

MARTA ACT

REVISED THROUGH 2018 LEGISLATIVE SESSION

MARTA ACT 2018

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1 A BILL TO BE ENTITLED

2 AN ACT

3
4 THE METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY ACT OF
5 1965 APPROVED MARCH 10, 1965 (GA. L. 1965, P. 2243) as amended by an Act
6 approved March 4, 1966 (Ga. L. 1966, p. 3264), an Act approved March 16, 1971
7 (Ga. L. 1971, p. 2082), an Act approved March 16, 1971 (Ga. L. 1971, p. 2092), an
8 Act approved March 17, 1973 (Ga. L. 1973, p. 141), an Act approved March 21,
9 1974 (Ga. L. 1974, p. 2608), an Act approved March 21, 1974 (Ga. L. 1974, p. 2617),
10 an Act approved March 21, 1974 (Ga. L. 1974, p. 2627), an Act approved February
11 20, 1976 (Ga. L. 1976, p. 217), an Act approved March 24, 1976 (Ga. L. 1976, p.
12 3092), an Act approved March 24, 1976 (Ga. L. 1976, p. 3098), an Act approved
13 March 24, 1976 (Ga. L. 1976, p. 3104), an Act approved March 31, 1976 (Ga. L.
14 1976, p. 3407), an Act approved March 23, 1977 (Ga. L. 1977, p. 724), an Act
15 approved March 30, 1977 (Ga. L. 1977, p. 1211), an Act approved April 8, 1977
16 (Ga. L. 1977, p. 1312), an Act approved April 16, 1979 (Ga. L. 1979, p. 4634), an
17 Act approved March 25, 1980 (Ga. L. 1980, p. 3831), an Act approved March 27,
18 1980 (Ga. L. 1980, p. 4333), an Act approved April 7, 1981 (Ga. L. 1981, p. 4289),
19 an Act approved April 12, 1982 (Ga. L. 1982, p. 3707), an Act approved April 20,
20 1982 (Ga. L. 1982, p. 5101), an Act approved March 18, 1983 (Ga. L. 1983, p. 764),
21 an Act approved March 29, 1983 (Ga. L. 1983, p. 1079), an Act approved March 29,
22 1983 (Ga. L. 1983, p. 1087), an Act approved March 14, 1985 (Ga. L. 1985, p. 3609),
23 an Act approved March 14, 1986 (Ga. L. 1986, p. 3756), an Act approved March 20,
24 1986 (Ga. L. 1986, p. 4115), an Act approved January 29, 1988 (Ga. L. 1988, p.

1 3510), an Act approved April 11, 1988 (Ga. L. 1988, p. 5013), an Act approved April
2 12, 1988 (Ga. L. 1988, p. 5023), an Act approved March 30, 1989 (Ga. L. 1989, p.
3 4313), an Act approved March 13, 1990 (Ga. L. 1990, p. 3860), an Act approved
4 April 4, 1991 (Ga. L. 1991, p. 4626), an Act approved April 11, 1991 (Ga. L. 1991,
5 p. 4755), an Act approved April 11, 1991 (Ga. L. 1991, p. 4761), an Act approved
6 April 7, 1992 (Ga. L. 1992, p. 5690), an Act approved April 9, 1993 (Ga. L. 1993,
7 p. 5251), an Act approved April 8, 1994 (Ga. L. 1994, p. 4952), an Act approved
8 April 8, 1994 (Ga. L. 1994, p. 4959), an Act approved April 1, 1996 (Ga. L. 1996,
9 p. 3717), an Act approved April 8, 1996 (Ga. L. 1996, p. 4314), an Act approved
10 March 27, 1998 (Ga. L. 1998, p. 3561), an Act approved April 14, 1998 (Ga. L.
11 1998, p. 4450), an Act approved April 19, 2000 (Ga. L. 2000, p. 4492), an Act
12 approved May 1, 2000 (Ga. L. 2000, p. 4567), an Act approved May 10, 2002 (Ga.
13 L. 2002, p. 5683), an Act approved May 10, 2002 (Ga. L. 2002, p. 5690), an Act
14 approved May 10, 2002 (Ga. L. 2002, p. 5698), an Act approved June 4, 2003 (Ga.
15 L. 2003, p. 4740), an Act approved May 9, 2005 (Ga. L. 2005, p. 4029), an Act
16 approved April 27, 2006 (Ga. L. 2006, p. 3745), an Act approved April 24, 2014
17 (Ga. L. 2014, p. 634), an Act approved May 5, 2015 (Ga. L. 2015, p. 3532) and an
18 Act approved May 8, 2017 (Ga. L. 2017, p. 3995).

1 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

2
3 SECTION 1.

4 Short Title.

5
6 This Act shall be known and may be cited as the "Metropolitan Atlanta Rapid Transit
7 Authority Act of 1965."

8 SECTION 2.

9 Definitions.

10
11 The following words and terms shall have the meaning indicated unless the context
12 shall clearly indicate a different meaning:

13 (a) Authority. The Metropolitan Atlanta Rapid Transit Authority created by Section
14 4.

15 (b) (Repealed, Ga. L. 1966, p. 3264; See Note 1).

16 (c) Board. The Board of Directors and governing body of the Authority as provided
17 in Section 6.

18 (d) Metropolitan Area. The territory comprising the counties of Fulton, DeKalb,
19 Cobb, Clayton and Gwinnett, including the City of Atlanta, but excluding the
20 territory of any local government which may decline membership on the Board as
21 hereinafter provided.

- 1 (e) Local Government. Any one of the counties of Fulton, DeKalb, Cobb, Clayton,
2 or Gwinnett, or the City of Atlanta, which is a part of the metropolitan area, as a
3 political subdivision of this State.
- 4 (f) Local Governing Body. The board of county commissioners, the mayor and
5 board of aldermen, or similar official governing body of the local governments
6 within the metropolitan area.
- 7 (g) Transportation System. All property, real or personal, useful for the public
8 transportation of passengers for hire, including but not limited to power plants,
9 substations, terminals, garages, bridges, tunnels, subways, elevated rails, aerial
10 structures, monorails, rail motive power, trains, railroad passenger cars and
11 equipment, belt conveyors, inclines, carbarns, street cars, buses, rails, lines, poles,
12 wires, stations, concessions, off-street parking and other facilities for the comfort,
13 safety and convenience of transit passengers, rights and licenses therefor, and rights
14 to provide group and party services.
- 15 (h) Transportation Project. Any unit, structure, facility or undertaking in any
16 combination which may be a component part of a transportation system.
- 17 (i) Rapid Transit System and Project. A transportation system the primary function
18 of which is to provide a mass transportation service principally by the use of high
19 speed vehicles traveling on rights-of-way fully protected from other vehicular and
20 pedestrian traffic, a secondary function of which is to provide a feeder-type mass
21 transportation service therefor, and an incidental function of which is to provide
22 facilities necessary thereto and other facilities for the comfort, safety and

1 convenience of its passengers. A rapid transit project is any transportation project
2 which may contribute to the development or operation of a rapid transit system.

3 (j) Cost of Rapid Transit System or Project. According to accepted principles of
4 accounting, the total cost, paid or incurred, to study, plan, design, finance, acquire,
5 construct or otherwise develop the component parts of a rapid transit system or rapid
6 transit project to a normal operating or revenue-producing condition, including any
7 relocation costs and the capitalization of expenses, direct or indirect, paid or
8 incurred, in connection therewith. Without intending to limit in any way those
9 expenses which may be capitalized as set forth in the preceding sentence, it is
10 understood that such expenses shall include interest which it is estimated will accrue
11 on obligations issued by the Authority to finance the construction of any rapid transit
12 system or project during the construction period and for six (6) months thereafter
13 and all start-up costs incurred in placing such system or project in operation.
14 (Amended, Ga. L. 1971, pp. 2092, 2093).

15 (k) Federal Government. The United States of America, or any department, agency
16 or instrumentality thereof.

17 (l) Public Airport Passenger Terminal. Areas that are both open to the general public
18 and located inside buildings used primarily for air passenger ticketing, baggage
19 handling, boarding or deboarding of aircraft and including all areas therein providing
20 accommodations, goods, services, food, and beverages for sale to or use by the
21 public, as well as public parking lots servicing such buildings, but not including
22 areas outside such buildings or parking lots, such as, but not limited to, adjoining
23 apron or ramp areas where aircraft are parked, serviced, fueled or receive food

1 catering services, and runways, taxiways, open areas and buildings which are leased
2 to air carriers or others primarily for purposes other than air passenger handling.
3 (Added Ga. L. 1980, pp. 3831, 3832).

4

5

SECTION 3.

6

Legislative Findings and Declaration of Policy.

7

8 The territory comprising the counties of Fulton, DeKalb, Cobb, Clayton, and
9 Gwinnett, including the City of Atlanta, has developed, and continues to develop,
10 phenomenally into a metropolitan area with a common interest in the cultural, social
11 and economic well-being of the people therein and the development of the
12 educational, commercial and industrial resources thereof. There exists in this
13 metropolitan area serious traffic conditions and congestions and serious mass
14 transportation problems which impede, and will increasingly impede, the
15 development of these common interests toward their fullest potential. Concerted
16 governmental action is needed to alleviate such traffic conditions and congestion,
17 supply deficiencies in mass transportation, coordinate and balance the transportation
18 facilities operating therein, and otherwise provide a sounder basis for the
19 development of traffic patterns and control. The development of a rapid transit
20 system through a joint instrumentality of the local governments within the
21 metropolitan area is a reasonable approach to the aforesaid needs and problems. The
22 cultural, social and economic well-being of the people in the metropolitan area and
23 the development of the educational, commercial, and industrial resources thereof are

1 matters of public interest and concern throughout the State. Accordingly, it is the
2 public policy of this State, as a matter of public health, safety, convenience and
3 welfare, to promote the establishment of such a joint instrumentality, encourage
4 participation therein by the local governments involved, facilitate the
5 accomplishment of its purposes and bring about solutions for the aforesaid needs
6 and problems.

7
8 SECTION 4.

9 Creation and Organization.

10

11 There is hereby created a public body corporate to be known as the Metropolitan
12 Atlanta Rapid Transit Authority as a joint public instrumentality of the City of
13 Atlanta and the counties of Fulton, DeKalb, Cobb, Clayton and Gwinnett for the
14 purposes hereinafter provided.

15

16 SECTION 5.

17 (Repealed, Ga. L. 1966, p. 3264; See Note 1).

18

19 SECTION 6.

20

Board of Directors.

21

22 (a) On and after January 1, 2017, the Board of Directors of the Authority shall
23 be reconstituted and composed of 11 voting members and two nonvoting members.

1 Three members shall be residents of the City of Atlanta to be nominated by the
2 Mayor and elected by the City Council; four members shall be residents of DeKalb
3 County with three of the four appointees to be appointed by the governing authority
4 of DeKalb County and at least one of such appointees shall be a resident of that
5 portion of DeKalb County lying south of the southernmost corporate boundaries of
6 the City of Decatur and at least one of such appointees shall be a resident of that
7 portion of DeKalb County lying north of the northernmost corporate boundaries of
8 the City of Decatur and the fourth appointee to be appointed by a majority vote of a
9 caucus of mayors of the municipalities located wholly in DeKalb County; three
10 members shall be residents of Fulton County and one of such members shall be a
11 resident of that portion of Fulton County lying south of the corporate limits of the
12 City of Atlanta to be appointed by a majority vote of the Fulton County Board of
13 Commissioners, and two of such members shall be residents of that portion of Fulton
14 County lying north of the corporate limits of the City of Atlanta to be appointed by
15 a majority vote of a caucus of mayors of the municipalities of Fulton County lying
16 north of the corporate limits of the City of Atlanta; one member shall be a resident
17 of a participating jurisdiction to be appointed by the Governor; one nonvoting
18 member shall be the Commissioner of the Department of Transportation; and one
19 nonvoting member shall be the Executive Director of the Georgia Regional
20 Transportation Authority. Those board members appointed by a local governing
21 authority, caucus, or the Governor as described in this section in office as of January
22 1, 2017, shall serve initial terms of office as follows: two of the three appointees of
23 the governing authority of DeKalb County, two of the three appointees of the Mayor

1 and the City Council of Atlanta, and one of the two appointees of the caucus of
2 mayors from municipalities lying north of the corporate limits of the City of Atlanta
3 shall serve a term of two years, and the remaining appointees shall serve for terms
4 of four years. No later than December 1, 2016, all board members shall be appointed
5 and each local governing authority or caucus shall designate which board members
6 shall serve an initial term of two years. After the initial two-year terms of those five
7 board members described in this subsection, that governing authority or caucus
8 which appointed the member for that initial term to that office shall appoint
9 successors thereto for terms of office of four years in the same manner that such
10 governing authority or caucus makes its other appointments to the Board. (Amended,
11 Ga. L. 1985, p. 3609; Ga. L. 2000, p. 4492; Ga. L. 2014, p. 634; Amended Ga. L.
12 2015, p. 3532).

13 Those board members in office on May 31, 2014, shall serve until December 31,
14 2016. The Executive Director of the Georgia Regional Transportation Authority and
15 the Commissioner of the Department of Transportation shall be nonvoting members
16 of the Board and shall serve while holding their State offices; provided, however,
17 that notwithstanding any provisions of this Act to the contrary, the Executive
18 Director of the Georgia Regional Transportation Authority shall be a voting member
19 of the Board until December 31, 2016. (Amended, Ga. L. 2014, p. 634; Amended,
20 Ga. L. 2015, p. 3532).

21 Except as provided above, all appointments shall be for terms of four years except
22 that a vacancy caused otherwise than by expiration shall be filled for the unexpired
23 portion thereof by the appointing entity which made the original appointment to the

1 vacant position, or its successor in office. A member of the Board may be appointed
2 to succeed himself or herself for one four-year term; provided however, that board
3 membership prior to January 1, 2017, shall not be considered in calculating limits
4 on length of service. Appointments to fill expiring terms shall be made by the
5 appointing entity prior to the expiration of the term, but such appointments shall not
6 be made more than thirty days prior to the expiration of the term. Members
7 appointed to the Board shall serve for the terms of office specified in this section and
8 until their respective successors are appointed and qualified. (Amended, Ga. L. 1976,
9 pp. 217, 218; Ga. L. 1994, p. 4959; Ga. L. 2000, p. 4492; Ga. L. 2014, p. 634).

10 (b) The local governing bodies of Clayton, Cobb, and Gwinnett counties may, any
11 other provision of this Act to the contrary notwithstanding, negotiate, enter into, and
12 submit to the qualified voters of their respective counties the question of approval of
13 a rapid transit contract between the county submitting the question and the
14 Authority, all in accordance with the provisions of Section 24 of this Act. The local
15 governing bodies of these counties shall be authorized to execute such rapid transit
16 contract prior to the holding of the referendum provided for in said Section 24;
17 provided, however, that such rapid transit contract shall not become valid and
18 binding unless the same is approved by a majority of those voting in said referendum,
19 which approval shall also be deemed approval of further participation in the
20 Authority. Upon approval of such rapid transit contract, the county entering into
21 such contract shall be a participant in the Authority, and its rights and responsibilities
22 shall, insofar as possible, be the same as if it had participated in the Authority from
23 its beginning, and the local governing body of the county may then appoint two

1 residents of the county to the Board of Directors of the Authority. The local
2 governing body shall designate one such resident to serve an initial term ending on
3 the 31st day of December in the second full year after year in which the referendum
4 approving said rapid transit contract was held and one such resident to serve an initial
5 term ending on the 31st day of December in the fourth full year after the year in
6 which the referendum approving said rapid transit contract was held, in which event
7 the Board of Directors of the Authority shall, subsection (a) of this Section 6 to the
8 contrary notwithstanding, be composed of such additional members. Upon the
9 conclusion of the initial terms provided for in this subsection, the local governing
10 body which appointed the member for that initial term shall appoint a successor
11 thereto for a term of office of four years. (Amended, Ga. L. 1966, pp. 3264, 3265;
12 See Note 2; Ga. L. 1980, pp. 4333, 4334; Ga. L. 2014, p. 634; Amended, Ga. L.
13 2015, p. 3532).

14 (c) Reserved. (Repealed, Ga. L. 1966, pp. 3264, 3265; See Note 2).

15 (d) Except for the Executive Director of the Georgia Regional Transportation
16 Authority and the Commissioner of the Department of Transportation, no person
17 shall be appointed as a member of the Board who holds any other public office or
18 public employment except an office in the reserves of the armed forces of the United
19 States or the National Guard; any member who accepts or enters upon any other
20 public office or public employment shall be disqualified thereby to serve as a
21 member. (Amended, Ga. L. 1976, pp. 217, 219; Ga. L. 2014, p. 634).

