

**MART A ACT  
2006**

**INDEX**

<u>Section</u>		<u>Page</u>
1	Short Title	3
2	Definitions	3
3	Legislative Findings and Declaration of Policy	6
4	Creation and Organization	7
5	(Repealed)	7
6	Board of Directors	7
7	Purposes	15
8	General Powers	16
9	Fares, Rates, Rentals and Charges	22
10	Revenue Bonds	26
11	Equipment Trust Certificates	35
12	Power of Eminent Domain	36
13	Removal and Relocation of Utility Structures, Etc.	36
14	Competitive Bidding on Contracts, Etc.	38

MARTA ACT 2006 Index, cont.

<u>Section</u>		<u>Page</u>
14A		42
15	Conflict of Interests	44
16	Financial Accounts, Audits, Reports	46
17	Budgets and Budgeting Procedures	48
18	(Repealed)	51
19	Insurance on Leased Property	51
20	Rules and Regulations; Miscellaneous	52
21	Tax and Regulatory Exemptions	58
22	Tort Liability; Insurance	60
23	Taxing Power Denied	60
24	Local Government Participation	
61		
24A	Transportation Services Contracts	67
25	Authorization to Levy a Retail Sales and Use Tax	69
26	Severability	83
27	Repealer	83
	Notes	83

1  
2  
3  
4  
5  
6  
7  
8  
9  
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11  
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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  
(Ga. L. 1971, p. 2092), an Act approved March 17, 1973 (Ga. L. 1973, p. 141), an  
Act approved March 21, 1974 (Ga. L. 1974, p. 2608), an Act approved March 21,  
1974 (Ga. L. 1974, p. 2617), an Act approved March 21, 1974 (Ga. L. 1974, p.  
2627), an Act approved February 20, 1976 (Ga. L. 1976, p. 217), an Act approved  
March 24, 1976 (Ga. L. 1976, p. 3092), an Act approved March 24, 1976 (Ga. L.  
1976, p. 3098), an Act approved March 24, 1976 (Ga. L. 1976, p. 3104), an Act  
approved March 31, 1976 (Ga. L. 1976, p. 3407), an Act approved March 23, 1977  
(Ga. L. 1977, p. 724), an Act approved March 30, 1977 (Ga. L. 1977, p. 1211), an  
Act approved April 8, 1977 (Ga. L. 1977, p. 1312), an Act approved April 16, 1979  
(Ga. L. 1979, p. 4634), an Act approved March 25, 1980 (Ga. L. 1980, p. 3831), an  
Act approved March 27, 1980 (Ga. L. 1980, p. 4333), an Act approved April 7,  
1981 (Ga. L. 1981, p. 4289), an Act approved April 12, 1982 (Ga. L. 1982, p.  
3707), an Act approved April 20, 1982 (Ga. L. 1982, p. 5101), an Act approved  
March 18, 1983 (Ga. L. 1983, p. 764), an Act approved March 29, 1983 (Ga. L.  
1983, p. 1079), an Act approved March 29, 1983 (Ga. L. 1983, p. 1087), an Act  
approved March 14, 1985 (Ga. L. 1985, p. 3609), an Act approved March 14, 1986  
(Ga. L. 1986, p. 3756), an Act approved March 20, 1986 (Ga. L. 1986, p. 4115), an

MARTA ACT 2006

1 Act approved January 29, 1988 (Ga. L. 1988, p. 3510), an Act approved April 11,  
2 1988 (Ga. L. 1988, p. 5013), an Act approved April 12, 1988 (Ga. L. 1988, p.  
3 5023), an Act approved March 30, 1989 (Ga. L. 1989, p. 4313), an Act approved  
4 March 13, 1990 (Ga. L. 1990, p. 3860), an Act approved April 4, 1991 (Ga. L.  
5 1991, p. 4626), an Act approved April 11, 1991 (Ga. L. 1991, p. 4755), an Act  
6 approved April 11, 1991 (Ga. L. 1991, p. 4761), an Act approved April 7, 1992 (Ga.  
7 L. 1992, p. 5690), an Act approved April 9, 1993 (Ga. L. 1993, p. 5251), an Act  
8 approved April 8, 1994 (Ga. L. 1994, p. 4952), an Act approved April 8, 1994 (Ga.  
9 L. 1994, p. 4959), an Act approved April 1, 1996 (Ga. L. 1996, p. 3717), an Act  
10 approved April 8, 1996 (Ga. L. 1996, p. 4314), an Act approved March 27, 1998  
11 (Ga. L.  
12 1998, p. 3561), an Act approved April 14, 1998 (Ga. L. 1998, p. 4450), an Act  
13 approved April 19, 2000 (Ga. L. 2000, p. 4492), an Act approved May 1, 2000 (Ga.  
14 L. 2000, p. 4567), an Act approved May 10, 2002 (Ga. L. 2002, p. 5683), an Act  
15 approved May 10, 2002 (Ga. L. 2002, p. 5690), an Act approved May 10, 2002 (Ga.  
16 L. 2002, p. 5698), an Act approved June 4, 2003 (Ga. L. 2003, p. 4740), an Act  
17 approved May 9, 2005 (Ga. L. 2005, p. 4029), and an Act approved April 27, 2006  
18 (Ga. L. 2006, p. 3745).  
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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.

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

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

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

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

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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.

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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

1 lying south of the corporate limits of the City of Atlanta and that membership  
2 position held by a Fulton County resident, appointed by the local governing body of  
3 that county, the term of which position expires December 31, 1988, shall, beginning  
4 on and after January 1, 1989, be filled by the local governing body of Fulton County  
5 appointing a person who is a resident of that portion of Fulton County lying north of  
6 the corporate limits of the City of Atlanta; one member shall be a resident of  
7 Clayton County to be appointed by the local governing body thereof; and one  
8 member shall be a resident of Gwinnett County to be appointed by the local  
9 governing body thereof. Four members, representing the State, shall be as follows:  
10 the Commissioner of the Department of Transportation who shall be an ex officio  
11 member; the State Revenue Commissioner who shall be an ex officio member; the  
12 Executive Director of the State Properties Commission who shall be an ex officio  
13 member; and the Executive Director of the Georgia Regional Transportation  
14 Authority who shall be an ex officio member. The first member who must be a  
15 resident of that portion of Fulton County lying south of the corporate limits of the  
16 City of Atlanta shall be appointed by the governing body of Fulton County to take  
17 office on July 1, 1985, for an initial term ending December 31, 1986. The two  
18 members who are DeKalb County residents and appointed by the governing  
19 authority thereof and who are added by this paragraph shall each be appointed by  
20 the governing body of DeKalb County to take office on July 1, 1985, for an initial  
21 term ending December 31, 1986. After the initial terms of those three members  
22 added to the Board in 1985, that governing body which appointed the member for  
23 that initial term to that office shall appoint successors thereto for terms of office of  
24 four years in the same manner that such governing body makes its other  
25 appointments to the Board. (Amended, Ga. L. 1985, p. 3609; Ga. L. 2000, p. 4492).

1 The initial terms of the four members added in 1976 by the above paragraph shall be  
2 as follows: the member from DeKalb County to be appointed by the local  
3 governing body of DeKalb County shall be appointed no later than sixty days after  
4 the effective date of this subsection for a term ending December 31, 1978, and shall  
5 take office immediately upon appointment; the Commissioner of the Department of  
6 Transportation, the State Revenue Commissioner and the Executive Director of the  
7 State Properties Commission shall become members of the Board on the effective  
8 date of this subsection and shall serve while holding their State offices.

9 The Executive Director of the Georgia Regional Transportation Authority shall  
10 become a member of the Board on the effective date of this sentence and shall serve  
11 while holding his or her State office.

12 Except as provided above, all appointments shall be for terms of four years except  
13 that a vacancy caused otherwise than by expiration shall be filled for the unexpired  
14 portion thereof by the local governing body which made the original appointment to  
15 the vacant position, or its successor in office. A member of the Board may be  
16 appointed to succeed himself or herself. Appointments to fill expiring terms shall  
17 be made by the local governing body prior to the expiration of the term, but such  
18 appointments shall not be made more than thirty days prior to the expiration of the  
19 term. Members appointed to the Board shall serve for the terms of office specified  
20 in this section and until their respective successors are appointed and qualified.  
21 (Amended, Ga. L. 1976, pp. 217, 218; Ga. L. 1994, p. 4959; Ga. L. 2000, p. 4492).

