# MARTA ACT
## 2006
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A BILL TO BE ENTITLED

AN ACT

THE METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY ACT OF
1965 APPROVED MARCH 10, 1965 (GA. L. 1965, P. 2243)

As amended by an Act approved March 4, 1966 (Ga. L. 1966, p. 3264), an Act
approved March 16, 1971 (Ga. L. 1971, p. 2082), an Act approved March 16, 1971
Act approved March 21, 1974 (Ga. L. 1974, p. 2608), an Act approved March 21,
2627), an Act approved February 20, 1976 (Ga. L. 1976, p. 217), an Act approved
Act approved April 8, 1977 (Ga. L. 1977, p. 1312), an Act approved April 16, 1979
Act approved March 27, 1980 (Ga. L. 1980, p. 4333), an Act approved April 7,
3707), an Act approved April 20, 1982 (Ga. L. 1982, p. 5101), an Act approved
BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
Short Title.

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

SECTION 2.
Definitions.

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

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

(b) (Repealed, Ga.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

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

(d) Metropolitan Area. The territory comprising the counties of Fulton, DeKalb, Cobb, Clayton and Gwinnett, including the City of Atlanta, but excluding the territory of any local government which may decline membership on the Board as hereinafter provided.
(e) Local Government. Any one of the counties of Fulton, DeKalb, Cobb, Clayton, or Gwinnett, or the City of Atlanta, which is a part of the metropolitan area, as a political subdivision of this State.

(f) Local Governing Body. The board of county commissioners, the mayor and board of aldermen, or similar official governing body of the local governments within the metropolitan area.

(g) Transportation System. All property, real or personal, useful for the public transportation of passengers for hire, including but not limited to power plants, substations, terminals, garages, bridges, tunnels, subways, elevated rails, aerial structures, monorails, rail motive power, trains, railroad passenger cars and equipment, belt conveyors, inclines, carbarns, street cars, buses, rails, lines, poles, wires, stations, concessions, off-street parking and other facilities for the comfort, safety and convenience of transit passengers, rights and licenses therefor, and rights to provide group and party services.

(h) Transportation Project. Any unit, structure, facility or undertaking in any combination which may be a component part of a transportation system.

(i) Rapid Transit System and Project. A transportation system the primary function of which is to provide a mass transportation service principally by the use of high speed vehicles traveling on rights-of-way fully protected from other vehicular and pedestrian traffic, a secondary function of which is to provide a feeder-type mass transportation service therefor, and an incidental function of which is to provide facilities necessary thereto and other facilities for the comfort, safety and convenience of its passengers. A rapid transit project is any transportation project which may contribute to the development or operation of a rapid transit system.

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

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

(l) Public Airport Passenger Terminal. Areas that are both open to the general public and located inside buildings used primarily for air passenger ticketing, baggage handling, boarding or deboarding of aircraft and including all areas therein providing accommodations, goods, services, food, and beverages for sale to or use by the public, as well as public parking lots servicing such buildings, but not including areas outside such buildings or parking lots, such as, but not limited to, adjoining apron or ramp areas where aircraft are parked, serviced, fueled or receive food catering services, and runways, taxiways, open areas and buildings which are leased to air carriers or others primarily for purposes other than air passenger handling. (Added Ga. L. 1980, pp. 3831, 3832).
SECTION 3.
Legislative Findings and Declaration of Policy.

The territory comprising the counties of Fulton, DeKalb, Cobb, Clayton, and Gwinnett, including the City of Atlanta, has developed, and continues to develop, phenomenally into a metropolitan area with a common interest in the cultural, social and economic well-being of the people therein and the development of the educational, commercial and industrial resources thereof. There exists in this metropolitan area serious traffic conditions and congestions and serious mass transportation problems which impede, and will increasingly impede, the development of these common interests toward their fullest potential. Concerted governmental action is needed to alleviate such traffic conditions and congestion, supply deficiencies in mass transportation, coordinate and balance the transportation facilities operating therein, and otherwise provide a sounder basis for the development of traffic patterns and control. The development of a rapid transit system through a joint instrumentality of the local governments within the metropolitan area is a reasonable approach to the aforesaid needs and problems. The cultural, social and economic well-being of the people in the metropolitan area and the development of the educational, commercial, and industrial resources thereof are matters of public interest and concern throughout the State. Accordingly, it is the public policy of this State, as a matter of public health, safety, convenience and welfare, to promote the establishment of such a joint instrumentality, encourage participation therein by the local governments involved, facilitate the accomplishment of its purposes and bring about solutions for the aforesaid needs and problems.
SECTION 4.
Creation and Organization.

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

SECTION 5.
(Repealed, Ga. L. 1966, p. 3264; See Note 1).

SECTION 6.
Board of Directors.

(a) The Board of Directors of the Authority shall be composed of 18 members. Four members shall be residents of the City of Atlanta to be nominated by the Mayor and elected by the City Council; five members shall be residents of DeKalb County to be appointed by the local governing body thereof and at least one of such appointees shall be a resident of that portion of DeKalb County lying south of the southernmost corporate boundaries of the City of Decatur and at least one of such appointees shall be a resident of that portion of DeKalb County lying north of the southernmost corporate boundaries of the City of Decatur; three members shall be residents of Fulton County to be appointed by the local governing body thereof, and at least one of such appointees shall be a resident of that portion of Fulton County...
lying south of the corporate limits of the City of Atlanta and that membership
position held by a Fulton County resident, appointed by the local governing body of
that county, the term of which position expires December 31, 1988, shall, beginning
on and after January 1, 1989, be filled by the local governing body of Fulton County
appointing a person who is a resident of that portion of Fulton County lying north of
the corporate limits of the City of Atlanta; one member shall be a resident of
Clayton County to be appointed by the local governing body thereof; and one
member shall be a resident of Gwinnett County to be appointed by the local
governing body thereof. Four members, representing the State, shall be as follows:
the Commissioner of the Department of Transportation who shall be an ex officio
member; the State Revenue Commissioner who shall be an ex officio member; the
Executive Director of the State Properties Commission who shall be an ex officio
member; and the Executive Director of the Georgia Regional Transportation
Authority who shall be an ex officio member. The first member who must be a
resident of that portion of Fulton County lying south of the corporate limits of the
City of Atlanta shall be appointed by the governing body of Fulton County to take
office on July 1, 1985, for an initial term ending December 31, 1986. The two
members who are DeKalb County residents and appointed by the governing
authority thereof and who are added by this paragraph shall each be appointed by
the governing body of DeKalb County to take office on July 1, 1985, for an initial
term ending December 31, 1986. After the initial terms of those three members
added to the Board in 1985, that governing body which appointed the member for
that initial term to that office shall appoint successors thereto for terms of office of
four years in the same manner that such governing body makes its other
The initial terms of the four members added in 1976 by the above paragraph shall be as follows: the member from DeKalb County to be appointed by the local governing body of DeKalb County shall be appointed no later than sixty days after the effective date of this subsection for a term ending December 31, 1978, and shall take office immediately upon appointment; the Commissioner of the Department of Transportation, the State Revenue Commissioner and the Executive Director of the State Properties Commission shall become members of the Board on the effective date of this subsection and shall serve while holding their State offices. The Executive Director of the Georgia Regional Transportation Authority shall become a member of the Board on the effective date of this sentence and shall serve while holding his or her State office.

Except as provided above, all appointments shall be for terms of four years except that a vacancy caused otherwise than by expiration shall be filled for the unexpired portion thereof by the local governing body which made the original appointment to the vacant position, or its successor in office. A member of the Board may be appointed to succeed himself or herself. Appointments to fill expiring terms shall be made by the local governing body prior to the expiration of the term, but such appointments shall not be made more than thirty days prior to the expiration of the term. Members appointed to the Board shall serve for the terms of office specified in this section and until their respective successors are appointed and qualified.

(b) Having initially declined membership on the Board and further participation in the Authority, Cobb County may at any time reclaim its membership on the Board and participate further in the Authority as provided in this subsection (b). The local governing body of Cobb County may, any other provision of this Act to the contrary notwithstanding, negotiate, enter into, and submit to the qualified voters of Cobb
County the question of approval of a rapid transit contract between Cobb County
and the Authority, all in accordance with the provisions of Section 24 of this Act.
The local governing body of Cobb County shall be authorized to execute such rapid
transit contract prior to the holding of the referendum provided for in said Section
24; provided, however, that such rapid transit contract shall not become valid and
binding unless the same is approved by a majority of those voting in said
referendum, which approval shall also be deemed approval of further participation
in the Authority. Upon approval of such rapid transit contract, Cobb County shall
be a participant in the Authority, and its rights and responsibilities shall, insofar as
possible, be the same as if it had participated in the Authority from its beginning,
and the local governing body of Cobb County may then appoint two residents of
Cobb County to the Board of Directors of the Authority, to serve a term ending on
the 31st day of December in the fourth full year after the year in which the
referendum approving said rapid transit contract was held, in which event the Board
of Directors of the Authority shall, subsection (a) of this Section 6 to the contrary
notwithstanding, be composed of 16 members. (Amended, Ga. L. 1966, pp. 3264,
3265; See Note 2; Ga. L. 1980, pp. 4333, 4334).
(c) (Repealed, Ga. L. 1966, pp. 3264, 3265; See Note 2).
(d) Except for the ex officio members of the Board, no person shall be appointed as
a member of the Board who holds any other public office or public employment
except an office in the reserves of the armed forces of the United States or the
National Guard; any member who accepts or enters upon any other public office or
public employment shall be disqualified thereby to serve as a member. (Amended,
(e) A local governing body may remove any member of the Board appointed by it
for cause. No member shall be thus removed unless he has been given a copy of the
charges against him and an opportunity to be publicly heard in his own defense in person or by counsel with at least ten days’ written notice. A member thus removed from office shall have the right to a judicial review of his removal by an appeal to the superior court of the county of the local governing body which appointed him, but only on the ground of error of law or abuse of discretion. In case of abandonment of his office, conviction of a crime involving moral turpitude or a plea of nolo contendere thereto, removal from office, or disqualification under subsection (d) hereof, the office of a member shall be vacant upon the declaration of the Board. A member shall be deemed to have abandoned his office upon failure to attend any regular or special meeting of the Board for a period of four months without excuse approved by a resolution of the Board, or upon removal of his residence from the territory of the local governing body which appointed him. (f) Each appointed member of the Board, except the Chairman, shall be paid by the Authority a per diem allowance, in an amount equal to that provided by Code Section 45-7-21 of the Official Code of Georgia Annotated, as now in effect or as it may hereafter be amended, for each day on which that member attends an official meeting of the Board, of any committee of the Board, or of the Authority’s Pension Committee, Board of Ethics, or Arts Council; provided, however, that said per diem allowance shall not be paid to any such member for more than 130 days in any one calendar year. If the Chairman of the Board is an appointed member of the Board, the Chairman shall be paid by the Authority a per diem allowance in the same amount for each day in which the Chairman engages in official business of the Authority, including but not limited to attendance of any of the aforesaid meetings. A member of the Board shall also be reimbursed for actual expenses incurred by that member in the performance of that member’s duties as authorized by the Board. A Board member shall not be allowed employee benefits authorized under Section
(g) The Board shall elect one of its members as chairman and another as vice-chairman for terms to expire on December 31 of each year to preside at meetings and perform such other duties as the Board may prescribe. The presiding officer of the Board may continue to vote as any other member, notwithstanding his duties as presiding officer, if he so desires. The Board shall also elect from its membership a secretary and a treasurer who shall serve terms expiring on December 31 of each year. A member of the Board may hold only one office on the Board at any one time. (Amended, Ga. L. 1976, p. 3407).