22 (e) An appointing entity may remove any member of the Board appointed by it for
23 cause. No member shall be thus removed unless he or she has been given a copy of

1 the charges against him or her and an opportunity to be publicly heard in his or her
2 own defense in person or by counsel with at least ten days' written notice to the
3 member. A member thus removed from office shall have the right to a judicial
4 review of the member's removal by an appeal to the superior court of the county
5 where the member resides, but only on the ground of error of law or abuse of
6 discretion. In case of abandonment of the member's office, conviction of a crime
7 involving moral turpitude or a plea of nolo contendere thereto, removal from office,
8 or disqualification under subsection (d) hereof, the office of a member shall be
9 vacant upon the declaration of the Board. A member shall be deemed to have
10 abandoned the member's office upon failure to attend any regular or special meeting
11 of the Board for a period of four months without excuse approved by a resolution of
12 the Board, or upon removal of the member's residence from the territory qualifying
13 the member to serve on the Board. (Amended, Ga. L. 2014, p. 634).

14 (f) Each appointed member of the Board, except the Chairperson, shall be paid by
15 the Authority a per diem allowance, in an amount equal to that provided by Code
16 Section 45-7-21 of the Official Code of Georgia Annotated, as now in effect or as it
17 may hereafter be amended, for each day on which that member attends an official
18 meeting of the Board, of any committee of the Board, or of the Authority's Pension
19 Committee or Board of Ethics; provided, however, that said per diem allowance shall
20 not be paid to any such member for more than 130 days in any one calendar year. If
21 the Chairperson of the Board is an appointed member of the Board, the Chairperson
22 shall be paid by the Authority a per diem allowance in the same amount for each day
23 in which the Chairperson engages in official business of the Authority, including but

1 not limited to attendance of any of the aforesaid meetings. A member of the Board
2 shall also be reimbursed for actual expenses incurred by that member in the
3 performance of that member's duties as authorized by the Board. A Board member
4 shall not be allowed employee benefits authorized under Section 8(b). (Amended,
5 Ga. L. 1976, pp. 217, 219; Amended, Ga. L. 1977, pp. 1211, 1212; Amended, Ga.
6 L. 1996, p. 3717; Ga. L. 2014, p. 634).

7 (g) The Board shall elect one of its members as chairperson and another as
8 vice-chairperson for terms to expire on December 31 of each year to preside at
9 meetings and perform such other duties as the Board may prescribe. The presiding
10 officer of the Board may continue to vote as any other member, notwithstanding the
11 member's duties as presiding officer, if he or she so desires. The chairperson may
12 select a designee from current members to act on behalf of the chairperson for
13 official business of the authority. Such designee shall be paid by the authority a per
14 diem allowance in the same amount for each day in which the designee engages in
15 official business of the authority, including but not limited to attendance of any
16 official meeting of the board, of any committee of the board, or of the authority's
17 Pension Committee, Board of Ethics, or Arts Council, provided that said per diem
18 allowance shall not be paid to such member for more than 130 days in a calendar
19 year. The Board shall also elect from its membership a secretary and a treasurer who
20 shall serve terms expiring on December 31 of each year. A member of the Board
21 may hold only one office on the Board at any one time. (Amended, Ga. L. 1976, p.
22 3407; Ga. L. 2014, p. 634).

1 (h) The Board shall hold at least one meeting each month. The Secretary of the
2 Board shall give written notice to each member of the Board at least two days prior
3 to any called meeting that may be scheduled, and said Secretary shall be informed
4 of the call of such meeting sufficiently in advance so as to provide for giving notice
5 as above. A majority of the total voting membership of the Board, as it may exist at
6 the time, shall constitute a quorum. On any question presented, the number of
7 members present shall be recorded. By affirmative vote of a majority of the
8 members present, the Board may exercise all the powers and perform all the duties
9 of the Board, except as otherwise hereinafter provided or as limited by its bylaws,
10 and no vacancy on the original membership of the Board, or thereafter, shall impair
11 the power of the Board to act. All meetings of the Board, its Executive Committee
12 or any committee appointed by the Board shall be subject to Chapter 14 of Title 50
13 of the Official Code of Georgia Annotated. (Amended, Ga. L. 1976, pp. 217, 220;
14 Ga. L. 1976, p. 3104; Ga. L. 1994, p. 4959; Ga. L. 2014, p. 634).

15 (i) Notwithstanding any other provisions of this Act, the following actions by the
16 Board shall require the affirmative vote of one more than a majority of the total
17 voting membership of the Board as it may exist at the time (Amended, Ga. L. 2014,
18 p. 634):

19 (1) The issuance and sale of revenue bonds as contemplated in Section 10 or
20 equipment trust certificates as contemplated in Section 11.

21 (2) The purchase or lease of any privately owned system of transportation of
22 passengers for hire in its entirety, or any substantial part thereof, as contemplated
23 in Section 8(c) or 8(d). Prior to the purchase or lease of any such privately owned

1 system a public hearing pertaining thereto shall have been held and notice of such
2 public hearing shall have been advertised as provided in Section 9(c) hereof.
3 Provided that no sum shall be paid for such privately owned system of
4 transportation in excess of the fair market value thereof determined by a
5 minimum of two appraisers and approved by a majority of the local governments
6 participating in the financing of such purchase. (Amended, Ga. L. 1971, pp. 2092,
7 2093).

8 (3) The award of any contract involving \$200,000.00 or more for construction,
9 alterations, supplies, equipment, repairs, maintenance or services. Any contract
10 involving \$200,000.00 or more shall be awarded through a competitive bidding
11 process as described in Section 14 of this Act. The Board by appropriate
12 resolution may delegate to the general manager the general or specific authority
13 to enter into contracts involving less than \$200,000.00 if such contracts are
14 entered into in accordance with Section 14 of this Act. (Amended, Ga. L. 1983,
15 p. 764; Ga. L. 1998, p. 4450; Ga. L. 2014, p. 634).

16 (4) The grant of any concession as contemplated in Section 14(f).

17 (5) The award of any contract for the management of any Authority-owned
18 property or facility as contemplated in Section 14(h).

19 (j) The Board shall appoint and employ, as needed, a general manager, and a general
20 counsel, none of whom may be members of the Board or a relative of a member of
21 the Board, and delegate to them such authority as it may deem appropriate. It may
22 make such by-laws or rules and regulations as it may deem appropriate for its own
23 government, not inconsistent with this Act, including the establishment of an

1 Executive Committee to exercise such authority as its by-laws may prescribe.
2 (Amended, Ga. L. 1976, pp. 3407, 3408).

3 (k) The treasurer of the Authority and such other members of the Board and such
4 other officers and employees of the Authority as the Board may determine shall
5 execute corporate surety bonds, conditioned upon the faithful performance of their
6 respective duties. A blanket form of surety bond may be used for this purpose.
7 Neither the obligation of the principal or the surety shall extend to any loss sustained
8 by the insolvency, failure or closing of any depository which has been approved as
9 a depository for public funds. (Amended, Ga. L. 1976, pp. 3408, 3409).

10 (l) In addition to the requirements of subsection (h) of this section, each member of
11 the Board shall hold a meeting once each 12 months with the local governing body
12 which appointed such member. The Secretary of the Board shall give written notice
13 to each member of the Board, to each local governing body, and to the governing
14 authority of each municipality in the county in which there is an existing or proposed
15 rail line at least two days prior to any meeting that may be scheduled, and said
16 Secretary shall be informed of the call of such meeting sufficiently in advance so as
17 to provide for his giving such notice. These meetings shall be for the purpose of
18 reporting to the local governing bodies on the operations of the Authority and on the
19 activities of the Board and making such information available to the general public.
20 No activity which requires action by the Board shall be initiated or undertaken at
21 any meeting conducted under this subsection. (Added, Ga. L. 1988, p. 5023;
22 (Amended, Ga. L. 2014, p. 634).

23

1 SECTION 7.

2 Purposes.

3
4 The Authority shall exist for purposes of planning, designing, leasing (as lessee),
5 purchasing, acquiring, holding, owning, constructing, improving, equipping,
6 financing, maintaining and administering a rapid transit system within the
7 metropolitan area, and operating same, or contracting therefor, or leasing (as lessor)
8 same for operation by private parties.

9
10 SECTION 8.

11 General Powers.

12
13 The Authority shall have all powers necessary or convenient to accomplish the
14 aforesaid purposes including, by way of illustration and not specification, the
15 following:

16 (a) The powers, privileges and immunities authorized by law for private
17 corporations and for instrumentalities of government. The Authority may sue or be
18 sued in its corporate name but no execution shall be levied on any property of the
19 Authority prior to ninety (90) days from the date of a final judgment against the
20 Authority. The Board may adopt and use a common seal for the Authority and
21 change it at its pleasure.

22 (b) The power to appoint, select and employ officers, agents and employees,
23 including engineering, architectural and construction experts, fiscal agents and

1 attorneys, to contract for the services of individuals or organizations not employed
2 full time by the Authority, but who are engaged primarily in the rendition of personal
3 services and not the sale of goods or merchandise, such as, but not limited to, the
4 services of attorneys, accountants, engineers, architects, consultants and advisors,
5 allowing them suitable compensation and to make provisions for group insurance,
6 retirement or other employee benefit arrangements. (Amended, Ga. L. 1971, pp.
7 2092, 2094; Ga. L. 1986, p. 3756).

8 (c) The power to acquire, lease (as lessee), purchase, hold, own and use any
9 franchise, property, real or personal, tangible or intangible, or any interest therein,
10 and to sell, lease (as lessor), transfer, or dispose thereof whenever same is no longer
11 required for purposes of the Authority, or exchange same for other property or rights
12 which are useful for its purposes.

13 (d) The power to acquire by gift, purchase, lease (as lessee), or otherwise, or to
14 construct, improve, maintain, repair, operate or administer any component parts of
15 a rapid transit system, together as a system, or singly, or in groupings, as rapid transit
16 projects, or to contract for the maintenance, operation or administration thereof or to
17 lease (as lessor) same for maintenance, operation or administration by private
18 parties.

19 (e) The power to develop data, plans and information and develop and carry out
20 mass transportation demonstration projects, including the development, testing and
21 demonstration of new facilities, equipment, techniques and methods, and the
22 improvement and utilization of transportation services and facilities, and any other
23 means of developing, utilizing or improving mass transportation in urban areas.

1 Also, in other respects, the power to conduct engineering, financial and economic
2 studies, to make plans, designs and tests related to rapid transit projects. In
3 connection therewith the Authority may enter in a reasonable manner upon any
4 lands, waters or premises for the purpose of making reasonable surveys, soundings,
5 drillings and examinations and such entries shall not be deemed a trespass except
6 that the Authority shall be liable for any actual and consequential damages resulting
7 from such entries. (Amended, Ga. L. 1971, pp. 2092, 2094).

8 (f) The power to cooperate, participate and coordinate with the Federal Government,
9 or the State of Georgia, or any agency or instrumentality thereof, or any municipal
10 or county governing body within the metropolitan area or any agency,
11 instrumentality thereof, or the Atlanta Regional Metropolitan Planning Commission
12 (1960 Ga. L., p. 3102, as amended), or any similar joint agency, in the execution of
13 any studies, plans or projects designed for the coordination of its rapid transit system
14 with other transportation in the metropolitan area and with any comprehensive
15 planning and development of the metropolitan area.

16 (g) The power to acquire property, both real and personal, or rights of easement
17 therein, or franchises necessary or convenient for the purposes of the Authority, by
18 gifts, purchase, lease (as lessee) or contract.

19 (h) The power to make and execute all contracts and other instruments necessary or
20 convenient to the exercise of the powers of the Authority, including the power to
21 contract for managerial and operating services.

22 (i) The power to enter into contracts with the State of Georgia and any agency,
23 instrumentality or authority thereof and with any of the county and municipal

1 governments within the territorial limits of the area served or to be served by the
2 Authority, for public transportation services to be rendered by the Authority or its
3 rapid transit system, and for any other purposes incidental to the establishment and
4 maintenance of its rapid transit system, or any part or project thereof, including the
5 payment of funds to subsidize the operations of such system if it should ever be
6 necessary to do so, and the usual facilities related thereto. Provided, however, that
7 such subsidy by the State of Georgia shall never exceed (10%) ten percent of the
8 total cost of such Rapid Transit System. (Amended, Ga. L. 1971, pp. 2092, 2095).

9 (j) The power to contract with any public utility, railroad or transportation company
10 for the joint use of property or rights, or for the establishment of through routes, joint
11 fares or transfer of passengers.

12 (k) The power to apply for and accept grants or other assistance from the Federal
13 Government or from any source whatever, to act as agent for the Federal
14 Government, and to enter into contracts, loans, leases or other transactions with the
15 Federal Government.

16 (l) The power to borrow money from private lenders, or from the Federal
17 Government, or to the extent otherwise authorized by law, from the State of Georgia
18 or any local government within the metropolitan area, in such amounts as may be
19 necessary for the purposes of the Authority and, in connection therewith to issue
20 negotiable notes, bonds, refunding bonds and other evidences of indebtedness or
21 obligations of the Authority, and to secure the payment thereof, or any part thereof,
22 by pledge of its revenues, rentals, and receipts, and to make such agreements with
23 the purchasers or holders thereof, or with others in connection therewith, whether

1 issued or to be issued as the Board may deem advisable. But the Authority shall
2 have no power in any manner to pledge the property, credit or taxing power of any
3 local government, nor shall any of its obligations be deemed to be obligations of any
4 local government, nor shall any local government be liable for the payment of
5 principal or interest on such obligations.

6 (m) Except with regard to fixing, altering, charging, and collecting fares for charter,
7 group, and party bus services, as provided in Section 9(f) of this Act, the power to
8 fix, alter, charge, and collect fares, rates, rentals, and other charges for its facilities
9 by zones or otherwise at reasonable rates to be determined exclusively by the Board,
10 subject to judicial review as hereinafter provided. (Amended, Ga. L. 1979, pp. 4634,
11 4635).

12 (n) The power to make agreements with the Federal Government, the State of
13 Georgia, any agency, instrumentality or political subdivision thereof, for payments
14 to the Authority in lieu of fares for the transportation of personnel or other persons
15 for whom such department, agency, instrumentality or political subdivisions desires
16 such transportation.

17 (o) The power to contract for, or to provide and maintain, with respect to the
18 facilities and property owned, leased, operated or under the control of the Authority,
19 and within the territory thereof, a security force to protect persons and property,
20 dispense unlawful or dangerous assemblages and assemblages which obstruct full
21 and free passage, control pedestrian and vehicular traffic, and otherwise preserve
22 and protect the public peace, health and safety. For these purposes, a member of
23 such force shall be a peace officer and, as such, shall have authority and immunities

1 equivalent to those of a peace officer of the municipality or county in which that
2 person is discharging the duties as a member of such force. Peace officers employed
3 under this subsection shall be personally liable to one who sustains special damages
4 as a result of any official act of such officers if done oppressively, maliciously,
5 corruptly, or without authority of law. The chief of police or chief executive officer
6 of such force shall be authorized to administer an oath of office to any individual
7 employed by the Authority as a member of such force who has met the requirements
8 for certification as a peace officer under the laws of this state. (Amended, Ga. L.
9 1994, p. 4959; Ga. L. 2002, p. 5683).

10 (p) Reserved. (Amended, Ga. L. 2014, p. 634).

11 (q) The power, at any time subsequent to January 1, 1982, to enter into, without the
12 necessity for competitive bidding and on the same basis as a private corporation,
13 lease agreements under Section 168(f)(8) of the Internal Revenue Code of 1954 as
14 now or hereafter amended (or any similar or successor provision thereto) concerning
15 qualified mass commuting vehicles as defined in said Code. (Added, Ga. L. 1982,
16 p. 3707).

17 (r) The power to enter into and make any contract with the United States of America
18 or with any department or agency thereof, with the State of Georgia or any
19 department, division, bureau, commission, board, authority, agency, county,
20 municipality or other political subdivision thereof, or with another State of the
21 United States or any department, division, bureau, commission, board, authority,
22 agency, county, municipality or other political subdivision thereof, for the purchase,
23 lease (as lessee) or other acquisition, or for the sale, lease (as lessor) or other

1 disposition, of any equipment, supplies, material or other property, both real and
2 personal, without being required to make public advertising for the receipt of bids
3 or for the award of a contract and also without being required to invite or receive
4 competitive bids pursuant to Section 14 of this Act, provided that any such contract
5 for the sale, lease (as lessor) or other disposition of property owned by the Authority
6 must provide for the receipt by the Authority of consideration at least equal in value
7 to the interest so sold, leased, or otherwise disposed of, all as established by
8 independent appraisal. (Added, Ga. L. 1982, p. 5101).