22 (b) Having initially declined membership on the Board and further participation in  
23 the Authority, Cobb County may at any time reclaim its membership on the Board  
24 and participate further in the Authority as provided in this subsection (b). The local  
25 governing body of Cobb County may, any other provision of this Act to the contrary  
26 notwithstanding, negotiate, enter into, and submit to the qualified voters of Cobb

1 County the question of approval of a rapid transit contract between Cobb County  
2 and the Authority, all in accordance with the provisions of Section 24 of this Act.  
3 The local governing body of Cobb County shall be authorized to execute such rapid  
4 transit contract prior to the holding of the referendum provided for in said Section  
5 24; provided, however, that such rapid transit contract shall not become valid and  
6 binding unless the same is approved by a majority of those voting in said  
7 referendum, which approval shall also be deemed approval of further participation  
8 in the Authority. Upon approval of such rapid transit contract, Cobb County shall  
9 be a participant in the Authority, and its rights and responsibilities shall, insofar as  
10 possible, be the same as if it had participated in the Authority from its beginning,  
11 and the local governing body of Cobb County may then appoint two residents of  
12 Cobb County to the Board of Directors of the Authority, to serve a term ending on  
13 the 31st day of December in the fourth full year after the year in which the  
14 referendum approving said rapid transit contract was held, in which event the Board  
15 of Directors of the Authority shall, subsection (a) of this Section 6 to the contrary  
16 notwithstanding, be composed of 16 members. (Amended, Ga. L. 1966, pp. 3264,  
17 3265; See Note 2; Ga. L. 1980, pp. 4333, 4334).

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

19 (d) Except for the ex officio members of the Board, no person shall be appointed as  
20 a member of the Board who holds any other public office or public employment  
21 except an office in the reserves of the armed forces of the United States or the  
22 National Guard; any member who accepts or enters upon any other public office or  
23 public employment shall be disqualified thereby to serve as a member. (Amended,  
24 Ga. L. 1976, pp. 217, 219).

25 (e) A local governing body may remove any member of the Board appointed by it  
26 for cause. No member shall be thus removed unless he has been given a copy of the

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

13 (f) Each appointed member of the Board, except the Chairman, shall be paid by the  
14 Authority a per diem allowance, in an amount equal to that provided by Code  
15 Section 45-7-21 of the Official Code of Georgia Annotated, as now in effect or as it  
16 may hereafter be amended, for each day on which that member attends an official  
17 meeting of the Board, of any committee of the Board, or of the Authority's Pension  
18 Committee, Board of Ethics, or Arts Council; provided, however, that said per diem  
19 allowance shall not be paid to any such member for more than 130 days in any one  
20 calendar year. If the Chairman of the Board is an appointed member of the Board,  
21 the Chairman shall be paid by the Authority a per diem allowance in the same  
22 amount for each day in which the Chairman engages in official business of the  
23 Authority, including but not limited to attendance of any of the aforesaid meetings.  
24 A member of the Board shall also be reimbursed for actual expenses incurred by  
25 that member in the performance of that members duties as authorized by the Board.  
26 A Board member shall not be allowed employee benefits authorized under Section

1 8(b). (Amended, Ga. L. 1976, pp. 217, 219; Amended, Ga. L. 1977, pp. 1211, 1212;  
2 Amended, Ga. L. 1996, p. 3717).

3 (g) The Board shall elect one of its members as chairman and another as  
4 vice-chairman for terms to expire on December 31 of each year to preside at  
5 meetings and perform such other duties as the Board may prescribe. The presiding  
6 officer of the Board may continue to vote as any other member, notwithstanding his  
7 duties as presiding officer, if he so desires. The Board shall also elect from its  
8 membership a secretary and a treasurer who shall serve terms expiring on December  
9 31 of each year. A member of the Board may hold only one office on the Board at  
10 any one time. (Amended, Ga. L. 1976, p. 3407).

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

1 (i) Notwithstanding any other provisions of this Act, the following actions by the  
2 Board shall require the affirmative vote of one more than a majority of the total  
3 membership of the Board as it may exist at the time:

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

6 (2) The purchase or lease of any privately owned system of transportation of  
7 passengers for hire in its entirety, or any substantial part thereof, as contemplated  
8 in Section 8(c) or 8(d). Prior to the purchase or lease of any such privately  
9 owned system a public hearing pertaining thereto shall have been held and notice  
10 of such public hearing shall have been advertised as provided in Section 9(c)  
11 hereof. Provided that no sum shall be paid for such privately owned system of  
12 transportation in excess of the fair market value thereof determined by a  
13 minimum of two appraisers and approved by a majority of the local governments  
14 participating in the financing of such purchase. (Amended, Ga. L. 1971, pp.  
15 2092, 2093).

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

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

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

1 (j) The Board shall appoint and employ, as needed, a general manager, and a  
2 general counsel, none of whom may be members of the Board or a relative of a  
3 member of the Board, and delegate to them such authority as it may deem  
4 appropriate. It may make such by-laws or rules and regulations as it may deem  
5 appropriate for its own government, not inconsistent with this Act, including the  
6 establishment of an Executive Committee to exercise such authority as its by-laws  
7 may prescribe. (Amended, Ga. L. 1976, pp. 3407, 3408).

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

15 (l)(1) In addition to the requirements of subsection (h) of this section, each  
16 member of the Board shall hold a meeting once each 12 months with the local  
17 governing body which appointed such member. The Secretary of the Board shall  
18 give written notice to each member of the Board, to each local governing body,  
19 and to the governing authority of each municipality in the county in which there  
20 is an existing or proposed rail line at least two days prior to any meeting that  
21 may be scheduled, and said Secretary shall be informed of the call of such  
22 meeting sufficiently in advance so as to provide for his giving such notice.  
23 These meetings shall be for the purpose of reporting to the local governing  
24 bodies on the operations of the Authority and on the activities of the Board and  
25 making such information available to the general public. No activity which

1 requires action by the Board shall be initiated or undertaken at any meeting  
2 conducted under this subsection. (Added, Ga. L. 1988, p. 5023).

3 (2) The Board shall submit once each three months a written report on the  
4 operations of the Authority and on the activities of the Board to each local  
5 governing body which appoints a member of the Board. (Added, Ga. L. 1988, p.  
6 5023).

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SECTION 7.

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Purposes.

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

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SECTION 8.

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General Powers.

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

24 (a) The powers, privileges and immunities authorized by law for private  
25 corporations and for instrumentalities of government. The Authority may sue or be  
26 sued in its corporate name but no execution shall be levied on any property of the

1 Authority prior to ninety (90) days from the date of a final judgment against the  
2 Authority. The Board may adopt and use a common seal for the Authority and  
3 change it at its pleasure.

4 (b) The power to appoint, select and employ officers, agents and employees,  
5 including engineering, architectural and construction experts, fiscal agents and  
6 attorneys, to contract for the services of individuals or organizations not employed  
7 full time by the Authority, but who are engaged primarily in the rendition of  
8 personal services and not the sale of goods or merchandise, such as, but not limited  
9 to, the services of attorneys, accountants, engineers, architects, consultants and  
10 advisors, allowing them suitable compensation and to make provisions for group  
11 insurance, retirement or other employee benefit arrangements. (Amended, Ga. L.  
12 1971, pp. 2092, 2094; Ga. L. 1986, p. 3756).

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

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

24 (e) The power to develop data, plans and information and develop and carry out  
25 mass transportation demonstration projects, including the development, testing and  
26 demonstration of new facilities, equipment, techniques and methods, and the

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

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

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

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

24 (i) The power to enter into contracts with the State of Georgia and any agency,  
25 instrumentality or authority thereof and with any of the county and municipal  
26 governments within the territorial limits of the area served or to be served by the

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

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

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

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

1 any local government, nor shall any local government be liable for the payment of  
2 principal or interest on such obligations.

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

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

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

1 any individual employed by the Authority as a member of such force who has met  
2 the requirements for certification as a peace officer under the laws of this state.  
3 (Amended, Ga. L. 1994, p. 4959; Ga. L. 2002, p. 5683).

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

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

16 (r) The power to enter into and make any contract with the United States of  
17 America or with any department or agency thereof, with the State of Georgia or any  
18 department, division, bureau, commission, board, authority, agency, county,  
19 municipality or other political subdivision thereof, or with another State of the  
20 United States or any department, division, bureau, commission, board, authority,  
21 agency, county, municipality or other political subdivision thereof, for the purchase,  
22 lease (as lessee) or other acquisition, or for the sale, lease (as lessor) or other  
23 disposition, of any equipment, supplies, material or other property, both real and  
24 personal, without being required to make public advertising for the receipt of bids or  
25 for the award of a contract and also without being required to invite or receive  
26 competitive bids pursuant to Section 14 of this Act, provided that any such contract

1 for the sale, lease (as lessor) or other disposition of property owned by the Authority  
2 must provide for the receipt by the Authority of consideration at least equal in value  
3 to the interest so sold, leased, or otherwise disposed of, all as established by  
4 independent appraisal. (Added, Ga. L. 1982, p. 5101).

