, revenue bonds, bonds, notes, or other obligations of the authority, to receive payments from the Department of Community Affairs, and to use the proceeds thereof for the purpose of:

(A) Paying or loaning the proceeds thereof to pay, all or any part of, the cost of any project or the principal of and premium, if any, and interest on the revenue bonds, bonds, notes, or other obligations of any local government issued for the purpose of paying in whole or in part the cost of any project and having a final maturity not exceeding three years from the date of original issuance thereof;

(B) Paying all costs of the authority incidental to, or necessary and appropriate to, furthering or carrying out the purposes of the authority; and

(C) Paying all costs of the authority incurred in connection with the issuance of the guaranteed revenue bonds, revenue bonds, bonds, notes, or other obligations;

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

(13) Subject to any agreement with bond owners, to invest moneys of the authority not required for immediate use to carry out the purposes of this chapter, including the proceeds from the sale of any bonds and any moneys held in reserve funds, in obligations which shall be limited to the following:

(A) Bonds or other obligations of the state or bonds or other obligations, the principal and interest of which are guaranteed by the state;

(B) Bonds or other obligations of the United States or of subsidiary corporations of the United States government fully guaranteed by such government;
(C) Obligations of agencies of the United States government issued by the Federal
Land Bank, the Federal Home Loan Bank, the Federal Intermediate Credit Bank, and
the Bank for Cooperatives;

(D) Bonds or other obligations issued by any public housing agency or municipality
in the United States, which bonds or obligations are fully secured as to the payment of
both principal and interest by a pledge of annual contributions under an annual
contributions contract or contracts with the United States government, or project notes
issued by any public housing agency, urban renewal agency, or municipality in the
United States and fully secured as to payment of both principal and interest by a
requisition, loan, or payment agreement with the United States government;

(E) Certificates of deposit of national or state banks or federal savings and loan
associations located within the state which have deposits insured by the Federal Deposit
Insurance Corporation or any Georgia deposit insurance corporation and certificates of
deposit of state building and loan associations located within the state which have
deposits insured by any Georgia deposit insurance corporation, including the
certificates of deposit of any bank, savings and loan association, or building and loan
association acting as depository, custodian, or trustee for any such bond proceeds;
provided, however, that the portion of such certificates of deposit in excess of the
amount insured by the Federal Deposit Insurance Corporation or any Georgia deposit
insurance corporation, if any such excess exists, shall be secured by deposit with the
Federal Reserve Bank of Atlanta, Georgia, or with any national or state bank located
within the state, of one or more of the following securities in an aggregate principal
amount equal at least to the amount of such excess:

(i) Direct and general obligations of the state or of any county or municipality in the
state;

(ii) Obligations of the United States or subsidiary corporations included in
subparagraph (B) of this paragraph;

(iii) Obligations of agencies of the United States government included in
subparagraph (C) of this paragraph; or

(iv) Bonds, obligations, or project notes of public housing agencies, urban renewal
agencies, or municipalities included in subparagraph (D) of this paragraph;

(F) Interest-bearing time deposits, repurchase agreements, reverse repurchase
agreements, rate guarantee agreements, or other similar banking arrangements with a
bank or trust company having capital and surplus aggregating at least $50 million or
with any government bond dealer reporting to, trading with, and recognized as a
primary dealer by the Federal Reserve Bank of New York having capital aggregating
at least $50 million or with any corporation which is subject to registration with the
Board of Governors of the Federal Reserve System pursuant to the requirements of the
Bank Holding Company Act of 1956, provided that each such interest-bearing time
deposit, repurchase agreement, reverse repurchase agreement, rate guarantee
agreement, or other similar banking arrangement shall permit the moneys so placed to
be available for use at the time provided with respect to the investment or reinvestment
of such moneys; and

(G) State operated investment pools;

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

(15) Subject to applicable covenants or agreements related to the issuance of bonds, to
invest any moneys held in debt service funds or sinking funds not restricted as to to
investment by the Constitution or laws of this state or the federal government or by
contract not required for immediate use or disbursement in obligations of the types
specified in paragraph (13) of this subsection, provided that, for the purposes of this
paragraph, the amounts and maturities of such obligations shall be based upon and
correlated to the debt service, which debt service shall be the principal installments and
interest payments, schedule for which such moneys are to be applied;

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

(17) To make loan commitments and loans to local governments and to enter into option
arrangements with local governments for the purchase of said bonds, revenue bonds,
notes, or other obligations;

(18) To sell or pledge any bonds, revenue bonds, notes, or other obligations acquired by
it whenever it is determined by the authority that the sale thereof is desirable;

(19) To apply for and to accept any gifts or grants or loan guarantees or loans of funds
or property or financial or other aid in any form from the federal government or any
agency or instrumentality thereof, or from the state or any agency or instrumentality
thereof, or from any other source for any or all of the purposes specified in this chapter
and to comply, subject to the provisions of this chapter, with the terms and conditions
thereof:
(20) To lease to local governments any authority owned facilities or property or any state owned facilities or property which the authority is managing under contract with the state;

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

(22) To extend credit or make loans, including the acquisition of bonds, revenue bonds, notes, or other obligations of the state, any local government, or other entity, including the federal government, for the cost or expense of any project or any part of the cost or expense of any project, which credit or loans may be evidenced or secured by trust indentures, loan agreements, notes, mortgages, deeds to secure debt, trust deeds, security agreements, or assignments, on such terms and conditions as the authority shall determine to be reasonable in connection with such extension of credit or loans, including provision for the establishment and maintenance of reserve funds; and, in the exercise of powers granted by this chapter in connection with any project, the authority shall have the right and power to require the inclusion in any such trust indentures, loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other instrument such provisions or requirements for guaranty of any obligations, insurance, construction, use, operation, maintenance, and financing of a project and such other terms and conditions as the authority may deem necessary or desirable;

(23) As security for repayment of any bonds, revenue bonds, notes, or other obligations of the authority, to pledge, lease, mortgage, convey, assign, hypothecate, or otherwise encumber any property of the authority including, but not limited to, real property, fixtures, personal property, and revenues or other funds and to execute any lease, trust indenture, trust agreement, agreement for the sale of the authority's revenue bonds, notes or other obligations, loan agreement, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other agreement or instrument as may be necessary or desirable, in the judgment of the authority, to secure any such revenue bonds, notes, or other obligations, which instruments or agreements may provide for foreclosure or forced sale of any property of the authority upon default in any obligation of the authority, either in payment of principal, premium, if any, or interest or in the performance of any term or condition contained in any such agreement or instrument;

(24) To receive and use the proceeds of any tax levied to pay all or any part of the cost of any project or for any other purpose for which the authority may use its own funds pursuant to this chapter;
(25) To use income earned on any investment for such corporate purposes of the
authority as the authority in its discretion shall determine, including, but not limited to,
the use of repaid principal and earnings on funds, the ultimate source of which was an
appropriation to a budget unit of the state to make loans for projects;

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

(27) To coordinate, cooperate, and contract with any metropolitan planning organization
for a standard metropolitan statistical area which is primarily located within an adjoining
state but which includes any territory within the jurisdiction of the authority to achieve
or further the purposes of the authority as provided by this chapter;

(28) To coordinate and assist in planning for transit and air quality purposes within the
geographic area over which the authority has jurisdiction pursuant to this chapter,
between and among all state, regional, and local authorities charged with planning
responsibilities for such purposes by state or federal law, and to adopt a regional plan or
plans based in whole or in part on such planning;

(29) To review and make recommendations to the Governor, Lieutenant Governor, and
Speaker of the House of Representatives concerning all transit plans and transportation
improvement programs prepared by the Department of Transportation involving design,
construction, or operation of transit facilities wholly or partly within the geographic area
over which the authority has jurisdiction pursuant to this chapter, and to negotiate with
that department concerning changes or amendments to such plans which may be
recommended by the authority consistent with applicable federal law and regulation, and
to adopt such plans as all or a portion of its own regional plans;

(30) To acquire by the exercise of the power of eminent domain any real property or
rights in property which it may deem necessary for its purposes under this chapter
pursuant to the procedures set forth in this chapter, and to purchase, exchange, sell, lease,
or otherwise acquire or dispose of any property or any rights or interests therein for the
purposes authorized by this chapter or for any facilities or activities incident thereto,
subject to and in conformity with applicable federal law and regulation;

(31) To the extent permissible under federal law, to operate as a receiver of federal
grants, loans, and other moneys intended to be used within the geographic area over
which the authority has jurisdiction pursuant to this chapter for inter-urban and
intra-urban transit, transit plans, air quality and air pollution control, and other purposes related to the alleviation of congestion and air pollution;

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

(33) To do all things necessary or convenient to carry out the powers conferred by this chapter;

(34) To procure insurance against any loss in connection with its property and other assets or obligations or to establish cash reserves to enable it to act as self-insurer against any and all such losses;

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

(36) To ensure that any project funded by the authority in whole or in part with federal-aid funds is included in approved transportation improvement programs adopted and approved by designated metropolitan planning organizations and the Governor and in any transit plan adopted and approved by the designated metropolitan planning organization and is in compliance with the requirements of relevant portions of the regulations implementing the Clean Air Act including without limitation 40 C.F.R. Section 93.105(c)(1)(ii) and 40 C.F.R. Section 93.122(a)(1), where such inclusion, approval, designation, or compliance is required by applicable federal law or regulation;

and

(37) To appoint and select officers, agents, and employees, including engineering, architectural, and construction experts and attorneys, and to fix their compensation.

(b) The provision of local government services and the utilization of funding mechanisms therefor consistent with the terms of this chapter shall not be subject to the provisions of Chapter 70 of Title 36; provided, however, that the authority shall, where practicable, provide for coordination and consistency between the provision of such services pursuant to the terms of this chapter and the provision of such services pursuant to Chapter 70 of Title 36.
In consultation with the metropolitan planning organization, as such term is defined in
Code Section 48-8-242, which jurisdiction is located wholly or partially within the
district of the authority, the authority shall develop, annually review, and amend, as
necessary, a regional transit plan. Such plan shall include, but not be limited to, transit
projects based upon a region-wide approach to the provision of transit services through
buses and rail, the establishment of multimodal stations within the jurisdiction of the
authority, enhancement of connectivity throughout the region, cost-effective expansion of
existing transit systems, and the coordination of schedules and methods of payment for
transit service providers. In developing such plan, the authority may consider both macro
level planning in order to efficiently coordinate transit services across jurisdictional lines
as well as micro level planning of services being delivered by local governments and transit
service operators, including the Metropolitan Atlanta Rapid Transit Authority, in order to
ensure continuation of current services or routes. Such plan shall provide that the
Metropolitan Atlanta Rapid Transit Authority shall serve as the sole operator of any system
of transportation which utilizes heavy rail within the jurisdiction of the authority.