(h) The Board shall hold at least one meeting each month. The Secretary of the Board shall give written notice to each member of the Board at least two days prior to any called meeting that may be scheduled, and said Secretary shall be informed of the call of such meeting sufficiently in advance so as to provide for his giving notice as above. A majority of the total membership of the Board, as it may exist at the time, shall constitute a quorum. On any question presented, the number of members present shall be recorded. By affirmative vote of a majority of the members present, the Board may exercise all the powers and perform all the duties of the Board, except as otherwise hereinafter provided or as limited by its bylaws, and no vacancy on the original membership of the Board, or thereafter, shall impair the power of the Board to act. All meetings of the Board, its Executive Committee or any committee appointed by the Board shall be subject to all provisions, except for Section 2(a), of an Act providing that all meetings of certain public bodies shall be open to the public, approved March 28, 1972 (Ga. L. 1972, p. 575), as now or hereafter amended. (Amended, Ga. L. 1976, pp. 217, 220; Ga. L. 1976, p. 3104; Ga. L. 1994, p. 4959).
(i) Notwithstanding any other provisions of this Act, the following actions by the Board shall require the affirmative vote of one more than a majority of the total membership of the Board as it may exist at the time:

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

2. The purchase or lease of any privately owned system of transportation of passengers for hire in its entirety, or any substantial part thereof, as contemplated in Section 8(c) or 8(d). Prior to the purchase or lease of any such privately owned system a public hearing pertaining thereto shall have been held and notice of such public hearing shall have been advertised as provided in Section 9(c) hereof. Provided that no sum shall be paid for such privately owned system of transportation in excess of the fair market value thereof determined by a minimum of two appraisers and approved by a majority of the local governments participating in the financing of such purchase. (Amended, Ga. L. 1971, pp. 2092, 2093).

3. The award of any contract involving $100,000.00 or more for construction, alterations, supplies, equipment, repairs, maintenance or services other than professional services, or for the purchase, sale or lease of any property. The Board by appropriate resolution may delegate to the general manager the general or specific authority to enter into contracts involving less than $100,000.00 if such contracts are entered into in accordance with Section 14 of this Act. (Amended, Ga. L. 1983, p. 764; Ga. L. 1998, p. 4450).

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

5. The award of any contract for the management of any Authority-owned property or facility as contemplated in Section 14(h).
(j) The Board shall appoint and employ, as needed, a general manager, and a
general counsel, none of whom may be members of the Board or a relative of a
member of the Board, and delegate to them such authority as it may deem
appropriate. It may make such by-laws or rules and regulations as it may deem
appropriate for its own government, not inconsistent with this Act, including the
establishment of an Executive Committee to exercise such authority as its by-laws

(k) The treasurer of the Authority and such other members of the Board and such
other officers and employees of the Authority as the Board may determine shall
execute corporate surety bonds, conditioned upon the faithful performance of their
respective duties. A blanket form of surety bond may be used for this purpose.
Neither the obligation of the principal or the surety shall extend to any loss
sustained by the insolvency, failure or closing of any depository which has been

(l)(1) In addition to the requirements of subsection (h) of this section, each
member of the Board shall hold a meeting once each 12 months with the local
governing body which appointed such member. The Secretary of the Board shall
give written notice to each member of the Board, to each local governing body,
and to the governing authority of each municipality in the county in which there
is an existing or proposed rail line at least two days prior to any meeting that
may be scheduled, and said Secretary shall be informed of the call of such
meeting sufficiently in advance so as to provide for his giving such notice.
These meetings shall be for the purpose of reporting to the local governing
bodies on the operations of the Authority and on the activities of the Board and
making such information available to the general public. No activity which
requires action by the Board shall be initiated or undertaken at any meeting conducted under this subsection. (Added, Ga. L. 1988, p. 5023).

(2) The Board shall submit once each three months a written report on the operations of the Authority and on the activities of the Board to each local governing body which appoints a member of the Board. (Added, Ga. L. 1988, p. 5023).

SECTION 7.

Purposes.

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

SECTION 8.

General Powers.

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

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

(b) The power to appoint, select and employ officers, agents and employees,
including engineering, architectural and construction experts, fiscal agents and
attorneys, to contract for the services of individuals or organizations not employed
full time by the Authority, but who are engaged primarily in the rendition of
personal services and not the sale of goods or merchandise, such as, but not limited
to, the services of attorneys, accountants, engineers, architects, consultants and
advisors, allowing them suitable compensation and to make provisions for group
insurance, retirement or other employee benefit arrangements. (Amended, Ga. L.

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

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

(e) The power to develop data, plans and information and develop and carry out
mass transportation demonstration projects, including the development, testing and
demonstration of new facilities, equipment, techniques and methods, and the
improvement and utilization of transportation services and facilities, and any other
means of developing, utilizing or improving mass transportation in urban areas.
Also, in other respects, the power to conduct engineering, financial and economic
studies, to make plans, designs and tests related to rapid transit projects. In
connection therewith the Authority may enter in a reasonable manner upon any
lands, waters or premises for the purpose of making reasonable surveys, soundings,
drillings and examinations and such entries shall not be deemed a trespass except
that the Authority shall be liable for any actual and consequential damages resulting
from such entries. (Amended, Ga. L. 1971, pp. 2092, 2094).

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

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

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

(i) The power to enter into contracts with the State of Georgia and any agency,
instrumentality or authority thereof and with any of the county and municipal
governments within the territorial limits of the area served or to be served by the
Authority, for public transportation services to be rendered by the Authority or its rapid transit system, and for any other purposes incidental to the establishment and maintenance of its rapid transit system, or any part or project thereof, including the payment of funds to subsidize the operations of such system if it should ever be necessary to do so, and the usual facilities related thereto. Provided, however, that such subsidy by the State of Georgia shall never exceed (10%) ten percent of the total cost of such Rapid Transit System. (Amended, Ga. L. 1971, pp. 2092, 2095).

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

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

(l) The power to borrow money from private lenders, or from the Federal Government, or to the extent otherwise authorized by law, from the State of Georgia or any local government within the metropolitan area, in such amounts as may be necessary for the purposes of the Authority and, in connection therewith to issue negotiable notes, bonds, refunding bonds and other evidences of indebtedness or obligations of the Authority, and to secure the payment thereof, or any part thereof, by pledge of its revenues, rentals, and receipts, and to make such agreements with the purchasers or holders thereof, or with others in connection therewith, whether issued or to be issued as the Board may deem advisable. But the Authority shall have no power in any manner to pledge the property, credit or taxing power of any local government, nor shall any of its obligations be deemed to be obligations of...
any local government, nor shall any local government be liable for the payment of principal or interest on such obligations.

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

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

(o) The power to contract for, or to provide and maintain, with respect to the facilities and property owned, leased, operated or under the control of the Authority, and within the territory thereof, a security force to protect persons and property, dispense unlawful or dangerous assemblages and assemblages which obstruct full and free passage, control pedestrian and vehicular traffic, and otherwise preserve and protect the public peace, health and safety. For these purposes, a member of such force shall be a peace officer and, as such, shall have authority and immunities equivalent to those of a peace officer of the municipality or county in which that person is discharging the duties as a member of such force. Peace officers employed under this subsection shall be personally liable to one who sustains special damages as a result of any official act of such officers if done oppressively, maliciously, corruptly, or without authority of law. The chief of police or chief executive officer of such force shall be authorized to administer an oath of office to
any individual employed by the Authority as a member of such force who has met  
the requirements for certification as a peace officer under the laws of this state.  

(p) The Authority shall have no power to operate taxicabs, or facilities designed  
exclusively for the transportation of property for hire, nor shall it engage in other  
activities commonly regarded as private enterprise, except to develop a rapid transit  
system, provide concessions, off-street parking and other facilities for the comfort,  
safety and convenience of transit passengers, and otherwise accomplish the  
purposes and policies expressed and contemplated in this Act.

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

(r) The power to enter into and make any contract with the United States of  
America or with any department or agency thereof, with the State of Georgia or any  
department, division, bureau, commission, board, authority, agency, county,  
municipality or other political subdivision thereof, or with another State of the  
United States or any department, division, bureau, commission, board, authority,  
agency, county, municipality or other political subdivision thereof, for the purchase,  
lease (as lessee) or other acquisition, or for the sale, lease (as lessor) or other  
disposition, of any equipment, supplies, material or other property, both real and  
personal, without being required to make public advertising for the receipt of bids or  
for the award of a contract and also without being required to invite or receive  
competitive bids pursuant to Section 14 of this Act, provided that any such contract
for the sale, lease (as lessor) or other disposition of property owned by the Authority
must provide for the receipt by the Authority of consideration at least equal in value
to the interest so sold, leased, or otherwise disposed of, all as established by

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

SECTION 9.

Fares, Rates, Rentals and Charges.

(a) The Board shall fix such fares, rates, rentals and charges in such amounts as
shall be sufficient in the aggregate (when added to any other grants or funds
available to the Authority) to provide funds for the payment of the interest on and
principal of all bonds, certificates and other obligations payable from said revenues
and to meet all other encumbrances upon such revenues as provided by any
agreement executed by the Authority in connection with the issuance of bonds or
certificates under this Act, and for the payment of all operating costs and expenses
which shall be incurred by the Authority, including provisions for appropriate
reserves.