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

11

12 SECTION 9.

13 Fares, Rates, Rentals and Charges.

14

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

24 (b) The term "charges" shall include revenues from contracts with the local  
25 governments within the metropolitan area under which the Authority has agreed to

1 render for them the public transportation service as contemplated in Section 24  
2 hereof.

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

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

24 (e) Except for determining the rates, fares, rentals, and charges for charter, group,  
25 and party bus services as set forth in subsection (f) of this Section, the function of  
26 the Board under subsections (c) and (d) shall not be delegated or exercised by any

1 other person or body under any circumstances. (Amended, Ga. L. 1979, pp. 4634,  
2 4637).

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

23 (g) Not later than 120 days after the end of each fiscal year, the Board shall adopt  
24 and publish standards of bus service for the Authority's current fiscal year for  
25 Fulton and DeKalb counties including, but not limited to, such service within the  
26 City of Atlanta. The Board may hold public hearings, as it may deem appropriate,

1 prior to the adoption and publication of such standards and may prescribe rules and  
2 regulations to govern such hearings not inconsistent with this Act. (Added, Ga. L.  
3 1979, pp. 4634, 4638).

4 (h)(1) Notwithstanding any other provisions of this Act to the contrary, not later  
5 than 120 days after the end of each fiscal year of the Authority, the Board shall  
6 adjust the amounts to be charged for transportation services to the public so that  
7 the total funds to be received from transit operating revenue during the fiscal  
8 year of the Authority ending June 30, 1980, shall be no less than thirty percent of  
9 the operating costs of the system for the immediately preceding fiscal year, and  
10 so that the total funds to be received from transit operating revenue during the  
11 fiscal year ending June 30, 1981, and for each fiscal year thereafter shall be no  
12 less than thirty-five percent of the operating costs of the system for the  
13 immediately preceding fiscal year. In making such adjustments, the Board shall  
14 be authorized to rely upon estimates of all revenue, patronage, and other factors  
15 which may affect the amounts to be charged for transportation services to the  
16 public; provided, if such amounts actually charged during one fiscal year  
17 resulted in transit operating revenue less than that required under this subsection,  
18 the amounts to be charged the immediately succeeding fiscal year shall be  
19 sufficient, along with all other transit operating revenue, to make up such deficit  
20 as well as meet the other requirements of this subsection. (Added, Ga. L. 1979,  
21 pp. 4634, 4638; Amended, Ga. L. 2002, p. 5690).

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

1 of the Board as it may exist at the time. (Added, Ga. L. 1979, pp. 4634, 4638;  
2 Amended, Ga. L. 2002, p. 5690).

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

8 (4) For purposes of this subsection, "transit operating revenue" shall include all  
9 revenue from fares, rates, and charges for transportation services and revenues  
10 from all other sources except the sales and use taxes levied pursuant to Section  
11 25 of this Act; and "operating costs" means "operating costs of the system," as  
12 defined in subsection (i) of Section 25 of this Act, and exclusive of depreciation  
13 and amortization and other costs and charges as provided in the said definition.  
14 (Added, Ga. L. 1979, pp. 4634, 4638; Amended, Ga. L. 1986, p. 4115; Ga. L.  
15 1989, p. 4313; Ga. L. 1992, p. 5690; Ga. L. 1993, p. 5251; Ga. L. 2002, p. 5690).

16

17

#### SECTION 10.

18

#### Revenue Bonds.

19

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

24 (b) Such bonds may be issued without any other proceeding, or the happening of  
25 any other conditions or events, than those proceeding, conditions, or events which  
26 are required by this Act. In the discretion of the Board, bonds of a single issue may

1 be issued for the purpose of a particular rapid transit project. Any resolution  
2 authorizing the issuance of bonds under the provisions of this Act may be made  
3 effective immediately upon its passage and need not be published or posted, and any  
4 such resolution may be passed at any regular or special meeting of the Board.  
5 However, the by-laws of the Board shall provide for advance written notice to  
6 members of the Board of any proposed resolution for the issuance of any bonds  
7 hereunder and for waivers thereof before action thereon.

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

11 (d) The bonds of each issue shall be dated, shall bear interest payable at such times  
12 and at such rate or rates within such limits as now or hereafter may be established in  
13 the Revenue Bond Law of the State of Georgia (Ga. L. 1937, p. 761, et seq.) as now  
14 or hereafter amended, and shall mature in such amounts and at such times not  
15 exceeding forty (40) years from the date thereof, as the Board may determine. The  
16 bonds may be in coupon or registered form, or both, as the Board may determine,  
17 and the Board may make provision for the registration of any coupon bond as to  
18 principal alone or as to both principal and interest. (Amended, Ga. L. 1971, pp.  
19 2092, 2096).

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

25 (f) All such bonds shall bear the manual or facsimile signature of the chairman or  
26 vice-chairman of the Board, attested by the secretary or treasurer thereof, and bear

1 the official seal of the Authority. Any coupons attached thereto shall bear the  
2 facsimile signature of the secretary or treasurer of the Board. When bonds or  
3 coupons bear the manual or facsimile signature of an officer of the Authority, such  
4 signature shall remain valid and effective for its original intent and purpose  
5 notwithstanding that prior to delivery the signer thereof may have ceased to hold the  
6 office indicated.

7 (g) All bonds, interim receipts, interim certificates, temporary bonds, equipment  
8 trust certificates and other obligations issued under the provisions of this Act shall  
9 have all the qualities and incidents of negotiable instruments under the laws of this  
10 State and are hereby declared to be issued for an essential public and governmental  
11 purpose, and the property, obligations and interest on the obligations of the  
12 Authority shall be exempt from all taxation within the State. (Amended, Ga. L.  
13 1971, pp. 2092, 2096).

14 (h) Bonds of the Authority shall be sold by public competitive bidding, unless such  
15 requirement is waived by the local governments participating in the Authority at the  
16 time of such sale, in which event the bonds may be sold through negotiation with a  
17 prospective purchaser or purchasers. If, with respect to the sale of any particular  
18 issue of bonds, public competitive bidding is contemplated, the advertising of the  
19 notice of sale and invitation to bid with respect thereto shall be advertised as is  
20 customarily done in the handling of governmental bond issues and Section 14(b) as  
21 to these matters shall not apply. The Authority may negotiate the sale of its bonds  
22 to the Federal Government. (Amended, Ga. L. 1971, pp. 2092, 2096).

23 (i) The proceeds of such bonds shall be used solely for the payment of the cost of a  
24 rapid transit project or rapid transit projects. If the proceeds of a bond issue are not  
25 sufficient to cover the cost thereof, unless otherwise provided in the resolution  
26 authorizing the issuance of the bonds, or in any trust indenture pertaining thereto,

1 additional bonds may in like manner be issued to provide the amount of the  
2 deficiency. Unless otherwise provided in the resolution authorizing the issuance of  
3 the bonds, or in any trust indenture pertaining thereto, such additional bonds shall  
4 be deemed to be of the same issue and to be paid from the same fund, without  
5 preference or priority, as the bonds first issued for the same purpose. If the  
6 proceeds of the bonds of any issue shall exceed the amount required for the purpose  
7 for which such bonds were originally issued, the surplus shall be paid into such fund  
8 as may be provided in the resolution authorizing the issuance of the bonds or in any  
9 trust indenture pertaining thereto or at the specific direction of the Board may be  
10 used for any other rapid transit project or projects.

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

14 (k) In the discretion of the Board any issue of such revenue bonds may be secured  
15 by a trust indenture by and between the Authority and a corporate trustee, which  
16 may be any trust company or bank having the powers of a trust company within or  
17 without the State. Such trust indenture may pledge or assign fares, fees, rentals,  
18 charges, revenues and earnings of the Authority, including the proceeds derived  
19 from the sale of any surplus property of the Authority. Either the resolution  
20 authorizing the issuance of the bonds or any trust indenture pertaining thereto may  
21 contain reasonable provisions for protecting and enforcing the rights and remedies  
22 of the bondholders, including covenants concerning the duties of the Authority in  
23 relation to the acquisition of property, the construction of the project, the  
24 maintenance, operation, repair and insurance of the property, and the custody,  
25 safeguarding and application of all monies, including the proceeds derived from the  
26 sale of property of the Authority, both real and personal, and may also provide that

1 any project shall be constructed and paid for under the supervision and approval of  
2 consulting engineers or architects employed or designated by the Board and  
3 satisfactory to the original purchasers of the bonds issued therefor, and may also  
4 require that the security given by contractors and by any depository of the proceeds  
5 of the bonds or revenues or other monies be satisfactory to such purchasers, and  
6 may also contain provisions concerning the conditions, if any, upon which  
7 additional revenue bonds may be issued. It shall be lawful for any bank or trust  
8 company incorporated under the laws of this State to act as such depository and to  
9 furnish such indemnifying bonds or pledge such securities as may be required by  
10 the Board. Such indenture may set forth the rights and remedies of the bondholders  
11 and of the trustee, and may restrict the individual right of action of bondholders as is  
12 customary in trust indentures securing bonds and debentures of corporations. In  
13 addition to the foregoing, such trust indenture may contain such other provisions as  
14 the Board may deem reasonable and proper for the security of the bondholders. All  
15 expenses incurred in carrying out such trust indenture may be treated as a part of the  
16 cost of maintenance, operation and repair of the project affected by such indenture.