The plan developed pursuant to this Code section shall include, at a minimum, a six
year and 20 year component which shall reflect the federal priorities set forth in
23 U.S.C. Section 134(i)(2)(A)(ii) and 23 U.S.C. Section 134(i)(2)(A) and shall serve as
the plans to be submitted for federal funding pursuant to such federal requirements.

In addition to amendments made to the plan developed pursuant to this Code section
upon the initiative of the authority based upon changing conditions, the authority may
amend the plan upon request from a local governing authority to include a certain project
or assist with a specific transit need.

Such plan shall further include the creation of a unified brand to encompass all transit
service providers within the jurisdiction of the authority.

The Governor may delegate to the authority, by executive order, his or her powers
under applicable federal transportation planning and air quality laws and regulations,
including without limitation the power to resolve revision disputes between metropolitan
planning organizations and the Department of Transportation under 40 C.F.R.
Section 93.105, the power of approval and responsibilities for public involvement under
23 C.F.R. Section 450.216(a), and any power to serve as the designated recipient of federal
funds for purposes of transit funding for capital projects and for financing and directly
providing public transportation under 49 U.S.C. Sections 5302 through 5304.
(b) The authority shall formulate measurable targets for air quality improvements and standards within the geographic area over which the authority has jurisdiction pursuant to this chapter, and annually shall report such targets to the Governor, Lieutenant Governor, and Speaker of the House of Representatives, together with an assessment of progress toward achieving such targets and projected measures and timetables for achieving such targets. The authority shall formulate an annual report and audit of all transit planning, funding, and operations within the jurisdiction of the authority which shall be presented by December 1 of each year to the Senate and House Transportation Committees and the local governing authorities of those counties within the jurisdiction of the authority.


(a) In furtherance of the purposes of the authority, no project of the Georgia Rail Passenger Authority created by Article 9 of Chapter 9 of Title 46 which is located wholly or partly within the geographic area over which the authority has jurisdiction shall be commenced after May 6, 1999, unless such project is approved by the affirmative vote of two-thirds of the authorized membership of the board of directors of the authority pursuant to a motion made for that purpose; provided, however, that where such project is an approved transportation control measure pursuant to an approved state implementation plan, such project may proceed consistent with applicable federal law and regulation.

(b) From time to time, by the affirmative vote of two-thirds of the authorized membership of the board of directors of the authority, the authority may direct the Georgia Environmental Finance Authority to issue revenue bonds, bonds, notes, loans, credit agreements, or other obligations or facilities to finance, in whole or in part, any project or the cost of any project of the authority wholly or partly within the geographic area over which the authority has jurisdiction, by means of a loan, extension of credit, or grant from the Georgia Environmental Finance Authority to the authority, on such terms or conditions as shall be concluded between the two authorities; provided that such debt is consistent with the state debt management plan as established by the Georgia State Financing and Investment Commission pursuant to Chapter 17 of this title, the 'Georgia State Financing and Investment Commission Act.'

(c) The Georgia Environmental Finance Authority shall be subordinate to the authority in all respects, with respect to authority projects, within the geographic area over which the authority has jurisdiction; and, in the event of any conflict with the provisions of Chapter 23 of this title, the provisions of this chapter shall prevail in all respects. It is expressly provided, however, that nothing in this Code section and nothing in this chapter shall be construed to permit in any manner the alteration, elimination, or impairment of any term, provision, covenant, or obligation imposed on any state authority, including but not limited
to this authority, the Georgia Environmental Finance Authority, the Georgia Regional
Transportation Authority, or the Georgia Rail Passenger Authority, for the benefit of any
owner or holder of any bond, note, or other obligation of any such authority.

(a) After the adoption by the authority of a resolution declaring that the acquisition of the
real property described therein is necessary for the purposes of this chapter, the authority
may exercise the power of eminent domain in the manner provided in Title 22; or it may
exercise the power of eminent domain in the manner provided by any other applicable
statutory provisions for the exercise of such power; provided, however, that the provisions
of Article 7 of Chapter 16 of this title shall not be applicable to the exercise of the power
of eminent domain by the authority. Property already devoted to public use may be
acquired, except that no real property belonging to the state other than property acquired
by or for the purposes of the Department of Transportation may be acquired without the
consent of the state.
(b) Real property acquired by the authority in any manner for the purposes of this chapter
shall not be subject to the exercise of eminent domain by any state department, division,
board, bureau, commission, authority, or other agency or instrumentality of the executive
branch of state government, or by any political subdivision of the state or any agency,
authority, or instrumentality thereof, without the consent of the authority.

50-39-16.
The authority shall have all rights afforded the state by virtue of the Constitution of the
United States, and nothing in this chapter shall be construed to remove any such rights.

50-39-17.
Neither the members of the authority nor any officer or employee of the authority acting
on behalf thereof, while acting within the scope of his or her authority, shall be subject to
any liability resulting from:
(1) The construction, ownership, maintenance, or operation of any project financed with
the assistance of the authority;
(2) The construction, ownership, maintenance, or operation of any project, facility, or
undertaking authorized by the authority and owned by a local government; or
(3) Carrying out any of the powers expressly given in this chapter.
(a) Upon request of the board of the authority, the Department of Transportation and the 
Department of Natural Resources shall provide to the authority and its authorized personnel 
and agents access to all books, records, and other information resources available to those 
departments which are not of a commercial proprietary nature and shall assist the authority 
in identifying and locating such information resources. Reimbursement for costs of 
identification, location, transfer, or reproduction of such information resources, including 
personnel costs incurred by the respective departments for such purposes, shall be made 
by the authority to those respective departments.

(b) The authority may request from time to time, and the Department of Transportation 
and the Department of Natural Resources shall provide as permissible under the 
Constitution and laws of this state, the assistance of personnel and the use of facilities, 
vehicles, aircraft, and equipment of those departments, and reimbursement for all costs and 
salaries thereby incurred by the respective departments shall be made by the authority to 
those respective departments.

ARTICLE 3

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

(1) Revenue bonds as authorized by this chapter;

(2) Guaranteed revenue bonds as authorized by this chapter;

(3) Funds obtained in a special district, for the purposes of providing transit services, 
transit projects, and air quality services within such district or, by contract with, between, 
and among local governments within such special districts, throughout such districts;

(4) Moneys borrowed by the authority pursuant to the provisions of this chapter;

(5) Such federal funds as may from time to time be made available to the authority or for 
purposes coincident with the purposes of the authority within the territory over which the 
authority has jurisdiction; and

(6) Such grants or contributions from persons, firms, corporations, or other entities as the 
authority may receive from time to time.
within the jurisdiction of the authority. Unless designated otherwise by the federal
government, the authority shall be designated as the proper and sole authority to receive
any of the federal aid funds apportioned by the federal government for use within the
jurisdiction of the authority and may disburse such funds in accordance with the purposes
of this article. This Code section shall not be deemed to impair or interfere in any manner
with any existing rights under a contract entered into prior to December 1, 2018, or any
federal grants or agreements awarded or entered into prior to December 1, 2018. This
Code section shall not be applicable to projects or services provided for under the terms of
a contract entered into as of December 1, 2018, under the authority granted pursuant to a
local constitutional amendment set out at Ga. L. 1964, p. 1008, and the planning, funding,
coordination, and delivery of such projects or services shall be as provided for by such
contract or contracts.

50-39-32.

(a)(1) The authority shall have the power and is authorized at one time or from time to
time to provide by one or more authorizing resolutions for the issuance of revenue bonds,
but the authority shall not have the power to incur indebtedness under this subsection in
excess of the cumulative principal sum of $1 billion but excluding from such limit bonds
issued for the purpose of refunding bonds which have been previously issued. The
authority shall have the power to issue such revenue bonds and the proceeds thereof for
the purpose of paying all or part of the costs of any project or undertaking which is for
the purpose of exercising the powers delegated to it by this chapter, and the construction
and provision of such installations and facilities as the authority may from time to time
deem advisable to construct or contract for those purposes, as such undertakings and
facilities shall be designated in the resolution of the board of directors authorizing the
issuance of such bonds; provided that such debt is consistent with the state debt
management plan as established by the Georgia State Financing and Investment
Commission pursuant to Chapter 17 of this title, the 'Georgia State Financing and
Investment Commission Act.'

(2) The revenue bonds and the interest payable thereon shall be exempt from all taxation
within the state imposed by the state or any county, municipal corporation, or other
political subdivision of the state.

(b) In addition, the authority shall have the power and is authorized to issue bonds in such
principal amounts as the authority deems appropriate, such bonds to be primarily secured
by a pool of obligations issued by local governments when the proceeds of the local
government obligations are applied to projects of the authority.
(c) The authority shall have the power from time to time to refund any bonds by the issuance of new bonds whether the bonds to be refunded have or have not matured and may issue bonds partly to refund bonds then outstanding and partly for any other corporate purpose.

(d) Bonds issued by the authority may be general or limited obligations payable solely out of particular revenues or other moneys of the authority as may be designated in the proceedings of the authority under which the bonds shall be authorized to be issued, subject to any agreements entered into between the authority and state agencies, local government, or private parties and subject to any agreements with the owners of outstanding bonds pledging any particular revenues or moneys.

(e)(1) The authority is authorized to obtain from any department, agency, or corporation of the United States of America or governmental insurer, including the state, any insurance or guaranty, to the extent now or hereafter available, as to or for the payment or repayment of interest or principal, or both, or any part thereof on any bonds or notes issued by the authority or on any obligations of federal, state, or local governments purchased or held by the authority; and to enter into any agreement or contract with respect to any such insurance or guaranty, except to the extent that the same would in any way impair or interfere with the ability of the authority to perform and fulfill the terms of any agreement made with the owners of the bonds or notes of the authority.