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

(c) The Board shall determine by itself exclusively after public hearings as hereinafter provided, the routes, types of construction, equipment, and facilities to be operated by the Authority, the scheduled services to be made available to the public and, except for the rates, fares, rentals, and charges for charter, group, and party bus services as provided in subsection (f) of this Section, the amounts to be charged therefor. Before making any determinations as to scheduled services or amounts to be charged for such services, other than amounts charged for charter, group, and party bus services, the Board shall first hold at least one public hearing after giving notice of the time and place by twice advertising on different days in the newspaper having the largest circulation in the metropolitan area not more than ten days nor less than five days prior to the hearing. As to all other matters, the Board may hold such public hearings as it may deem appropriate, and as to all public hearings, it may prescribe reasonable rules and regulations to govern such hearings not inconsistent with this Act. (Amended, Ga. L. 1971, pp. 2092, 2095; Ga. L. 1979, pp. 4634, 4636).

(d) Prior to determining the basic routes over which the Authority shall operate its system and stations connected therewith, the Board shall consult with the local governing body of the territory involved, and, additionally, shall hold at least one public hearing within the territory of each local government within the metropolitan area at which the local governing body, or its representative, and the public may be heard.

(e) Except for determining the rates, fares, rentals, and charges for charter, group, and party bus services as set forth in subsection (f) of this Section, the function of the Board under subsections (c) and (d) shall not be delegated or exercised by any
other person or body under any circumstances. (Amended, Ga. L. 1979, pp. 4634, 4637).

(f) Notwithstanding any other provisions of this Act to the contrary, the per-hour rates, fares, rentals, and charges for charter, group, and party bus services rendered by the Authority shall be no less than the lowest per-hour rates, fares, rentals, and charges actually charged for charter, group, and party bus services provided by motor common carriers and motor contract carriers in the metropolitan area. Any person aggrieved by any determination of the Board as to any rates, fares, rentals, and charges for charter, group, and party bus services may challenge same by a petition filed, within thirty days of the occurrence of the event or determination complained of, with the Public Service Commission of this State. A hearing, and such other proceedings as may be ordered, upon the aggrieved party’s complaint shall be conducted by the Public Service Commission within thirty days after the filing of the complaint in order to determine the lawfulness of the challenged conduct or rates, fares, rentals, and charges for charter, group, and party bus services. The rulings of the Public Service Commission shall be subject to judicial review in any superior court of any county of the metropolitan area in which the charge may be applicable; however, whenever two or more legal actions are brought against the determination of the Public Service Commission in different superior courts, exclusive jurisdiction thereof shall be vested in the first such court to docket such a petition and all other petitions may be refiled in the superior court having exclusive jurisdiction. (Added, Ga. L. 1979, pp. 4634, 4638).

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

(h)(1) Notwithstanding any other provisions of this Act to the contrary, not later
than 120 days after the end of each fiscal year of the Authority, the Board shall
adjust the amounts to be charged for transportation services to the public so that
the total funds to be received from transit operating revenue during the fiscal
year of the Authority ending June 30, 1980, shall be no less than thirty percent of
the operating costs of the system for the immediately preceding fiscal year, and
so that the total funds to be received from transit operating revenue during the
fiscal year ending June 30, 1981, and for each fiscal year thereafter shall be no
less than thirty-five percent of the operating costs of the system for the
immediately preceding fiscal year. In making such adjustments, the Board shall
be authorized to rely upon estimates of all revenue, patronage, and other factors
which may affect the amounts to be charged for transportation services to the
public; provided, if such amounts actually charged during one fiscal year
resulted in transit operating revenue less than that required under this subsection,
the amounts to be charged the immediately succeeding fiscal year shall be
sufficient, along with all other transit operating revenue, to make up such deficit
as well as meet the other requirements of this subsection. (Added, Ga. L. 1979,

(2) Any differences between amounts charged for various transportation
services to the public including, but not limited to, amounts charged for
weekend or off-peak hours’ service, or amounts charged special groups of
persons, shall be approved by at least a two-thirds’ vote of the total membership

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

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

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 or hereafter amended, and shall mature in such amounts and at such times not exceeding forty (40) years from the date thereof, as the Board may determine. The bonds may be in coupon or registered form, or both, as the Board may determine, and the Board may make provision for the registration of any coupon bond as to principal alone or as to both principal and interest. (Amended, Ga. L. 1971, pp. 2092, 2096). (e) The Board may prescribe the form of the bonds and any coupons which may be used in conjunction therewith; it may determine the denominations of the bonds, the terms and conditions of their redemption before maturity, the medium of payment both as to principal and interest and the place of payment of principal and interest, which may be at any bank or trust company within or without the State. (f) All such bonds shall bear the manual or facsimile signature of the chairman or vice-chairman of the Board, attested by the secretary or treasurer thereof, and bear
the official seal of the Authority. Any coupons attached thereto shall bear the
facsimile signature of the secretary or treasurer of the Board. When bonds or
coupons bear the manual or facsimile signature of an officer of the Authority, such
signature shall remain valid and effective for its original intent and purpose
notwithstanding that prior to delivery the signer thereof may have ceased to hold the
office indicated.

g) All bonds, interim receipts, interim certificates, temporary bonds, equipment
trust certificates and other obligations issued under the provisions of this Act shall
have all the qualities and incidents of negotiable instruments under the laws of this
State and are hereby declared to be issued for an essential public and governmental
purpose, and the property, obligations and interest on the obligations of the
Authority shall be exempt from all taxation within the State. (Amended, Ga. L.
1971, pp. 2092, 2096).

(h) Bonds of the Authority shall be sold by public competitive bidding, unless such
requirement is waived by the local governments participating in the Authority at the
time of such sale, in which event the bonds may be sold through negotiation with a
prospective purchaser or purchasers. If, with respect to the sale of any particular
issue of bonds, public competitive bidding is contemplated, the advertising of the
notice of sale and invitation to bid with respect thereto shall be advertised as is
customarily done in the handling of governmental bond issues and Section 14(b) as
to these matters shall not apply. The Authority may negotiate the sale of its bonds

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

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

(k) In the discretion of the Board any issue of such revenue bonds may be secured
by a trust indenture by and between the Authority and a corporate trustee, which
may be any trust company or bank having the powers of a trust company within or
without the State. Such trust indenture may pledge or assign fares, fees, rentals,
charges, revenues and earnings of the Authority, including the proceeds derived
from the sale of any surplus property of the Authority. Either the resolution
authorizing the issuance of the bonds or any trust indenture pertaining thereto may
contain reasonable provisions for protecting and enforcing the rights and remedies
of the bondholders, including covenants concerning the duties of the Authority in
relation to the acquisition of property, the construction of the project, the
maintenance, operation, repair and insurance of the property, and the custody,
safeguarding and application of all monies, including the proceeds derived from the
sale of property of the Authority, both real and personal, and may also provide that
any project shall be constructed and paid for under the supervision and approval of consulting engineers or architects employed or designated by the Board and satisfactory to the original purchasers of the bonds issued therefor, and may also require that the security given by contractors and by any depository of the proceeds of the bonds or revenues or other monies be satisfactory to such purchasers, and may also contain provisions concerning the conditions, if any, upon which additional revenue bonds may be issued. It shall be lawful for any bank or trust company incorporated under the laws of this State to act as such depository and to furnish such indemnifying bonds or pledge such securities as may be required by the Board. Such indenture may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations. In addition to the foregoing, such trust indenture may contain such other provisions as the Board may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation and repair of the project affected by such indenture.

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

(m) The fares, fees, rentals, charges, revenues and earnings of the Authority, monies derived from the sale of any surplus property of the Authority, and gifts, grants, and contributions from any source whatever, unless otherwise pledged and allocated, may be pledged and allocated by the Board to the payment of the principal of and interest on bonds of the Authority as the resolution authorizing the
issuance of bonds, or any trust instrument pertaining thereto, may provide, and such funds so pledged, from whatever source received, including funds received from one or more or all sources, shall be set aside at regular intervals as may be provided in the resolution or trust indenture, into a special debt retirement fund which shall be pledged to and charged with the payments of (1) the interest on such bonds as such interest shall fall due, (2) the principal of the bonds as same shall fall due, (3) the necessary charges of paying agent or agents for paying principal and interest, and (4) any premium upon bonds retired by call or purchase as hereinafter provided.

The use and disposition of such special debt retirement fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of the bonds or in any trust indenture, pertaining thereto, but, except as may otherwise be provided in such resolution or trust indenture, such fund shall be for the benefit of all bonds without distinction or priority of one over another. Subject to the provisions of the resolution authorizing the issuance of the bonds or in any trust indenture, surplus monies in the special debt retirement fund may be applied to the purchase or redemption of bonds and any such bonds so purchased or redeemed shall forthwith be cancelled and shall not again be issued.

(n) Any holder of bonds issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under the trust indenture, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by any trust indenture, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any and all rights under the laws of the State of Georgia or granted hereunder or under such resolution or trust indenture, and may enforce and compel performance, of all duties required by this Act or by such resolution or trust indenture, to be performed by the Authority, or any officer thereof, including the fixing, charging and collecting of
fares, fees, rentals, revenues and other charges for the use of the facilities and
services furnished and, in the event of a default of the Authority upon the principal
and interest obligations of any bond issue, shall be subrogated to each and every
right, specifically including the contract rights of collecting fares, fees, rentals,
revenues and other charges against the City of Atlanta and the counties of Fulton,
DeKalb, Cobb, Clayton and Gwinnett.

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

(p) Bonds of the Authority shall be confirmed and validated, insofar as applicable,
in accordance with the procedure of the Revenue Bond Law (Ga. L. 1937, p. 761, et
seq.) as now or hereafter amended. The petition for validation shall also make party
defendant to such action any municipality, county, authority, subdivision,
instrumentality or department of the State of Georgia, if subject to be sued, which
has contracted with the Authority for the services and facilities of the project for
which bonds are to be issued and sought to be validated and such municipality,
county, authority, subdivision, instrumentality or department shall be required to
show cause, if any, why such contract or contracts and the terms and conditions
thereof should not be inquired into by the court and the validity of the terms thereof
to be determined and the contract or contracts adjudicated as security for the
payment of any such bonds of the Authority. The judgment of validation shall be
final and conclusive with respect to such bonds, and the security therefor, against
the Authority and against any municipality, county, authority subdivision, instrumentality or department of the State of Georgia, if a party to the validation proceedings, contracting with the Authority. (Amended, Ga. L. 1971, pp. 2092, 2097).