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

22 (m) The fares, fees, rentals, charges, revenues and earnings of the Authority,  
23 monies derived from the sale of any surplus property of the Authority, and gifts,  
24 grants, and contributions from any source whatever, unless otherwise pledged and  
25 allocated, may be pledged and allocated by the Board to the payment of the  
26 principal of and interest on bonds of the Authority as the resolution authorizing the

1 issuance of bonds, or any trust instrument pertaining thereto, may provide, and such  
2 funds so pledged, from whatever source received, including funds received from  
3 one or more or all sources, shall be set aside at regular intervals as may be provided  
4 in the resolution or trust indenture, into a special debt retirement fund which shall  
5 be pledged to and charged with the payments of (1) the interest on such bonds as  
6 such interest shall fall due, (2) the principal of the bonds as same shall fall due, (3)  
7 the necessary charges of paying agent or agents for paying principal and interest,  
8 and (4) any premium upon bonds retired by call or purchase as hereinafter provided.

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

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

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

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

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

1 the Authority and against any municipality, county, authority subdivision,  
2 instrumentality or department of the State of Georgia, if a party to the validation  
3 proceedings, contracting with the Authority. (Amended, Ga. L. 1971, pp. 2092,  
4 2097).

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

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

18 (s) Bonds issued hereunder shall not be deemed to constitute a debt of any local  
19 government in the metropolitan area. Such bonds shall be payable solely from the  
20 special debt retirement fund hereinbefore established therefor and the issuance of  
21 such bonds shall not directly or indirectly or contingently obligate any local  
22 government in the metropolitan area to levy or to pledge any form of taxation  
23 whatever therefor or to make any appropriation for their payment, and all such  
24 bonds shall contain recitals on their face covering substantially the import of this  
25 subsection.

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

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

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

23 (w) The bonds of the Authority which have been duly validated as provided by law,  
24 and as to which there has been no default in payment either of principal or interest,  
25 shall be authorized security for all public deposits, and any such bonds may be  
26 deposited with and shall be received by all public officers and bodies of this State

1 and all municipalities and political subdivisions of this State for such purpose and  
2 for any other purpose as now or may hereafter be authorized. (Amended, Ga. L.  
3 1977, p. 724).

4  
5 SECTION 11.

6 Equipment Trust Certificates.

7  
8 The Board shall have continuing power to purchase equipment, and in connection  
9 therewith execute agreements, leases or equipment trust certificates in the form  
10 customarily used and appropriate to effect such purchases. The Board may issue  
11 equipment trust certificates in a manner similar to that provided for bonds under  
12 Section 10. All money required to be paid by the Authority under the provisions of  
13 such agreements, leases and equipment trust certificates shall be payable solely  
14 from the fares, fees, rentals, charges, revenues and earnings of the Authority,  
15 monies derived from the sale of any surplus property of the Authority and gifts,  
16 grants and contributions from any source whatever. Payment for such equipment or  
17 rentals therefor, may be made in installments; the deferred installments may be  
18 evidenced by equipment trust certificates payable solely from the aforesaid revenues  
19 or receipts, and title to such equipment may or may not vest in the Authority until  
20 the equipment trust certificates are paid.

21  
22 SECTION 12.

23 Power of Eminent Domain.

24  
25 The Authority shall have no power of eminent domain, but the City of Atlanta and  
26 the counties of Fulton, DeKalb, Cobb, Clayton and Gwinnett may, for purposes of

1 the Authority, exercise the broadest power of eminent domain available to them or  
2 any agency or joint agency thereof, under any statute, and convey to the Authority  
3 any property so acquired upon payment or credit for the total cost of any acquisition  
4 hereunder. However, no local governing body shall exercise any power of eminent  
5 domain hereunder with respect to property located beyond its territorial limits.

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SECTION 13.

8

Removal and Relocation of Utility Structures, Etc.

9

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

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

21

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SECTION 14.

23

Competitive Bidding on Contracts, Etc.

24

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

1 competitive bids shall be secured before any acquisition or disposition of properties  
2 by contract or otherwise is made by the Authority, or before any contract is awarded  
3 for construction, alterations, supplies, equipment, repairs or maintenance, or for  
4 rendering any services to the Authority, acquisitions shall be made from, and  
5 contracts awarded to, the lowest responsible bidder, and dispositions of property  
6 shall be made to the highest responsible bidder. No acquisition of any unique  
7 property unobtainable in the open market shall be made without the express  
8 approval of the Board where the amount involved is \$25,000.00 or more. Nothing  
9 in this Section shall apply to contracts for professional services or the personal  
10 services of employees, or to contracts for services of individuals or organizations  
11 not employed full time by the Authority but who are engaged primarily in the  
12 rendition of personal services and not the sale of goods and merchandise, such as  
13 but not limited to the services of attorneys, accountants, engineers, architects,  
14 consultants and advisors. (Amended, Ga. L. 1971, pp. 2092, 2098; Ga. L. 1983, p.  
15 764).

16 (b) All such acquisitions, dispositions and contracts involving \$100,000.00 or more  
17 shall be awarded only after advertising in the local newspaper of the largest  
18 circulation in the metropolitan area at least once a week in the two weeks prior to  
19 the bid opening. Bids shall be publicly opened and read aloud at a date, time and  
20 place designated in the invitation to bid. Invitations to bid shall be sent at least one  
21 week prior to the bid opening to at least three potential bidders who are qualified  
22 technically and financially to submit bids, or, in lieu thereof, a memorandum shall  
23 be kept on file showing that less than three potential bidders so qualified exist in the  
24 market area within which it is practicable to obtain bids. Prior to the award of a  
25 contract which will call for an anticipated aggregate payment of \$150,000.00 or  
26 more to the successful bidder, the Authority shall make an accurate and brief

1 summary thereof available to the public in its principal office and shall publish  
2 notice of its intention to award such contract to the successful bidder at least five  
3 days prior to such award in the local newspaper of the largest circulation in the  
4 metropolitan area. Such advertisement shall state the name of the successful bidder,  
5 the amount of the contract and its subject matter. This provision shall apply to  
6 contracts entered into thirty days or more after the effective date of this Act.  
7 (Amended, Ga. L. 1973, pp. 141, 142; Ga. L. 1983, p. 764; Ga. L. 1998, p. 4450).

8 (c) Except as otherwise provided in this Section, written price quotations from at  
9 least three qualified and responsible vendors, or vendees as the case may be, shall  
10 be obtained for all acquisitions, dispositions and contracts involving less than  
11 \$100,000.00 and over \$10,000.00, or, in lieu thereof, a memorandum approved by  
12 the Board shall be kept on file showing that less than three vendors or vendees, as  
13 the case may be, so qualified exist in the market area within which it is practicable  
14 to obtain quotations. Acquisitions shall be made from, and contracts awarded to, the  
15 lowest responsible quotation, and dispositions of property shall be made to the  
16 highest responsible quotation. (Amended, Ga. L. 1983, p. 764; Ga. L. 1998, p.  
17 4450).

18 (d) Acquisitions, dispositions and contracts involving \$10,000.00 or less may be  
19 negotiated with or without competitive bidding under sound procurement  
20 procedures as promulgated and established by the Board. (Amended, Ga. L. 1983,  
21 p. 764; Ga. L. 1998, p. 4450).

22 (e) Competitive bidding requirements may be waived if it is determined by the  
23 general manager, or in such other manner as the Board may by regulation provide,  
24 that an emergency directly and immediately affecting customer service or public  
25 health, safety or welfare requires immediate delivery of supplies, materials,  
26 equipment or services; provided, however, that a record explaining the emergency

1 shall be submitted to the Board at its next regular meeting and thereafter kept on  
2 file.