(2) Bonds issued by the authority shall be authorized by resolution of the authority, be in such denominations, bear such date or dates, and mature at such time or times as the authority determines to be appropriate, except that bonds and any renewal thereof shall mature within 25 years of the date of their original issuance. Such bonds shall be subject to such terms of redemption, bear interest at such rate or rates payable at such times, be in registered form or book-entry form through a securities depository, or both, as to principal or interest or both principal and interest, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, and be subject to such terms and conditions as such resolution of the authority may provide; provided, however, in lieu of specifying the rate or rates of interest which the bonds to be issued by an authority are to bear, the resolution of the authority may provide that the bonds when issued will bear interest at a rate not exceeding a maximum per annum rate of interest which may be fixed or may fluctuate or otherwise change from time to time as specified in the resolution or may state that, in the event the bonds are to bear different rates of interest for different maturity dates, none of such rates will exceed the maximum rate, which rate may be fixed or may fluctuate or otherwise change from time to time, as specified. Bonds may be sold at public or private sale for such price or prices as the authority shall determine.
(3) Any resolution or resolutions authorizing bonds or any issue of bonds may contain provisions which may be a part of the contract with the owners of the bonds thereby authorized as to:

(A) Pledging all or part of its revenues, together with any other moneys, securities, contracts, or property, to secure the payment of the bonds, subject to such agreements with bond owners as may then exist;

(B) Setting aside of reserves and the creation of sinking funds and the regulation and disposition thereof;

(C) Limiting the purpose to which the proceeds from the sale of bonds may be applied;

(D) Limiting the right of the authority to restrict and regulate the use of any project or part thereof in connection with which bonds are issued;

(E) Limiting the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding or other bonds;

(F) Setting the procedure, if any, by which the terms of any contract with bond owners may be amended or abrogated, including the proportion of bond owners which must consent thereto and the manner in which such consent may be given;

(G) Creating special funds into which any revenues or other moneys may be deposited;

(H) Setting the terms and provisions of any trust, deed, or indenture or other agreement under which the bonds may be issued;

(I) Vesting in a trustee or trustees such properties, rights, powers, and duties in trust as the authority may determine;

(J) Defining the acts or omissions to act which may constitute a default in the obligations and duties of the authority to the bond owners and providing for the rights and remedies of the bond owners in the event of such default, including as a matter of right the appointment of a receiver; provided, however, that such rights and remedies shall not be inconsistent with the general laws of the state and other provisions of this chapter;

(K) Limiting the power of the authority to sell or otherwise dispose of any environmental facility or any part thereof or other property, including municipal bonds held by it;

(L) Limiting the amount of revenues and other moneys to be expended for operating, administrative, or other expenses of the authority;

(M) Providing for the payment of the proceeds of bonds, obligations, revenues, and other moneys to a trustee or other depository and for the method of disbursement thereof with such safeguards and restrictions as the authority may determine; and

(N) Establishing any other matters of like or different character which in any way affect the security for the bonds or the rights and remedies of bond owners.
(4) In addition to the powers conferred upon the authority to secure its bonds, the
authority shall have power in connection with the issuance of bonds to enter into such
agreements as the authority may deem necessary, consistent, or desirable concerning the
use or disposition of its revenues or other moneys or property, including the mortgaging
of any property and the entrusting, pledging, or creation of any other security interest in
any such revenues, moneys, or property and the doing of any act, including refraining
from doing any act, which the authority would have the right to do in the absence of such
agreements. The authority shall have power to enter into amendments of any such
agreements within the powers granted to the authority by this chapter and to perform such
agreements. The provisions of any such agreements may be made a part of the contract
with the owners of bonds of the authority.

(5) Any pledge of or other security interest in revenues, moneys, accounts, contract
rights, general intangibles, or other personal property made or created by the authority
shall be valid, binding, and perfected from the time when such pledge is made or other
security interest attaches without any physical delivery of the collateral or further act, and
the lien of any such pledge or other security interest shall be valid, binding, and perfected
against all parties having claims of any kind in tort, contract, or otherwise against the
authority irrespective of whether or not such parties have notice thereof. No instrument
by which such a pledge or security interest is created nor any financing statement need
be recorded or filed.

(6) All bonds issued by the authority shall be executed in the name of the authority by
the chairperson and secretary of the authority and shall be sealed with the official seal or
a facsimile thereof. The facsimile signature of the chairperson and the secretary of the
authority may be imprinted in lieu of the manual signature if the authority so directs.
Bonds bearing the manual or facsimile signature of a person in office at the time such
signature was signed or imprinted shall be fully valid, notwithstanding the fact that before
or after delivery thereof such person ceased to hold such office.

(7) Prior to the preparation of definitive bonds, the authority may issue interim receipts,
interim certificates, or temporary bonds exchangeable for definitive bonds upon the
issuance of the latter; the authority may provide for the replacement of any bond which
shall become mutilated or be destroyed or lost.

(8) All bonds issued by the authority under this chapter may be executed, confirmed, and
validated under and in accordance with Article 3 of Chapter 82 of Title 36, except as
otherwise provided in this chapter.

(9) The venue for all bond validation proceedings pursuant to this chapter shall be Fulton
County, and the Superior Court of Fulton County shall have exclusive final court
jurisdiction over such proceedings.
(10) Bonds issued by the authority shall have a certificate of validation bearing the facsimile signature of the clerk of the Superior Court of Fulton County and shall state the date on which said bonds were validated; and such entry shall be original evidence of the fact of judgment and shall be received as original evidence in any court of this state.

(11) The authority shall reimburse the district attorney for his or her actual costs, if any, associated with the bond validation proceedings. The fees payable to the clerk of the Superior Court of Fulton County for validation shall be as follows for each bond, regardless of the denomination of such bond:

(A) Fifty cents each for the first 100 bonds;

(B) Twenty-five cents each for the next 400 bonds; and

(C) Ten cents for each such bond over 500.

(12) Whether or not the bonds of the authority are of such form and character as to be negotiable instruments, the bonds are made negotiable instruments within the meaning of and for all the purposes of Georgia law subject only to the provisions of the bonds for registration.

(13) Neither the members of the authority nor any person executing bonds shall be liable personally thereon or be subject to any personal liability or accountability solely by reason of the issuance thereof.

(14) The authority, subject to such agreements with bond owners as then may exist, shall have power out of any moneys available therefor to purchase bonds of the authority, which shall thereupon be canceled, at a price not in excess of the following:

(A) If the bonds are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment date; or

(B) If the bonds are not then redeemable, the redemption price applicable on the first date after such purchase upon which the bonds become subject to redemption, plus accrued interest to the next interest payment date.

(15) In lieu of specifying the rate or rates of interest which bonds to be issued by the authority are to bear, the notice to the district attorney or the Attorney General, the notice to the public of the time, place, and date of the validation hearing, and the petition and complaint for validation may state that the bonds when issued will bear interest at a rate not exceeding a maximum per annum rate of interest, which rate may be fixed or may fluctuate or otherwise change from time to time, specified in such notices and petition and complaint or may state that, in the event the bonds are to bear different rates of interest for different maturity dates, none of such rates will exceed the maximum rate, which rate may be fixed or may fluctuate or otherwise change from time to time, so specified; provided, however, that nothing in this Code section shall be construed as prohibiting or restricting the right of the authority to sell such bonds at a discount, even
if in doing so the effective interest cost resulting therefrom would exceed the maximum
per annum interest rate specified in such notices and in the petition and complaint.

50-39-33.
(a) The authority shall have the power and is authorized to issue guaranteed revenue bonds
in a maximum aggregate principal amount not to exceed $1 billion, under the terms and
conditions set forth in this chapter, pursuant to the provisions of Article 2 of Chapter 17 of
this title, which bonds shall constitute guaranteed revenue debt under Article VII,
Section IV, Paragraph III of the Constitution of this state; provided that such debt is
consistent with the state debt management plan as established by the Georgia State
Financing and Investment Commission pursuant to Chapter 17 of this title, the ‘Georgia
State Financing and Investment Commission Act.’ The General Assembly hereby finds and
determines that such issue will be self-liquidating over the life of the issue, and declares
its intent to appropriate an amount equal to the highest annual debt service requirements
for such issue. The proceeds of such bonds and the investment earnings thereon shall be
used to finance transit services or transit projects, including any costs of such projects.
(b) The guaranteed revenue bonds and the interest payable thereon shall be exempt from
all taxation within the state imposed by the state or any county, municipal corporation, or
other political subdivision of the state.

50-39-34.
The bonds of the authority are made securities in which all public officials and bodies of
the state and all counties and municipalities, all insurance companies and associations, and
other persons carrying on an insurance business, all banks, bankers, trust companies,
savings banks, and savings associations, including savings and loan associations,
investment companies and other persons carrying on a banking business, and
administrators, guardians, executors, trustees, and other fiduciaries and all other persons
whatsoever, who are now or may hereafter be authorized to invest in bonds or other
obligations of the state, may properly and legally invest funds including capital in their
control or belonging to them. The bonds are also made securities which may be deposited
with and may be received by all public officers and bodies of this state and all counties and
municipalities for any purposes for which the deposit of bonds or other obligations of this
state are now or hereafter may be authorized.

50-39-35.
The State of Georgia does pledge to and agree with the owners of any bonds issued by the
authority pursuant to this chapter that the state will not alter or limit the rights vested in the
authority to fulfill the terms of any agreement made with or for the benefit of the owners
of bonds or in any way impair the rights and remedies of bond owners until the bonds,
together with the interest thereon, with interest on any unpaid installments of interest, and
all costs and expenses in connection with any action or proceeding by or on behalf of such
owners, are fully met and discharged or funds for the payment of such are fully provided.
The authority is authorized to include this pledge and agreement of the state in any
agreement with bond owners.

50-39-36.
The offer, sale, or issuance of bonds, notes, or other obligations by the authority shall not
be subject to regulation under Chapter 5 of Title 10, known as the 'Georgia Uniform
Securities Act of 2008.' No notice, proceeding, or publication except those required in this
chapter shall be necessary to the performance of any act authorized in this chapter; nor
shall any such act be subject to referendum.

No bonds, notes, or other obligations of and no indebtedness incurred by the authority,
other than guaranteed revenue bonds, shall constitute an indebtedness or obligation or a
pledge of the faith and credit of the State of Georgia or of its agencies; nor shall any act of
the authority in any manner constitute or result in the creation of an indebtedness of the
state or its agencies or a cause of action against the state or its agencies; provided, however,
the state, to the extent permitted by its Constitution, may guarantee payment of such bonds,
notes, or other obligations as guaranteed revenue debt.