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

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

(s) Bonds issued hereunder shall not be deemed to constitute a debt of any local government in the metropolitan area. Such bonds shall be payable solely from the special debt retirement fund hereinbefore established therefor and the issuance of such bonds shall not directly or indirectly or contingently obligate any local government in the metropolitan area to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, and all such bonds shall contain recitals on their face covering substantially the import of this subsection.
(t) Any action to protect or enforce any rights under the provisions of this Act or any suit or action against such Authority, except as provided in Section 9(c), shall be brought in the Superior Court of Fulton County, Georgia, and any action pertaining to validation of any bonds issued under the provisions of this Act shall likewise be brought in said court, which shall have exclusive, original jurisdiction of such actions.

(u) The Authority may invest and reinvest any idle monies, including funds held in reserve or debt retirement funds not required for immediate disbursement, in bonds or notes of the United States or unconditionally guaranteed by the United States or in bonds or notes of the State of Georgia or unconditionally guaranteed by the State of Georgia or in bonds, notes, or other obligations of any corporation, agency, or instrumentality of the United States government, and reconvert same when their proceeds are necessary for disbursement. Funds held for purposes other than debt retirement may, in addition or alternatively, be invested in any other obligation or financial instrument in which local governments are authorized to invest under Code Section 36-80-3 or paragraph (1) of subsection (a) of Code Section 36-83-4 of the O.C.G.A., as amended, including the local government investment pool established by Code Section 36-83-8 of the O.C.G.A., as amended. (Amended Ga. L. 1989, p. 4313; Ga. L. 1998, p. 3561).

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

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

SECTION 11.

Equipment Trust Certificates.

The Board shall have continuing power to purchase equipment, and in connection
therewith execute agreements, leases or equipment trust certificates in the form
customarily used and appropriate to effect such purchases. The Board may issue
equipment trust certificates in a manner similar to that provided for bonds under
Section 10. All money required to be paid by the Authority under the provisions of
such agreements, leases and equipment trust certificates shall be payable solely
from the fares, fees, rentals, charges, revenues and earnings of the Authority,
monies derived from the sale of any surplus property of the Authority and gifts,
grants and contributions from any source whatever. Payment for such equipment or
rentals therefor, may be made in installments; the deferred installments may be
evidenced by equipment trust certificates payable solely from the aforesaid revenues
or receipts, and title to such equipment may or may not vest in the Authority until
the equipment trust certificates are paid.

SECTION 12.

Power of Eminent Domain.

The Authority shall have no power of eminent domain, but the City of Atlanta and
the counties of Fulton, DeKalb, Cobb, Clayton and Gwinnett may, for purposes of
the Authority, exercise the broadest power of eminent domain available to them or
any agency or joint agency thereof, under any statute, and convey to the Authority
any property so acquired upon payment or credit for the total cost of any acquisition
hereunder. However, no local governing body shall exercise any power of eminent
domain hereunder with respect to property located beyond its territorial limits.

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

SECTION 14.

Competitive Bidding on Contracts, Etc.

(a) Except in the acquisition of unique property which for any reason is unobtainable in the open market, and except as hereinafter otherwise provided,
competitive bids shall be secured before any acquisition or disposition of properties
by contract or otherwise is made by the Authority, or before any contract is awarded
for construction, alterations, supplies, equipment, repairs or maintenance, or for
rendering any services to the Authority, acquisitions shall be made from, and
contracts awarded to, the lowest responsible bidder, and dispositions of property
shall be made to the highest responsible bidder. No acquisition of any unique
property unobtainable in the open market shall be made without the express
approval of the Board where the amount involved is $25,000.00 or more. Nothing
in this Section shall apply to contracts for professional services or the personal
services of employees, or to contracts for services of individuals or organizations
not employed full time by the Authority but who are engaged primarily in the
rendition of personal services and not the sale of goods and merchandise, such as
but not limited to the services of attorneys, accountants, engineers, architects,
764).
(b) All such acquisitions, dispositions and contracts involving $100,000.00 or more
shall be awarded only after advertising in the local newspaper of the largest
circulation in the metropolitan area at least once a week in the two weeks prior to
the bid opening. Bids shall be publicly opened and read aloud at a date, time and
place designated in the invitation to bid. Invitations to bid shall be sent at least one
week prior to the bid opening to at least three potential bidders who are qualified
technically and financially to submit bids, or, in lieu thereof, a memorandum shall
be kept on file showing that less than three potential bidders so qualified exist in the
market area within which it is practicable to obtain bids. Prior to the award of a
contract which will call for an anticipated aggregate payment of $150,000.00 or
more to the successful bidder, the Authority shall make an accurate and brief
summary thereof available to the public in its principal office and shall publish
notice of its intention to award such contract to the successful bidder at least five
days prior to such award in the local newspaper of the largest circulation in the
metropolitan area. Such advertisement shall state the name of the successful bidder,
the amount of the contract and its subject matter. This provision shall apply to
contracts entered into thirty days or more after the effective date of this Act.
(c) Except as otherwise provided in this Section, written price quotations from at
least three qualified and responsible vendors, or vendees as the case may be, shall
be obtained for all acquisitions, dispositions and contracts involving less than
$100,000.00 and over $10,000.00, or, in lieu thereof, a memorandum approved by
the Board shall be kept on file showing that less than three vendors or vendees, as
the case may be, so qualified exist in the market area within which it is practicable
to obtain quotations. Acquisitions shall be made from, and contracts awarded to, the
lowest responsible quotation, and dispositions of property shall be made to the
4450).
(d) Acquisitions, dispositions and contracts involving $10,000.00 or less may be
negotiated with or without competitive bidding under sound procurement
procedures as promulgated and established by the Board. (Amended, Ga. L. 1983,
(e) Competitive bidding requirements may be waived if it is determined by the
general manager, or in such other manner as the Board may by regulation provide,
that an emergency directly and immediately affecting customer service or public
health, safety or welfare requires immediate delivery of supplies, materials,
equipment or services; provided, however, that a record explaining the emergency
shall be submitted to the Board at its next regular meeting and thereafter kept on file.

(f) All concessions granted by the Authority for the sale of products or the rendition of services for a consideration on Authority property shall be awarded only pursuant to written specifications after competitive bidding and to the highest responsible bidder in a manner similar to that required in subsection (b).

(g) Contracts for the sale, lease or other disposition of real property owned by the Authority shall be awarded only after competitive bidding and to the highest responsible bidder in a manner similar to that required in subsection (b), provided that such competitive bidding procedures may be waived, but only if the Board determines that the negotiation of a sale, lease, exchange or other disposition of real property owned or to be acquired by the Authority is necessary to facilitate either of the following: (i) the location of an Authority transportation project within real property owned by another; or (ii) the passage of the public between an Authority transportation project and the property of another. (Amended, Ga. L. 1977, pp. 1312, 1313).

(h) Contracts for the management of Authority-owned property or facilities may be negotiated.

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

(j) The Authority shall have the right to reject any or all bids or quotations, or parts of any or all bids or quotations, whenever in the opinion of the Board such rejection is necessary for the protection of the interests of the Authority. In every such case a record shall be made setting forth the reason for such rejection which record shall thereafter be kept on file.
(k) If the Authority issues an invitation to bid pursuant to this Section, and if the Authority then fails to receive at least one bid that conforms to the terms of its invitation for bids and which is also reasonable in price, then the Authority may negotiate an acquisition, disposition or contract where the amount involved is $5,000 or more. No such negotiated acquisition, disposition or contract shall be made without the express approval of the Board and unless the negotiated price is reasonable. (Added, Ga. L. 1982, p. 5101).

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

(m) Competitive bidding shall not be required for the Authority’s acquisition of property or services for which it is impracticable to prepare adequate specifications or any other adequate description on the basis of which to solicit competitive bids, provided that, in all such cases:

1. The General Manager shall first certify to the Board of Directors the reasons for which it is impracticable to prepare adequate specifications or an adequate description, which certificate shall be kept in the Authority’s files;
2. The Board of Directors shall, in advance, authorize the acquisition of the property or services by means other than competitive bidding; and
3. The Authority shall acquire such property or services by such means as will secure the greatest practicable competition to provide them. (Added, Ga. L. 1990, p. 3860).
SECTION 14A.

The Authority shall have available at its principal office for public inspection at all times during regular business hours of the Authority an accurate and brief summary disclosing all material terms of each contract which the Authority has entered into and the terms of which call for expenditures by the Authority of more than $150,000. The Authority shall prepare an annual report for the period ending June 30 of each year. Each annual report shall include a statement of the tax revenue and operating revenue received during the period, a statement of the total expenditures made during the period and a list of all written contracts entered into by the Authority during the period which call for the Authority to expend at any time in the aggregate more than $50,000. Such list shall also include any employment or consultant contracts (whether or not written) under which the employee or consultant is to be compensated at an annual rate of more than $20,000, including direct and indirect or deferred benefits. When a person or firm, whose salary or fee is reportable hereunder, shall have his compensation increased at any time, the amount of such increase and the total new rate shall be reported for the period in which the increase takes effect. The list of contracts shall state the anticipated amount of funds to be paid thereunder, or the formula for determining such amount.

The Authority shall also prepare a list of the names of each person, firm or corporation which has received from the Authority during such period in excess of $20,000, as well as the amount paid to such person, firm or corporation during such period. The annual report and lists required by this Section shall be filed as a statement, verified by the Chairman of the Board of the Authority and its General Manager, with members of the Metropolitan Atlanta Rapid Transit Authority Overview Committee, the State Auditor and with governing authorities of each
county and the largest municipality in the area of the Authority’s operation. The annual report and lists required by this Section shall be prepared and filed within forty-five days of the end of the reporting period, shall be made available at the Authority’s principal office for public inspection at all times during regular business hours of the Authority following such filing, and notice of such availability shall be published in a daily newspaper of general circulation within the entire geographic area of the Authority’s operation within fifteen days after filing. Such notice shall occupy at least one quarter of a full page in such newspaper. (Added, Ga. L. 1973, pp. 141, 142; Amended, Ga. L. 1976, p. 3092; Ga. L. 1983, p. 764; Ga. L. 1991, p. 4761).
SECTION 15.
Conflict of Interests.