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

7 (g) Contracts for the sale, lease or other disposition of real property owned by the  
8 Authority shall be awarded only after competitive bidding and to the highest  
9 responsible bidder in a manner similar to that required in subsection (b), provided  
10 that such competitive bidding procedures may be waived, but only if the Board  
11 determines that the negotiation of a sale, lease, exchange or other disposition of real  
12 property owned or to be acquired by the Authority is necessary to facilitate either of  
13 the following: (i) the location of an Authority transportation project within real  
14 property owned by another; or (ii) the passage of the public between an Authority  
15 transportation project and the property of another. (Amended, Ga. L. 1977, pp.  
16 1312, 1313).

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

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

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

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

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

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

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

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

23 (3) The Authority shall acquire such property or services by such means as will  
24 secure the greatest practicable competition to provide them. (Added, Ga. L.  
25 1990, p. 3860).

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SECTION 14A.

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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

1 county and the largest municipality in the area of the Authority's operation. The  
2 annual report and lists required by this Section shall be prepared and filed within  
3 forty-five days of the end of the reporting period, shall be made available at the  
4 Authority's principal office for public inspection at all times during regular business  
5 hours of the Authority following such filing, and notice of such availability shall be  
6 published in a daily newspaper of general circulation within the entire geographic  
7 area of the Authority's operation within fifteen days after filing. Such notice shall  
8 occupy at least one quarter of a full page in such newspaper. (Added, Ga. L. 1973,  
9 pp. 141, 142; Amended, Ga. L. 1976, p. 3092; Ga. L. 1983, p. 764; Ga. L. 1991, p.  
10 4761).  
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SECTION 15.

Conflict of Interests.

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(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

1 obligations as in Section 10 hereof provided, shall constitute a final and conclusive  
2 adjudication as to any such security. (Amended, Ga. L. 1971, pp. 2092, 2099).  
3 (d) The Board shall be authorized to determine that a conflict of interest not  
4 disclosed under subsection (a) of this section, or a violation of the Act of the  
5 General Assembly approved March 10, 1964. (Ga. L. 1964, p.261), as amended, or  
6 a violation of a code of ethics duly approved by the Board, or a violation of any  
7 other provision of law applicable to the Authority, its Board members, officers, or  
8 employees regulating conflicts of interest, constitutes cause for which a member of  
9 the board should be removed from office. A report of the Board's determination  
10 and the factual and legal basis therefor shall be delivered to the Board members  
11 appointing authority together with a request that the appointing authority remove  
12 the Board member pursuant to Section 6(e) of this Act. If, within 60 days of its  
13 receipt of the Board's report and request, the appointing authority does not take  
14 action to approve or to deny removal of the Board member, the Board shall be  
15 authorized to the Board member. No Board member shall be thus removed unless  
16 he or she has been given a copy of the charges against him or her and an  
17 opportunity to be heard publicly in his or her own defense in person or by counsel  
18 with at least ten days written notice. A Board member thus removed from office  
19 shall have the right to a judicial review of his or her removal by an appeal to the  
20 superior court of the county of the local governing body that appointed him or her,  
21 but only on the ground of error of law or abuse of discretion." (Added, Ga. L. 2005,  
22 p. 4029).  
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SECTION 16.

Financial Accounts, Audits, Reports.

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(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

1 and subject to the rules of ethics of the American Institute of Certified Public  
2 Accountants. Such auditors shall be paid out of the general operating funds of the  
3 Authority.

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

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SECTION 17.

Budgets and Budgeting Procedures.

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(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

1 budget shall also show the proposed method of financing each proposed project and  
2 the effect thereof on the debt structure of the Authority. After a public hearing the  
3 Board shall review its proposed budget and on or before the last day of the fiscal  
4 year it shall adopt an annual capital improvements budget for the ensuing fiscal  
5 year. No contract for the purchase or construction of any capital improvement  
6 project shall be authorized, except to meet a public emergency certified as such by  
7 the Board, unless it is included in the annual capital improvements budget; however,  
8 the Board may propose and adopt an amendment to the annual capital  
9 improvements budget by following the procedure herein prescribed for adopting the  
10 original budget.

11 (d) The Authority shall fund and maintain an operating budget reserve of ten  
12 percent (10%) of the Authority's prior year operating budget revenues. For  
13 purposes of this section, the term "operating budget revenues" shall mean all funds  
14 received from federal, state, or local sources, including but not limited to grants,  
15 distributions from federal and state formula funds, or direct federal and state  
16 appropriations for projects or programs of the Authority, as well as farebox  
17 revenues and revenues received from rentals on property owned or operated by the  
18 Authority. Said operating budget reserve shall be utilized for ongoing operating  
19 expenses only in those circumstances requiring its use due to worsened economic  
20 conditions in the Atlanta region, or catastrophic loss such as an act of God or  
21 terrorism, which conditions cause a temporary shortfall in the Authority's  
22 anticipated revenues. The temporary operating revenue shortfall so noted shall be  
23 for a period of not less than six consecutive months during which total anticipated  
24 revenues are not less than two and one-half percent (2.5%) below the revenues  
25 received during the preceding fiscal year for the same six-month period. The first  
26 three percent (3%) of the reserve shall not be used in any six-month period. The

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1 | purpose of said reserve shall be exclusively to pay the ongoing operating expenses  
2 | during times of economic downturn and shall not be considered to be an available  
3 | recurring revenue for operating budget purposes and under no circumstances shall  
4 | the operating budget reserve be used to permanently replace the revenues which are  
5 | reduced due to the economic conditions set forth above. Upon cessation of such  
6 | economic downturn, as evidenced by cessation of the revenue shortfall required for  
7 | the use of the reserve for Authority operating expenses, the operating budget reserve  
8 | shall be replenished.

9 | (e) The Authority shall cause to be performed an independent annual management  
10 | audit on

11 | the condition of management of the Authority at the expense of the Authority, to be  
12 | supervised and approved by the Metropolitan Atlanta Rapid Transit Overview  
13 | Committee, and which management audit shall be submitted to the Board of the  
14 | Authority, the Governor, the State Auditor, and the Metropolitan Atlanta Rapid  
15 | Transit Overview Committee before December 31 of each year.

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

26 | (g) The Authority shall submit to the Metropolitan Atlanta Rapid Transit Overview

1 | Committee, the presiding officers of the House and Senate, and the Governor an  
2 | annual report which report shall indicate consultant expenses, other professional  
3 | services, salaries and expenses of full-time and part-time employees and Board  
4 | members, and payments rendered by outside companies or agencies to the Authority  
5 | for any and all services. Said report shall be submitted by August 31 of each year.  
6 | In addition to a printed copy to be provided to the parties enumerated in this  
7 | subsection, said report shall be posted in a prominent location on the Authority's  
8 | website within two weeks of submittal of the report to the parties enumerated in this  
9 | subsection. The report posted on the Authority's website shall show employee  
10 | identification numbers and job titles instead of the names of the employees. The  
11 | employee's social security number shall not be used as the employee's identification  
12 | number."(Amended, Ga. L. 2006, pp. 3745-3746).

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SECTION 18.

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

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SECTION 19.

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Insurance on Leased Property.

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22 All contracts for the lease of Authority property shall require the lessee to procure,  
23 maintain and pay for insurance to reasonably protect the Authority's liability related  
24 thereto, and further to insure the leased property in the Authority's name for its full  
25 value against all reasonable and insurable risks. Such contracts shall contain a

1 clause whereby the lessee agrees to indemnify and hold the Authority harmless for  
2 the negligence of lessee, his employees and agents.

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SECTION 20.

5

Rules and Regulations; Miscellaneous.

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

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

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

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

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

22 (C) 'Grievance arbitration' means arbitration of a dispute between the Authority and  
23 the authorized representative, acting on behalf of a represented employee, which  
24 involves the interpretation of an existing labor agreement and the application of the  
25 terms and conditions of that labor agreement to the claims of one or more  
26 employees.

1 (D) "Labor agreement" means an agreement, including any agreement respecting  
2 pension or retirement benefits for represented employees, between the Authority  
3 and the authorized representative, entered into in accordance with this subsection,  
4 which establishes the wages, hours and other terms and condition of employment  
5 for represented employees of the Authority.

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

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

13 (4) Upon or prior to the expiration of an existing labor agreement, the Authority and  
14 the authorized representative shall collectively bargain in an effort to reach a  
15 successor replacement labor agreement. If, after expiration of an existing labor  
16 agreement, the Authority and the authorized representative are then unable to agree  
17 upon the terms and conditions of a new labor agreement, including but not limited  
18 to the issue of wages, they shall jointly select or, failing their agreement, upon the  
19 written petition of either or both parties, the Governor shall appoint within 30 days  
20 after the receipt of said petition a neutral fact finder to investigate and explore all  
21 unresolved collective bargaining issues and to render a report to the Authority, the  
22 authorized representative, and the public. The neutral fact finder shall conduct such  
23 hearings as may be necessary to provide for the full and fair presentation of all  
24 unresolved collective bargaining issues by both parties. That fact finder shall be  
25 authorized to sign and issue subpoenas for witnesses or documents, to administer  
26 oaths, to take oral or written testimony and to take such other actions as may be

1 needed to make comprehensive findings of fact and recommendations. When a  
2 subpoena is disobeyed, any party may apply to the Superior Court of Fulton County  
3 for an order requiring obedience. Failure to comply with that order shall be cause  
4 for punishment as for contempt of court. The costs of securing the attendance of  
5 witnesses, including fees and mileage, shall be computed in the same manner as  
6 prescribed by law in civil cases in the superior court.