50-39-38.
It is found, determined, and declared that the creation of this authority and the carrying out
of its corporate purposes is in all respects for the benefit of the people of the state and that
the authority is an institution of purely public charity and will be performing an essential
governmental function in the exercise of the power conferred upon it by this chapter. For
such reasons the state covenants with the owners from time to time of the bonds, notes, and
other obligations issued under this chapter that the authority shall not be required to pay
any taxes or assessments imposed by the state or any of its counties, municipal
corporations, political subdivisions, or taxing districts upon any property acquired by the
authority or under its jurisdiction, control, possession, or supervision or leased by it to
others, or upon its activities in the operation or maintenance of any such property or on any
income derived by the authority in the form of fees, recording fees, rentals, charges,
purchase price, installments, or otherwise, and that the bonds, notes, and other obligations
of the authority, their transfer, and the income therefrom shall at all times be exempt from taxation within the state. The tax exemption provided in this chapter shall include an exemption from sales and use tax on property purchased by the authority or for use by the authority.

The issuance of any bond, revenue bond, note, or other obligation or incurring of debt, public or otherwise, by the authority must be approved by the commission established by Article VII, Section IV, Paragraph VII of the Constitution of the State of Georgia of 1983 or its successor.

No bonded indebtedness of any kind shall be incurred by the authority or on behalf of the authority by the Georgia Environmental Finance Authority at any time when the highest aggregate annual debt service requirements of the state for the then current fiscal year or any subsequent fiscal year for outstanding general obligation debt and guaranteed revenue debt, including the proposed debt and treating it as state general obligation debt or guaranteed revenue debt for purposes of calculating debt limitations under this Code section, and the highest aggregate annual payments for the then current fiscal year or any subsequent fiscal year of the state under all contracts then in force to which the provisions of the second paragraph of Article IX, Section VI, Paragraph I(a) of the Constitution of 1976 are applicable, exceed 7.5 percent of the total revenue receipts, less refunds of the state treasury in the fiscal year immediately preceding the fiscal year in which any such debt is to be incurred.

ARTICLE 4

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

(b) A local government by resolution of its governing body may enter into a lease agreement for the provision of transit services, transit projects, or air quality services utilizing facilities owned by the authority upon such terms and conditions as the authority

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shall determine to be reasonable including, but not limited to, the reimbursement of all
costs of construction and financing and claims arising therefrom.

(c) No lease agreement shall be deemed to be a contract subject to any law requiring that
a contract shall be let only after receipt of competitive bids.

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

(e) Any lease agreement executed by the authority directly with any local government may
provide at the termination thereof that title to the transit project or air quality facility
project shall vest in the local government or its successor in interest, if any, free and clear
of any liens or encumbrances created in connection with any contract or bonds, revenue
bonds, notes, or other obligations involving the authority.

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

1. In the case of a transit service or transit project, to establish and collect rates, fees,
and charges so as to produce revenues sufficient to pay all or a specified portion of:
   (A) The costs of operation, maintenance, renewal, replacement, and repairs of the
       transit project of such local government; and
   (B) Outstanding bonds, revenue bonds, notes, or other obligations incurred for the
       purposes of such transit project and to provide for the payment of all amounts as they
       shall become due and payable under the terms of such lease agreement, including
       amounts for the creation and maintenance of any required reserves;

2. In the case of an air quality facility, to establish and collect rents, rates, fees, and
   charges so as to produce revenues sufficient to pay all or a specified portion of:
   (A) The costs of operation, maintenance, renewal, and repairs of the air quality facility
       of such local government; and
   (B) Outstanding bonds, revenue bonds, notes, or other obligations incurred for the
       purposes of such air quality facility and to provide for the payment of all amounts as
they shall become due and payable under the terms of such lease agreement, including
amounts for the creation and maintenance of any required reserves;

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

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

(5) To perform such other acts and take such other action as may be deemed necessary
and desirable by the authority to secure the complete and punctual performance by such
local government of such lease agreements and to provide for the remedies of the
authority in the event of a default by such local government in such payment.

(a) The authority may make grants or loans to a local government to pay all or any part of
the cost of a project. In the event the local government agrees to accept such grants or
loans, the authority may require the local government to issue bonds or revenue bonds as
evidence of such grants or loans. The authority and a local government may enter into such
loan commitments and option agreements as may be determined appropriate by the
authority.

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

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

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

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

(2) In the case of grants or loans for an air quality facility, establish and collect rents,
rates, fees, and charges so as to produce revenues sufficient to pay all or a specified
portion of:

(A) Costs of operation, maintenance, renewal, replacement, and repairs of the air
quality facility of such local government; and

(B) Outstanding indebtedness incurred for the purposes of such air quality facility,
including the principal of and interest on the bonds, revenue bonds, notes, or other
obligations issued by the local government, as the same shall become due and payable,
and to create and maintain any required reserves;
(3) Create and maintain a special fund or funds, as additional security for the payment
of the principal of such revenue bonds and the interest thereon and any other amounts
becoming due under any agreement, entered into in connection therewith and for the
deposit therein of such revenues as shall be sufficient to make such payment as the same
shall become due and payable;
(4) Create and maintain such other special funds as may be required by the authority; and
(5) Perform such other acts, including the conveyance of real and personal property
together with all right, title, or interest therein to the authority, or take other actions as
may be deemed necessary or desirable by the authority to secure the payment of the
principal of and interest on such bonds, revenue bonds, notes, or other obligations and to
provide for the remedies of the authority in the event of any default by such local
government in such payment.
(c) All local governments issuing and selling bonds, revenue bonds, notes, or other
obligations to the authority are authorized to perform such acts, take such action, adopt
such proceedings, and to make and carry out such contracts with the authority as may be
contemplated by this chapter.
(d) In connection with the making of any loan authorized by this chapter, the authority
may fix and collect such fees and charges, including, but not limited to, reimbursement of
all costs of financing by the authority, as the authority shall determine to be reasonable.
Neither the Public Service Commission nor any local government or state agency shall
have jurisdiction over the authority's power over the regulation of such fees or charges.
the requirements of federal law imposed on the state, or judgments of any court binding the state.

ARTICLE 5

50-39-60. This chapter, being for the welfare of this state and its inhabitants, shall be liberally construed to effect the purposes specified in this chapter.

50-39-61. No provision of Chapter 1 of Title 40 shall apply to any bus, other motor vehicle, or rapid rail system of the authority which provides transit services."

PART III
MARTA
SECTION 3-1.

Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass transportation, is amended by designating Code Sections 32-9-1 through 32-9-12 as new Article 1, designating Code Sections 32-9-13 and 32-9-14 as Article 2, and revising newly designated Article 2 to read as follows:

"ARTICLE 2

32-9-13. (a) As used in this Code section article, the term:

(1) 'Authority' means the authority created by the MARTA Act and pursuant to a local constitutional amendment for purposes of establishing a metropolitan area system of public transportation set out at Ga. L. 1964, p. 1008.

(2) 'Board' means the board of directors of the authority.

(3) 'City' means the City of Atlanta.

(4) 'MARTA Act' means an Act known as the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965,' approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended.

(5) 'Metropolitan area' means the counties of Clayton, Cobb, DeKalb, Fulton, and Gwinnett and the City.

(6) 'Qualified municipality' shall have the same meaning as provided in paragraph (4) of Code Section 48-8-110.
'Regional transit plan' means the official multiyear plan for transit services and facilities adopted pursuant to Code Section 50-39-12.

32-9-14.

(3) Any provisions to the contrary in the MARTA Act notwithstanding and pursuant to the authority granted under a provision of the Constitution enacted by Ga. L. 1964, p. 1008, the city shall be authorized to levy a retail sales and use tax up to \( \frac{\text{.50}}{0.50} \) percent under the provisions set forth in this Code section. Such tax shall be in addition to any tax which is currently authorized and collected under the MARTA Act. The city may elect to hold a referendum in 2016 as provided for by this Code section by the adoption of a resolution or ordinance by its governing body on or prior to June 30, 2016; provided, however, that if the city does not adopt a resolution or ordinance on or prior to June 30, 2016, it may elect to hold a referendum at the November, 2017, municipal general election by the adoption of a resolution or ordinance by its governing body to that effect on or prior to June 30, 2017. Such additional tax shall not count toward any local sales tax limitation provided for by Code Section 48-8-6. Any tax imposed under this part of Code section at a rate of less than \( \frac{\text{.50}}{0.50} \) percent shall be in an increment of \( \frac{\text{.05}}{0.05} \) percent. Any tax imposed under this part of Code section shall run concurrently as to duration of the levy with the 1 percent tax currently levied pursuant to the Metropolitan Atlanta Rapid Transit Authority Act of 1965, approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended.

(4) No later than May 31 of the year a referendum is to be called for as provided in this Code section, the authority shall submit to the city a preliminary list of new rapid transit projects within or serving the geographical area of the city which may be funded in whole or in part by the proceeds of the additional tax authorized by this Code section.

(5) No later than July 31 of the year a referendum is to be called for as provided in this Code section, the authority shall submit to the city a final list of new rapid transit projects within or serving the city to be funded in whole or in part by the proceeds of the tax authorized by this Code section. Such final list of new rapid transit projects shall be incorporated into the rapid transit contract established under Section 24 of the MARTA Act between the authority and the city upon approval by the qualified voters of the city of the referendum to levy the additional tax authorized by this Code section.

(6) Before the additional tax authorized under this Code section shall become valid, the tax shall be approved by a majority of qualified voters of the city in a referendum thereon. The procedure for holding the referendum called for in this Code section shall be as follows: There shall be published in a newspaper having general circulation throughout the city, once each week for four weeks immediately preceding the week during which the referendum is to be held, a notice to the electors thereof that on the day named therein an
election will be held to determine the question of whether or not the tax authorized by this
Code section should be collected in the city for the purpose of expanding and enhancing
the rapid transit system. Such election shall be held in all the election districts within the
territorial limits of the city. The question to be presented to the electorate in any such
referendum shall be stated on the ballots or ballot labels as follows:

' ( ) YES Shall an additional sales tax of (insert percentage) percent be collected in
the City of Atlanta for the purpose of significantly expanding and
( ) NO enhancing MARTA transit service in Atlanta?'