9 (s) With respect to the establishment of deferred compensation plans for the benefit
10 of its employees, all of the powers enjoyed by the state or any county, municipality,
11 or other political subdivision pursuant to Article 2 of Chapter 18 of Title 45 of the
12 O.C.G.A. In exercising the powers conferred by this subsection, the Authority shall
13 not be subject to the restrictions on investments imposed by subsections 10(r) and
14 10(u) of this Act. (Added, Ga. L. 1983, p. 764).

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SECTION 9.

17

Fares, Rates, Rentals and Charges.

18

19 (a) The Board shall fix such fares, rates, rentals and charges in such amounts as shall
20 be sufficient in the aggregate (when added to any other grants or funds available to
21 the Authority) to provide funds for the payment of the interest on and principal of
22 all bonds, certificates and other obligations payable from said revenues and to meet
23 all other encumbrances upon such revenues as provided by any agreement executed

1 by the Authority in connection with the issuance of bonds or certificates under this
2 Act, and for the payment of all operating costs and expenses which shall be incurred
3 by the Authority, including provisions for appropriate reserves.

4 (b) The term "charges" shall include revenues from contracts with the local
5 governments within the metropolitan area under which the Authority has agreed to
6 render for them the public transportation service as contemplated in Section 24
7 hereof.

8 (c) The Board shall determine by majority vote after public hearings as hereinafter
9 provided, the routes, types of construction, equipment, and facilities to be operated
10 by the Authority, the scheduled services to be made available to the public and the
11 amounts to be charged therefor. Before making any determinations as to scheduled
12 services or amounts to be charged for such services the Board shall first hold at least
13 one public hearing after giving notice of the time and place by twice advertising on
14 different days in the newspaper having the largest circulation in the metropolitan
15 area not more than ten days nor less than five days prior to the hearing. As to all
16 other matters, the Board may hold such public hearings as it may deem appropriate,
17 and as to all public hearings, it may prescribe reasonable rules and regulations to
18 govern such hearings not inconsistent with this Act. (Amended, Ga. L. 1971, pp.
19 2092, 2095; Ga. L. 1979, pp. 4634, 4636; Ga. L. 2014, p. 634).

20 (d) Prior to determining the basic routes over which the Authority shall operate its
21 system and stations connected therewith, the Board shall consult with the local
22 governing body of the territory involved, and, additionally, shall hold at least one
23 public hearing within the territory of each local government within the metropolitan

1 area at which the local governing body, or its representative, and the public may be
2 heard.

3 (e) Reserved. (Amended, Ga. L. 2014, p. 634).

4 (f) Reserved. (Amended, Ga. L. 2014, p. 634).

5 (g) Not later than 120 days after the end of each fiscal year, the Board shall adopt
6 and publish standards of bus service for the Authority's current fiscal year for Fulton
7 and DeKalb counties including, but not limited to, such service within the City of
8 Atlanta. The Board may hold public hearings, as it may deem appropriate, prior to
9 the adoption and publication of such standards and may prescribe rules and
10 regulations to govern such hearings not inconsistent with this Act. (Added, Ga. L.
11 1979, pp. 4634, 4638).

12 (h)(1) Notwithstanding any other provisions of this Act to the contrary, not later
13 than 120 days after the end of each fiscal year of the Authority, the Board shall adjust
14 the amounts to be charged for transportation services to the public so that the total
15 funds to be received from transit operating revenue during the fiscal year of the
16 Authority ending June 30, 1980, shall be no less than thirty percent of the operating
17 costs of the system for the immediately preceding fiscal year, and so that the total
18 funds to be received from transit operating revenue during the fiscal year ending
19 June 30, 1981, and for each fiscal year thereafter shall be no less than thirty-five
20 percent of the operating costs of the system for the immediately preceding fiscal
21 year. In making such adjustments, the Board shall be authorized to rely upon
22 estimates of all revenue, patronage, and other factors which may affect the amounts
23 to be charged for transportation services to the public; provided, if such amounts

1 actually charged during one fiscal year resulted in transit operating revenue less than
2 that required under this subsection, the amounts to be charged the immediately
3 succeeding fiscal year shall be sufficient, along with all other transit operating
4 revenue, to make up such deficit as well as meet the other requirements of this
5 subsection. (Added, Ga. L. 1979, pp. 4634, 4638; Amended, Ga. L. 2002, p. 5690).

6 (2) Reserved. (Amended, Ga. L. 2014, p. 634).

7 (3) Nothing in this subsection (h) shall be construed to change any limitation relating
8 to the subsidy of operating costs of the system under subsection (i) of Section 25 of
9 this Act if such limitation would require increasing transit operating revenue above
10 the amount provided in this subsection. (Added, Ga. L. 1979, pp. 4634, 4638;
11 Amended, Ga. L. 2002, p. 5690).

12 (4) For purposes of this subsection, "transit operating revenue" shall include all
13 revenue from fares, rates, and charges for transportation services and revenues from
14 all other sources except the sales and use taxes levied pursuant to Section 25 of this
15 Act; and "operating costs" means "operating costs of the system," as defined in
16 subsection (i) of Section 25 of this Act, and exclusive of depreciation and
17 amortization and other costs and charges as provided in the said definition. (Added,
18 Ga. L. 1979, pp. 4634, 4638; Amended, Ga. L. 1986, p. 4115; Ga. L. 1989, p. 4313;
19 Ga. L. 1992, p. 5690; Ga. L. 1993, p. 5251; Ga. L. 2002, p. 5690).

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SECTION 10.
Revenue Bonds.

(a) In borrowing money, as authorized in Section 8(1), the Board may, in a single issue, or in various issues from time to time, issue negotiable revenue bonds of the Authority for the purpose of paying all or a part of the cost of a rapid transit project or projects.

(b) Such bonds may be issued without any other proceeding, or the happening of any other conditions or events, than those proceeding, conditions, or events which are required by this Act. In the discretion of the Board, bonds of a single issue may be issued for the purpose of a particular rapid transit project. Any resolution authorizing the issuance of bonds under the provisions of this Act may be made effective immediately upon its passage and need not be published or posted, and any such resolution may be passed at any regular or special meeting of the Board. However, the by-laws of the Board shall provide for advance written notice to members of the Board of any proposed resolution for the issuance of any bonds hereunder and for waivers thereof before action thereon.

(c) The principal of and interest on such bonds shall be payable solely from the special debt retirement fund hereinafter established for this purpose in subsection (m) hereof.

(d) The bonds of each issue shall be dated, shall bear interest payable at such times and at such rate or rates within such limits as now or hereafter may be established in the Revenue Bond Law of the State of Georgia (Ga. L. 1937, p. 761, et seq.) as now

1 or hereafter amended, and shall mature in such amounts and at such times not
2 exceeding forty (40) years from the date thereof, as the Board may determine. The
3 bonds may be in coupon or registered form, or both, as the Board may determine,
4 and the Board may make provision for the registration of any coupon bond as to
5 principal alone or as to both principal and interest. (Amended, Ga. L. 1971, pp. 2092,
6 2096).

7 (e) The Board may prescribe the form of the bonds and any coupons which may be
8 used in conjunction therewith; it may determine the denominations of the bonds, the
9 terms and conditions of their redemption before maturity, the medium of payment
10 both as to principal and interest and the place of payment of principal and interest,
11 which may be at any bank or trust company within or without the State.

12 (f) All such bonds shall bear the manual or facsimile signature of the chairman or
13 vice-chairman of the Board, attested by the secretary or treasurer thereof, and bear
14 the official seal of the Authority. Any coupons attached thereto shall bear the
15 facsimile signature of the secretary or treasurer of the Board. When bonds or
16 coupons bear the manual or facsimile signature of an officer of the Authority, such
17 signature shall remain valid and effective for its original intent and purpose
18 notwithstanding that prior to delivery the signer thereof may have ceased to hold the
19 office indicated.

20 (g) All bonds, interim receipts, interim certificates, temporary bonds, equipment
21 trust certificates and other obligations issued under the provisions of this Act shall
22 have all the qualities and incidents of negotiable instruments under the laws of this
23 State and are hereby declared to be issued for an essential public and governmental

1 purpose, and the property, obligations and interest on the obligations of the Authority
2 shall be exempt from all taxation within the State. (Amended, Ga. L. 1971, pp. 2092,
3 2096).

4 (h) Bonds of the Authority may be sold by public competitive bidding or through
5 negotiation with a prospective purchaser or purchasers. If, with respect to the sale
6 of any particular issue of bonds, public competitive bidding is contemplated, the
7 advertising of the notice of sale and invitation to bid with respect thereto shall be
8 advertised as is customarily done in the handling of governmental bond issues and
9 Section 14(b) as to these matters shall not apply. The Authority may negotiate the
10 sale of its bonds to the Federal Government. (Amended, Ga. L. 1971, pp. 2092, 2096;
11 Ga. L. 2014, p. 634).

12 (i) The proceeds of such bonds shall be used solely for the payment of the cost of a
13 rapid transit project or rapid transit projects. If the proceeds of a bond issue are not
14 sufficient to cover the cost thereof, unless otherwise provided in the resolution
15 authorizing the issuance of the bonds, or in any trust indenture pertaining thereto,
16 additional bonds may in like manner be issued to provide the amount of the
17 deficiency. Unless otherwise provided in the resolution authorizing the issuance of
18 the bonds, or in any trust indenture pertaining thereto, such additional bonds shall
19 be deemed to be of the same issue and to be paid from the same fund, without
20 preference or priority, as the bonds first issued for the same purpose. If the proceeds
21 of the bonds of any issue shall exceed the amount required for the purpose for which
22 such bonds were originally issued, the surplus shall be paid into such fund as may
23 be provided in the resolution authorizing the issuance of the bonds or in any trust

1 indenture pertaining thereto or at the specific direction of the Board may be used for
2 any other rapid transit project or projects.

3 (j) Prior to the preparation of definitive bonds the Board may issue interim receipts,
4 interim certificates, or temporary bonds exchangeable for definitive bonds upon the
5 issuance of the latter.

6 (k) In the discretion of the Board any issue of such revenue bonds may be secured
7 by a trust indenture by and between the Authority and a corporate trustee, which
8 may be any trust company or bank having the powers of a trust company within or
9 without the State. Such trust indenture may pledge or assign fares, fees, rentals,
10 charges, revenues and earnings of the Authority, including the proceeds derived
11 from the sale of any surplus property of the Authority. Either the resolution
12 authorizing the issuance of the bonds or any trust indenture pertaining thereto may
13 contain reasonable provisions for protecting and enforcing the rights and remedies
14 of the bondholders, including covenants concerning the duties of the Authority in
15 relation to the acquisition of property, the construction of the project, the
16 maintenance, operation, repair and insurance of the property, and the custody,
17 safeguarding and application of all monies, including the proceeds derived from the
18 sale of property of the Authority, both real and personal, and may also provide that
19 any project shall be constructed and paid for under the supervision and approval of
20 consulting engineers or architects employed or designated by the Board and
21 satisfactory to the original purchasers of the bonds issued therefor, and may also
22 require that the security given by contractors and by any depository of the proceeds
23 of the bonds or revenues or other monies be satisfactory to such purchasers, and may

1 also contain provisions concerning the conditions, if any, upon which additional
2 revenue bonds may be issued. It shall be lawful for any bank or trust company
3 incorporated under the laws of this State to act as such depository and to furnish such
4 indemnifying bonds or pledge such securities as may be required by the Board. Such
5 indenture may set forth the rights and remedies of the bondholders and of the trustee,
6 and may restrict the individual right of action of bondholders as is customary in trust
7 indentures securing bonds and debentures of corporations. In addition to the
8 foregoing, such trust indenture may contain such other provisions as the Board may
9 deem reasonable and proper for the security of the bondholders. All expenses
10 incurred in carrying out such trust indenture may be treated as a part of the cost of
11 maintenance, operation and repair of the project affected by such indenture.

12 (l) The Board shall, in the resolution authorizing the issuance of bonds or in any
13 trust indenture pertaining thereto, provide for the payment of the proceeds of the sale
14 of the bonds to any bank or trust company which, shall act as trustee of such funds
15 and shall hold and apply the same to the purposes hereof, subject to such regulations
16 as this Act and such resolution or trust indenture may provide.

17 (m) The fares, fees, rentals, charges, revenues and earnings of the Authority, monies
18 derived from the sale of any surplus property of the Authority, and gifts, grants, and
19 contributions from any source whatever, unless otherwise pledged and allocated,
20 may be pledged and allocated by the Board to the payment of the principal of and
21 interest on bonds of the Authority as the resolution authorizing the issuance of bonds,
22 or any trust instrument pertaining thereto, may provide, and such funds so pledged,
23 from whatever source received, including funds received from one or more or all

1 sources, shall be set aside at regular intervals as may be provided in the resolution
2 or trust indenture, into a special debt retirement fund which shall be pledged to and
3 charged with the payments of (1) the interest on such bonds as such interest shall fall
4 due, (2) the principal of the bonds as same shall fall due, (3) the necessary charges
5 of paying agent or agents for paying principal and interest, and (4) any premium
6 upon bonds retired by call or purchase as hereinafter provided. The use and
7 disposition of such special debt retirement fund shall be subject to such regulations
8 as may be provided in the resolution authorizing the issuance of the bonds or in any
9 trust indenture, pertaining thereto, but, except as may otherwise be provided in such
10 resolution or trust indenture, such fund shall be for the benefit of all bonds without
11 distinction or priority of one over another. Subject to the provisions of the resolution
12 authorizing the issuance of the bonds or in any trust indenture, surplus monies in the
13 special debt retirement fund may be applied to the purchase or redemption of bonds
14 and any such bonds so purchased or redeemed shall forthwith be cancelled and shall
15 not again be issued.

16 (n) Any holder of bonds issued under the provisions of this Act or any of the coupons
17 appertaining thereto, and the trustee under the trust indenture, if any, except to the
18 extent the rights herein given may be restricted by resolution passed before the
19 issuance of the bonds or by any trust indenture, may, either at law or in equity, by
20 suit, action, mandamus, or other proceedings, protect and enforce any and all rights
21 under the laws of the State of Georgia or granted hereunder or under such resolution
22 or trust indenture, and may enforce and compel performance, of all duties required
23 by this Act or by such resolution or trust indenture, to be performed by the Authority,

1 or any officer thereof, including the fixing, charging and collecting of fares, fees,
2 rentals, revenues and other charges for the use of the facilities and services furnished
3 and, in the event of a default of the Authority upon the principal and interest
4 obligations of any bond issue, shall be subrogated to each and every right,
5 specifically including the contract rights of collecting fares, fees, rentals, revenues
6 and other charges against the City of Atlanta and the counties of Fulton, DeKalb,
7 Cobb, Clayton and Gwinnett.

8 (o) The Board is hereby authorized to provide by resolution for the issue of
9 refunding bonds of the Authority for the purpose of refunding any bonds issued
10 under the provisions of this Act and then outstanding, together with accrued interest
11 thereon. The issuance of such refunding bonds, the maturities and all other details
12 thereof, the rights of the holders thereof and the duties of the Authority in respect to
13 the same, shall be governed by the foregoing provisions of this Act insofar as the
14 same may be applicable.

15 (p) Bonds of the Authority shall be confirmed and validated, insofar as applicable,
16 in accordance with the procedure of the Revenue Bond Law (Ga. L. 1937, p. 761, et
17 seq.) as now or hereafter amended. The petition for validation shall also make party
18 defendant to such action any municipality, county, authority, subdivision,
19 instrumentality or department of the State of Georgia, if subject to be sued, which
20 has contracted with the Authority for the services and facilities of the project for
21 which bonds are to be issued and sought to be validated and such municipality,
22 county, authority, subdivision, instrumentality or department shall be required to
23 show cause, if any, why such contract or contracts and the terms and conditions

1 thereof should not be inquired into by the court and the validity of the terms thereof
2 to be determined and the contract or contracts adjudicated as security for the payment
3 of any such bonds of the Authority. The judgment of validation shall be final and
4 conclusive with respect to such bonds, and the security therefor, against the
5 Authority and against any municipality, county, authority subdivision,
6 instrumentality or department of the State of Georgia, if a party to the validation
7 proceedings, contracting with the Authority. (Amended, Ga. L. 1971, pp. 2092,
8 2097).