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

23 (6) Upon issuance of the fact finder's report, the Authority and the authorized  
24 representative shall continue to collectively bargain in light of the recommendations  
25 set forth in such report. If either party rejects any or all of the fact finder's  
26 recommendations and the parties are otherwise unable, through collective

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

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

25 (8) In any interest arbitration under this subsection, the arbitrator shall be bound by  
26 any written stipulation or submission agreement between the Authority and the

1 authorized representative concerning such determination. In determining any issue,  
2 the arbitrator shall also give weight both to the report of the neutral fact finder and  
3 to the following factors:

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

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

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

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

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

22 (9) In the event that either party wishes to enforce the decision of the arbitrator, a  
23 petition for such enforcement must be filed within ninety (90) days of such decision.

24 In odd numbered years, the petition must be filed in the Superior Court of Fulton  
25 County and directed to the senior judge in time of service in that court. In even  
26 numbered years, the petition must be filed in the Superior Court of DeKalb County

1 and directed to the senior judge in time of service in that court. The court shall  
2 confirm the decision unless the decision is vacated by the court because the court  
3 finds that the rights of a party were prejudiced by:

4 (A) Corruption, fraud, or misconduct in procuring the decision;

5 (B) Partiality of an arbitrator appointed as a neutral;

6 (C) An overstepping by the arbitrators of their authority or such imperfect  
7 execution of it that a final and definite decision upon the subject of such matter  
8 submitted was not made; or

9 (D) The arbitrator's manifest disregard for the law.

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

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

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

26 (12) Subject to any requirement imposed pursuant to Section 13 (c) of the Urban

1 Mass Transportation Act of 1964, as amended, the Authority at all times shall have  
2 the right to determine the method, means, and personnel by which its operations are  
3 to be carried on, including the right to hire part-time employees.

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

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

15

16 SECTION 21.

17 Tax and Regulatory Exemptions.

18

19 (a) The property of the Authority, both real and personal, its acts, activities and  
20 income shall be exempt from any tax or tax obligation. In the event of any lease of  
21 Authority property, or any other arrangement which amounts to a leasehold interest,  
22 to a private party, this exemption shall not apply to the value of such leasehold  
23 interest, nor shall it apply to the income of the lessee. Otherwise, however, and for  
24 purposes of taxation, when property of the Authority is leased to private parties to  
25 be employed solely for purposes of the Authority, the acts and activities of the

1 lessee shall be considered as the acts and activities of the Authority and the  
2 exemption hereunder shall apply to such acts and activities.

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

14 (c) The Authority and its activities shall be exempt from all taxes and tax  
15 obligations, except taxes imposed upon the sale or distribution of motor fuels  
16 pursuant to Code Chapter 92-14, relating to motor fuel taxation, or pursuant to the  
17 "Motor Fuel Tax Law," Ga. Code Chapter 91A-50, as now or hereafter amended.  
18 The Authority shall not be obligated to pay, and the State Revenue Commissioner  
19 shall not collect or attempt to collect, assess or attempt to assess, levy or attempt to  
20 levy from or against the Authority, any sales and use taxes imposed upon the sale of  
21 motor fuel, including without limitation, the tax authorized by Section 25 of this  
22 Act, for any period of time subsequent to June 30, 1977, and prior to July 1, 1979.  
23 (Amended, Ga. L. 1977, p. 1313; Ga. L. 1981, p. 4291).

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

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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).

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

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

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

1 (d) As an alternative method of providing the financial participation determined by  
2 its local governing body to be its proper share of the cost of financing a rapid transit  
3 project or projects, a local government may enter into a rapid transit contract or  
4 contracts calling for the Authority to perform for it the aforesaid governmental  
5 function and calling for it to make periodic payments to the Authority for the public  
6 transportation services and facilities contracted for, which payments may include  
7 amounts required to defray the periodic principal and interest payments on any  
8 obligations issued by the Authority for the purpose of financing the cost of any  
9 rapid transit project or projects, amounts necessary to establish and maintain  
10 reasonable reserves to insure the payment of said debt service and to provide for  
11 renewals, extensions, repairs and improvements and additions to the rapid transit  
12 system, and amounts required to defray any operational deficit which the system or  
13 any part thereof may incur from time to time.

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

1 (f) The procedure for holding the referendum called for in subsection (e) shall be as  
2 follows: There shall be published in a newspaper having general circulation  
3 throughout the territory of the local government involved, once each week for four  
4 weeks immediately preceding the week during which the referendum is to be held, a  
5 notice to the electors thereof that on the day named therein an election will be held  
6 to determine the question of whether or not the local government shall enter into the  
7 proposed rapid transit contract and said notices shall contain the full text of said  
8 proposed contract, which contract shall set forth the obligations of the parties  
9 thereto. It is expressly provided, however, that none of the documents or exhibits  
10 which are incorporated in such contract by reference or are attached to such contract  
11 and made a part thereof shall be published. Such special election shall be held at all  
12 the election districts within the territorial limits of the local government involved  
13 except that an election called by the local governing body of any county within the  
14 metropolitan area shall not be held in any part of such county which is within the  
15 territorial limits of the City of Atlanta, if, with respect to the particular rapid transit  
16 project or projects to be supported by the proposed rapid transit contract of such  
17 county, said City is already a party to a rapid transit contract or the governing body  
18 of said City proposes to enter into a rapid transit contract subject to the approval  
19 thereof at a referendum. The question to be presented to the electorate in any such  
20 referendum shall be and shall be stated on the ballots or ballot label as follows:

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

23

24 Shall this contract be approved?

25 YES \_\_\_ NO

1 The question shall be published as a part of the aforesaid notice of election. Each  
2 such election called by the governing body of a county within the metropolitan area  
3 under the provisions of this subsection shall be governed by and held and conducted  
4 in accordance with the provisions of law from time to time governing the holding of  
5 elections to elect members to the General Assembly of this State. After the returns  
6 of such an election have been received, and the same have been canvassed and  
7 computed, the result shall be certified to the local governing body which called the  
8 election, in addition to any other person designated by law to receive the same, and  
9 such governing body shall officially declare the result thereof. Each election called  
10 by the governing body of the City of Atlanta under the provisions of this subsection  
11 shall be governed by and conducted in accordance with the provisions of law at the  
12 time governing the holding of elections by said City. The expense of any such  
13 election called by the governing body of the City of Atlanta shall be paid by the  
14 City of Atlanta.

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

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

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

1 and credit of any local government be pledged with respect to a rapid transit  
2 contract.

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

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

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

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

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23

SECTION 24A.

24

Transportation services contracts.

25

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

1 (a) Notwithstanding the provisions of Section 24 of this Act or any other provision  
2 of this Act, the Authority may execute a transportation services contract with any  
3 county, municipality, special tax or community improvement district, political  
4 subdivision of this state, or any combination thereof being or lying within the  
5 counties of Clayton, Cobb, DeKalb, Fulton, or Gwinnett, to provide public  
6 transportation services, facilities, or both, for, to, or within such county,  
7 municipality, district, subdivision, or combination thereof. A transportation  
8 services contract executed pursuant to this Section:

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

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

13 (A) The issuance of bonds under subsection (c) of Section 24 of this Act;

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

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

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

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

23 (A) Fares;

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

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

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

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

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

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

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

26

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

1 which is ordered by and delivered to the purchaser at a point outside the  
2 geographical area in which the tax is imposed, regardless of the point at which title  
3 passes, if such delivery is made by the seller's vehicle, U.S. mail, common carrier or  
4 by private or contract carrier licensed by the Interstate Commerce Commission or  
5 the Georgia Public Service Commission. Provided further that the tax authorized to  
6 be levied herein shall apply, any law to the contrary notwithstanding, to the retail  
7 sale, rental, storage, use, or consumption of motor fuel as the term "motor fuel" is  
8 defined by Code Section 92-1402 or, after January 1, 1980, by Code Section  
9 91A-5002. (Amended, Ga. L. 1974, pp. 2617, 2618; Ga. L. 1979, pp. 4634, 4641;  
10 Ga. L. 1980, pp. 3831, 3834).