The question shall be published as a part of the aforesaid notice of election. Each such
election shall be governed, held, and conducted in accordance with the provisions of law
from time to time governing the holding of special elections. After the returns of such an
election have been received, and the same have been canvassed and computed, the result
shall be certified to the governing body of the city, in addition to any other person
designated by law to receive the same, and such governing body shall officially declare the
result thereof. Each election called by the governing body of the city under the provisions
of this Code section shall be governed by and conducted in accordance with the provisions
of law governing the holding of elections by the city. The expense of any such election
shall be paid by the city.

(d) If a majority of those voting in such an election vote in favor of the proposition
submitted, then the rapid transit contract between the authority and the city shall authorize
the levy and collection of the tax provided for by this Code section, and the final list
provided for in paragraph (2) of subsection (b) of this Code section shall be
incorporated therein. All of the proceeds derived from the additional tax provided for by
this Code section shall be first allocated for payment of the cost of the rapid transit projects
incorporated in such contract, except as otherwise provided by the terms of such rapid
transit contract, and thereafter, upon completion and payment of such rapid transit projects,
as provided for in such contract and this Code section. It shall be the policy of the
authority to provide that the tax collected under this Code section in an amount exceeding
the cost of the rapid transit projects incorporated in the contract shall be expended solely
within and for the benefit of the city. When a tax is imposed under this Code section, the
rate of any tax approved as provided for by Article 5A of Chapter 8 of Title 48 shall and
the tax provided for by this Code section, in aggregate, shall not exceed a rate of 1 percent.
(e) If a majority of those voting in an election provided for by this Code section in 2016
vote against the proposition submitted, the city may elect to resubmit such proposition on
the date of the November, 2017, municipal general election by the adoption of a resolution
or ordinance to that effect on or prior to June 30, 2017, subject to the provisions of this
Code section.
Except as provided for to the contrary in this Code section, the additional tax
provided for by this Code section shall be collected in the same manner and under the
same conditions as set forth in Section 25 of the MARTA Act.

The tax provided for by this Code section shall not be subject to any restrictions as
to rate provided for by the MARTA Act and shall not be subject to the provisions of
paragraph (2) of subsection (b) or subsection (k) of Section 25 of the MARTA Act.

A tax levied under this paragraph shall be added to the state sales and use tax
imposed by Article 1 of Chapter 8 of Title 48 and the state revenue commissioner is
authorized and directed to establish a bracket system by appropriate rules and regulations
to collect the tax imposed under this paragraph in the city.

Any provisions to the contrary in the MARTA Act notwithstanding and pursuant to the
authority granted under a provision of the Constitution enacted by Ga. L. 1964, p. 1008,
the governing authority of Fulton County shall be authorized to levy a retail sales and use
tax up to 0.20 percent in the portion of such county located outside the jurisdictional limits
of the city upon satisfaction of the provisions set forth in this Code section. Such tax shall
be in addition to any tax which is currently authorized and collected under the MARTA
Act. Such additional tax shall not count toward any local sales tax limitation provided for
by Code Section 48-8-6. Such additional tax shall not be utilized to fund heavy rail. Any
tax imposed under this Code section at a rate of less than 0.20 percent shall be in an
increment of 0.05 percent. The minimum period of time for the imposition of the tax
imposed under this Code section shall be ten years and the maximum period of time for the
imposition shall not exceed 30 years.

Prior to the call for a referendum authorized by this Code section, the governing
authority of Fulton County shall deliver or mail a written notice to the authority and to the
mayor or chief elected official in each qualified municipality located within such county
and outside the jurisdictional limits of the city. Such notice shall contain the date, time,
place, and purpose of a meeting at which the authority and the governing authority of such
county and of each qualified municipality are to meet to discuss possible projects within
or serving the geographical area of the county which may be funded in whole or in part by
the proceeds of the additional tax authorized by this Code section and the rate of such tax.
The notice shall be delivered or mailed at least ten days prior to the date of the meeting.
The meeting shall be held at least 60 days prior to the issuance of the call for the
referendum.

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

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

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

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

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

(e) Before the additional tax authorized under this Code section shall become valid or the
rapid transit contract shall become binding, the tax shall be approved by a majority of
qualified voters in Fulton County residing outside the jurisdictional boundaries of the city
in a referendum thereon. The procedure for holding the referendum called for in this Code
section shall be as follows: There shall be published in a newspaper having general
circulation throughout Fulton County, once each week for four weeks immediately
preceding the week during which the referendum is to be held, a notice to the electors
thereof that on the day named therein an election will be held to determine the question of
whether or not the tax authorized by this Code section should be collected in Fulton County
for the purpose of expanding and enhancing the rapid transit system. Such election shall
be held in all the election districts within the territorial limits of Fulton County located
outside the jurisdictional boundaries of the city. The question to be presented to the
electorate in any such referendum shall be stated on the ballots or ballot labels as follows:

' ( ) YES   Shall an additional sales tax of (insert rate) be collected for a period of
(insert number) years in the portion of Fulton County outside of the City
of Atlanta for the purpose of (description of project or projects)?'

The question shall be published as a part of the aforesaid notice of election. Each such
election shall be governed, held, and conducted in accordance with the provisions of law
from time to time governing the holding of special elections. After the returns of such an
election have been received, and the same have been canvassed and computed, the result
shall be certified to the board of commissioners of Fulton County, in addition to any other
person designated by law to receive the same, and such board of commissioners shall
officially declare the result thereof. Each election called by the board of commissioners
of Fulton County under the provisions of this Code section shall be governed by and
conducted in accordance with the provisions of law governing the holding of elections by
such county. The expense of any such election shall be paid by the county.

(f) If a majority of those voting in such an election vote in favor of the proposition
submitted, then the rapid transit contract between the authority and Fulton County shall be
binding and the levy and collection of the tax provided for by this Code section shall be
authorized. All of the proceeds derived from the additional tax provided for by this Code
section shall be first allocated for payment of the cost of the rapid transit projects
incorporated in such contract, except as otherwise provided by the terms of such rapid
transit contract, and thereafter, upon completion and payment of such rapid transit projects,
as provided for in such contract and this Code section. It shall be the policy of the
authority to provide that the tax collected under this Code section in an amount exceeding
the cost of the rapid transit projects incorporated in the contract shall be expended solely
within and for the benefit of Fulton County.

(g) If a majority of those voting in an election provided for by this Code section vote
against the proposition submitted, Fulton County may elect to resubmit such proposition
provided that the requirements of this Code section are satisfied.

(h)(1) Except as provided for to the contrary in this Code section, the additional tax
provided for by this Code section shall be collected in the same manner and under the
same conditions as set forth in Section 25 of the MARTA Act.

(2) The tax provided for by this Code section shall not be subject to any restrictions as
to rate provided for by the MARTA Act and shall not be subject to the provisions of
paragraph (2) of subsection (b) or subsection (k) of Section 25 of the MARTA Act.

(3) A tax levied under this Code section shall be added to the state sales and use tax
imposed by Article 1 of Chapter 8 of Title 48, and the state revenue commissioner is
authorized and directed to establish a bracket system by appropriate rules and regulations
to collect the tax imposed under this Code section in the area of Fulton County outside
the jurisdictional boundaries of the city.

(i)(1) For purposes of this subsection, the term 'transit oriented development' means any
commercial, residential, retail, or office building or development located on authority
property or connected physically or functionally to a transit station, including, without
limitation, joint development projects on authority property which provide for lease of
authority property to private parties, convenient access to a transit station, and
construction of a development for any such use. Notwithstanding the foregoing, the
location of retail concessions within a transit station shall not alone constitute a transit
oriented development.

(2) With respect to any local jurisdiction levying a tax as provided for by this Code
section, the power of zoning and planning provided for by Article IX, Section II,
Paragraph IV of the Constitution of Georgia shall extend to transit oriented development
and to authority property which is not part of the transportation system, transportation
projects, or rapid transit system or projects of the authority as provided for by the
MARTA Act.

32-9-14 32-9-16.

(a) There is created the Metropolitan Atlanta Rapid Transit Overview Committee to be
composed of the following 14 members: the chairperson of the State Planning and
Community Affairs Committee of the House of Representatives; the chairperson of the
State and Local Governmental Operations Committee of the Senate; the chairperson of the
Ways and Means Committee of the House of Representatives; a member of the Banking
and Financial Institutions Committee of the Senate to be selected by the President of the
Senate; two members of the House of Representatives appointed by the Speaker of the
House, at least one of whom shall be from the area served by the authority; two members
of the Senate, to be appointed by the President thereof, at least one of whom shall be from
the area served by the authority; and three members of the House of Representatives and
three members of the Senate appointed by the Governor, at least two of whom shall be
from the area served by the authority. The appointed members of the committee shall serve
two-year terms concurrent with their terms as members of the General Assembly. The
chairperson of the committee shall be appointed by the Speaker of the House from the
membership of the committee, and the vice chairperson of the committee shall be
appointed by the President of the Senate from the membership of the committee. The
chairperson and vice chairperson shall serve terms of two years concurrent with their terms
as members of the General Assembly. Vacancies in an appointed member's position or in
the offices of chairperson or vice chairperson of the committee shall be filled for the
unexpired term in the same manner as the original appointment. The committee shall
periodically inquire into and review the operations, contracts, safety, financing,
organization, and structure of the Metropolitan Atlanta Rapid Transit Authority, as well as periodically review and evaluate the success with which said authority is accomplishing its legislatively created purposes.

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(b) The state auditor, the Georgia Department of Transportation, and the Attorney General shall make available to the committee the services of their staffs' facilities and powers in order to assist the committee in its discharge of its duties herein set forth. The committee may employ staff and secure the services of independent accountants, engineers, and consultants. Upon authorization by joint resolution of the General Assembly, the committee shall have the power while the General Assembly is in session or during the interim between sessions to compel the attendance of witnesses and the production of documents in aid of its duties. In addition, when the General Assembly is not in session, the committee shall have the power to compel the attendance of witnesses and the production of documents in aid of its duties, upon application of the chairperson of the committee with the concurrence of the Speaker of the House and the President of the Senate.