9 (q) While any of the bonds issued by the Authority remain outstanding, the powers,
10 duties or existence of said Authority, or of its officers, employees or agents, shall
11 not be diminished or impaired in any manner that will affect adversely the interest
12 and the rights of the holders of such bonds, and no other entity, department, agency
13 or authority will be created which will compete with the Authority to such an extent
14 as to affect adversely the interest and rights of the holders of such bonds. The
15 provisions of this Act shall be for the benefit of the Authority and the holders of any
16 such bonds, and upon the issuance of bonds under the provisions hereof, shall
17 constitute a contract with the holders of such bonds.

18 (r) All monies received pursuant to the authority of this Act, whether as proceeds
19 from the sale of bonds, as grants or other contributions, revenues, income, fees and
20 earnings, shall be deemed to be trust funds to be held and applied solely as provided
21 in this Act.

22 (s) Bonds issued hereunder shall not be deemed to constitute a debt of any local
23 government in the metropolitan area. Such bonds shall be payable solely from the

1 special debt retirement fund hereinbefore established therefor and the issuance of
2 such bonds shall not directly or indirectly or contingently obligate any local
3 government in the metropolitan area to levy or to pledge any form of taxation
4 whatever therefor or to make any appropriation for their payment, and all such bonds
5 shall contain recitals on their face covering substantially the import of this
6 subsection.

7 (t) Any action to protect or enforce any rights under the provisions of this Act or
8 any suit or action against such Authority, except as provided in Section 9(c), shall
9 be brought in the Superior Court of Fulton County, Georgia, and any action
10 pertaining to validation of any bonds issued under the provisions of this Act shall
11 likewise be brought in said court, which shall have exclusive, original jurisdiction
12 of such actions.

13 (u) The Authority may invest and reinvest any idle monies, including funds held in
14 reserve or debt retirement funds not required for immediate disbursement, in bonds
15 or notes of the United States or unconditionally guaranteed by the United States or
16 in bonds or notes of the State of Georgia or unconditionally guaranteed by the State
17 of Georgia or in bonds, notes, or other obligations of any corporation, agency, or
18 instrumentality of the United States government, and reconvert same when their
19 proceeds are necessary for disbursement. Funds held for purposes other than debt
20 retirement may, in addition or alternatively, be invested in any other obligation or
21 financial instrument in which local governments are authorized to invest under Code
22 Section 36-80-3 or paragraph (1) of subsection (a) of Code Section 36-83-4 of the
23 O.C.G.A., as amended, including the local government investment pool established

1 by Code Section 36-83-8 of the O.C.G.A., as amended. (Amended Ga. L. 1989, p.
2 4313; Ga. L. 1998, p. 3561).

3 (v) The Board may by appropriate action prescribe the circumstances, not
4 inconsistent with law, under which a bond or certificate will be considered as
5 mutilated, destroyed or lost and may make reasonable provision for its replacement.

6 (w) The bonds of the Authority which have been duly validated as provided by law,
7 and as to which there has been no default in payment either of principal or interest,
8 shall be authorized security for all public deposits, and any such bonds may be
9 deposited with and shall be received by all public officers and bodies of this State
10 and all municipalities and political subdivisions of this State for such purpose and
11 for any other purpose as now or may hereafter be authorized. (Amended, Ga. L.
12 1977, p. 724).

13

14

SECTION 11.

15

Equipment Trust Certificates.

16

17 The Board shall have continuing power to purchase equipment, and in connection
18 therewith execute agreements, leases or equipment trust certificates in the form
19 customarily used and appropriate to effect such purchases. The Board may issue
20 equipment trust certificates in a manner similar to that provided for bonds under
21 Section 10. All money required to be paid by the Authority under the provisions of
22 such agreements, leases and equipment trust certificates shall be payable solely from
23 the fares, fees, rentals, charges, revenues and earnings of the Authority, monies

1 derived from the sale of any surplus property of the Authority and gifts, grants and
2 contributions from any source whatever. Payment for such equipment or rentals
3 therefor, may be made in installments; the deferred installments may be evidenced
4 by equipment trust certificates payable solely from the aforesaid revenues or
5 receipts, and title to such equipment may or may not vest in the Authority until the
6 equipment trust certificates are paid.

7

8 SECTION 12.

9 Power of Eminent Domain.

10

11 The Authority shall have no power of eminent domain, but the broadest power of
12 eminent domain shall be available to any city or county government within the
13 territorial jurisdiction of the Authority or agency or joint agency thereof, under any
14 statute to convey to the Authority any property upon payment or credit for the total
15 cost of any acquisition hereunder. For purposes of this section, the power of eminent
16 domain shall lie in a city governing body if the property is located within that city's
17 territorial limits and the power of eminent domain shall lie in a county governing
18 body if the property is located in an unincorporated location within the county.
19 However, no local governing body shall exercise any power of eminent domain
20 hereunder with respect to property located beyond its territorial limits. (Amended,
21 Ga. L. 2014, p. 634).

22

23

SECTION 13.

Removal and Relocation of Utility Structures, Etc.

(a) The Authority shall have the power to require any public utility, railroad or other public service corporation owning or operating any installations, structures, equipment, apparatus, appliances or facilities in, upon, under, over, across or along any ways on which the Authority has the right to own, construct, operate or maintain its rapid transit system, to remove or relocate such installation, structures, equipment, apparatus, appliances or facilities from their locations. If the owner or operator thereof fails or refuses to remove or relocate them, the Authority may proceed to do so. The Authority may provide the necessary new locations, and for that purpose the power of eminent domain as provided in Section 12 may be exercised provided the new locations shall not be in, on or above, a public way; the Authority may also acquire the necessary new locations by purchase or otherwise. The Authority shall reimburse the public utility, railroad or other public service corporation, for the cost of relocations which shall be the entire amount paid or incurred by the utility properly attributable thereto after deducting the cost of any increase in the service capacity of the new installations, structures, equipment, apparatus, appliances or facilities and any salvage value derived from the old installations, structures, equipment, apparatus or appliances.

(b) The Authority shall have the power to prepare plans for and carry on a relocation program for the relocation of persons (including individuals, families, business concerns, nonprofit organizations and others) displaced by operations of the

1 Authority in carrying out a rapid transit project. The Authority shall have the power
2 to acquire by purchase, lease, gifts or contract such personal and real property,
3 improved and unimproved, and to make improvements thereon, as it may deem
4 reasonably necessary to carry out such relocation program, and to make relocation
5 payments to or with respect to such persons, including the making of such payments
6 financed, in whole or in part, by the Federal Government, and, in accomplishing the
7 foregoing, to provide in the same area, or in other areas generally not less desirable
8 in regard to public utilities and public and commercial facilities and at rents or prices
9 within the financial means of the displaced persons, a sufficient number of decent,
10 safe and sanitary dwellings available to those displaced persons and reasonably
11 accessible to their respective places of employment. The Authority shall have the
12 power to apply for and receive grants, loans and other financial assistance from the
13 Federal Government, the State of Georgia or any local government within the
14 metropolitan area for such relocation payments, including payments for the
15 reasonable and necessary moving expenses and any actual direct losses of property,
16 except good will or profit, resulting from displacement of such persons by the
17 project. (Amended, Ga. L. 1971, pp. 2092, 2098).

18

19 SECTION 14.

20 Competitive Bidding on Contracts, Etc.

21

22 (a) Except in the acquisition of unique property which for any reason is unobtainable
23 in the open market, and except as hereinafter otherwise provided, competitive bids

1 shall be secured before any acquisition or disposition of properties by contract or
2 otherwise is made by the Authority, or before any contract is awarded for
3 construction, alterations, supplies, equipment, repairs or maintenance, or for
4 rendering any services to the Authority, acquisitions shall be made from, and
5 contracts awarded to, the lowest responsible bidder, and dispositions of property
6 shall be made to the highest responsible bidder. No acquisition of any unique
7 property unobtainable in the open market shall be made without the express approval
8 of the Board where the amount involved is \$25,000.00 or more. Nothing in this
9 Section shall apply to contracts for professional services or the personal services of
10 employees, or to contracts for services of individuals or organizations not employed
11 full time by the Authority but who are engaged primarily in the rendition of personal
12 services and not the sale of goods and merchandise, such as but not limited to the
13 services of attorneys, accountants, engineers, architects, consultants and advisors.
14 (Amended, Ga. L. 1971, pp. 2092, 2098; Ga. L. 1983, p. 764).

15 (b) All such acquisitions, dispositions and contracts involving \$200,000.00 or more
16 shall be awarded only after advertising in the local newspaper of the largest
17 circulation in the metropolitan area at least once a week in the two weeks prior to
18 the bid opening. Bids shall be publicly opened and read aloud at a date, time and
19 place designated in the invitation to bid. Invitations to bid shall be sent at least one
20 week prior to the bid opening to at least three potential bidders who are qualified
21 technically and financially to submit bids, or, in lieu thereof, a memorandum shall
22 be kept on file showing that less than three potential bidders so qualified exist in the
23 market area within which it is practicable to obtain bids. Prior to the award of a

1 contract which will call for an anticipated aggregate payment of \$200,000.00 or
2 more to the successful bidder, the Authority shall make an accurate and brief
3 summary thereof available to the public in its principal office and shall post notice
4 of its intention to award such contract to the successful bidder at least five days prior
5 to such award in a prominent location on the Authority's website. Such posting shall
6 state the name of the successful bidder, the amount of the contract and its subject
7 matter. This provision shall apply to contracts entered into thirty days or more after
8 the effective date of this Act. (Amended, Ga. L. 1973, pp. 141, 142; Ga. L. 1983, p.
9 764; Ga. L. 1998, p. 4450; Ga. L. 2014, p. 634).

10 (c) Except as otherwise provided in this Section, written price quotations from at
11 least three qualified and responsible vendors, or vendees as the case may be, shall
12 be obtained for all acquisitions, dispositions and contracts involving \$200,000.00 or
13 more, or, in lieu thereof, a memorandum approved by the Board shall be kept on file
14 showing that less than three vendors or vendees, as the case may be, so qualified
15 exist in the market area within which it is practicable to obtain quotations.
16 Acquisitions shall be made from, and contracts awarded to, the lowest responsible
17 quotation, and dispositions of property shall be made to the highest responsible
18 quotation. (Amended, Ga. L. 1983, p. 764; Ga. L. 1998, p. 4450; Ga. L. 2014, p.
19 634).

20 (d) Acquisitions, dispositions and contracts involving less than \$200,000.00 may be
21 negotiated with or without competitive bidding under sound procurement procedures
22 as promulgated and established by the Board. (Amended, Ga. L. 1983, p. 764; Ga.
23 L. 1998, p. 4450; Ga. L. 2014, p. 634).

- 1 (e) Competitive bidding requirements may be waived if it is determined by the
2 general manager, or in such other manner as the Board may by regulation provide,
3 that an emergency directly and immediately affecting customer service or public
4 health, safety or welfare requires immediate delivery of supplies, materials,
5 equipment or services; provided, however, that a record explaining the emergency
6 shall be submitted to the Board at its next regular meeting and thereafter kept on file.
- 7 (f) All concessions granted by the Authority for the sale of products or the rendition
8 of services for a consideration on Authority property shall be awarded only pursuant
9 to a competitive and responsible process in a manner similar to that required in
10 subsection (b) or subsection (m). (Amended, Ga. L. 2017, p. 3996).
- 11 (g) Contracts for the sale, lease or other disposition of real property owned by the
12 Authority shall be awarded only pursuant to a competitive and responsible process
13 in a manner similar to that required in subsection (b) or subsection (m), provided
14 that such competitive and responsible process may be waived, but only if the Board
15 determines that the negotiation of a sale, lease, exchange or other disposition of real
16 property owned or to be acquired by the Authority is necessary to facilitate either of
17 the following: (i) the location of an Authority transportation project within real
18 property owned by another; or (ii) the passage of the public between an Authority
19 transportation project and the property of another. (Amended, Ga. L. 1977, pp. 1312,
20 1313, and Ga. L. 2017, p. 3996).
- 21 (h) Contracts for the management of Authority-owned property or facilities may be
22 negotiated.

1 (i) Requirements of the Authority shall not be split into parts for the purpose of
2 avoiding the provisions of this Section.

3 (j) The Authority shall have the right to reject any or all bids or quotations, or parts
4 of any or all bids or quotations, whenever in the opinion of the Board such rejection
5 is necessary for the protection of the interests of the Authority. In every such case a
6 record shall be made setting forth the reason for such rejection which record shall
7 thereafter be kept on file.

8 (k) If the Authority issues an invitation to bid pursuant to this Section, and if the
9 Authority then fails to receive at least one bid that conforms to the terms of its
10 invitation for bids and which is also reasonable in price, then the Authority may
11 negotiate an acquisition, disposition or contract where the amount involved is \$5,000
12 or more. No such negotiated acquisition, disposition or contract shall be made
13 without the express approval of the Board and unless the negotiated price is
14 reasonable. (Added, Ga. L. 1982, p. 5101).

15 (l) The Authority may, without competitive bidding, purchase any goods, supplies,
16 equipment, other property, or services from any vendor who, at the time of such
17 purchase, has in effect a contract or schedule for the sale thereof to the State of
18 Georgia or to the United States Government, provided that such purchase is made
19 pursuant to the price, terms, and conditions of such contract or schedule and the
20 Authority receives all the benefits thereof. (Added, Ga. L. 1990, p. 3860).

21 (m) Competitive bidding shall not be required for the Authority's acquisition of
22 property or services for which it is impracticable to prepare adequate specifications

1 or any other adequate description on the basis of which to solicit competitive bids,
2 provided that, in all such cases:

3 (1) The General Manager shall first certify to the Board of Directors the reasons
4 for which it is impracticable to prepare adequate specifications or an adequate
5 description, which certificate shall be kept in the Authority's files;

6 (2) The Board of Directors shall, in advance, authorize the acquisition of the
7 property or services by means other than competitive bidding; and

8 (3) The Authority shall acquire such property or services by such means as will
9 secure the greatest practicable competition to provide them. (Added, Ga. L.
10 1990, p. 3860).

11

12

SECTION 14A.

13

14 The Authority shall have available at its principal office for public inspection at all
15 times during regular business hours of the Authority an accurate and brief summary
16 disclosing all material terms of each contract which the Authority has entered into
17 and the terms of which call for expenditures by the Authority of more than \$150,000.

18 The Authority shall prepare an annual report for the period ending June 30 of each
19 year. Each annual report shall include a statement of the tax revenue and operating
20 revenue received during the period, a statement of the total expenditures made
21 during the period and a list of all written contracts entered into by the Authority
22 during the period which call for the Authority to expend at any time in the aggregate
23 more than \$20,000.00. Such list shall also include any employment or consultant

1 contracts (whether or not written) under which the employee or consultant is to be
2 compensated at an annual rate of more than \$20,000, including direct and indirect or
3 deferred benefits. When a person or firm, whose salary or fee is reportable
4 hereunder, shall have his compensation increased at any time, the amount of such
5 increase and the total new rate shall be reported for the period in which the increase
6 takes effect. The list of contracts shall state the anticipated amount of funds to be
7 paid thereunder, or the formula for determining such amount. The Authority shall
8 also prepare a list of the names of each person, firm or corporation which has
9 received from the Authority during such period in excess of \$20,000, as well as the
10 amount paid to such person, firm or corporation during such period. The annual
11 report, together with the Comprehensive Annual Financial Report for the preceding
12 calendar year, and lists required by this Section shall be filed as a statement, verified
13 by the Chairman of the Board of the Authority and its General Manager, with
14 members of the Metropolitan Atlanta Rapid Transit Authority Overview Committee,
15 the Governor, the presiding officers of the House of Representatives and the Senate,
16 the State Auditor and with governing authorities of each county and the largest
17 municipality in the area of the Authority's operation. The annual report and lists
18 required by this Section shall be submitted by August 31 of each year, shall be made
19 available at the Authority's principal office for public inspection at all times during
20 regular business hours of the Authority following such filing, and shall be posted in
21 a prominent location on the Authority's website within two weeks of submittal of
22 the report to the parties enumerated in this Section. Such report shall display
23 employee identification numbers and job titles, and no names or social security

1 numbers of employees shall be displayed. (Added, Ga. L. 1973, pp. 141, 142;
2 Amended, Ga. L. 1976, p. 3092; Ga. L. 1983, p. 764; Ga. L. 1991, p. 4761; Ga. L.
3 2014, p. 634).

4
5 SECTION 15.

6 Conflict of Interests.

7
8 (a) Every member of the Board and every employee of the Authority who knowingly
9 has any interest direct or indirect in any contract to which the Authority is or is about
10 to become a party, or in any other business of the Authority, or in any firm or
11 corporation doing business with the Authority, shall make full disclosure of such
12 interest to the Board and, if a Board member, to his appointing authority. Failure to
13 disclose such an interest shall constitute cause for which a Board member may be
14 removed from office by the appointing Authority or the Board, or an employee
15 discharged or otherwise disciplined at the discretion of the Board. (Amended, Ga.
16 L. 2005, p. 4019).