11 (b)(1) Rate of Tax. The tax when levied shall be at the rate of one (1%) percent  
12 until and including June 30, 2047, and shall thereafter be reduced to one-half  
13 (1/2%) of one percent. Said tax shall be added to the State Sales and Use Tax  
14 imposed by Article 1 of Chapter 8 of Title 48 of the O.C.G.A., and the State  
15 Revenue Commissioner is hereby authorized and directed to establish a bracket  
16 system by appropriate rules and regulations to collect the tax herein imposed in  
17 the areas affected. (Amended, Ga. L. 1979, pp. 4634, 4640; Ga. L. 1983, p.  
18 1079; Ga. L. 1990, p. 3860; Ga. L. 2000, p. 4492).

19 (2)(Added, Ga. L. 1988, p. 5013; See Note 8). (A) A local governing body  
20 which, on January 1, 1988, is not a party to the Rapid Transit Contract and  
21 Assistance Agreement specified in subsection (k) of this Section may enter into  
22 a rapid transit contract to provide public transportation services and facilities  
23 other than any extension of or addition to the Authority's existing rail rapid  
24 transit system and may levy a retail sales and use tax authorized under  
25 subsection (a) of this Section at the rate of either one-half (1/2%) percent or  
26 one (1%) percent, as determined by that contract between such local governing

1 body and the Authority. Such contract shall require that the costs of the  
2 transportation services and facilities contracted for, as determined by the Board  
3 of Directors on the basis of reasonable estimates, allocation of costs and  
4 capital, and projections shall be borne by one or more of the following:

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

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

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

1 (C) A tax levied under this paragraph shall be added to the State Sales and Use  
2 Tax imposed by Article 1 of Chapter 8 of Title 48 of the O.C.G.A., and the  
3 State Revenue Commissioner is authorized and directed to establish a bracket  
4 system by appropriate rules and regulations to collect the tax imposed under  
5 this paragraph in the areas affected. Nothing in this paragraph shall be  
6 construed to require that any tax levied at a rate specified by this paragraph be  
7 reduced as provided for the one (1%) percent tax levied pursuant to paragraph  
8 (1) of this subsection.

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

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

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

4 (2) Credit. A credit shall be allowed against the tax authorized to be levied  
5 pursuant to this Act for the amount of local sales or use tax imposed pursuant to  
6 Code Chapter 91A-46 or Article 2 of Chapter 8 of Title 48 of the Official Code  
7 of Georgia Annotated, as now or hereafter amended, which has been paid with  
8 respect to the same property by the purchaser thereof in a local taxing  
9 jurisdiction within the State; provided, however, that no credit shall be allowed  
10 for taxes paid in another local taxing jurisdiction unless a like credit is granted  
11 against the tax authorized to be imposed pursuant to said Code Chapter 91A-46  
12 or Article 2 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated  
13 for any amount which has been paid as a tax levied pursuant to this Act. If the  
14 amount of sales or use tax so paid pursuant to said Code Chapter 91A-46 or  
15 Article 2 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated is  
16 less than the amount of tax payable pursuant to this Act, the purchaser shall pay  
17 an amount equal to the difference between the amount so paid and the amount  
18 due as authorized to be levied pursuant to this Act. Provided further, that no  
19 credit hereunder will be allowed within the territory of any local government  
20 which levies both the tax authorized pursuant to this Act and a local sales or use  
21 tax pursuant to said Code Chapter 92A-46 or Article 2 of Chapter 8 of Title 48  
22 of the Official Code of Georgia Annotated. The State Revenue Commissioner  
23 may require such proof of payment of taxes levied pursuant to said Code  
24 Chapter 91A-46 or Article 2 of Chapter 8 of Title 48 of the Official Code of  
25 Georgia Annotated as he deems necessary and proper. (Added, Ga. L. 1982, p.  
26 5101).

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

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

16 (f) Distribution of Funds. As soon as practicable after the local sales and use tax  
17 monies have been paid into the State Treasury in any month for the preceding  
18 month, the State Treasurer shall draw his warrant on the State Treasury in the proper  
19 amount in favor of each local government entitled to the monthly return of its local  
20 sales and use tax monies, and such payment shall be charged to the account of each  
21 local government under the special fund created by this Act. Any errors made in  
22 any such payments or any adjustments otherwise necessary, whether attributable to  
23 refunds to taxpayers or by some other fact shall be corrected and adjustments shall  
24 be made in such payments for the next month or subsequent months. The amount  
25 due each local government shall be reduced, for costs incurred in the administration  
26 and collection of the local tax, by 1.00 percent of the amount of such tax collected

1 less corrections and adjustments herein provided. Such amounts due the  
2 Department shall be certified by the State Revenue Commissioner to the State  
3 Treasurer who shall deduct such amount from the amount due the local  
4 governments. (Amended, Ga. L. 1974, pp. 2608, 2609).

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

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

14 “(i) Use of Proceeds. The proceeds of the tax levied pursuant to this Act shall be  
15 used solely by each local government to fulfill the obligations incurred in the  
16 contracts entered into with the Metropolitan Atlanta Rapid Transit Authority as  
17 contemplated in the Metropolitan Atlanta Rapid Transit Authority Act of 1965, as  
18 amended; provided, however, that no more than fifty percent (50%) of the annual  
19 proceeds of the tax shall be used to subsidize the operating costs of the system,  
20 exclusive of depreciation, amortization, and other costs and charges as provided in  
21 this subsection, until January 1, 2002. For the period beginning January 1, 2002,  
22 and ending June 30, 2002; and for each fiscal year commencing thereafter until  
23 December 31, 2008, no more than fifty-five percent (55%) of the proceeds of the tax  
24 shall be used to subsidize the operating costs of the system, exclusive of  
25 depreciation, amortization, and other costs and charges as provided in this  
26 subsection; and for the period beginning January 1, 2009, and ending June 30, 2009,

1 and each fiscal year commencing thereafter until July 1, 2032, no more than fifty  
2 percent (50%) of the proceeds of the tax shall be used to subsidize the operating  
3 costs of the system, exclusive of depreciation, amortization, and other costs and  
4 charges as provided in this subsection; except that if the Board of the Metropolitan  
5 Atlanta Rapid Transit Authority shall fail to file with the Metropolitan Atlanta  
6 Rapid Transit Overview Committee annually, the original and 14 copies of a report  
7 of the findings of a completed management performance audit of the Authority's  
8 current operations, which audit was performed under contract with and at the  
9 expense of the Authority, along with any auditor's recommendations based thereon  
10 and the auditor's signed written verification that the Metropolitan Atlanta Rapid  
11 Transit Authority fully cooperated with such audit and allowed access to all its  
12 books, records, and documents to extent the auditor deemed necessary, then for the  
13 period beginning January 1, 2003, and ending June 30, 2003 and each fiscal year  
14 commencing thereafter until July 1, 2032, no more than fifty percent (50%) of the  
15 proceeds of the tax shall be used to subsidize the operating costs of the system,  
16 exclusive of depreciation, amortization, and other costs and charges as provided in  
17 this subsection. For each fiscal year commencing on or after July 1, 2032, no more  
18 than sixty percent (60%) of the annual proceeds of the tax shall be used to subsidize  
19 the operating costs of the system, exclusive of depreciation, amortization, and other  
20 costs and charges as provided in this subsection; and commencing with July 1,  
21 2032, and for every year thereafter, the proceeds of the tax shall not be used to  
22 subsidize operations of the transportation system to an extent greater than fifty  
23 percent (50%) of the operating costs of the system, exclusive of depreciation,  
24 amortization, and other costs and charges as provided in this subsection. In  
25 adopting its annual budget, the Board of the Metropolitan Atlanta Rapid Transit  
26 Authority shall be authorized to rely upon estimates of all revenues, operating costs,

1 patronage, and other factors which may affect the amount of the fare required to  
2 limit the operating subsidy herein provided for. If the results of any year's  
3 operations reflect that the proceeds of the tax were used to subsidize operations to  
4 an extent greater than herein provided, the Board shall adjust fares in order to make  
5 up the deficit in operations during a period of not to exceed three (3) succeeding  
6 years. If the results of operations in the Authority's fiscal year commencing July 1,  
7 1980, or in any subsequent fiscal year reflect that the proceeds of the tax were not  
8 used to subsidize operations to the maximum extent herein provided, the Board  
9 shall reserve any amounts that could have been used to subsidize operations in that  
10 fiscal year and later use said reserved amounts and any interest earned on said  
11 reserved amounts to provide an additional subsidy for operations in any future  
12 fiscal year or years. The words 'operating costs of the system' for purposes of this  
13 subsection 25(i) are defined to include all of the costs of that division of the  
14 Authority directly involved and that portion of the nonoperating administrative  
15 costs of those divisions of the Authority indirectly involved, through the provision  
16 of support services, in providing mass transportation services for metropolitan area,  
17 but exclusive of the costs of the division or divisions directly involved and that  
18 portion of the nonoperating administrative costs of those divisions indirectly  
19 involved, in the planning, design, acquisition, construction, and improvement of the  
20 rapid transit system, according to accepted principles of accounting, and also  
21 exclusive of the following costs;