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

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

(c) Any contract or transaction of the Authority involving a conflict of interest not disclosed under subsection (a) hereof, or a violation of the Act of the General Assembly approved March 10, 1964 (Ga. L. 1964, p. 261), as amended, or a violation of any other provision of law applicable to the Authority, its Board members, officers, or employees regulating conflicts of interest, shall be voidable by the Board. It is expressly provided, however, that this provision shall not apply to any indenture, agreement, contract or transaction which constitutes security, direct or indirect, for the payment of bonds or other obligations of the Authority and the judgment and order confirming and validating any such bonds or other
obligations as in Section 10 hereof provided, shall constitute a final and conclusive
adjudication as to any such security. (Amended, Ga. L. 1971, pp. 2092, 2099).
(d) The Board shall be authorized to determine that a conflict of interest not
disclosed under subsection (a) of this section, or a violation of the Act of the
General Assembly approved March 10, 1964. (Ga. L. 1964, p.261), as amended, or
a violation of a code of ethics duly approved by the Board, or a violation of any
other provision of law applicable to the Authority, its Board members, officers, or
employees regulating conflicts of interest, constitutes cause for which a member of
the board should be removed from office. A report of the Board’s determination
and the factual and legal basis therefor shall be delivered to the Board members
appointing authority together with a request that the appointing authority remove
the Board member pursuant to Section 6(e) of this Act. If, within 60 days of its
receipt of the Board’s report and request, the appointing authority does not take
action to approve or to deny removal of the Board member, the Board shall be
authorized to the Board member. No Board member shall be thus removed unless
he or she has been given a copy of the charges against him or her and an
opportunity to be heard publicly in his or her own defense in person or by counsel
with at least ten days written notice. A Board member thus removed from office
shall have the right to a judicial review of his or her removal by an appeal to the
superior court of the county of the local governing body that appointed him or her,
but only on the ground of error of law or abuse of discretion.” (Added, Ga. L. 2005,
p. 4029).
SECTION 16.

Financial Accounts, Audits, Reports.

(a) The Board shall make provision for a system of financial accounting and controls, audits and reports. All accounting systems and records, auditing procedures and standards, and financial reporting shall conform to generally accepted principles of governmental accounting. Copies of each financial report required under this Section shall be furnished to each local governing body of each local government in the metropolitan area. All financial records, reports and documents of the Authority shall be public records and open to public inspection under reasonable regulations prescribed by the Board.

(b) The Board shall adopt a fiscal year, establish a system of accounting and financial control, designate the necessary funds for complete accountability and specify the basis of accounting for each such fund. The Board shall cause to be prepared a financial report on all funds at least quarterly and a comprehensive report on the fiscal operations and conditions of the Authority annually.

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

(d) Upon employment such auditors shall perform a complete independent audit for the fiscal year. In such audit they shall point out any irregularities found to exist and report the results of their examination, including their unqualified opinion on the presentation of the financial position of the various funds and the results of the Authority’s financial operations. If such auditors are unable to express an unqualified opinion they shall so state and shall further detail reasons for their qualifications or disclaimer of opinion including recommendations necessary to make possible future unqualified opinions. Such auditors shall review and make recommendations in separate opinions in such matters as they may deem appropriate for improvements in records, system procedures, internal control methods, equipment use, organization, administration, insurance coverage and other matters of financial control and relevancy. They shall also be available for continuous financial consultation and shall perform special examinations, studies, management reviews, system design and installation as the Board may direct. The Board may also provide for the independent auditing of any facility of the Authority leased or contracted out to private parties or local governments.
SECTION 17.

Budgets and Budgeting Procedures.

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

(b) During each fiscal year the Board shall propose an annual operating budget for the ensuing fiscal year and hold a public hearing thereon. After such public hearing the Board shall review its proposed budget, and, on or before the last day of the fiscal year, it shall adopt an annual operating budget for the ensuing fiscal year. In the annual operating budget each operating fund shall be set forth separately and show an estimate of the fund balance to be available at the beginning of the year, an estimate of anticipated credits during the year according to source, an estimate of anticipated charges, including capital outlay or debt service properly to be financed from anticipated revenues, and comparative data on the last two completed fiscal years and similar data, actual or estimated, for the current year. (Amended, Ga. L. 1971, pp. 2092, 2100).

(c) At the time and in the manner prescribed in subsection (b), insofar as applicable, the Board shall propose and adopt an annual capital improvements budget. The proposed capital improvements budget shall show all capital improvement projects in process of completion, those to be undertaken during the ensuing fiscal year and those anticipated to be undertaken during the ensuing ten years. The proposed
budget shall also show the proposed method of financing each proposed project and
the effect thereof on the debt structure of the Authority. After a public hearing the
Board shall review its proposed budget and on or before the last day of the fiscal
year it shall adopt an annual capital improvements budget for the ensuing fiscal
year. No contract for the purchase or construction of any capital improvement
project shall be authorized, except to meet a public emergency certified as such by
the Board, unless it is included in the annual capital improvements budget; however,
the Board may propose and adopt an amendment to the annual capital
improvements budget by following the procedure herein prescribed for adopting the
original budget.
(d) The Authority shall fund and maintain an operating budget reserve of ten
percent (10%) of the Authority’s prior year operating budget revenues. For
purposes of this section, the term “operating budget revenues” shall mean all funds
received from federal, state, or local sources, including but not limited to grants,
distributions from federal and state formula funds, or direct federal and state
appropriations for projects or programs of the Authority, as well as farebox
revenues and revenues received from rentals on property owned or operated by the
Authority. Said operating budget reserve shall be utilized for ongoing operating
expenses only in those circumstances requiring its use due to worsened economic
conditions in the Atlanta region, or catastrophic loss such as an act of God or
terrorism, which conditions cause a temporary shortfall in the Authority’s
anticipated revenues. The temporary operating revenue shortfall so noted shall be
for a period of not less than six consecutive months during which total anticipated
revenues are not less than two and one-half percent (2.5%) below the revenues
received during the preceding fiscal year for the same six–month period. The first
three percent (3%) of the reserve shall not be used in any six-month period. The
purpose of said reserve shall be exclusively to pay the ongoing operating expenses
during times of economic downturn and shall not be considered to be an available
recurring revenue for operating budget purposes and under no circumstances shall
the operating budget reserve be used to permanently replace the revenues which are
reduced due to the economic conditions set forth above. Upon cessation of such
economic downturn, as evidenced by cessation of the revenue shortfall required for
the use of the reserve for Authority operating expenses, the operating budget reserve
shall be replenished.

(e) The Authority shall cause to be performed an independent annual management
audit on
the condition of management of the Authority at the expense of the Authority, to be
supervised and approved by the Metropolitan Atlanta Rapid Transit Overview
Committee, and which management audit shall be submitted to the Board of the
Authority, the Governor, the State Auditor, and the Metropolitan Atlanta Rapid
Transit Overview Committee before December 31 of each year.

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

(g) The Authority shall submit to the Metropolitan Atlanta Rapid Transit Overview
Committee, the presiding officers of the House and Senate, and the Governor an
annual report which report shall indicate consultant expenses, other professional
services, salaries and expenses of full-time and part-time employees and Board
members, and payments rendered by outside companies or agencies to the Authority
for any and all services. Said report shall be submitted by August 31 of each year.
In addition to a printed copy to be provided to the parties enumerated in this
subsection, said report shall be posted in a prominent location on the Authority’s
website within two weeks of submittal of the report to the parties enumerated in this
subsection. The report posted on the Authority’s website shall show employee
identification numbers and job titles instead of the names of the employees. The
employee’s social security number shall not be used as the employee’s identification

SECTION 18.

SECTION 19.
Insurance on Leased Property.

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

SECTION 20.

Rules and Regulations; Miscellaneous.

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

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

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

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

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

(C) ‘Grievance arbitration’ means arbitration of a dispute between the Authority and
the authorized representative, acting on behalf of a represented employee, which
involves the interpretation of an existing labor agreement and the application of the
terms and conditions of that labor agreement to the claims of one or more
employees.
(D) “Labor agreement” means an agreement, including any agreement respecting pension or retirement benefits for represented employees, between the Authority and the authorized representative, entered into in accordance with this subsection, which establishes the wages, hours and other terms and conditions of employment for represented employees of the Authority.

(E) ‘Represented employee’ means an employee of the Authority who is a member of a class of employees for which the Board has recognized an authorized representative.

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

(4) Upon or prior to the expiration of an existing labor agreement, the Authority and the authorized representative shall collectively bargain in an effort to reach a successor replacement labor agreement. If, after expiration of an existing labor agreement, the Authority and the authorized representative are then unable to agree upon the terms and conditions of a new labor agreement, including but not limited to the issue of wages, they shall jointly select or, failing their agreement, upon the written petition of either or both parties, the Governor shall appoint within 30 days after the receipt of said petition a neutral fact finder to investigate and explore all unresolved collective bargaining issues and to render a report to the Authority, the authorized representative, and the public. The neutral fact finder shall conduct such hearings as may be necessary to provide for the full and fair presentation of all unresolved collective bargaining issues by both parties. That fact finder shall be authorized to sign and issue subpoenas for witnesses or documents, to administer oaths, to take oral or written testimony and to take such other actions as may be
needed to make comprehensive findings of fact and recommendations. When a subpoena is disobeyed, any party may apply to the Superior Court of Fulton County for an order requiring obedience. Failure to comply with that order shall be cause for punishment as for contempt of court. The costs of securing the attendance of witnesses, including fees and mileage, shall be computed in the same manner as prescribed by law in civil cases in the superior court.

(5) The fact finder’s report shall recommend as to all unresolved collective bargaining issues, including appropriate wages, hours, and other terms and conditions of employment for represented employees, and shall set forth supporting factual findings determined after due consideration of the factors set forth in subparagraphs (A) through (E) of paragraph (8) of this subsection, and shall contain a summary of the findings. The report of the fact finder shall be issued within 30 days after the fact finder is selected or appointed. Upon issuance, the report shall be distributed by the Authority to the Governor, the Metropolitan Atlanta Rapid Transit Overview Committee of the Georgia General Assembly, and each local governing body in the metropolitan area. The fact finder shall cause the summary of findings to be published once in the newspaper having the largest circulation in the metropolitan area. The fact finder shall compensated in the same manner as a special master pursuant to Code Section 22-2-106 of the O.C.G.A., and the costs thereof and any other costs of the proceeding shall be borne equally by the parties. After selection or appointment of a fact finder pursuant to this paragraph, the parties may continue to collectively bargain on any issues.