17 (b) Provisions of the Act of the General Assembly approved March 10, 1964 (Ga.
18 L. 1964, p. 261), as amended, regulating the conduct of officers, employees and
19 agents of political subdivisions, municipal and other public corporations and other
20 public organizations, shall be applicable to the conduct of its Board members,
21 officers, employees and agents of the Authority.

22 (c) Any contract or transaction of the Authority involving a conflict of interest not
23 disclosed under subsection (a) hereof, or a violation of the Act of the General

1 Assembly approved March 10, 1964 (Ga. L. 1964, p. 261), as amended, or a violation
2 of any other provision of law applicable to the Authority, its Board members,
3 officers, or employees regulating conflicts of interest, shall be voidable by the Board.
4 It is expressly provided, however, that this provision shall not apply to any indenture,
5 agreement, contract or transaction which constitutes security, direct or indirect, for
6 the payment of bonds or other obligations of the Authority and the judgment and
7 order confirming and validating any such bonds or other obligations as in Section 10
8 hereof provided, shall constitute a final and conclusive adjudication as to any such
9 security. (Amended, Ga. L. 1971, pp. 2092, 2099).

10 (d) The Board shall be authorized to determine that a conflict of interest not disclosed
11 under subsection (a) of this section, or a violation of the Act of the General Assembly
12 approved March 10, 1964. (Ga. L. 1964, p.261), as amended, or a violation of a code
13 of ethics duly approved by the Board, or a violation of any other provision of law
14 applicable to the Authority, its Board members, officers, or employees regulating
15 conflicts of interest, constitutes cause for which a member of the board should be
16 removed from office. A report of the Board's determination and the factual and legal
17 basis therefor shall be delivered to the Board members appointing authority together
18 with a request that the appointing authority remove the Board member pursuant to
19 Section 6(e) of this Act. If, within 60 days of its receipt of the Board's report and
20 request, the appointing authority does not take action to approve or to deny removal
21 of the Board member, the Board shall be authorized to the Board member. No Board
22 member shall be thus removed unless he or she has been given a copy of the charges
23 against him or her and an opportunity to be heard publicly in his or her own defense

1 in person or by counsel with at least ten days written notice. A Board member thus
2 removed from office shall have the right to a judicial review of his or her removal
3 by an appeal to the superior court of the county of the local governing body that
4 appointed him or her, but only on the ground of error of law or abuse of discretion.”
5 (Added, Ga. L. 2005, p. 4029).

6
7 SECTION 16.

8 Financial Accounts, Audits, Reports.
9

10 (a) The Board shall make provision for a system of financial accounting and
11 controls, audits and reports. All accounting systems and records, auditing
12 procedures and standards, and financial reporting shall conform to generally
13 accepted principles of governmental accounting. Copies of each financial report
14 required under this Section shall be delivered to the members of the Metropolitan
15 Atlanta Rapid Transit Overview Committee and posted on the website of the
16 Authority. Notice of such publication shall be delivered in electronic format to each
17 local governing body of each participating local government in the metropolitan area
18 as described in Section 6 of this Act. All financial records, reports and documents of
19 the Authority shall be public records and open to public inspection under reasonable
20 regulations prescribed by the Board. (Amended, Ga. L. 2014, p. 634).

21 (b) The Board shall adopt a fiscal year, establish a system of accounting and
22 financial control, designate the necessary funds for complete accountability and
23 specify the basis of accounting for each such fund. The Board shall cause to be

1 prepared a financial report on all funds at least quarterly and a comprehensive report
2 on the fiscal operations and conditions of the Authority annually.

3 (c) On or before the last day of the first month of its fiscal year the Board shall
4 annually employ a firm of independent certified public accountants licensed to
5 practice in this State as auditors to make a continuous audit of the financial books,
6 records, and accounts of the Authority. Such auditors shall have no personal interest
7 directly or indirectly in the fiscal affairs of the Authority and shall be experienced
8 and qualified in the accounting and auditing of public bodies. A contract of
9 employment shall be executed with such auditors prescribing their duties, the period
10 to be covered, the professional fees to be paid, the responsibilities of the Authority
11 and other appropriate matters. The contract shall be awarded upon the basis of
12 professional competence in the field of accounting and auditing for public bodies
13 and subject to the rules of ethics of the American Institute of Certified Public
14 Accountants. Such auditors shall be paid out of the general operating funds of the
15 Authority.

16 (d) Upon employment such auditors shall perform a complete independent audit for
17 the fiscal year. In such audit they shall point out any irregularities found to exist and
18 report the results of their examination, including their unqualified opinion on the
19 presentation of the financial position of the various funds and the results of the
20 Authority's financial operations. If such auditors are unable to express an
21 unqualified opinion they shall so state and shall further detail reasons for their
22 qualifications or disclaimer of opinion including recommendations necessary to
23 make possible future unqualified opinions. Such auditors shall review and make

1 recommendations in separate opinions in such matters as they may deem appropriate
2 for improvements in records, system procedures, internal control methods,
3 equipment use, organization, administration, insurance coverage and other matters
4 of financial control and relevancy. They shall also be available for continuous
5 financial consultation and shall perform special examinations, studies, management
6 reviews, system design and installation as the Board may direct. The Board may
7 also provide for the independent auditing of any facility of the Authority leased or
8 contracted out to private parties or local governments.

9

10 SECTION 17.

11 Budgets and Budgeting Procedures.

12

13 (a) The Board shall make provisions for an annual operating budget and an annual
14 capital improvements budget. Every budget, proposed or as finally adopted, shall
15 conform to generally accepted budgetary standards of public bodies. Copies of each
16 budget, proposed or as finally adopted, shall be furnished to each local governing
17 body of each local government in the metropolitan area. In addition to the
18 procedures herein prescribed the Board may adopt such budgetary procedures as it
19 may deem appropriate.

20 (b) During each fiscal year the Board shall propose an annual operating budget for
21 the ensuing fiscal year and hold a public hearing thereon. After such public hearing
22 the Board shall review its proposed budget, and, on or before the last day of the fiscal
23 year, it shall adopt an annual operating budget for the ensuing fiscal year. In the

1 annual operating budget each operating fund shall be set forth separately and show
2 an estimate of the fund balance to be available at the beginning of the year, an
3 estimate of anticipated credits during the year according to source, an estimate of
4 anticipated charges, including capital outlay or debt service properly to be financed
5 from anticipated revenues, and comparative data on the last two completed fiscal
6 years and similar data, actual or estimated, for the current year. (Amended, Ga. L.
7 1971, pp. 2092, 2100).

8 (c) At the time and in the manner prescribed in subsection (b), insofar as applicable,
9 the Board shall propose and adopt an annual capital improvements budget. The
10 proposed capital improvements budget shall show all capital improvement projects
11 in process of completion, those to be undertaken during the ensuing fiscal year and
12 those anticipated to be undertaken during the ensuing ten years. The proposed
13 budget shall also show the proposed method of financing each proposed project and
14 the effect thereof on the debt structure of the Authority. After a public hearing the
15 Board shall review its proposed budget and on or before the last day of the fiscal
16 year it shall adopt an annual capital improvements budget for the ensuing fiscal year.
17 No contract for the purchase or construction of any capital improvement project shall
18 be authorized, except to meet a public emergency certified as such by the Board,
19 unless it is included in the annual capital improvements budget; however, the Board
20 may propose and adopt an amendment to the annual capital improvements budget
21 by following the procedure herein prescribed for adopting the original budget.

22 (d) The Authority shall fund and maintain an operating budget reserve of ten percent
23 (10%) of the Authority's prior year operating budget revenues. For purposes of this

1 section, the term “operating budget revenues” shall mean all funds received from
2 federal, state, or local sources, including but not limited to grants, distributions from
3 federal and state formula funds, or direct federal and state appropriations for projects
4 or programs of the Authority, as well as farebox revenues and revenues received
5 from rentals on property owned or operated by the Authority. Said operating budget
6 reserve shall be utilized for ongoing operating expenses only in those circumstances
7 requiring its use due to worsened economic conditions in the Atlanta region, or
8 catastrophic loss such as an act of God or terrorism, which conditions cause a
9 temporary shortfall in the Authority’s anticipated revenues. The temporary
10 operating revenue shortfall so noted shall be for a period of not less than six
11 consecutive months during which total anticipated revenues are not less than two
12 and one-half percent (2.5%) below the revenues received during the preceding fiscal
13 year for the same six-month period. The first three percent (3%) of the reserve shall
14 not be used in any six-month period. The purpose of said reserve shall be
15 exclusively to pay the ongoing operating expenses during times of economic
16 downturn and shall not be considered to be an available recurring revenue for
17 operating budget purposes and under no circumstances shall the operating budget
18 reserve be used to permanently replace the revenues which are reduced due to the
19 economic conditions set forth above. Upon cessation of such economic downturn,
20 as evidenced by cessation of the revenue shortfall required for the use of the reserve
21 for Authority operating expenses, the operating budget reserve shall be replenished.
22 (e) Not later than December 31, 2016, and every four years thereafter, the Authority
23 shall cause to be performed an independent management audit on the condition of

1 management of the Authority, to be supervised and approved by the Metropolitan
2 Atlanta Rapid Transit Overview Committee. Such management audit shall include
3 the auditor's recommendations based thereon and the auditor's signed written
4 verification that the Metropolitan Atlanta Rapid Transit Authority fully cooperated
5 with such audit and allowed access to all its books, records, and documents to the
6 extent the auditor deemed necessary. The management audit shall be submitted to
7 the Board of the Authority, the Governor, the State Auditor, and the Metropolitan
8 Atlanta Rapid Transit Overview Committee before December 31 of each year in
9 which it is required. The management audit shall be performed at the expense of the
10 Authority. (Amended, Ga. L. 2014, p. 634; Amended, Ga. L. 2015, p. 3532).

11 (f) The Authority shall report to the recipients of the Metropolitan Atlanta Rapid
12 Transit Authority represented and nonrepresented pension plans on an annual basis
13 the status of the Metropolitan Atlanta Rapid Transit Authority pension systems. Said
14 report shall include, at a minimum, the investments made on behalf of recipients of
15 pension benefits under the systems, by investment, the unfunded liabilities of said
16 systems, and present and future budgetary obligations necessitated by benefit
17 commitments made by the Authority. Said report shall be given to each recipient of
18 Metropolitan Atlanta Rapid Transit Authority pensions under the pension systems
19 of the Authority, the Metropolitan Atlanta Rapid Transit Overview Committee, and
20 the Governor.

21 (g) The Authority shall submit to the Metropolitan Atlanta Rapid Transit Overview
22 Committee, the presiding officers of the House and Senate, and the Governor an
23 annual report which report shall indicate consultant expenses, other professional

1 services, salaries and expenses of full-time and part-time employees and Board
2 members, and payments rendered to outside companies, agencies or entities by the
3 Authority for any and all goods, services and projects. Said report shall be submitted
4 by August 31 of each year and shall include, along with the requirements specified
5 in Section 14A of this Act, the name of the payee, the date of payment, the payment
6 amount, and the purpose of each payment. If such payment was made pursuant to a
7 contract, the date on which the contract was awarded, the length of the contract term,
8 the award amount of the contract, the cumulative payments that have been made
9 toward the contract, including the listed payment, and any related contract or project
10 identification number shall be included in the report alongside the name of the payee,
11 the date of payment, the payment amount, and the purpose of each payment. In
12 addition to a printed copy to be provided to the parties enumerated in this subsection,
13 said report shall be posted in a prominent location on the Authority's website within
14 two weeks of submittal of the report to the parties enumerated in this subsection.
15 The report posted on the Authority's website shall show employee identification
16 numbers and job titles instead of the names of the employees. The employee's social
17 security number shall not be used as the employee's identification
18 number.”(Amended, Ga. L. 2006, pp. 3745-3746; Ga. L. 2014, p. 634).

19

20

SECTION 18.

21 (Repealed, Ga. L. 1971, pp. 2092, 2100).

22

23

1 SECTION 19.

2 Insurance on Leased Property.

3
4 All contracts for the lease of Authority property shall require the lessee to procure,
5 maintain and pay for insurance to reasonably protect the Authority's liability related
6 thereto, and further to insure the leased property in the Authority's name for its full
7 value against all reasonable and insurable risks. Such contracts shall contain a clause
8 whereby the lessee agrees to indemnify and hold the Authority harmless for the
9 negligence of lessee, his employees and agents.

10
11 SECTION 20.

12 Rules and Regulations; Miscellaneous.

13
14 (a)(1) The Board may promulgate reasonable rules and regulations, not inconsistent
15 with law, for the control and management of its operations, properties, employees
16 and patrons.

17 (2) Violations of such rules and regulations governing the conduct of the public in
18 or upon the Authority's transportation system may be punished by a suspension from
19 the use of Authority services and presence on Authority property for a period of time
20 to be set by the Board or a civil fine or both, provided that such fine shall be no more
21 than \$300.00.

22 (3) A citation shall be shall be issued for violations of such rules and regulations
23 which shall include notice of suspension from the use of the Authority services and

1 presence on Authority property or the civil fine amount or both, as applicable. Such
2 citation shall also state at the top of the citation and in a print size no smaller than
3 the largest print size used on the citation:

4 (A) That the suspension or civil fine or both may be appealed as provided for
5 in paragraph (4) of this subsection;

6 (B) The procedures by which such appeal shall be requested, including the
7 mailing, overnight delivery, and hand delivery address to be used for such
8 requests, specifying the required methods of delivery;

9 (C) That such suspension or civil fine or both shall be deemed final if no appeal
10 is made within 30 days; and

11 (D) That if no appeal is made, use of Authority services or entry upon Authority
12 property is forbidden and subsequent use of services or entry upon property
13 during a period of suspension shall constitute criminal trespass under Code
14 Section 16-7-21 of the O.C.G.A.

15 (4) A citation may be appealed to the Authority by written request by registered or
16 certified mail, statutory overnight delivery, or hand delivery within 30 days of the
17 issuance of such citation. Within ten days of receipt of a request for a hearing, the
18 Authority shall respond to the person requesting a hearing to schedule a hearing date,
19 which shall be no later than 30 days from the receipt of the request. If no hearing is
20 requested within 30 days of the issuance of a citation, the suspension or fine issued
21 shall be deemed final and become effective immediately.

22 (5) The Board shall hire a neutral licensed attorney to be known as the hearing
23 officer to hear the appeal. Such attorney shall be a member in good standing with

1 the State Bar of Georgia, have been in the practice of law for at least five years, and
2 be appointed for one or more terms of two years subject to removal by majority vote
3 of the Board only for good cause. The Board may appoint more than one neutral
4 licensed attorney to serve as hearing officers subject to the requirements of this
5 paragraph should the case load so require.

6 (6) The hearing shall, with respect to rules of evidence and procedure, be conducted
7 in accordance with Chapter 13 of Title 50 of the O.C.G.A, the 'Georgia
8 Administrative Procedure Act.'

9 (7) Within 30 days after the final decision from the hearing officer, a petition may
10 be filed in superior court of the county where the alleged conduct occurred that
11 resulted in a citation. A copy of the petition shall be served upon the Authority. The
12 petition shall state that the petitioner is aggrieved by the decision and the grounds
13 upon which the petitioner contends the decision should be reversed. The filing of a
14 petition for judicial review in superior court does not itself stay enforcement of the
15 citation. The court may reverse or modify the decision if substantial rights of the
16 petitioner have been prejudiced because the decision was clearly erroneous in view
17 of the reliable, probative, and substantial evidence on the whole record.

18 (8) The Authority may pursue any and all legal remedies for the collection of
19 outstanding fines

20 (9) All rules and regulations governing the conduct of the public in or upon the
21 Authority's transportation system and the length of suspension or civil fine or
22 penalty for infraction of such rules and regulations shall be posted in a prominent
23 location on the Authority's website. (Amended, Ga. L. 2014, p. 634; Amended, Ga.

1 L. 2015, p. 3532).

2 (b)(1) The Board may provide for the recognition of authorized representatives of
3 the employees of the Authority and for collective bargaining, in accordance with this
4 subsection, with such authorized representatives.

5 (2) As used in this subsection, the following terms shall have the following
6 meanings:

7 (A) ‘Authorized representative’ means the collective bargaining agent for a class of
8 employees, recognized for such purposes by the Board.