22 (1) Nonrecurring costs and charges incurred in order to comply with any statute or  
23 regulation concerning either the protection or cleaning up of the environment, or  
24 accessibility by handicapped or disabled persons, or occupational health or safety,  
25 or compliance with any national or state emergencies, or with any judgement,  
26 decree, or order of any court or regulatory agency in implementation of any such

1 statute or regulation; and

2 (2) In the case of leases of equipment or facilities that, according to generally  
3 accepted principles of accounting, would not be classified as capital leases,  
4 payments of rent, and other payments for the property subject to such leases or for  
5 the use thereof; provided that any costs for regular maintenance or repair of such  
6 equipment or facilities shall not be excluded. If any proceeds of the tax levied  
7 pursuant to this Act are held for the purpose of planning, designing, acquiring, or  
8 constructing additional facilities or equipment for or improvements to the rapid  
9 transit system and are invested, then all interest earned from such investments shall  
10 be used only for such purposes or for paying the principal of or interest on bonds or  
11 certificates issued for such purposes. Commencing July 1, 1988, and until June 30,  
12 2008, and only if expressly authorized by the board, interest earned on reserve funds  
13 set aside for rebuilding, repairing, or renovating facilities of the rapid transit system;  
14 for replacing, repairing, or renovating equipment or other capital assets thereof; or  
15 from the sale or other disposition of real property, may, without regard to the  
16 original source of the funds so reserved, be used to pay the operating costs of the  
17 system as such costs are defined in this subsection.” (Amended, Ga. L. 2006, p.  
18 3751-3753).

19 (j) Effective Date of Tax. The effective date of the tax authorized by this Act shall  
20 be the first day of the first calendar month which begins more than ninety (90) days  
21 after the action of the local governing body levying the tax referred to in subsection  
22 (a) of Section 25 of this Act unless a later effective date shall have been specified by  
23 such local governing body in levying the tax provided that with respect to services  
24 which are regularly billed on a monthly basis, the tax shall become effective with  
25 the first regular billing period coinciding with or following the effective date of the  
26 tax as herein specified.

1 (k) The Authority shall use the proceeds of the tax levied pursuant to this Act and  
2 the proceeds from bonds or certificates issued by the Authority for the following  
3 purposes and in the following order of priorities: First, for the purposes and in the  
4 manner required by any trust indenture or other agreement with or for the benefit of  
5 bondholders, including payment of the principal of or premium or interest upon  
6 bonds or certificates issued by the Authority or to create a reserve for that purpose;  
7 second, to pay the operating costs of the system as defined in subsection 25(i) of  
8 this Act, to pay the general administrative expenses of the Authority, to purchase,  
9 construct, replace, and maintain buses and facilities necessary for the operation,  
10 repair, and maintenance of buses, to purchase on terms advantageous to the  
11 Authority real property necessary and appropriate to construct, complete, and  
12 operate the rapid transit system described in the Rapid Transit Contract and  
13 Assistance Agreement by and between the Authority, the counties of Fulton and  
14 DeKalb and the City of Atlanta dated September 1, 1971, as now and hereafter  
15 amended, and to complete and operate those portions of the Authority's rapid transit  
16 system defined as Phase "A" in those contracts existing on the effective date of this  
17 Act between the Authority and the Urban Mass Transportation Administration of  
18 the United States Department of Transportation; and third, to construct, complete,  
19 and operate that portion of the rail system described as Phases A, B, and C in the  
20 Rapid Transit Contract and Assistance Agreement by and between the Authority,  
21 the counties of Fulton and DeKalb, and the City of Atlanta, dated September 1,  
22 1971, as amended, in the following manner and order of priority: (1) Phase A; (2)  
23 Phase B; (3) That portion of Phase C extending from Lenox Road to Brookhaven on  
24 the Northeast Line and from Lakewood to East Point on the South Line, with  
25 completion of Brookhaven occurring before completion of East Point; (4) That  
26 portion of Phase C extending from Brookhaven to Chamblee on the Northeast Line;

1 (5) That portion of Phase C extending from East Point to College Park to the  
2 mid-field terminal in Clayton County, Georgia, at the Hartsfield International  
3 Airport on the South Line and Southwest Branch; and (6) That portion of Phase C  
4 extending from Chamblee to Doraville on the Northeast Line. This subsection (k)  
5 shall not be construed to change either any limitations upon the use of the proceeds  
6 of the tax levied pursuant to this Act imposed by subsection (i) of this Section 25 or  
7 any limitations upon the use of the proceeds of bonds or certificates issued by the  
8 Authority imposed by this Act.

9 The provisions of this subsection shall not be construed so as to prohibit the  
10 Authority from utilizing its available revenues for technical studies nor from  
11 utilizing available revenues to construct, complete, and operate those portions of the  
12 Authority's rapid transit system contained in Phases D and E of the system as set  
13 forth in and defined by the Ninth Amendment to the Rapid Transit Contract and  
14 Assistance Agreement so long as the Authority has available sufficient funds,  
15 grants-in-aid, proceeds of unissued bonds, or other sources of revenue to construct,  
16 complete, and operate Phases A, B, and C of the rapid transit system and is  
17 proceeding with the design and construction thereof. (Added, Ga. L. 1979, pp. 4634,  
18 4643); Amended, Ga. L. 1983, p. 764; Ga. L. 1983, p. 1087; Ga. L. 1988, p. 3510.  
19 NOTICE: This subsection has two different effective dates - See Notes 5 and 7.)

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

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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

1 hereby repealed. In repealing these provisions, it is the intent of the General  
2 Assembly to recognize that the Interim Study Committee has served the  
3 transitional purpose for which it was created and that it has now been succeeded  
4 by the board of directors as contemplated by Section 5(d) and 6(c).

5 Note 2.

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

8 SECTION 2.

9 Sections 6(b) and 6(c) of the Metropolitan Atlanta Rapid Transit Authority Act of  
10 1965, relating to referenda as a prerequisite for further participation in the  
11 Authority by the local governing bodies of the local governments within the  
12 metropolitan area, are hereby repealed. In repealing these provisions, it is the  
13 intent of the General Assembly to recognize that the referenda held pursuant  
14 thereto served the purpose originally contemplated and to confirm participation in  
15 the Authority by the Counties of Fulton, DeKalb, Clayton, Gwinnett and the City  
16 of Atlanta, the nonparticipation in the Authority by Cobb County, and the  
17 procedures by which this participation and nonparticipation have been effected.  
18 Section 3 of the 1966 Act added the present Section 6(b) to the Metropolitan Atlanta  
19 Rapid Transit Authority Act of 1965.

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21 Note 3.

22 Section 1 of an Act approved March 16, 1971 (Ga. L. 1971, p. 2082) added Section  
23 25 to the Metropolitan Atlanta Rapid Transit Authority Act of 1965. Section 2 of  
24 the 1971 Act, which read as follows:

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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

1 quasi-governmental body other than the state and allocated to the Metropolitan  
2 Atlanta Rapid Transit Authority.

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4 Note 4.

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

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8 SECTION 4.

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

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14 Note 5.

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

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SECTION 1.

18 It is the intent of the General Assembly, through the passage of this Act, to  
19 provide funding for and to require, subject to contractual and constitutional  
20 limitations, the construction and operation by the Metropolitan Atlanta Rapid  
21 Transit Authority of that portion of the rail system described in the Rapid Transit  
22 Contract and Assistance Agreement by and between the Authority, the counties of  
23 Fulton and DeKalb, and the City of Atlanta, dated September 1, 1971, as  
24 amended, which extends from the City of Doraville, Georgia, to the new mid-field  
25 terminal in Clayton County, Georgia, at the Hartsfield International Airport,  
26 giving equal priority to extending the rail system to serve the City of Doraville

1 and the Hartsfield International Airport. It is not the intent of the Act to  
2 unlawfully impair the obligation of any bond contract in effect on the effective  
3 date of this Act or to restrict the use of funds other than as is necessary to the  
4 intent of this Act.

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SECTION 13.

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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.

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Note 7.

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

SECTION 2.

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

SECTION 3.

This Act shall become effective July 1, 1984.

Note 8.

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

SECTION 4.

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