

Senate Bill 460

By: Senator Beach of the 21st

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965,"
2 approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, so as to provide for adoption
3 of a logo and brand to include the term "ATL" by such Authority by a certain date; to provide
4 for the publishing of standards for bus service for a fiscal year; to provide for clarification
5 on the responsible parties for debt in relation to the issuance of certain revenue bonds; to
6 amend requirements for transportation services contracts between the Authority and a local
7 government; to provide for related matters; to provide for contingent effective dates; to
8 repeal conflicting laws; and for other purposes.

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **SECTION 1.**

11 An Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved
12 March 10, 1965 (Ga. L. 1965, p. 2243), as amended, is amended by revising subsection (a)
13 of Section 8 as follows:

14 "(a) The powers, privileges and immunities authorized by law for private corporations and
15 for instrumentalities of government. The Authority may sue or be sued in its corporate
16 name but no execution shall be levied on any property of the Authority prior to ninety (90)
17 days from the date of a final judgment against the Authority. The Board may adopt and use
18 a common seal for the Authority and change it at its pleasure. On and after January 1,
19 2023, the board shall utilize a logo and brand upon Authority property which shall include
20 the term 'ATL' as a prominent feature. Such branding and logo will in no manner change
21 the official name, business, contracts, or other obligations of the Authority."

22 **SECTION 2.**

23 Said Act is further amended by revising paragraph (g) of Section 9 as follows:

24 "(g) Not later than 120 days after the end of each fiscal year, the Board shall adopt and
25 publish standards of bus service for the Authority's current fiscal year for Clayton, Fulton,

26 and DeKalb counties including, but not limited to, such service within the City of Atlanta.
 27 The Board may hold public hearings, as it may deem appropriate, prior to the adoption and
 28 publication of such standards and may prescribe rules and regulations to govern such
 29 hearings not inconsistent with this Act."

30 SECTION 3.

31 Said Act is further amended by adding two new paragraphs to Section 10 to read as follows:

32 "(x) Any bonds of the Authority issued on or after January 1, 2019, shall not be deemed
 33 to constitute a debt of any local government of the metropolitan area nor any local
 34 government of a county which enters into a transportation services contract pursuant to
 35 Section 24A of this Act.

36 (y) Any bonds issued by a local government of a county which enters into a transportation
 37 services contract with the Authority shall be governed by the provisions of Article 5B of
 38 Chapter 8 of Title 48 of the Official Code of Georgia Annotated."

39 SECTION 4.

40 Said Act is further amended by revising Section 24A as follows:

41 "SECTION 24A.

42 (a) Notwithstanding the provisions of Section 24 of this Act or any other provision of this
 43 Act, the Authority may execute a transportation services contract with any county,
 44 municipality, special tax or community improvement district, political subdivision of this
 45 state, or any combination thereof being or lying within the counties of Clayton, Cobb,
 46 DeKalb, Fulton, or Gwinnett, to provide public transportation services, facilities, or both,
 47 for, to, or within such county, municipality, district, subdivision, or combination thereof.
 48 A transportation services contract executed pursuant to this Section:

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

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

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

54 ~~(B) The levy of the special retail sales and use tax described and authorized in Section~~
 55 ~~25 of this Act; or~~

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

57 ~~(3)~~(2) Shall require that the provision of transportation services or for facilities
 58 contracted for are from the approved project list from the regional transit plan developed
 59 by the Atlanta-region Transit Link 'ATL' Commission pursuant to Code Section

60 48-8-269.42 of the Official Code of Georgia Annotated or is otherwise authorized
 61 pursuant to such Code section ~~May not authorize the construction of any extension of or~~
 62 ~~addition to the Authority's existing rapid rail system; and~~

63 ~~(4)(3)~~ Shall require that the costs of any transportation services and facilities contracted
 64 for, as determined by the Board of Directors on the basis of reasonable estimates,
 65 allocations of costs and capital, and projections shall be borne by one or more of the
 66 following:

67 (A) Fares;

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

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

71 (D) A special retail sales and use tax described and authorized in Article 5B of
 72 Chapter 8 of Title 48 of the Official Code of Georgia Annotated.

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

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

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

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

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

96

SECTION 5.

97 (a) Except as otherwise provided by subsection (b) of this section, this Act shall become
98 effective upon its approval by the Governor or upon its becoming law without such approval.

99 (b) Sections 3 and 4 of this Act shall become effective only upon the effective date of
100 Senate Bill 386 from the 2018 legislative session.

101

SECTION 6.

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