9 (B) ‘Collective bargaining’ or ‘collectively bargain’ means performing the mutual
10 obligation of the Authority and the authorized representatives of represented
11 employees to negotiate, in good faith and to impasse, if necessary, over wages,
12 hours, and other terms and conditions of employment with the bona fide intention
13 of reaching a negotiated agreement.

14 (C) ‘Grievance arbitration’ means arbitration of a dispute between the Authority and
15 the authorized representative, acting on behalf of a represented employee, which
16 involves the interpretation of an existing labor agreement and the application of the
17 terms and conditions of that labor agreement to the claims of one or more employees.

18 (D) ‘Labor agreement’ means an agreement, including any agreement respecting
19 pension or retirement benefits for represented employees, between the Authority and
20 the authorized representative, entered into in accordance with this subsection, which
21 establishes the wages, hours and other terms and condition of employment for
22 represented employees of the Authority.

23 (E) ‘Represented employee’ means an employee of the Authority who is a member

1 of a class of employees for which the Board has recognized an authorized
2 representative.

3 (3) Every labor agreement entered into by the Authority shall provide for grievance
4 arbitration and shall specify the procedure therefor. In any grievance arbitration, the
5 arbitrators must base their decision upon the express terms and conditions of an
6 existing labor agreement.

7 (4) Upon or prior to the expiration of an existing labor agreement, the Authority and
8 the authorized representative shall collectively bargain in an effort to reach a
9 successor replacement labor agreement. If, after expiration of an existing labor
10 agreement, the Authority and the authorized representative are then unable to agree
11 upon the terms and conditions of a new labor agreement, including but not limited
12 to the issue of wages, they shall jointly select or, failing their agreement, upon the
13 written petition of either or both parties, the Governor shall appoint within 30 days
14 after the receipt of said petition a neutral fact finder to investigate and explore all
15 unresolved collective bargaining issues and to render a report to the Authority, the
16 authorized representative, and the public. The neutral fact finder shall conduct such
17 hearings as may be necessary to provide for the full and fair presentation of all
18 unresolved collective bargaining issues by both parties. That fact finder shall be
19 authorized to sign and issue subpoenas for witnesses or documents, to administer
20 oaths, to take oral or written testimony and to take such other actions as may be
21 needed to make comprehensive findings of fact and recommendations. When a
22 subpoena is disobeyed, any party may apply to the Superior Court of Fulton County
23 for an order requiring obedience. Failure to comply with that order shall be cause

1 for punishment as for contempt of court. The costs of securing the attendance of
2 witnesses, including fees and mileage, shall be computed in the same manner as
3 prescribed by law in civil cases in the superior court.

4 (5) The fact finder's report shall recommend as to all unresolved collective
5 bargaining issues, including appropriate wages, hours, and other terms and
6 conditions of employment for represented employees, and shall set forth supporting
7 factual findings determined after due consideration of the factors set forth in
8 subparagraphs (A) through (E) of paragraph (8) of this subsection, and shall contain
9 a summary of the findings. The report of the fact finder shall be issued within 30
10 days after the fact finder is selected or appointed. Upon issuance, the report shall be
11 distributed by the Authority to the Governor, the Metropolitan Atlanta Rapid Transit
12 Overview Committee of the Georgia General Assembly, and each local governing
13 body in the metropolitan area. The fact finder shall cause the summary of findings
14 to be published once in the newspaper having the largest circulation in the
15 metropolitan area. The fact finder shall compensated in the same manner as a special
16 master pursuant to Code Section 22-2-106 of the O.C.G.A., and the costs thereof and
17 any other costs of the proceeding shall be borne equally by the parties. After
18 selection or appointment of a fact finder pursuant to this paragraph, the parties may
19 continue to collectively bargain on any issues including but not limited to those
20 submitted for fact-finding purposes. (Amended, Ga. L. 2014, p. 634).

21 (6) Upon issuance of the fact finder's report, the Authority and the authorized
22 representative shall continue to collectively bargain in light of the recommendations
23 set forth in such report. If either party rejects any or all of the fact finder's

1 recommendations and the parties are otherwise unable, through collective
2 bargaining, to reach agreement on such issue or issues, then each party rejecting any
3 of the fact finder's recommendations shall prepare a written statement setting forth
4 the specific recommendations which such party has rejected, the party's
5 counterproposal on the issue or issues, and the reasons for rejecting the fact finder's
6 recommendations. Prior to commencement of any proceeding for interest
7 arbitration, as provided in paragraph (7) of the subsection, each party required under
8 this paragraph to prepare that statement shall cause it to be published in the local
9 newspaper having the largest circulation in the metropolitan area and shall
10 concurrently distribute that statement to the Governor, the Metropolitan Atlanta
11 Rapid Transit Overview Committee of the Georgia General Assembly, and each
12 local governing body in the metropolitan area.

13 (7) If, within the 30 days following issuance of the fact finder's report, the Authority
14 and the authorized representative are unable to conclude a new labor agreement,
15 either party may then seek a judicial determination of any unresolved issues between
16 the parties. Such an action may be instituted by the filing of a petition for a judicial
17 determination. In even-numbered years, the petition shall be filed in the Superior
18 Court of Fulton County and directed to the judge with the greatest length of service
19 in that court. In odd-numbered years, the petition shall be filed in the Superior Court
20 of DeKalb County and directed to the judge with the greatest length of service in
21 that court. The judge, without a jury, shall decide upon the issues within 90 days of
22 filing such petition. The decision of the judge shall be binding upon the Authority
23 and the authorized representative, and there shall be no appeal of such decision. The

1 judge may require the Authority and the authorized representative to provide such
2 information as the judge determines to be necessary in resolving the issues
3 submitted. In the event any unresolved collective bargaining issue, including but not
4 limited to wage rates for represented employees, is not submitted for judicial
5 determination, the parties shall continue the collective bargaining process with
6 respect to such issues in a good faith effort to reach agreement on such issues or
7 agree upon the terms and conditions of a stipulation or submission agreement to be
8 submitted for judicial determination as provided for in this paragraph. (Amended,
9 Ga. L. 2014, p. 634).

10 (8)(A) In any judicial determination under this subsection, the judge shall be bound
11 by any written stipulation or submission agreement between the Authority and the
12 authorized representative concerning such determination. In determining any issue,
13 the judge shall give primary consideration to the report of the neutral fact finder and
14 to the following factors:

15 (i) The financial ability of the Authority to pay wages and provide benefits,
16 whether or not increased, including the budget for the current year, the projected
17 budget for the subsequent ten years, and the need to maintain adequate reserves,
18 while adhering to all legal requirements governing the Authority's expenditure of
19 public funds and revenues and maintaining levels of transit service sufficient to serve
20 the metropolitan area; and

21 (ii) The amount, if any, of any fare increase which would be necessary to afford a
22 wage or salary increase or improvement in fringe benefits or extension of vacation,
23 holiday, or excused time and the ability of the public to bear a fare increase, with

1 consideration of the per capita income of those persons in service area.

2 (B) The judge shall also give secondary consideration to the following factors:

3 (i) A comparison between the overall wage and salary levels and fringe benefits
4 levels and vacation, holiday and excused time allowances of the Authority's
5 represented employees and other workers in the public and private sectors of the
6 metropolitan area who perform work requiring similar skills in other major ground
7 transportation services;

8 (ii) A comparison of the hours and working conditions of the Authority's
9 represented employees and other workers in the public and private sectors of the
10 metropolitan area who perform work requiring similar skills in other major ground
11 transportation services; and

12 (iii) The cost of consumer goods and services within the metropolitan area.
13 (Amended, Ga. L. 2014, p. 634).

14 No employee of the Authority shall engage in any strike, sit-down, slow-down,
15 walkout, or other concerted cessation or curtailment of work, and no authorized
16 representative of employees of the Authority shall cause, instigate, encourage,
17 promote or condone any strike, sit-down, slow-down, walkout, or other concerted
18 cessation or curtailment of work by any employee of the Authority. The Authority
19 shall not unilaterally increase, decrease, or otherwise change the wages, including
20 accrued cost of living allowances, or fringe benefits of represented employees as of
21 the last day of an expired contract pending the establishment of new wages and
22 fringe benefits by negotiation or judicial determination. (Amended, Ga. L. 2014, p.
23 634).

1 (10) Subject to any requirement imposed pursuant to Section 13 (c) of the Urban
2 Mass Transportation Act of 1964, as amended, the Authority at all times shall have
3 the right to determine the method, means, and personnel by which its operations are
4 to be carried on, including the right to hire part-time employees. (Amended, Ga. L.
5 2014, p. 634).

6 (c) All provisions of general law applicable to the records and documents of counties
7 and municipalities and public access thereto shall be fully applicable to the records
8 and documents of the Authority. The Board shall make reasonable rules and
9 regulations concerning access to its records and documents and may charge
10 reasonable fees for copies or certifications thereof.

11 (d) As to copies of financial reports and documents under Section 16, budget reports
12 and documents under Section 17, engineering reports and documents under Section
13 18, and proposed rapid transit contracts under Section 24, the Board may provide for
14 the printing and distribution of a reasonable supply thereof to the public and may, in
15 its discretion, require payment of a reasonable charge therefor. (Amended, Ga. L.
16 2006. pp. 3746-3751).

17

18 SECTION 21.

19 Tax and Regulatory Exemptions.

20

21 (a) The property of the Authority, both real and personal, its acts, activities and
22 income shall be exempt from any tax or tax obligation. In the event of any lease of
23 Authority property, or any other arrangement which amounts to a leasehold interest,

1 to a private party, this exemption shall not apply to the value of such leasehold
2 interest, nor shall it apply to the income of the lessee. Otherwise, however, and for
3 purposes of taxation, when property of the Authority is leased to private parties to
4 be employed solely for purposes of the Authority, the acts and activities of the lessee
5 shall be considered as the acts and activities of the Authority and the exemption
6 hereunder shall apply to such acts and activities.

7 (b) The Authority shall also be exempt from any regulation by the Public Service
8 Commission of this State, except that when any proposed action of the Authority, or
9 any local government on behalf of the Authority, may place a public utility, railroad
10 or public service corporation in violation of the requirements of the Commission, or
11 create the need for collaboration with respect to compliance with the requirements
12 of the Commission, the Authority shall obtain the Commission's cooperation and
13 approval of the proposed action. In such matters and particularly with respect to the
14 matters contemplated in Section 8(j), the Commission shall cooperate with the
15 Authority to accomplish the purposes and policies of this Act. (Amended, Ga. L.
16 1979, pp. 4634, 4640; Ga. L. 2014, p. 634).

17 (c) The Authority and its activities shall be exempt from all taxes and tax
18 obligations, except taxes imposed upon the sale or distribution of motor fuels
19 pursuant to Code Chapter 92-14, relating to motor fuel taxation, or pursuant to the
20 "Motor Fuel Tax Law," Ga. Code Chapter 91A-50, as now or hereafter amended.
21 The Authority shall not be obligated to pay, and the State Revenue Commissioner
22 shall not collect or attempt to collect, assess or attempt to assess, levy or attempt to
23 levy from or against the Authority, any sales and use taxes imposed upon the sale of

1 motor fuel, including without limitation, the tax authorized by Section 25 of this Act,
2 for any period of time subsequent to June 30, 1977, and prior to July 1, 1979.
3 (Amended, Ga. L. 1977, p. 1313; Ga. L. 1981, p. 4291).

4 (d) Notwithstanding any other provisions of this Section, the Authority shall not be
5 exempt from the State Sales and Use taxes (Code Chapter 91A-45) for tour and
6 charter services. (Added, Ga. L. 1981, p. 4293).

7

8

SECTION 22.

9

Tort Liability; Insurance.

10

11 The Authority shall not enjoy governmental immunity from tort liability, but shall
12 be liable therefor as any private corporation except that no execution shall be levied
13 on any property of the Authority prior to ninety (90) days from the date of a final
14 judgment against the Authority. The Authority shall provide for adequate insurance
15 or similar protection against any loss, liability or other risk, hazard or responsibility
16 to which it may be exposed or which it may accept on account of its property,
17 personnel, or operations. Such insurance may be provided through self-insurance
18 reserves or by contracts or arrangements with other parties in such manner and
19 amounts as the Board in its discretion shall determine or through any combination
20 of same. (Amended, Ga. L. 1971, pp. 2092, 2100).

21

22

23

1 SECTION 23.

2 Taxing Power Denied.

3
4 The Authority shall have no power to impose any tax on any subject of taxation
5 within the metropolitan area for any purpose whatsoever.
6

7 SECTION 24.

8 Local Government Participation.

9
10 (Section 24 Amended, Ga. L. 1971, pp. 2092, 2101).

11 (a) Provision for a rapid transit system within the metropolitan area is declared for
12 the purposes of this Act to be an essential governmental function and a public
13 purpose of the City of Atlanta and the counties of Fulton, DeKalb, Clayton and
14 Gwinnett, and of the county of Cobb if it hereafter determines to participate in the
15 Authority as provided in this Act.

16 (b) The Authority and the local governing body of the City of Atlanta and each of
17 the counties of Fulton, DeKalb, Clayton and Gwinnett, and of the county of Cobb if
18 it hereafter determines to participate in the Authority as provided in this Act, subject
19 to such limitations as are hereinafter in this Section set forth, may negotiate and
20 determine the extent of financial participation and the time or times such financial
21 participation may be required with respect to each of the local governments in order
22 to finance provision for a rapid transit system through the joint instrumentality of
23 the Authority. Except as provided in Section 24A of this Act, such determination

1 shall take the form of a rapid transit contract to be entered into between the Authority
2 and the local government. The final execution of a rapid transit contract shall be
3 completed in every instance in the manner hereinafter set forth in this Section 24.
4 (Amended, Ga. L. 1988, p. 5013; See Note 8).

5 (c) As one method of providing the financial participation determined by its local
6 governing body to be its proper share of the cost of financing a rapid transit project
7 or projects, a local government may in the manner prescribed by law and subject to
8 the conditions and limitations prescribed by law, issue its general obligation bonds,
9 pay over the proceeds thereof to the Authority and thereby complete and make final
10 the execution of the proposed rapid transit contract anticipated by such bond
11 authorization and issuance and the Authority shall agree in such contract to perform
12 for such local government the aforesaid governmental function and to provide
13 specified public transportation services and facilities.

14 (d) As an alternative method of providing the financial participation determined by
15 its local governing body to be its proper share of the cost of financing a rapid transit
16 project or projects, a local government may enter into a rapid transit contract or
17 contracts calling for the Authority to perform for it the aforesaid governmental
18 function and calling for it to make periodic payments to the Authority for the public
19 transportation services and facilities contracted for, which payments may include
20 amounts required to defray the periodic principal and interest payments on any
21 obligations issued by the Authority for the purpose of financing the cost of any rapid
22 transit project or projects, amounts necessary to establish and maintain reasonable
23 reserves to insure the payment of said debt service and to provide for renewals,

1 extensions, repairs and improvements and additions to the rapid transit system, and
2 amounts required to defray any operational deficit which the system or any part
3 thereof may incur from time to time.

4 (e) Before a rapid transit contract such as is described in Subsection (d) shall become
5 valid and binding on a local government which is a party thereto, the same must have
6 been approved by a majority of the qualified voters of the local government voting
7 in a referendum as hereinafter provided, except for any rapid transit contract between
8 Clayton County, acting for and on behalf of the Clayton County-Atlanta Airport
9 Public Transportation District that may be created in accordance with Section 24(1)
10 of this Act, and the Authority, which contract shall (any other provision of law to
11 the contrary notwithstanding) become valid and binding immediately, without
12 necessity for any referendum, upon its execution by the Local Governing Body of
13 Clayton County and the Authority and shall thereupon constitute an obligation on
14 the part of Clayton County within the meaning of Section 24(i) of this Act.
15 (Amended, Ga. L. 1980, pp. 3831, 3832).

16 (f) The procedure for holding the referendum called for in subsection (e) shall be as
17 follows: There shall be published in a newspaper having general circulation
18 throughout the territory of the local government involved, once each week for four
19 weeks immediately preceding the week during which the referendum is to be held,
20 a notice to the electors thereof that on the day named therein an election will be held
21 to determine the question of whether or not the local government shall enter into the
22 proposed rapid transit contract and said notices shall contain the full text of said
23 proposed contract, which contract shall set forth the obligations of the parties thereto.