(6) Upon issuance of the fact finder’s report, the Authority and the authorized representative shall continue to collectively bargain in light of the recommendations set forth in such report. If either party rejects any or all of the fact finder’s recommendations and the parties are otherwise unable, through collective
bargaining, to reach agreement on such issue or issues, then each party rejecting any
of the fact finder’s recommendations shall prepare a written statement setting forth
the specific recommendations which such party has rejected, the party’s
counterproposal on the issue or issues, and the reasons for rejecting the fact finder’s
recommendations. Prior to commencement of any proceeding for interest
arbitration, as provided in paragraph (7) of the subsection, each party required under
this paragraph to prepare that statement shall cause it to be published in the local
newspaper having the largest circulation in the metropolitan area and shall
concurrently distribute that statement to the Governor, the Metropolitan Atlanta
Rapid Transit Overview Committee of the Georgia General Assembly, and each
local governing body in the metropolitan area.

(7) If, within the 30 days following issuance of the fact finder’s report, the
Authority and the authorized representative are unable to conclude a new labor
agreement, either party may then seek binding interest arbitration of all unresolved
issues between the parties. Such an action may be instituted by the filing of a
petition with the Governor for binding interest arbitration and for the appointment
of an arbitrator. The Governor shall appoint an arbitrator who is member of the
National Academy of Arbitrators or is approved by the American Arbitration
Association within 30 days of the petition. That arbitrator shall decide the issues
within 90 days after said petition shall be filed with the Governor. That arbitrator’s
decision on those issues shall bind both the Authority and the authorized
representative. That arbitrator may require the Authority and the authorized
representative to provide that arbitrator with such information as the arbitrator
determines to be necessary in resolving the issues.

(8) In any interest arbitration under this subsection, the arbitrator shall be bound by
any written stipulation or submission agreement between the Authority and the
authorized representative concerning such determination. In determining any issue, the arbitrator shall also give weight both to the report of the neutral fact finder and to the following factors:

(A) The financial ability of the Authority to pay wages and provide benefits, whether or not increased, while adhering to all legal requirements governing the Authority’s expenditure of public funds and revenues and maintaining levels of transit service sufficient to serve the metropolitan area;

(B) The amount, if any, of any fare increase which would be necessary to afford a wage or salary increase or improvement in fringe benefits or extension of vacation, holiday, or excused time and the ability of the public to bear a fare increase, with consideration of the per capita income of those persons in service area;

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

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

(E) The cost of consumer goods and services within the metropolitan area.

(9) In the event that either party wishes to enforce the decision of the arbitrator, a petition for such enforcement must be filed within ninety (90) days of such decision. In odd numbered years, the petition must be filed in the Superior Court of Fulton County and directed to the senior judge in time of service in that court. In even numbered years, the petition must be filed in the Superior Court of Dekalb County.
and directed to the senior judge in time of service in that court. The court shall confirm the decision unless the decision is vacated by the court because the court finds that the rights of a party were prejudiced by:

(A) Corruption, fraud, or misconduct in procuring the decision;
(B) Partiality of an arbitrator appointed as a neutral;
(C) An overstepping by the arbitrators of their authority or such imperfect execution of it that a final and definite decision upon the subject of such matter submitted was not made; or
(D) The arbitrator’s manifest disregard for the law.

The judge’s ruling in this enforcement proceeding shall bind the Authority and the authorized representative and there shall be no appeal from this decision.

(10) Upon vacating a decision, the court may order a rehearing and determination of all or any of the issues either before the same arbitrator or before a new arbitrator appointed as provided by this part. In any provision of an agreement limiting the time for a hearing or decision, time shall be measured from the date of such order or rehearing, whichever is appropriate, or a time may be specified by the court.

(11) No employee of the Authority shall engage in any strike, sit-down, slow-down, walkout, or other concerted cessation or curtailment of work, and no authorized representative of employees of the Authority shall cause, instigate, encourage, promote or condone any strike, sit-down, slow-down, walkout, or other concerted cessation or curtailment of work by any employee of the Authority. The Authority shall not unilaterally increase, decrease, or otherwise change the wages or fringe benefits of represented employees as of the last day of an expired contract pending the establishment of new wages and fringe benefits by negotiation or interest arbitration.

(12) Subject to any requirement imposed pursuant to Section 13 (c) of the Urban
Mass Transportation Act of 1964, as amended, the Authority at all times shall have
the right to determine the method, means, and personnel by which its operations are
to be carried on, including the right to hire part-time employees.

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

(d) As to copies of financial reports and documents under Section 16, budget reports
and documents under Section 17, engineering reports and documents under Section
18, and proposed rapid transit contracts under Section 24, the Board may provide
for the printing and distribution of a reasonable supply thereof to the public and
may, in its discretion, require payment of a reasonable charge therefor. (Amended,

SECTION 21.
Tax and Regulatory Exemptions.

(a) The property of the Authority, both real and personal, its acts, activities and
income shall be exempt from any tax or tax obligation. In the event of any lease of
Authority property, or any other arrangement which amounts to a leasehold interest,
to a private party, this exemption shall not apply to the value of such leasehold
interest, nor shall it apply to the income of the lessee. Otherwise, however, and for
purposes of taxation, when property of the Authority is leased to private parties to
be employed solely for purposes of the Authority, the acts and activities of the
lessee shall be considered as the acts and activities of the Authority and the
exemption hereunder shall apply to such acts and activities.
(b) The Authority shall also be exempt from any regulation by the Public Service
Commission of this State, except as provided in Section 9(f) of this Act, and except
that when any proposed action of the Authority, or any local government on behalf
of the Authority, may place a public utility, railroad or public service corporation in
violation of the requirements of the Commission, or create the need for
collaboration with respect to compliance with the requirements of the Commission,
the Authority shall obtain the Commission’s cooperation and approval of the
proposed action. In such matters and particularly with respect to the matters
contemplated in Section 8(j), the Commission shall cooperate with the Authority to
accomplish the purposes and policies of this Act. (Amended, Ga. L. 1979, pp. 4634,
4640).
(c) The Authority and its activities shall be exempt from all taxes and tax
obligations, except taxes imposed upon the sale or distribution of motor fuels
pursuant to Code Chapter 92-14, relating to motor fuel taxation, or pursuant to the
The Authority shall not be obligated to pay, and the State Revenue Commissioner
shall not collect or attempt to collect, assess or attempt to assess, levy or attempt to
levy from or against the Authority, any sales and use taxes imposed upon the sale of
motor fuel, including without limitation, the tax authorized by Section 25 of this
Act, for any period of time subsequent to June 30, 1977, and prior to July 1, 1979.
(d) Notwithstanding any other provisions of this Section, the Authority shall not be
exempt from the State Sales and Use taxes (Code Chapter 91A-45) for tour and
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SECTION 22.
Tort Liability; Insurance.

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

SECTION 23.
Taxing Power Denied.

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

SECTION 24.
Local Government Participation.

(Section 24 Amended, Ga. L. 1971, pp. 2092, 2101).
(a) Provision for a rapid transit system within the metropolitan area is declared for the purposes of this Act to be an essential governmental function and a public purpose of the City of Atlanta and the counties of Fulton, DeKalb, Clayton and Gwinnett, and of the county of Cobb if it hereafter determines to participate in the Authority as provided in this Act.

(b) The Authority and the local governing body of the City of Atlanta and each of the counties of Fulton, DeKalb, Clayton and Gwinnett, and of the county of Cobb if it hereafter determines to participate in the Authority as provided in this Act, subject to such limitations as are hereinafter in this Section set forth, may negotiate and determine the extent of financial participation and the time or times such financial participation may be required with respect to each of the local governments in order to finance provision for a rapid transit system through the joint instrumentality of the Authority. Except as provided in Section 24A of this Act, such determination shall take the form of a rapid transit contract to be entered into between the Authority and the local government. The final execution of a rapid transit contract shall be completed in every instance in the manner hereinafter set forth in this Section 24. (Amended, Ga. L. 1988, p. 5013; See Note 8).

(c) As one method of providing the financial participation determined by its local governing body to be its proper share of the cost of financing a rapid transit project or projects, a local government may in the manner prescribed by law and subject to the conditions and limitations prescribed by law, issue its general obligation bonds, pay over the proceeds thereof to the Authority and thereby complete and make final the execution of the proposed rapid transit contract anticipated by such bond authorization and issuance and the Authority shall agree in such contract to perform for such local government the aforesaid governmental function and to provide specified public transportation services and facilities.
(d) As an alternative method of providing the financial participation determined by its local governing body to be its proper share of the cost of financing a rapid transit project or projects, a local government may enter into a rapid transit contract or contracts calling for the Authority to perform for it the aforesaid governmental function and calling for it to make periodic payments to the Authority for the public transportation services and facilities contracted for, which payments may include amounts required to defray the periodic principal and interest payments on any obligations issued by the Authority for the purpose of financing the cost of any rapid transit project or projects, amounts necessary to establish and maintain reasonable reserves to insure the payment of said debt service and to provide for renewals, extensions, repairs and improvements and additions to the rapid transit system, and amounts required to defray any operational deficit which the system or any part thereof may incur from time to time.

(e) Before a rapid transit contract such as is described in Subsection (d) shall become valid and binding on a local government which is a party thereto, the same must have been approved by a majority of the qualified voters of the local government voting in a referendum as hereinafter provided, except for any rapid transit contract between Clayton County, acting for and on behalf of the Clayton County-Atlanta Airport Public Transportation District that may be created in accordance with Section 24(l) of this Act, and the Authority, which contract shall (any other provision of law to the contrary notwithstanding) become valid and binding immediately, without necessity for any referendum, upon its execution by the Local Governing Body of Clayton County and the Authority and shall thereupon constitute an obligation on the part of Clayton County within the meaning of Section 24(i) of this Act. (Amended, Ga. L. 1980, pp. 3831, 3832).
(f) The procedure for holding the referendum called for in subsection (e) shall be as follows: There shall be published in a newspaper having general circulation throughout the territory of the local government involved, once each week for four weeks immediately preceding the week during which the referendum is to be held, a notice to the electors thereof that on the day named therein an election will be held to determine the question of whether or not the local government shall enter into the proposed rapid transit contract and said notices shall contain the full text of said proposed contract, which contract shall set forth the obligations of the parties thereto. It is expressly provided, however, that none of the documents or exhibits which are incorporated in such contract by reference or are attached to such contract and made a part thereof shall be published. Such special election shall be held at all the election districts within the territorial limits of the local government involved except that an election called by the local governing body of any county within the metropolitan area shall not be held in any part of such county which is within the territorial limits of the City of Atlanta, if, with respect to the particular rapid transit project or projects to be supported by the proposed rapid transit contract of such county, said City is already a party to a rapid transit contract or the governing body of said City proposes to enter into a rapid transit contract subject to the approval thereof at a referendum. The question to be presented to the electorate in any such referendum shall be and shall be stated on the ballots or ballot label as follows:

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

Shall this contract be approved?