(c) The Metropolitan Atlanta Rapid Transit Authority shall cooperate with the committee, its authorized personnel, the Attorney General, the state auditor, and the Georgia Department of Transportation in order that the charges of the committee, set forth in this Code section, may be timely and efficiently discharged. The authority shall submit to the committee such reports and data as the committee shall reasonably require of the authority in order that the committee may adequately inform itself of the activities of the authority required by this Code section. The Attorney General is authorized to bring appropriate legal actions to enforce any laws specifically or generally relating to the authority or as to any subpoenas issued by the committee. The committee shall, on or before the first day of January of each year, and at such other times as it deems to be in the public interest, submit to the General Assembly a report of its findings and recommendations based upon the review of the operations of the Metropolitan Atlanta Rapid Transit Authority, as set forth in this Code section.

(d) In the discharge of its duties, the committee shall evaluate the performance of the authority in providing public transportation consistent with the following criteria:

1. Public safety;
2. Prudent, legal, and accountable expenditure of public funds;
3. Responsiveness to community needs and community desires;
4. Economic vitality of the transportation system and economic benefits to the community;
5. Efficient operation; and

To assist in evaluating the performance of the authority, the committee may appoint a citizens' advisory committee or committees. Such citizens' advisory committee or committees shall act in an advisory capacity only.
(e)(1) The committee is authorized to expend state funds available to the committee for the discharge of its duties. Said funds may be used for the purposes of compensating staff personnel; paying the expenses of advertising notices of intention to amend the ‘Metropolitan Atlanta Rapid Transit Authority Act of 1965,’ as amended MARTA Act; paying for services of independent accountants, engineers, and consultants; paying necessary expenses of the citizens' advisory committee or committees; and paying all other necessary expenses incurred by the committee in performing its duties.

(2) The members of the committee shall receive the same compensation, per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.

(3) The funds necessary for the purposes of this Code section shall come from the funds appropriated to and available to the legislative branch of government.

(f) Nothing contained within this Code section shall relieve the Metropolitan Atlanta Rapid Transit Authority authority of the responsibilities imposed upon it under the ‘Metropolitan Atlanta Rapid Transit Authority Act of 1965,’ as amended, MARTA Act for planning, designing, purchasing, acquiring, constructing, improving, equipping, financing, maintaining, administering, and operating a system of rapid transit for the metropolitan area of Atlanta.

32-9-17.

(a) On and after January 1, 2019, the board shall utilize a logo and brand upon any newly acquired capital asset worth more than $250,000.00 that is regularly visible to the public which shall include the acronym 'ATL' as a prominent feature.

(b) On and after January 1, 2023, the board shall utilize a logo and brand upon any property of the authority which shall include the acronym 'ATL' as a prominent feature.

(c) Such branding and logo will in no manner change the official name, business, contracts, or other obligations of the authority.

(d) The powers and duties conferred under this Code section shall be in addition to any powers and duties authorized in the MARTA Act and shall in no way be interpreted to repeal any portion of such Act.

32-9-18.

Any provision of the MARTA Act which limits the amount the state may contribute to the system of the rapid transit system of the authority shall stand repealed.
(a) Notwithstanding the provisions of the MARTA Act, any county, municipality, special
tax or community improvement district, political subdivision of this state within the
metropolitan area, or any combination thereof may execute a transportation services
contract with the authority to provide public transportation services, facilities, or both, for,
to, or within such county, municipality, district, subdivision, or combination thereof. A
transportation services contract executed pursuant to this subsection:

(1) Shall not be a rapid transit contract subject to the conditions established therefor in
Code Sections 32-9-20 and 32-9-22 or Section 24 of the MARTA Act;
(2) May not utilize a method of financing those public transportation services or facilities
provided under the contract which involves:
   (A) The issuance of bonds under subsection (c) of Section 24 of the MARTA Act;
   (B) The levy of the special retail sales and use tax described and authorized in
       Section 25 of the MARTA Act; or
   (C) Both methods described in subparagraphs (A) and (B) of this paragraph;
(3) Shall require that the costs of any transportation services and facilities contracted for,
as determined by the board on the basis of reasonable estimates, allocations of costs and
capital, and projections, shall be borne by one or more of the following:
   (A) Fares;
   (B) Other revenues generated by such services or facilities;
   (C) Any subsidy provided, directly or indirectly, by or on behalf of the public entity
       with which the authority contracted for the services and facilities; or
   (D) A special retail sales and use tax described and authorized in Article 5B of
       Chapter 8 of Title 48; and
(4) Shall be for services on the regional transit plan and approved by the Atlanta-regional
Transit Link 'ATL' Authority.

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

(1) The services and facilities shall be provided pursuant to a transportation services
contract meeting the requirements therefor under subsection (a) of this Code section; and
(2) The contract shall not authorize the construction of any extension of or addition to
the authority's existing rapid rail system.
32-9-20.

(a)(1) Any provisions to the contrary in the MARTA Act notwithstanding and pursuant to the authority granted under a provision of the Constitution enacted by Ga. L. 1964, p. 1008, and subject to such limitations set forth in this Code section, the authority and the board of commissioners of Gwinnett County may negotiate and determine the extent of financial participation and the time or times such financial participation may be required with respect to Gwinnett County in order to finance the provision of a rapid transit system through the joint instrumentality of the authority. Except as provided in Code Section 32-9-19 if such county is entering into a transportation services contract, such determination shall take the form of a rapid transit contract to be entered into between the authority and the local government. The final execution of a rapid transit contract shall be completed in every instance in the manner hereinafter set forth in this Code section.

(2) As one method of providing the financial participation determined by the board of commissioners and the authority to be Gwinnett County's proper share of the cost of financing a rapid transit project or projects, Gwinnett County may, in the manner prescribed by law and subject to the conditions and limitations prescribed by law, issue its general obligation bonds, pay over the proceeds thereof to the authority, and thereby complete and make final the execution of the proposed rapid transit contract anticipated by such bond authorization and issuance and the authority shall agree in such contract to perform for such local government the aforesaid governmental function and to provide specified public transportation services and facilities.

(3) As an alternative method of providing the financial participation determined by the board of commissioners and the authority to be Gwinnett County's proper share of the cost of financing a rapid transit project or projects, Gwinnett County may enter into a rapid transit contract or contracts calling for the authority to perform for it the aforesaid governmental function and calling for it to make periodic payments to the authority for the public transportation services and facilities contracted for, which payments may include amounts required to defray the periodic principal and interest payments on any obligations issued by the authority for the purpose of financing the cost of any rapid transit project or projects, amounts necessary to establish and maintain reasonable reserves to insure the payment of said debt service and to provide for renewals, extensions, repairs and improvements and additions to any project or projects, and amounts required to defray any operational deficit which the system or any part thereof may incur from time to time.

(b) The board of commissioners of Gwinnett County, subject to the conditions provided in this Code section, shall be authorized to enter into a rapid transit contract for and on behalf of the county with the authority for the provision of the aforesaid services and

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extension of the existing system to and from and within said county subject to approval by
a majority of the qualified voters within said county voting in a referendum as provided for
in subsection (c) of this Code section. As a condition precedent to the board of
commissioners of Gwinnett County holding such referendum, if a rapid transit contract is
entered into after January 1, 2019, the rapid transit service to be provided through the
execution of a rapid transit contract shall be from the regional transit plan and approved by
the Atlanta-regional Transit Link 'ATL' Authority.
(c) The procedure for holding the referendum called for in subsection (b) of this Code
section shall be as follows: There shall be published in a newspaper having general
circulation throughout the territory of Gwinnett County, once each week for four weeks
immediately preceding the week during which the referendum is to be held, a notice to the
electors thereof that on the day named therein an election will be held to determine the
question of whether or not the local government shall enter into the proposed rapid transit
contract and said notices shall contain the full text of said proposed contract, which
contract shall set forth the obligations of the parties thereto. It is expressly provided,
however, that none of the documents or exhibits which are incorporated in such contract
by reference or are attached to such contract and made a part thereof shall be published.
Such special election shall be held at all the election districts within the territorial limits of
Gwinnett County. The question to be presented to the electorate in any such referendum
shall be and shall be stated on the ballots or ballot label as follows:

'Gwinnett County has executed a contract for the provision of transit services, dated as
of (insert date).

Shall this contract be approved?

YES __________ NO __________'

The question shall be published as a part of the aforesaid notice of election. Such election
shall be governed by and held and conducted in accordance with the provisions of law from
time to time governing the holding of special elections as provided in Chapter 2 of Title 21,
the 'Georgia Election Code.' After the returns of such an election have been received, and
the same have been canvassed and computed, the result shall be certified to the board of
commissioners of Gwinnett County, in addition to any other person designated by law to
receive the same, and such board of commissioners shall officially declare the result
thereof.
(d) If a majority of those voting in such an election vote in favor of the proposition
submitted, then the rapid transit contract as approved shall become valid and binding in
accordance with its terms.
(e) The board of commissioners of Gwinnett County may elect any method provided in
subsection (a) of this Code section to finance the participation required of it in whole or in

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part, and the election of one method shall not preclude the election of another method with
respect thereto or with respect to any additional or supplementary participation determined
to be necessary.

(f) When the authority and the board of commissioners of Gwinnett County have
completed and fully executed a rapid transit contract in compliance with the requirements
of this Code section, and the voters shall have approved such contract as herein provided,
such contract shall constitute an obligation on the part of the local government for the
payment of which its good faith and credit are pledged, but in no other way can the good
faith and credit of any local government be pledged with respect to a rapid transit contract.

(g) The board of commissioners of Gwinnett County may use public funds to provide for
a rapid transit system within the metropolitan area and may levy and collect any taxes
authorized to it by law to the extent necessary to fulfill the obligations incurred in a rapid
transit contract or contracts with the authority.

(h) Gwinnett County may transfer to the authority any property or facilities, or render any
services, with or without consideration, which may be useful to the establishment,
operation, or administration of the rapid transit system contemplated hereunder, and may
contract with the authority for any other purpose incidental to the establishment, operation,
or administration of such system, or any part or project thereof or the usual facilities related
thereto.

32-9-21.

(a) There is created a Cobb County Special District for Transit Committee to be composed
of the members of the board of commissioners of Cobb County and the members of the
House of Representatives and Senate whose respective districts include any portion of
Cobb County.

(b) The first meeting of the committee shall be called by the chairperson of the board of
commissioners. A chairperson of the committee shall be selected by majority vote of the
members at the first meeting. The committee shall formulate a map for a proposed special
district within Cobb County for the provision of public transportation services and for the
construction, maintenance, and operation of transportation projects to and from and within
said district by the authority. Such proposed special district shall be known as the Cobb
County Special District for Transit. The committee shall be authorized to solicit input from
the residents of Cobb County and hold public meetings for use in the development of the
map of such proposed district.