1 It is expressly provided, however, that none of the documents or exhibits which are
2 incorporated in such contract by reference or are attached to such contract and made
3 a part thereof shall be published. Such special election shall be held at all the election
4 districts within the territorial limits of the local government involved except that an
5 election called by the local governing body of any county within the metropolitan
6 area shall not be held in any part of such county which is within the territorial limits
7 of the City of Atlanta, if, with respect to the particular rapid transit project or projects
8 to be supported by the proposed rapid transit contract of such county, said City is
9 already a party to a rapid transit contract or the governing body of said City proposes
10 to enter into a rapid transit contract subject to the approval thereof at a referendum.
11 The question to be presented to the electorate in any such referendum shall be and
12 shall be stated on the ballots or ballot label as follows:

13 (Insert name of City or County) has executed a contract with Metropolitan Atlanta
14 Rapid Transit Authority, dated as of (insert date).

15
16 Shall this contract be approved?

17 YES ___ NO

18 The question shall be published as a part of the aforesaid notice of election. Each
19 such election called by the governing body of a county within the metropolitan area
20 under the provisions of this subsection shall be governed by and held and conducted
21 in accordance with the provisions of law from time to time governing the holding of
22 elections to elect members to the General Assembly of this State. After the returns
23 of such an election have been received, and the same have been canvassed and

1 computed, the result shall be certified to the local governing body which called the
2 election, in addition to any other person designated by law to receive the same, and
3 such governing body shall officially declare the result thereof. Each election called
4 by the governing body of the City of Atlanta under the provisions of this subsection
5 shall be governed by and conducted in accordance with the provisions of law at the
6 time governing the holding of elections by said City. The expense of any such
7 election called by the governing body of the City of Atlanta shall be paid by the City
8 of Atlanta.

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

12 (h) A local government may elect any method provided in this Section to finance
13 the participation required of it in whole or in part, and the election of one method
14 shall not preclude the election of another method with respect thereto or with respect
15 to any additional or supplementary participation determined to be necessary.

16 (i) When the Authority and a local government have completed and fully executed
17 a rapid transit contract in compliance with the requirements of this Act, and the
18 voters shall have approved such contract as herein provided, such contract shall
19 constitute an obligation on the part of the local government for the payment of which
20 its good faith and credit are pledged, but in no other way can the good faith and
21 credit of any local government be pledged with respect to a rapid transit contract.

22 (j) Any local government may use public funds to provide for a rapid transit system
23 within the metropolitan area and may levy and collect any taxes authorized to it by

1 law to the extent necessary to fulfill the obligations incurred in a rapid transit
2 contract or contracts with the Authority; provided, that no local county government
3 shall have the power to levy any tax on any subject of taxation situated within the
4 territorial limits of the City of Atlanta in fulfillment of financial obligations set forth
5 in a rapid transit contract when the City of Atlanta has a rapid transit contract with
6 the Authority calling for said City to issue its general obligation bonds for rapid
7 transit purposes or to pay monies periodically with respect to the debt service on
8 obligations issued by the Authority, and is itself using its public funds or levying a
9 tax for either of such purposes.

10 (k) Any municipality or county within the metropolitan area may transfer to the
11 Authority any property or facilities, or render any services, with or without
12 consideration, which may be useful to the establishment, operation or administration
13 of the rapid transit system contemplated hereunder, and may contract with the
14 Authority for any other purpose incidental to the establishment, operation or
15 administration of such system, or any part or project thereof or the usual facilities
16 related thereto.

17 (l) Subject to the conditions hereinafter provided in this subsection, the Local
18 Governing Body of Clayton County is hereby authorized to create a special service
19 district to be known as the Clayton County-Atlanta Airport Public Transportation
20 District, which District shall encompass that area in Clayton County now or hereafter
21 owned or controlled by the City of Atlanta for airport purposes (A) which is now or
22 hereafter used by the Authority or which the Authority has the right to use for a
23 Transportation Project or (B) which is now or hereafter used for a Public Airport

1 Passenger Terminal. Said District may provide for public transportation services and
2 for the construction, maintenance and operation of a Transportation Project to and
3 from and within said District, and the Local Governing Body of Clayton County,
4 subject to the conditions hereinafter provided in this subsection, is hereby authorized
5 to enter into contracts for and on behalf of said District with the Authority for the
6 provision of the aforesaid services and System to and from and within said District.
7 As a condition precedent to the Local Governing Body of Clayton County exercising
8 any power pursuant to this subsection, the Rapid Transit Contract and Assistance
9 Agreement by and between the Authority, the Counties of Fulton and DeKalb, and
10 the City of Atlanta, dated September 1, 1971, as amended, must first be amended to
11 provide that any rapid transit contract between Clayton County on behalf of the
12 entire county and the Authority which requires Clayton County to levy the sales and
13 use tax authorized by this Act throughout its territorial limits shall also provide for
14 the extension of the rapid transit system and project into Clayton County to provide
15 rapid transit services within Clayton County on substantially the same basis that such
16 services are provided or will be provided within Fulton and DeKalb counties,
17 without the necessity of any payment being made by Clayton County other than the
18 proceeds of the sales and use tax levied throughout its territorial limits. (Added, Ga.
19 L. 1980, pp. 3831, 3833).

20

21

22

23

SECTION 24A.

Transportation services contracts.

(Added Ga. L. 1988, p. 5013; See Note 8).

(a) Notwithstanding the provisions of Section 24 of this Act or any other provision of this Act, the Authority may execute a transportation services contract with any county, municipality, special tax or community improvement district, political subdivision of this state, or any combination thereof being or lying within the counties of Clayton, Cobb, DeKalb, Fulton, or Gwinnett, 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 Section:

(1) Shall not be a rapid transit contract subject to the conditions established therefor in Section 24 of this 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 this Act;

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

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

(3) May not authorize the construction of any extension of or addition to the Authority's existing rapid rail system; and

1 (4) Shall require that the costs of any transportation services and facilities
2 contracted for, as determined by the Board of Directors on the basis of reasonable
3 estimates, allocations of costs and capital, and projections shall be borne by one
4 or more of the following:

5 (A) Fares;

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

7 (C) Any subsidy provided, directly or indirectly, by or on behalf of the public
8 entity with which the Authority contracted for the services and facilities.

9 (b) Nothing in this Section shall be deemed to limit or preclude the Authority from
10 providing public transportation services and facilities for, to, or within any other
11 county, municipality, special tax or community improvement district, political
12 subdivision of this state, or combination thereof if:

13 (A) The Authority is otherwise authorized by law to provide such services and
14 facilities;

15 (B) The services and facilities are provided pursuant to a transportation services
16 contract meeting the requirements therefor under subsection (a) of this Section;
17 and

18 (C) The parties to the transportation services contract are authorized by law to
19 enter into such contract.

20 (c) Nothing in this Section or in paragraph (2) of subsection (b) of Section 25 of this
21 Act shall authorize the Authority to provide any public transportation service or
22 facility to any county, municipality, special tax or community improvement district,
23 or other political subdivision which, on January 1, 1988, is not a party to the Rapid

1 Transit Contract and Assistance Agreement specified in subsection (k) of Section 25
2 of this Act unless that service or facility is provided pursuant to a contract approved
3 by the governing authority of that political subdivision for which the service or
4 facility is to be provided or pursuant to a contract approved in a referendum by a
5 majority of the qualified electors voting in the political subdivision for which the
6 service or facility is to be provided. For purposes of this Section, when any public
7 transportation service or facility is to be provided by the Authority to any special tax
8 or community improvement district, the county or municipality for which that
9 district was created shall be the political subdivision whose governing authority or
10 electors shall be required to approve the contract for such service or facility.

11

12

SECTION 25.

13

Authorization to Levy a Retail Sales and Use Tax.

14

15 (Section 25 Added, Ga. L. 1971, p. 2082; See Note 3).

16 (a) Authority to Tax. Each of the local governing bodies of those local governments
17 referred to and defined in Section 2 of the Metropolitan Atlanta Rapid Transit
18 Authority Act of 1965 (Ga. L. 1965, p. 2243), as amended, which shall hereafter
19 pursuant to the provisions of said Act enter into a rapid transit contract with the
20 Metropolitan Atlanta Rapid Transit Authority that has become final and binding
21 upon its local government by compliance with the provisions of Section 24 of said
22 Act and approval of the voters as therein required, shall be authorized to levy a retail
23 sales and use tax upon the retail purchase, retail sale, rental, storage, use or

1 consumption of tangible personal property, and the services described and set forth
2 in Ga. L. 1951, p. 360, as amended, on sales, uses and services rendered, in the
3 geographical area governed by such local government. Provided, in the event
4 Clayton County acting for and on behalf of the Clayton County-Atlanta Airport
5 Public Transportation District that may be created in accordance with Section 24(1)
6 of this Act and the Authority enter into a rapid transit contract pursuant to Section
7 24 of this Act, said retail sales and use tax shall be levied only within the
8 geographical area contained within said District. Provided, however, the tax herein
9 authorized shall not be levied by any local government unless the same is also levied
10 in the geographical areas of Fulton and DeKalb Counties. The tax imposed shall
11 correspond, so far as practicable, except as to rate, with the Georgia Retailers' and
12 Consumers' Sales and Use Tax Act, approved February 20, 1951 (Ga. L. 1951, p.
13 360), as amended, and as it may be from time to time amended. Provided, however,
14 that no tax shall be imposed upon the sale of tangible personal property which is
15 ordered by and delivered to the purchaser at a point outside the geographical area in
16 which the tax is imposed, regardless of the point at which title passes, if such delivery
17 is made by the seller's vehicle, U.S. mail, common carrier or by private or contract
18 carrier licensed by the Interstate Commerce Commission or the Georgia Public
19 Service Commission. Provided further that the tax authorized to be levied herein
20 shall apply, any law to the contrary notwithstanding, to the retail sale, rental, storage,
21 use, or consumption of motor fuel as the term "motor fuel" is defined by Code
22 Section 92-1402 or, after January 1, 1980, by Code Section 91A-5002. (Amended,

1 Ga. L. 1974, pp. 2617, 2618; Ga. L. 1979, pp. 4634, 4641; Ga. L. 1980, pp. 3831,
2 3834).

3 (b)(1) Rate of Tax. The tax when levied shall be at the rate of one (1%) percent
4 until and including June 30, 2057, and shall thereafter be reduced to one-half
5 (1/2%) of one percent. Said tax shall be added to the State Sales and Use Tax
6 imposed by Article 1 of Chapter 8 of Title 48 of the O.C.G.A., and the State
7 Revenue Commissioner is hereby authorized and directed to establish a bracket
8 system by appropriate rules and regulations to collect the tax herein imposed in
9 the areas affected. (Amended, Ga. L. 1979, pp. 4634, 4640; Ga. L. 1983, p. 1079;
10 Ga. L. 1990, p. 3860; Ga. L. 2000, p. 4492; Amended, Ga. L. 2015, p. 3532).

11 (2)(Added, Ga. L. 1988, p. 5013; See Note 8). (A) A local governing body
12 which, on January 1, 1988, is not a party to the Rapid Transit Contract and
13 Assistance Agreement specified in subsection (k) of this Section may enter into
14 a rapid transit contract to provide public transportation services and facilities
15 other than any extension of or addition to the Authority's existing rail rapid
16 transit system and may levy a retail sales and use tax authorized under
17 subsection (a) of this Section at the rate of one (1%) percent. Such contract
18 shall require that the costs of the transportation services and facilities contracted
19 for, as determined by the Board of Directors on the basis of reasonable
20 estimates, allocation of costs and capital, and projections shall be borne by one
21 or more of the following:

22 (i) Fares;

23 (ii) The proceeds of the tax levied in accordance with this subparagraph;

- 1 (iii) Other revenues generated by such services and facilities; and
2 (iv) Any subsidy provided, directly or indirectly, by or on behalf of that local
3 governing body which is the party to the contract.

4 Notwithstanding any limitation in subsection (i) of this Section or any other
5 provision of this Act, the proceeds of the retail sales and use tax levied pursuant
6 to this subparagraph may be used in their entirety to pay the operating costs of
7 the system, as defined in that subsection (i).

8 (B) In the event a local governing body which has entered into a rapid transit
9 contract as authorized by subparagraph (A) of this paragraph thereafter
10 determines that any extension of or addition to the Authority's existing rail
11 rapid transit system should be constructed and operated within the territory of
12 such local government, a separate rapid transit contract shall be required to
13 provide for the local government's proper share of financing any such
14 contemplated rapid transit project, and no retail sales and use tax authorized
15 under subsection (a) of this Section may be levied to fulfill the obligations under
16 that separate contract except at the rate of one (1%) percent. A separate rapid
17 transit contract required by this subparagraph shall not be subject to the
18 limitations of divisions (i) through (iv) of subparagraph (A) of this paragraph
19 but shall be subject to the limitations regarding the use of the tax proceeds for
20 the operating costs of the system under subsection (i) of this Section.

21 (C) A tax levied under this paragraph shall be added to the State Sales and Use
22 Tax imposed by Article 1 of Chapter 8 of Title 48 of the O.C.G.A., and the State
23 Revenue Commissioner is authorized and directed to establish a bracket system

1 by appropriate rules and regulations to collect the tax imposed under this
2 paragraph in the areas affected. Nothing in this paragraph shall be construed to
3 require that any tax levied at a rate specified by this paragraph be reduced as
4 provided for the one (1%) percent tax levied pursuant to paragraph (1) of this
5 subsection.

6 (D) No contract shall be entered into by a local government pursuant to this
7 paragraph unless and until the same has been approved in a referendum held in
8 the political subdivision, which referendum shall be held in conjunction with
9 and at the same time as a state-wide general election and which was called not
10 less than 120 days prior to such referendum election.

11 (c)(1) Administration. Any sales and use tax levied pursuant to this Act shall be
12 administered and collected solely by the State Revenue Commissioner in the
13 same manner and subject to the same penalties provided for in the Georgia
14 Retailers' and Consumers' Sales and Use Tax Act, approved February 20, 1951
15 (Ga. L. 1951, p. 360), as now or hereafter amended. No variance shall be
16 permitted between the State and the local tax, except as to rate and as is provided
17 for in subsection (a) of this Section. The vendor's responsibility shall be to the
18 State Revenue Commissioner and not to the local governments participating in
19 this tax levy. The local governments shall be prohibited from making sales tax
20 audits. Dealers shall be allowed a percentage of the amount of the tax due and
21 accounted for and shall be reimbursed in the form of a deduction in submitting,
22 reporting and paying the amount due, if said amount is not delinquent at the time
23 of payment. The rate of the deduction shall be at the same rate authorized for

1 deductions from State tax under the Georgia Retailers' and Consumers' Sales and
2 Use Tax Act, approved February 20, 1951 (Ga. L. 1951, p. 360), as now or
3 hereafter amended. (Amended, Ga. L. 1974, pp. 2617, 2619).

4 (2) Credit. A credit shall be allowed against the tax authorized to be levied
5 pursuant to this Act for the amount of local sales or use tax imposed pursuant to
6 Code Chapter 91A-46 or Article 2 of Chapter 8 of Title 48 of the Official Code
7 of Georgia Annotated, as now or hereafter amended, which has been paid with
8 respect to the same property by the purchaser thereof in a local taxing jurisdiction
9 within the State; provided, however, that no credit shall be allowed for taxes paid
10 in another local taxing jurisdiction unless a like credit is granted against the tax
11 authorized to be imposed pursuant to said Code Chapter 91A-46 or Article 2 of
12 Chapter 8 of Title 48 of the Official Code of Georgia Annotated for any amount
13 which has been paid as a tax levied pursuant to this Act. If the amount of sales or
14 use tax so paid pursuant to said Code Chapter 91A-46 or Article 2 of Chapter 8
15 of Title 48 of the Official Code of Georgia Annotated is less than the amount of
16 tax payable pursuant to this Act, the purchaser shall pay an amount equal to the
17 difference between the amount so paid and the amount due as authorized to be
18 levied pursuant to this Act. Provided further, that no credit hereunder will be
19 allowed within the territory of any local government which levies both the tax
20 authorized pursuant to this Act and a local sales or use tax pursuant to said Code
21 Chapter 92A-46 or Article 2 of Chapter 8 of Title 48 of the Official Code of
22 Georgia Annotated. The State Revenue Commissioner may require such proof
23 of payment of taxes levied pursuant to said Code Chapter 91A-46 or Article 2 of

1 Chapter 8 of Title 48 of the Official Code of Georgia Annotated as he deems
2 necessary and proper. (Added, Ga. L. 1982, p. 5101).

3 (d) Special Fund. All sales tax monies collected by the State Revenue
4 Commissioner under this Act shall be paid to the State Treasurer to the credit of a
5 special fund which is hereby created on the books of the State Treasurer under the
6 name "Collection of Metropolitan Atlanta Rapid Transit Authority Taxes", and such
7 local sales tax money shall be credited to the account of each local government in
8 which the local sales and use taxes are collected under this Act. The basis of such
9 credit shall be the point of sale or use as shown by the records of the State Revenue
10 Commissioner, except that any credit within the territorial limits of a city which is a
11 party to a rapid transit contract as defined in Section 24 of said Metropolitan Atlanta
12 Rapid Transit Authority Act of 1965, as amended, shall be credited to said city
13 government, and not to the county or counties in which said city may lie.