YES ____ NO
The question shall be published as a part of the aforesaid notice of election. Each such election called by the governing body of a county within the metropolitan area under the provisions of this subsection shall be governed by and held and conducted in accordance with the provisions of law from time to time governing the holding of elections to elect members to the General Assembly of this State. After the returns of such an election have been received, and the same have been canvassed and computed, the result shall be certified to the local governing body which called the election, in addition to any other person designated by law to receive the same, and such governing body shall officially declare the result thereof. Each election called by the governing body of the City of Atlanta under the provisions of this subsection shall be governed by and conducted in accordance with the provisions of law at the time governing the holding of elections by said City. The expense of any such election called by the governing body of the City of Atlanta shall be paid by the City of Atlanta.

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

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

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

(j) Any local government may use public funds to provide for a rapid transit system
within the metropolitan area and may levy and collect any taxes authorized to it by
law to the extent necessary to fulfill the obligations incurred in a rapid transit
contract or contracts with the Authority; provided, that no local county government
shall have the power to levy any tax on any subject of taxation situated within the
territorial limits of the City of Atlanta in fulfillment of financial obligations set forth
in a rapid transit contract when the City of Atlanta has a rapid transit contract with
the Authority calling for said City to issue its general obligation bonds for rapid
transit purposes or to pay monies periodically with respect to the debt service on
obligations issued by the Authority, and is itself using its public funds or levying a
tax for either of such purposes.

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

(l) Subject to the conditions hereinafter provided in this subsection, the Local
Governing Body of Clayton County is hereby authorized to create a special service
district to be known as the Clayton County-Atlanta Airport Public Transportation
District, which District shall encompass that area in Clayton County now or
hereafter owned or controlled by the City of Atlanta for airport purposes (A) which
is now or hereafter used by the Authority or which the Authority has the right to use
for a Transportation Project or (B) which is now or hereafter used for a Public
Airport Passenger Terminal. Said District may provide for public transportation
services and for the construction, maintenance and operation of a Transportation
Project to and from and within said District, and the Local Governing Body of
Clayton County, subject to the conditions hereinafter provided in this subsection, is
hereby authorized to enter into contracts for and on behalf of said District with the
Authority for the provision of the aforesaid services and System to and from and
within said District. As a condition precedent to the Local Governing Body of
Clayton County exercising any power pursuant to this subsection, 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,
must first be amended to provide that any rapid transit contract between Clayton
County on behalf of the entire county and the Authority which requires Clayton
County to levy the sales and use tax authorized by this Act throughout its territorial
limits shall also provide for the extension of the rapid transit system and project into
Clayton County to provide rapid transit services within Clayton County on
substantially the same basis that such services are provided or will be provided
within Fulton and DeKalb counties, without the necessity of any payment being
made by Clayton County other than the proceeds of the sales and use tax levied

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

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

(A) Fares;

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

(C) Any subsidy provided, directly or indirectly, by or on behalf of the public entity with which the Authority contracted for the services and facilities.
(b) Nothing in this Section shall be deemed to limit or preclude the Authority from providing public transportation services and facilities for, to, or within any other county, municipality, special tax or community improvement district, political subdivision of this state, or combination thereof if:

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

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

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

(c) Nothing in this Section or in paragraph (2) of subsection (b) of Section 25 of this Act shall authorize the Authority to provide any public transportation service or facility to any county, municipality, special tax or community improvement district, or other political subdivision which, on January 1, 1988, is not a party to the Rapid Transit Contract and Assistance Agreement specified in subsection (k) of Section 25 of this Act unless that service or facility is provided pursuant to a contract approved by the governing authority of that political subdivision for which the service or facility is to be provided or pursuant to a contract approved in a referendum by a majority of the qualified electors voting in the political subdivision for which the service or facility is to be provided. For purposes of this Section, when any public transportation service or facility is to be provided by the Authority to any special tax or community improvement district, the county or municipality for which that district was created shall be the political subdivision whose governing authority or electors shall be required to approve the contract for such service or facility.
SECTION 25.

Authorization to Levy a Retail Sales and Use Tax.

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

(a) Authority to Tax. Each of the local governing bodies of those local governments referred to and defined in Section 2 of the Metropolitan Atlanta Rapid Transit Authority Act of 1965 (Ga. L. 1965, p. 2243), as amended, which shall hereafter pursuant to the provisions of said Act enter into a rapid transit contract with the Metropolitan Atlanta Rapid Transit Authority that has become final and binding upon its local government by compliance with the provisions of Section 24 of said Act and approval of the voters as therein required, shall be authorized to levy a retail sales and use tax upon the retail purchase, retail sale, rental, storage, use or consumption of tangible personal property, and the services described and set forth in Ga. L. 1951, p. 360, as amended, on sales, uses and services rendered, in the geographical area governed by such local government. Provided, in the event Clayton County acting for and on behalf of the Clayton County-Atlanta Airport Public Transportation District that may be created in accordance with Section 24(1) of this Act and the Authority enter into a rapid transit contract pursuant to Section 24 of this Act, said retail sales and use tax shall be levied only within the geographical area contained within said District. Provided, however, the tax herein authorized shall not be levied by any local government unless the same is also levied in the geographical areas of Fulton and DeKalb Counties. The tax imposed shall correspond, so far as practicable, except as to rate, with the Georgia Retailers’ and Consumers’ Sales and Use Tax Act, approved February 20, 1951 (Ga. L. 1951, p. 360), as amended, and as it may be from time to time amended. Provided, however, that no tax shall be imposed upon the sale of tangible personal property
which is ordered by and delivered to the purchaser at a point outside the geographical area in which the tax is imposed, regardless of the point at which title passes, if such delivery is made by the seller’s vehicle, U.S. mail, common carrier or by private or contract carrier licensed by the Interstate Commerce Commission or the Georgia Public Service Commission. Provided further that the tax authorized to be levied herein shall apply, any law to the contrary notwithstanding, to the retail sale, rental, storage, use, or consumption of motor fuel as the term "motor fuel" is defined by Code Section 92-1402 or, after January 1, 1980, by Code Section 91A-5002. (Amended, Ga. L. 1974, pp. 2617, 2618; Ga. L. 1979, pp. 4634, 4641; Ga. L. 1980, pp. 3831, 3834).

(b)(1) Rate of Tax. The tax when levied shall be at the rate of one (1%) percent until and including June 30, 2047, and shall thereafter be reduced to one-half (1/2%) of one percent. Said tax shall be added to the State Sales and Use Tax imposed by Article 1 of Chapter 8 of Title 48 of the O.C.G.A., and the State Revenue Commissioner is hereby authorized and directed to establish a bracket system by appropriate rules and regulations to collect the tax herein imposed in the areas affected. (Amended, Ga. L. 1979, pp. 4634, 4640; Ga. L. 1983, p. 1079; Ga. L. 1990, p. 3860; Ga. L. 2000, p. 4492).

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

(i) Fares;
(ii) The proceeds of the tax levied in accordance with this subparagraph;
(iii) Other revenues generated by such services and facilities; and
(iv) Any subsidy provided, directly or indirectly, by or on behalf of that local governing body which is the party to the contract.

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

(B) In the event a local governing body which has entered into a rapid transit contract as authorized by subparagraph (A) of this paragraph thereafter determines that any extension of or addition to the Authority’s existing rail rapid transit system should be constructed and operated within the territory of such local government, a separate rapid transit contract shall be required to provide for the local government’s proper share of financing any such contemplated rapid transit project, and no retail sales and use tax authorized under subsection (a) of this Section may be levied to fulfill the obligations under that separate contract except at the rate of one (1%) percent. A separate rapid transit contract required by this subparagraph shall not be subject to the limitations of divisions (i) through (iv) of subparagraph (A) of this paragraph but shall be subject to the limitations regarding the use of the tax proceeds for the operating costs of the system under subsection (i) of this Section.
(C) A tax levied under this paragraph shall be added to the State Sales and Use Tax imposed by Article 1 of Chapter 8 of Title 48 of the O.C.G.A., and the State Revenue Commissioner is authorized and directed to establish a bracket system by appropriate rules and regulations to collect the tax imposed under this paragraph in the areas affected. Nothing in this paragraph shall be construed to require that any tax levied at a rate specified by this paragraph be reduced as provided for the one (1%) percent tax levied pursuant to paragraph (1) of this subsection.

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

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

(2) Credit. A credit shall be allowed against the tax authorized to be levied 
pursuant to this Act for the amount of local sales or use tax imposed pursuant to 
Code Chapter 91A-46 or Article 2 of Chapter 8 of Title 48 of the Official Code 
of Georgia Annotated, as now or hereafter amended, which has been paid with 
respect to the same property by the purchaser thereof in a local taxing 
jurisdiction within the State; provided, however, that no credit shall be allowed 
for taxes paid in another local taxing jurisdiction unless a like credit is granted 
against the tax authorized to be imposed pursuant to said Code Chapter 91A-46 
or Article 2 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated 
for any amount which has been paid as a tax levied pursuant to this Act. If the 
amount of sales or use tax so paid pursuant to said Code Chapter 91A-46 or 
Article 2 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated is 
less than the amount of tax payable pursuant to this Act, the purchaser shall pay 
an amount equal to the difference between the amount so paid and the amount 
due as authorized to be levied pursuant to this Act. Provided further, that no 
credit hereunder will be allowed within the territory of any local government 
which levies both the tax authorized pursuant to this Act and a local sales or use 
tax pursuant to said Code Chapter 92A-46 or Article 2 of Chapter 8 of Title 48 
of the Official Code of Georgia Annotated. The State Revenue Commissioner 
may require such proof of payment of taxes levied pursuant to said Code 
Chapter 91A-46 or Article 2 of Chapter 8 of Title 48 of the Official Code of 
5101).
(d) Special Fund. All sales tax monies collected by the State Revenue Commissioner under this Act shall be paid to the State Treasurer to the credit of a special fund which is hereby created on the books of the State Treasurer under the name "Collection of Metropolitan Atlanta Rapid Transit Authority Taxes", and such local sales tax money shall be credited to the account of each local government in which the local sales and use taxes are collected under this Act. The basis of such credit shall be the point of sale or use as shown by the records of the State Revenue Commissioner, except that any credit within the territorial limits of a city which is a party to a rapid transit contract as defined in Section 24 of said Metropolitan Atlanta Rapid Transit Authority Act of 1965, as amended, shall be credited to said city government, and not to the county or counties in which said city may lie.