(c) The committee shall appoint two subcommittees to approve the proposed map, prior
to submission of the map to the full committee for final approval. One subcommittee shall
be composed of the members of the board of commissioners and the other subcommittee
shall be composed of the legislative members. Each subcommittee shall elect a chairperson by majority vote and may adopt rules as deemed necessary. No map shall be brought before the whole committee for consideration until such map has been approved by majority vote of both subcommittees.

(d) Upon final approval of the map by a majority vote of the whole committee, the committee shall negotiate terms of a proposed rapid transit contract between the authority and Cobb County on behalf of the special district in consultation with the Atlanta-region Transit Link 'ATL' Authority, if such contract is to be entered into after January 1, 2019.

Such proposed rapid transit contract shall include the extent of financial participation and the time or times such financial participation may be required with respect to Cobb County in order to finance the provision of a rapid transit system through the joint instrumentality of the authority. The committee may recommend one or both of the following methods for providing such financial participation:

(1) In the manner prescribed by law and subject to the conditions and limitations prescribed by law, Cobb County may issue its general obligation bonds, pay over the proceeds thereof to the authority, and thereby complete and make final the execution of the proposed rapid transit contract anticipated by such bond authorization and issuance and the authority shall agree in such contract to perform specified public transportation services for the Cobb County Special District for Transit and to provide specified construction, maintenance, and operation of transportation projects; or

(2) Cobb County may enter into a rapid transit contract or contracts calling for the authority to perform specified public transportation services for the Cobb County Special District for Transit and to provide specified transportation projects. In such contract or contracts, Cobb County, acting on behalf of the special district, shall make periodic payments to the authority for the public transportation services and facilities contracted for, which payments may include amounts required to defray the periodic principal and interest payments on any obligations issued by the authority for the purpose of financing the cost of any rapid transit project or projects, amounts necessary to establish and maintain reasonable reserves to insure the payment of said debt service and to provide for renewals, extensions, repairs, and improvements and additions to any project or projects, and amounts required to defray any operational deficit which the system or any part thereof may incur from time to time.

The committee may elect any method provided in this subsection as a recommendation to finance the participation required of Cobb County, in whole or in part, and the election of one method shall not preclude the election of another method with respect thereto or with respect to any additional or supplementary participation determined to be necessary.
(e) The committee shall provide to the board of commissioners of Cobb County the recommended map for the special district, which was approved by majority vote of the committee, and a proposed rapid transit contract, no later than December 1, 2019.

(f) Any final execution of a rapid transit contract for the Cobb County Special District for Transit shall be completed by the Cobb County board of commissioners and the authority pursuant to the requirements set forth in Code Section 32-9-22.

(g) The committee shall stand abolished and this Code section shall stand repealed by operation of law on December 1, 2019.

32-9-22.

(a) Any provisions to the contrary in the MARTA Act notwithstanding and pursuant to the authority granted under a provision of the Constitution enacted by Ga. L. 1964, p. 1008, and subject to such limitations set forth in this Code section, the authority and the board of commissioners of Cobb County may, after taking into consideration the recommendations of the Cobb County Special District for Transit Committee, adopt the map recommended by such committee by passage of a resolution or ordinance and, upon such passage, enter into a rapid transit contract. The contract entered into shall be based solely upon the recommendation of the committee. The final execution of a rapid transit contract shall be completed in every instance in the manner hereinafter set forth in this Code section.

(b) The board of commissioners of Cobb County, subject to the conditions provided in this Code section, shall be authorized to enter into a rapid transit contract for and on behalf of the Cobb County Special District for Transit with the authority for the provision of the aforesaid services and extension of the existing system to and from and within said district subject to approval by a majority of the qualified voters within said district voting in a referendum as provided for in subsection (c) of this Code section. As a condition precedent to the board of commissioners of Cobb County holding such referendum, the rapid transit service to be provided through the execution of a rapid transit contract shall be based upon the map and rapid transit contract terms approved by majority vote of the Cobb County Special District for Transit Committee, be from the regional transit plan, and be approved by the Atlanta-regional Transit Link 'ATL' Authority if the contract is to be entered into after January 1, 2019.

(c) The procedure for holding the referendum called for in subsection (b) of this Code section shall be as follows: There shall be published in a newspaper having general circulation throughout the territory of the Cobb County Special District for Transit, once each week for four weeks immediately preceding the week during which the referendum is to be held, a notice to the electors thereof that on the day named therein an election will
be held to determine the question of whether or not the local government shall enter into
the proposed rapid transit contract and said notices shall contain the full text of said
proposed contract, which contract shall set forth the obligations of the parties thereto. It
is expressly provided, however, that none of the documents or exhibits which are
incorporated in such contract by reference or are attached to such contract and made a part
thereof shall be published. Such special election shall be held at all the election districts
within the territorial limits of the Cobb County Special District for Transit. The question
to be presented to the electorate in any such referendum shall be stated on the ballots or
ballot label as follows:

'Cobb County has executed a contract for the provision of transit services for the Cobb
County Special District for Transit, dated as of (insert date).

Shall this contract be approved?

YES __________ NO __________'

The question shall be published as a part of the aforesaid notice of election. Such election
shall be governed by and held and conducted in accordance with the provisions of law from
time to time governing the holding of special elections as provided in Chapter 2 of Title 21,
the 'Georgia Election Code.' After the returns of such an election have been received, and
the same have been canvassed and computed, the result shall be certified to the board of
commissioners of Cobb County, in addition to any other person designated by law to
receive the same, and such board of commissioners shall officially declare the result
thereof.

(d) If a majority of those voting in such an election vote in favor of the proposition
submitted, then the rapid transit contract as approved shall become valid and binding in
accordance with its terms.

(e) When the authority and the board of commissioners of Cobb County have completed
and fully executed a rapid transit contract in compliance with the requirements of this Code
section on behalf of the Cobb County Special District for Transit, and the voters within
such special district shall have approved such contract as herein provided, such contract
shall constitute participation of the county in the authority and obligation on the part of the
local government for the payment of which its good faith and credit are pledged, but in no
other way can the good faith and credit of any local government be pledged with respect
to a rapid transit contract.

(f) The board of commissioners of Cobb County may use public funds to provide for a
rapid transit system within the metropolitan area and may levy and collect any taxes
authorized to it by law to the extent necessary to fulfill the obligations incurred in a rapid
transit contract or contracts with the authority.
(g) Cobb County may transfer to the authority any property or facilities, or render any services, with or without consideration, which may be useful to the establishment, operation, or administration of the rapid transit system contemplated hereunder, and may contract with the authority for any other purpose incidental to the establishment, operation, or administration of such system, or any part or project thereof or the usual facilities related thereto.

(h) In the event a rapid transit contract has not been entered into on behalf of the Cobb County Special District for Transit or the referendum required by this Code section fails to receive the requisite majority vote for approval prior to December 1, 2019, this Code section shall stand repealed by operation of law on such date.

32-9-23.

(a) In the event Gwinnett County and the authority enter into a rapid transit contract which is approved by a majority of voters, a retail sales and use tax shall be authorized to be levied pursuant to the conditions and limitations set forth in Section 25 of the MARTA Act, except as provided to the contrary in subsection (c) of this Code section. Such additional tax shall not count toward any local sales tax limitation provided for by Code Section 48-8-6.

(b)(1) In the event Cobb County, acting for and on behalf of the Cobb County Special District for Transit, and the authority enter into a rapid transit contract which is approved by a majority of voters within such district, a retail sales and use tax shall be authorized to be levied pursuant to the conditions and limitations set forth in Section 25 of the MARTA Act. Such tax shall be levied only within the geographical area contained within such district. Such tax shall not count toward any local sales tax limitation provided for by Code Section 48-8-6.

(2) In the event a rapid transit contract has not been entered into on behalf of the Cobb County Special District for Transit or the referendum required by Code Section 32-9-22 fails to receive the requisite majority vote for approval prior to December 1, 2019, this subsection shall stand repealed and reserved by operation of law on such date.

(c)(1) The retail sales and use tax authorized to be levied pursuant to this Code section shall be at a rate of up to 1 percent. Any tax imposed under this Code section shall be in increments of 0.05 percent.

(2) The proceeds of the tax authorized to be levied pursuant to this Code section shall be used solely by each local government to fulfill the obligations incurred in the contracts entered into with the authority and as contemplated by this article.

(3) The effective date of the tax authorized to be levied pursuant to this Code section shall be the first day of the first calendar month following approval of the tax in the
referendum required by Code Sections 32-9-20 and 32-9-22 unless a later effective date
shall have been specified in the resolution or ordinance providing for the levy of the tax;
provided that, with respect to services which are regularly billed on a monthly basis, the
tax shall become effective with the first regular billing period coinciding with or
following the effective date of the tax.
(4) The tax authorized to be levied pursuant to this Code section shall not be subject to
any restrictions as to rate provided for by the MARTA Act and shall not be subject to the
provisions of subsection (k) of Section 25 of the MARTA Act.
(5) A tax levied pursuant to this Code section shall be added to the state sales and use tax
imposed by Article 1 of Chapter 8 of Title 48 and the state revenue commissioner is
authorized and directed to establish a bracket system by appropriate rules and regulations
to collect the tax imposed under this Code section.

Notwithstanding subsections (a) and (b) of Section 6 of the MARTA Act to the contrary,
upon approval of a rapid transit contract pursuant to Code Section 32-9-20, the board of
commissioners of Gwinnett County may appoint three residents of the county to the board.
The board of commissioners shall designate one such resident to serve an initial term
ending on December 31 in the second full year after the year in which the referendum
approving said rapid transit contract was held and one such resident to serve an initial term
ending on December 31 in the fourth full year after the year in which the referendum
approving said rapid transit contract was held, in which event the board shall, subsections
(a) and (b) of Section 6 of the MARTA Act to the contrary notwithstanding, be composed
of such additional members. Upon the conclusion of the initial terms provided for in this
Code section, the board of commissioners of Gwinnett County shall appoint a successor
thereto for a term of office of four years.”

PART IV
CHANGES TO CONFLICTING LAW

SECTION 4-1.

Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,
is amended by revising Code Section 32-9-11, relating to transit services with local
governments, as follows:

"32-9-11.
(a) As used in this Code section, the term:
(1) 'Local government' means any county, municipality, or political subdivision of this state, or any combination thereof.