14 (e) Penalties and Interest. All penalties and interest collected under the provisions
15 of this Act on sales and use tax assessments shall be prorated between the State and
16 the local governments on such basis as may be prescribed by the State Revenue
17 Commissioner.

18 (f) Distribution of Funds. As soon as practicable after the local sales and use tax
19 monies have been paid into the State Treasury in any month for the preceding month,
20 the State Treasurer shall draw his warrant on the State Treasury in the proper amount
21 in favor of each local government entitled to the monthly return of its local sales and
22 use tax monies, and such payment shall be charged to the account of each local
23 government under the special fund created by this Act. Any errors made in any such

1 payments or any adjustments otherwise necessary, whether attributable to refunds to
2 taxpayers or by some other fact shall be corrected and adjustments shall be made in
3 such payments for the next month or subsequent months. The amount due each local
4 government shall be reduced, for costs incurred in the administration and collection
5 of the local tax, by 1.00 percent of the amount of such tax collected less corrections
6 and adjustments herein provided. Such amounts due the Department shall be
7 certified by the State Revenue Commissioner to the State Treasurer who shall deduct
8 such amount from the amount due the local governments. (Amended, Ga. L. 1974,
9 pp. 2608, 2609).

10 (g) Rules and Regulations. The State Revenue Commissioner shall have the power
11 to make and publish reasonable rules and regulations not inconsistent with this Act
12 or other laws, or the Constitution of this State or the United States for the
13 administration and enforcement of the provisions of this Act and the collection of
14 revenues hereunder.

15 (h) Forms. The State Revenue Commissioner shall utilize the forms used for sales
16 and use tax returns and for the payment of State Sales and Use Taxes, and shall add
17 appropriate forms for the use of those persons with the responsibility of collecting
18 the tax levied pursuant to this Act.

19 (i) Use of Proceeds. The proceeds of the tax levied pursuant to this Act shall be used
20 solely by each local government to fulfill the obligations incurred in the contracts
21 entered into with the Metropolitan Atlanta Rapid Transit Authority as contemplated
22 in the Metropolitan Atlanta Rapid Transit Authority Act of 1965, as amended. If the
23 Board of the Metropolitan Atlanta Rapid Transit Authority shall fail to file with the

1 Governor, the State Auditor, and the chairperson of the Metropolitan Atlanta Rapid
2 Transit Overview Committee every four years as provided in subsection (e) of
3 Section 17 of this Act a report of the findings of a completed independent
4 management audit of the Authority's current operations that was performed under
5 contract with and at the expense of the Authority, along with any auditor's
6 recommendations based thereon and the auditor's signed written verification that the
7 Metropolitan Atlanta Rapid Transit Authority fully cooperated with such audit and
8 allowed access to all its books, records, and documents to extent the auditor deemed
9 necessary, then for the four years beginning January of the year immediately
10 following the year in which the completed independent management audit was due
11 but not submitted, no more than fifty percent (50%) of the proceeds of the tax shall
12 be used to subsidize the operating costs of the system, exclusive of depreciation,
13 amortization, and other costs and charges as provided in this subsection. In adopting
14 its annual budget, the Board of the Metropolitan Atlanta Rapid Transit Authority
15 shall be authorized to rely upon estimates of all revenues, operating costs, patronage,
16 and other factors which may affect the amount of the fare required to limit the
17 operating subsidy herein provided for. The words 'operating costs of the system'
18 for purposes of this subsection 25(i) are defined to include all of the costs of that
19 division of the Authority directly involved and that portion of the nonoperating
20 administrative costs of those divisions of the Authority indirectly involved, through
21 the provision of support services, in providing mass transportation services for the
22 metropolitan area, but exclusive of the costs of the division or divisions directly
23 involved and that portion of the nonoperating administrative costs of those divisions

1 indirectly involved, in the planning, design, acquisition, construction, and
2 improvement of the rapid transit system, according to accepted principles of
3 accounting, and also exclusive of the following costs: (Amended, Ga. L. 2014, p.
4 634).

5 (1) Nonrecurring costs and charges incurred in order to comply with any statute or
6 regulation concerning either the protection or cleaning up of the environment, or
7 accessibility by handicapped or disabled persons, or occupational health or safety,
8 or compliance with any national or state emergencies, or with any judgment, decree,
9 or order of any court or regulatory agency in implementation of any such statute or
10 regulation; and

11 (2) In the case of leases of equipment or facilities that, according to generally
12 accepted principles of accounting, would not be classified as capital leases,
13 payments of rent, and other payments for the property subject to such leases or for
14 the use thereof; provided that any costs for regular maintenance or repair of such
15 equipment or facilities shall not be excluded.

16 If any proceeds of the tax levied pursuant to this Act are held for the purpose of
17 planning, designing, acquiring, or constructing additional facilities or equipment for
18 or improvements to the rapid transit system and are invested, then all interest earned
19 from such investments shall be used only for such purposes or for paying the
20 principal of or interest on bonds or certificates issued for such purposes. (Amended,
21 Ga. L. 2006, p. 3751-3753; Amended, Ga. L. 2015, p. 3532).

22 (j) Effective Date of Tax. The effective date of the tax authorized by this Act shall
23 be the first day of the first calendar month which begins more than ninety (90) days

1 after the action of the local governing body levying the tax referred to in subsection
2 (a) of Section 25 of this Act unless a later effective date shall have been specified by
3 such local governing body in levying the tax provided that with respect to services
4 which are regularly billed on a monthly basis, the tax shall become effective with
5 the first regular billing period coinciding with or following the effective date of the
6 tax as herein specified.

7 (k) The Authority shall use the proceeds of the tax levied pursuant to this Act and
8 the proceeds from bonds or certificates issued by the Authority for the following
9 purposes and in the following order of priorities: First, for the purposes and in the
10 manner required by any trust indenture or other agreement with or for the benefit of
11 bondholders, including payment of the principal of or premium or interest upon
12 bonds or certificates issued by the Authority or to create a reserve for that purpose;
13 second, to pay the operating costs of the system as defined in subsection 25(i) of this
14 Act, to pay the general administrative expenses of the Authority, to purchase,
15 construct, replace, and maintain buses and facilities necessary for the operation,
16 repair, and maintenance of buses, to purchase on terms advantageous to the
17 Authority real property necessary and appropriate to construct, complete, and
18 operate the rapid transit system described in the Rapid Transit Contract and
19 Assistance Agreement by and between the Authority, the counties of Fulton and
20 DeKalb and the City of Atlanta dated September 1, 1971, as now and hereafter
21 amended, and to complete and operate those portions of the Authority's rapid transit
22 system defined as Phase "A" in those contracts existing on the effective date of this
23 Act between the Authority and the Urban Mass Transportation Administration of the

1 United States Department of Transportation; and third, to construct, complete, and
2 operate that portion of the rail system described as Phases A, B, and C in the Rapid
3 Transit Contract and Assistance Agreement by and between the Authority, the
4 counties of Fulton and DeKalb, and the City of Atlanta, dated September 1, 1971, as
5 amended, in the following manner and order of priority: (1) Phase A; (2) Phase B;
6 (3) That portion of Phase C extending from Lenox Road to Brookhaven on the
7 Northeast Line and from Lakewood to East Point on the South Line, with completion
8 of Brookhaven occurring before completion of East Point; (4) That portion of Phase
9 C extending from Brookhaven to Chamblee on the Northeast Line; (5) That portion
10 of Phase C extending from East Point to College Park to the mid-field terminal in
11 Clayton County, Georgia, at the Hartsfield International Airport on the South Line
12 and Southwest Branch; and (6) That portion of Phase C extending from Chamblee
13 to Doraville on the Northeast Line. This subsection (k) shall not be construed to
14 change either any limitations upon the use of the proceeds of the tax levied pursuant
15 to this Act imposed by subsection (i) of this Section 25 or any limitations upon the
16 use of the proceeds of bonds or certificates issued by the Authority imposed by this
17 Act.

18 The provisions of this subsection shall not be construed so as to prohibit the
19 Authority from utilizing its available revenues for technical studies nor from
20 utilizing available revenues to construct, complete, and operate those portions of the
21 Authority's rapid transit system contained in Phases D and E of the system as set
22 forth in and defined by the Ninth Amendment to the Rapid Transit Contract and
23 Assistance Agreement so long as the Authority has available sufficient funds,

1 grants-in-aid, proceeds of unissued bonds, or other sources of revenue to construct,
2 complete, and operate Phases A, B, and C of the rapid transit system and is
3 proceeding with the design and construction thereof. (Added, Ga. L. 1979, pp. 4634,
4 4643); Amended, Ga. L. 1983, p. 764; Ga. L. 1983, p. 1087; Ga. L. 1988, p. 3510.
5 NOTICE: This subsection has two different effective dates - See Notes 5 and 7.)
6 (l) Any limitation contained in this Act to the contrary notwithstanding, the Board
7 may, in its sole discretion, and for any fiscal year commencing July 1, 1980, or
8 thereafter, use any interest earned on any self-insurance reserve established pursuant
9 to Section 22 of this Act to pay the operating costs of the system as defined by
10 subsection (i) of Section 25 of this Act. (Added, Ga. L. 1979, pp. 4634, 4644;
11 Amended, Ga. L. 1981, p. 4293).

12 SECTION 26.

13 Severability.

14
15 In the event any section, subsection, sentence, clause or phrase of this Act shall be
16 declared or adjudged invalid or unconstitutional, such adjudication shall in no
17 manner affect the other sections, subsections, sentences, clauses, or phrases of this
18 Act, which shall remain of full force and effect, as if the section, subsection,
19 sentence, clause or phrase so declared or adjudged invalid or unconstitutional were
20 not originally a part hereof. The General Assembly hereby declares that it would
21 have passed the remaining parts of this Act if it had known that such part or parts
22 hereof would be declared or adjudged invalid or unconstitutional. (Renumbered, Ga.
23 L. 1971, p. 2082).

1 SECTION 27.

2 Repealer.

3
4 All laws or parts of laws in conflict with this Act are hereby repealed. (Renumbered,
5 Ga. L. 1971, p. 2082).

6
7 NOTES

8 Note 1.

9 Section 1 of an Act approved March 4, 1966 (Ga. L. 1966, p. 3264) reads as follows:

10 SECTION 1.

11 Sections 2(b) and Section 5 of the Metropolitan Atlanta Rapid Transit Authority
12 Act of 1965 (Ga. L. 1965, p. 2243), relating to the Interim Study Commission, are
13 hereby repealed. In repealing these provisions, it is the intent of the General
14 Assembly to recognize that the Interim Study Committee has served the
15 transitional purpose for which it was created and that it has now been succeeded
16 by the board of directors as contemplated by Section 5(d) and 6(c).

17 Note 2.

18 Section 2 of an Act approved March 4, 1966 (Ga. L. 1966, p. 3264) reads as follows:

19 SECTION 2.

20 Sections 6(b) and 6(c) of the Metropolitan Atlanta Rapid Transit Authority Act of
21 1965, relating to referenda as a prerequisite for further participation in the
22 Authority by the local governing bodies of the local governments within the
23 metropolitan area, are hereby repealed. In repealing these provisions, it is the

1 intent of the General Assembly to recognize that the referenda held pursuant
2 thereto served the purpose originally contemplated and to confirm participation in
3 the Authority by the Counties of Fulton, DeKalb, Clayton, Gwinnett and the City
4 of Atlanta, the nonparticipation in the Authority by Cobb County, and the
5 procedures by which this participation and nonparticipation have been effected.

6 Section 3 of the 1966 Act added the present Section 6(b) to the Metropolitan Atlanta
7 Rapid Transit Authority Act of 1965.

8
9 Note 3.

10 Section 1 of an Act approved March 16, 1971 (Ga. L. 1971, p. 2082) added Section
11 25 to the Metropolitan Atlanta Rapid Transit Authority Act of 1965. Section 2 of
12 the 1971 Act, which read as follows:

13
14 SECTION 2.

15 State Appropriations.

16
17 After the tax herein authorized becomes effective as in Section 1 provided, the
18 State of Georgia shall not appropriate any funds to the Metropolitan Atlanta Rapid
19 Transit Authority. This provision shall not prevent the State from contracting with
20 said Authority for services, nor from granting to said Authority easements,
21 rights-of-way and leasehold interests in and through State property.",

22 was amended by an Act approved May 4, 1992 (Ga. L. 1992, p. 7011), to read as
23 follows:

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SECTION 2.

State and federal appropriations.

(a) Any funds of the State of Georgia that are appropriated for the Metropolitan Atlanta Rapid Transit Authority, and any federal funds granted to the state and allocated to the Metropolitan Atlanta Rapid Transit Authority, shall be disbursed through the Georgia Department of Transportation, unless otherwise provided by law.

(b) Subsection (a) of this section shall not apply with respect to funds of any political subdivision of the State of Georgia appropriated for the Metropolitan Atlanta Rapid Transit Authority. Subsection (a) of this section shall not apply with respect to federal funds granted: (1) directly to the Metropolitan Atlanta Rapid Transit Authority, including but not limited to fixed guideway construction grants, fixed guideway modernization grants, and federal operating assistance grants from the Federal Transit Administration; or (2) to any governmental or quasi-governmental body other than the state and allocated to the Metropolitan Atlanta Rapid Transit Authority.

Note 4.

Section 4 of an Act approved March 31, 1976 (Ga. L. 1976, p. 3407) reads as follows:

SECTION 4.

The initial secretary and the initial treasurer of the Board elected in accordance with the provisions of Section 6(g) of the Metropolitan Atlanta Rapid Transit Authority Act of 1965, as amended by this Act, shall be elected within sixty days of the effective date of this Act to terms expiring December 31, 1976.

Note 5.

Sections 1 and 13 of an Act approved April 16, 1979 (Ga. L. 1979, pp. 4634, 4635, 4645), reads as follows:

SECTION 1.

It is the intent of the General Assembly, through the passage of this Act, to provide funding for and to require, subject to contractual and constitutional limitations, the construction and operation by the Metropolitan Atlanta Rapid Transit Authority of that portion of the rail system described in the Rapid Transit Contract and Assistance Agreement by and between the Authority, the counties of Fulton and DeKalb, and the City of Atlanta, dated September 1, 1971, as amended, which extends from the City of Doraville, Georgia, to the new mid-field terminal in Clayton County, Georgia, at the Hartsfield International Airport, giving equal priority to extending the rail system to serve the City of Doraville and the Hartsfield International Airport. It is not the intent of the Act to unlawfully impair the obligation of any bond contract in effect on the effective date of this Act or to restrict the use of funds other than as is necessary to the intent of this Act.

SECTION 13.

This Act shall become effective upon July 1, 1979, except that Section 10 of this Act (adding Section 25(k), relating to construction priorities) shall become effective July 1, 1983. (Amended, Ga. L. 1981, p. 4293; Ga. L. 1983, p. 764).

Note 6.

Section 1A of an Act approved April 16, 1979 (Ga. L. 1979, pp. 4634, 4635), which read as follows:

SECTION 1A.

It is the intent of the General Assembly that federal or state funds allocated to the Transportation Department of Georgia for highway construction shall not be used for the construction or operation of the Metropolitan Atlanta Rapid Transit System. ,
was repealed by an Act approved May 4, 1992 (Ga. L. 1992, p. 7011), which repealing Act also enacted a new provision to read as follows:

SECTION 3.

The Metropolitan Atlanta Rapid Transit Authority shall be eligible to receive funds from the State of Georgia or its several departments; provided, however, it is the intent of the General Assembly that state funds shall not be used to subsidize the operating costs of the Metropolitan Atlanta Rapid Transit System.

Note 7.

Sections 2 and 3 of an Act approved March 29, 1983 (Ga. L. 1983, p. 1087) read as follows:

SECTION 2.

It is the intent of the General Assembly, through the passage of this Act, to change the construction, completion, and operation priority of portions of the rapid rail system of the Metropolitan Atlanta Rapid Transit Authority without unlawfully impairing the obligation of any contract in effect on the effective date of this Act.

SECTION 3.

This Act shall become effective July 1, 1984.

Note 8.

Section 4 of an Act approved April 11, 1988 (Ga. L. 1988, p. 5013) reads as follows:

SECTION 4.

Nothing in this Act shall be construed to authorize a transit system owned by Cobb County to be sold or leased to MARTA without the approval of the voters of Cobb County in a referendum held for that purpose.