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

(f) Distribution of Funds. As soon as practicable after the local sales and use tax monies have been paid into the State Treasury in any month for the preceding month, the State Treasurer shall draw his warrant on the State Treasury in the proper amount in favor of each local government entitled to the monthly return of its local sales and use tax monies, and such payment shall be charged to the account of each local government under the special fund created by this Act. Any errors made in any such payments or any adjustments otherwise necessary, whether attributable to refunds to taxpayers or by some other fact shall be corrected and adjustments shall be made in such payments for the next month or subsequent months. The amount due each local government shall be reduced, for costs incurred in the administration and collection of the local tax, by 1.00 percent of the amount of such tax collected.
less corrections and adjustments herein provided. Such amounts due the Department shall be certified by the State Revenue Commissioner to the State Treasurer who shall deduct such amount from the amount due the local governments. (Amended, Ga. L. 1974, pp. 2608, 2609).

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

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

“(i) Use of Proceeds. The proceeds of the tax levied pursuant to this Act shall be used solely by each local government to fulfill the obligations incurred in the contracts entered into with the Metropolitan Atlanta Rapid Transit Authority as contemplated in the Metropolitan Atlanta Rapid Transit Authority Act of 1965, as amended; provided, however, that no more than fifty percent (50%) of the annual proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection, until January 1, 2002. For the period beginning January 1, 2002, and ending June 30, 2002; and for each fiscal year commencing thereafter until December 31, 2008, no more than fifty-five percent (55%) of the proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection; and for the period beginning January 1, 2009, and ending June 30, 2009,
and each fiscal year commencing thereafter until July 1, 2032, no more than fifty percent (50%) of the proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection; except that if the Board of the Metropolitan Atlanta Rapid Transit Authority shall fail to file with the Metropolitan Atlanta Rapid Transit Overview Committee annually, the original and 14 copies of a report of the findings of a completed management performance audit of the Authority’s current operations, which audit was performed under contract with and at the expense of the Authority, along with any auditor’s recommendations based thereon and the auditor’s signed written verification that the Metropolitan Atlanta Rapid Transit Authority fully cooperated with such audit and allowed access to all its books, records, and documents to extent the auditor deemed necessary, then for the period beginning January 1, 2003, and ending June 30, 2003 and each fiscal year commencing thereafter until July 1, 2032, no more than fifty percent (50%) of the proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection. For each fiscal year commencing on or after July 1, 2032, no more than sixty percent (60%) of the annual proceeds of the tax shall be used to subsidize the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection; and commencing with July 1, 2032, and for every year thereafter, the proceeds of the tax shall not be used to subsidize operations of the transportation system to an extent greater than fifty percent (50%) of the operating costs of the system, exclusive of depreciation, amortization, and other costs and charges as provided in this subsection. In adopting its annual budget, the Board of the Metropolitan Atlanta Rapid Transit Authority shall be authorized to rely upon estimates of all revenues, operating costs,
patronage, and other factors which may affect the amount of the fare required to
limit the operating subsidy herein provided for. If the results of any year’s
operations reflect that the proceeds of the tax were used to subsidize operations to
an extent greater than herein provided, the Board shall adjust fares in order to make
up the deficit in operations during a period of not to exceed three (3) succeeding
years. If the results of operations in the Authority’s fiscal year commencing July 1,
1980, or in any subsequent fiscal year reflect that the proceeds of the tax were not
used to subsidize operations to the maximum extent herein provided, the Board
shall reserve any amounts that could have been used to subsidize operations in that
fiscal year and later use said reserved amounts and any interest earned on said
reserved amounts to provide an additional subsidy for operations in any future
fiscal year or years. The words ‘operating costs of the system’ for purposes of this
subsection 25(i) are defined to include all of the costs of that division of the
Authority directly involved and that portion of the nonoperating administrative
costs of those divisions of the Authority indirectly involved, through the provision
of support services, in providing mass transportation services for metropolitan area,
but exclusive of the costs of the division or divisions directly involved and that
portion of the nonoperating administrative costs of those divisions indirectly
involved, in the planning, design, acquisition, construction, and improvement of the
rapid transit system, according to accepted principles of accounting, and also
exclusive of the following costs;
(1) Nonrecurring costs and charges incurred in order to comply with any statute or
regulation concerning either the protection or cleaning up of the environment, or
accessibility by handicapped or disabled persons, or occupational health or safety,
or compliance with any national or state emergencies, or with any judgement,
decree, or order of any court or regulatory agency in implementation of any such
(2) In the case of leases of equipment or facilities that, according to generally accepted principles of accounting, would not be classified as capital leases, payments of rent, and other payments for the property subject to such leases or for the use thereof; provided that any costs for regular maintenance or repair of such equipment or facilities shall not be excluded. If any proceeds of the tax levied pursuant to this Act are held for the purpose of planning, designing, acquiring, or constructing additional facilities or equipment for or improvements to the rapid transit system and are invested, then all interest earned from such investments shall be used only for such purposes or for paying the principal of or interest on bonds or certificates issued for such purposes. Commencing July 1, 1988, and until June 30, 2008, and only if expressly authorized by the board, interest earned on reserve funds set aside for rebuilding, repairing, or renovating facilities of the rapid transit system; for replacing, repairing, or renovating equipment or other capital assets thereof; or from the sale or other disposition of real property, may, without regard to the original source of the funds so reserved, be used to pay the operating costs of the system as such costs are defined in this subsection.” (Amended, Ga. L. 2006, p. 3751-3753).

(j) Effective Date of Tax. The effective date of the tax authorized by this Act shall be the first day of the first calendar month which begins more than ninety (90) days after the action of the local governing body levying the tax referred to in subsection (a) of Section 25 of this Act unless a later effective date shall have been specified by such local governing body in levying the tax provided that with respect to services which are regularly billed on a monthly basis, the tax shall become effective with the first regular billing period coinciding with or following the effective date of the tax as herein specified.
(k) The Authority shall use the proceeds of the tax levied pursuant to this Act and the proceeds from bonds or certificates issued by the Authority for the following purposes and in the following order of priorities: First, for the purposes and in the manner required by any trust indenture or other agreement with or for the benefit of bondholders, including payment of the principal of or premium or interest upon bonds or certificates issued by the Authority or to create a reserve for that purpose; second, to pay the operating costs of the system as defined in subsection 25(i) of this Act, to pay the general administrative expenses of the Authority, to purchase, construct, replace, and maintain buses and facilities necessary for the operation, repair, and maintenance of buses, to purchase on terms advantageous to the Authority real property necessary and appropriate to construct, complete, and operate the rapid transit 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 now and hereafter amended, and to complete and operate those portions of the Authority’s rapid transit system defined as Phase "A" in those contracts existing on the effective date of this Act between the Authority and the Urban Mass Transportation Administration of the United States Department of Transportation; and third, to construct, complete, and operate that portion of the rail system described as Phases A, B, and C 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, in the following manner and order of priority: (1) Phase A; (2) Phase B; (3) That portion of Phase C extending from Lenox Road to Brookhaven on the Northeast Line and from Lakewood to East Point on the South Line, with completion of Brookhaven occurring before completion of East Point; (4) That portion of Phase C extending from Brookhaven to Chamblee on the Northeast Line;
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(5) That portion of Phase C extending from East Point to College Park to the mid-field terminal in Clayton County, Georgia, at the Hartsfield International Airport on the South Line and Southwest Branch; and (6) That portion of Phase C extending from Chamblee to Doraville on the Northeast Line. This subsection (k) shall not be construed to change either any limitations upon the use of the proceeds of the tax levied pursuant to this Act imposed by subsection (i) of this Section 25 or any limitations upon the use of the proceeds of bonds or certificates issued by the Authority imposed by this Act.

The provisions of this subsection shall not be construed so as to prohibit the Authority from utilizing its available revenues for technical studies nor from utilizing available revenues to construct, complete, and operate those portions of the Authority’s rapid transit system contained in Phases D and E of the system as set forth in and defined by the Ninth Amendment to the Rapid Transit Contract and Assistance Agreement so long as the Authority has available sufficient funds, grants-in-aid, proceeds of unissued bonds, or other sources of revenue to construct, complete, and operate Phases A, B, and C of the rapid transit system and is proceeding with the design and construction thereof. (Added, Ga. L. 1979, pp. 4634, 4643); Amended, Ga. L. 1983, p. 764; Ga. L. 1983, p. 1087; Ga. L. 1988, p. 3510. NOTICE: This subsection has two different effective dates - See Notes 5 and 7.)

(1) Any limitation contained in this Act to the contrary notwithstanding, the Board may, in its sole discretion, and for any fiscal year commencing July 1, 1980, or thereafter, use any interest earned on any self-insurance reserve established pursuant to Section 22 of this Act to pay the operating costs of the system as defined by subsection (i) of Section 25 of this Act. (Added, Ga. L. 1979, pp. 4634, 4644; Amended, Ga. L. 1981, p. 4293).
SECTION 26.

Severability.

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

SECTION 27.

Repealer.

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

NOTES

Note 1.

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

SECTION 1.

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

Note 2.

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

SECTION 2.

Sections 6(b) and 6(c) of the Metropolitan Atlanta Rapid Transit Authority Act of
1965, relating to referenda as a prerequisite for further participation in the
Authority by the local governing bodies of the local governments within the
metropolitan area, are hereby repealed. In repealing these provisions, it is the
intent of the General Assembly to recognize that the referenda held pursuant
thereto served the purpose originally contemplated and to confirm participation in
the Authority by the Counties of Fulton, DeKalb, Clayton, Gwinnett and the City
of Atlanta, the nonparticipation in the Authority by Cobb County, and the
procedures by which this participation and nonparticipation have been effected.

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

Note 3.

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

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

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

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.
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.

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.