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

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

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

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

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

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

(B) Any services provided by a transit agency in a county within a nonattainment area pursuant to a contract authorized by this subsection and entered into on or after January 1, 2019, shall be for services:
(i) Approved by a local governing authority;
(ii) Included in the regional transit plan adopted pursuant to Code Section 50-39-12;
and
(iii) Through agreement with the Atlanta-region Transit Link 'ATL' Authority.

(c) The purpose of this Code section is to facilitate the exercise of the power to provide public transportation services conferred by Article IX, Section II, Paragraph III of the Constitution. This Code section does not repeal any other law conferring the power to provide public transportation services or prescribing the manner in which such power is to be exercised. This Code section does not restrict the power of the Department of Transportation, the Georgia Regional Transportation Authority, or the Georgia Rail Passenger Authority to contract with any local government to provide transit services or transit facilities, including but not limited to rail transit services and facilities, pursuant to Article IX, Section III, Paragraph I of the Constitution."

SECTION 4-2.

Said title is further amended in Code Section 32-10-60, relating to definitions relative to the State Road and Tollway Authority, by revising paragraph (6.1) as follows:

"(6.1) 'Revenue' or 'revenues' shall mean any and all moneys received from the:
(A) The collection of tolls authorized by Code Sections 32-10-64 and 32-10-65, any federal highway or transit funds and reimbursements, any other federal highway or transit assistance received from time to time by the authority, any other moneys of the authority pledged for such purpose, any other moneys received by the authority pursuant to the Georgia Transportation Infrastructure Bank, and any moneys received pursuant to a public-private initiative as authorized pursuant to Code Section 32-2-78;
and
(B) Any federal highway transit funds and reimbursements and any other federal highway transit assistance received from time to time by the authority. This subparagraph shall stand repealed by operation of law on July 1, 2021."

SECTION 4-3.

Said title is further amended in Code Section 32-10-63, relating to powers of the State Road and Tollway Authority, by revising paragraph (7) as follows:

"(7)(A) To accept and administer any federal highway or federal transit funds and any other federal highway or transit assistance received from time to time for the State of Georgia and to accept, with the approval of the Governor, loans and grants, either or both, of money or materials or property of any kind from the United States government or the State of Georgia or any political subdivision, authority, agency, or
instrumentality of either of them, upon such terms and conditions as the United States
government or the State of Georgia or such political subdivision, authority, agency, or
instrumentality of either of them shall impose;
(B) To accept and administer any federal transit funds and any other federal transit
assistance received from time to time for the State of Georgia. This subparagraph shall
stand repealed by operation of law on July 1, 2021;”

SECTION 4-4.
Said title is further amended by redesignating existing Code Section 32-10-76, relating to
grant programs, pilot program formation, factors to be considered in selecting pilot projects,
and eligible projects, as new Code Section 50-39-53.

SECTION 4-5.
Chapter 1 of Title 36 of the Official Code of Georgia Annotated, relating to local government
provisions applicable to counties, is amended in Code Section 36-1-27, relating to
referendum approval required prior to expenditure of public funds for establishment of fixed
guideway transit, by revising paragraph (4) of subsection (a) and subsections (b) and (e) as
follows:
“(4) ‘Mass transportation regional system participant’ means any county within a special
district created pursuant to Article 5 of Chapter 8 of Title 48 in which mass transportation
is provided within such special district, to such special district, or from such special
district by a multicounty regional transportation authority created by an Act of the
General Assembly, including but not limited to the Georgia Regional Transportation
Authority Atlanta-region Transit Link 'ATL' Authority or the Metropolitan Atlanta Rapid
Transit Authority.”

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

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

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

“(e) This Code section shall not apply to the extension of a fixed guideway transit or levy
of applicable sales and use taxes authorized pursuant to an Act approved March 10, 1965
(Ga. L. 1965, p. 2243), as amended; known as the 'Metropolitan Atlanta Rapid Transit
Authority Act of 1965,' approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, or
Part 2 of Chapter 9 of Title 32 for which any referendum required under such Act or part

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shall control, or to any project within a county or between counties which have approved such sales and use tax, provided that such project is wholly within the territorial boundaries of such county or counties.”

SECTION 4-6.

Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Governor, is amended by adding a new Code section to Article 2, relating to powers and duties, to read as follows:

"45-12-41. The Governor may delegate to any department, authority, or qualified entity, by executive order, his or her powers under applicable federal transportation planning and air quality laws and regulations, including without limitation the power to approve state-wide transportation improvement programs under 23 U.S.C. Section 134 and 23 C.F.R. Sections 450.312(b), 450.324(b), and 450.328(a)."

SECTION 4-7.

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

"(12) 'Project' means:

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

(B) Projects authorized by the Georgia Regional Transportation Authority created by Chapter 32 of this title and as defined in such chapter, where the such authority has been directed to issue revenue bonds, bonds, notes, or other obligations to finance such project or the cost of a project in whole or in part, provided that the such authority's power with respect to such projects authorized by the Georgia Regional Transportation Authority."
Authority shall be limited to providing such financing and related matters as authorized by the Georgia Regional Transportation Authority; and

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

SECTION 4-8.

Said title is further amended in Code Section 50-32-2, relating to definitions relative to the Georgia Regional Transportation Authority, by adding new paragraphs to read as follows:

"(6.1) 'Land public transportation' means surfaces upon which travel by vehicle or persons is intended, which is either is open to the public or has been acquired as right of way, including but not limited to public rights, structures, sidewalks, facilities, and appurtenances incidental to the construction, maintenance, and enjoyment of such rights of way. Such term shall not include transit."

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

SECTION 4-9.

Said title is further amended by repealing Code Section 50-32-5, relating to development of the Atlanta region's Concept 3 transit proposal, use of federal and state planning funds, and assessment of economic benefit and environmental impact, in its entirety.

SECTION 4-10.

Said title is further amended in Code Section 50-32-11, relating to general powers of the authority, by revising paragraphs (3), (32), (33), and (37) of subsection (a) as follows:
"(3) To plan, design, acquire, construct, add to, extend, improve, equip, operate, and
maintain or cause to be operated and maintained land public transportation systems and
other land transportation projects, and all facilities and appurtenances necessary or
beneficial thereto, within the geographic area over which the authority has jurisdiction
or which are included within an approved transportation plan or transportation
improvement program and provide land public transportation services within the
geographic jurisdiction of the authority, and to contract with any state, regional, or local
government, authority, or department, or with any private person, firm, or corporation,
for those purposes, and to enter into contracts and agreements with the Georgia
Department of Transportation; and county and local governments; and transit system
operators for those purposes;"

"(32) Reserved To the extent permissible under federal law, to operate as a receiver of
federal grants, loans, and other moneys intended to be used within the geographic area
over which the authority has jurisdiction pursuant to this chapter for inter-urban and
intra-urban transit, land public transportation development, air quality and air pollution
control, and other purposes related to the alleviation of congestion and air pollution;

(33) Reserved Subject to any covenant or agreement made for the benefit of owners of
bonds, notes, or other obligations issued to finance roads or toll roads, in planning for the
use of any road or toll road which lies within the geographical area over which the
authority has jurisdiction, the authority shall have the power to control or limit access
thereto, including the power to close off, regulate, or create access to or from any part,
excluding the interstate system, of any road on the state highway system, a county road
system, or a municipal street system to or from any such road or toll road or any property
or project of the authority, to the extent necessary to achieve the purposes of the
authority; the authority may submit an application for an interstate system right of way
encroachment through the state Department of Transportation, and that department shall
submit the same to the Federal Highway Administration for approval. The authority shall
provide any affected local government with not less than 60 days' notice of any proposed
access limitation;"

"(37) To accept and use federal funds; to enter into any contracts or agreements with the
United States or its agencies or subdivisions relating to the planning, financing,
construction, improvement, operation, and maintenance of any public road or other mode
or system of land public transportation; and to do all things necessary, proper, or
expedient to achieve compliance with the provisions and requirements of all applicable
federal-aid acts and programs. Nothing in this chapter is intended to conflict with any
federal law; and, in case of such conflict, such portion as may be in conflict with such
federal law is declared of no effect to the extent of the conflict;"
SECTION 4-11.
Said title is further amended by adding a new Code section to read as follows:
"50-32-55. It is the intent of the General Assembly to provide for uninterrupted transit services to the people of this state. The authority shall retain power to provide any such transit services provided as of July 1, 2018, until the Atlanta-region Transit Link 'ATL' Authority is able to provide such services or July 1, 2020, whichever date occurs first."

SECTION 4-12.
Said title is further amended by repealing Code Section 50-32-71, relating to exemption of buses, motor vehicles, and rapid rail systems of the authority from motor carrier regulations, in its entirety.

SECTION 4-13.
The Official Code of Georgia Annotated is amended by replacing "Georgia Regional Transportation Authority" with "Atlanta-region Transit Link 'ATL' Authority" wherever the former occurs in:
(1) Code Section 32-6-51, relating to erection, placement, or maintenance of unlawful or unauthorized structure on public roads, removal of such structures, penalties for such action, and authorization of placement, erection, and maintenance of commercial advertisements by a transit agency;
(2) Code Section 32-10-76, relating to grant programs, pilot program formation and factors to be considered in and eligibility of pilot projects administered by the State Road and Tollway Authority;
(3) Code Section 48-8-243, relating to criteria for the development of investment list projects and programs, reports for special district transportation sales and use tax, and special district gridlock;
(4) Code Section 48-8-249, relating to use of proceeds from a special district transportation sales and use tax;
(5) Code Section 48-8-250, relating to report on projects on the investment list related to a special district transportation sales and use tax; and
(6) Code Section 48-8-251, relating to a Citizens Review Panel for oversight of projects and investments within a special district implementing a special district transportation sales and use tax.
PART V
EFFECTIVE DATE AND REPEALER

SECTION 5-1.

(a) Except as provided to the contrary in subsection (b) of this Section, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

(b) Part I of this Act shall become effective on January 1, 2019, and Section 4-4 of Part IV of this Act shall become effective on July 1, 2021.

(c) Tax, penalty, and interest liabilities for prior taxable years shall not be affected by the passage of Part I of this Act and shall continue to be governed by the provisions of Title 48 of the Official Code of Georgia Annotated as it existed immediately prior to the effective date of Part I of this Act.

SECTION 5-2.

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