

BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
GEORGIA:

Section 1. An Act known as the Metropolitan Atlanta Rapid Transit Authority Act of 1965, approved March 10, 1965 (Ga. Laws 1965, p. 2243), as amended, particularly by an Act approved March 4, 1966 (Ga. Laws 1966, p. 3264), is further amended by striking therefrom subsection (j) of Section 2 in its entirety and inserting in lieu thereof a new subsection (j) which shall read as follows:

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

Section 2. Said Act is further amended by striking therefrom subsection (i)(2) of Section 6 in its entirety and inserting in lieu thereof a new subsection (i)(2) which shall read as follows:

"(2) The purchase or lease of any privately owned system of transportation of passengers for hire in its entirety, or any substantial part thereof, as contemplated by the acquisition of a privately owned transportation system is essential to the development of rapid transit in the metropolitan area.

Section 3. Said Act is further amended by striking therefrom subsection (e) of Section 8 in its entirety and inserting in lieu thereof a new subsection (e) which shall read as follows:

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

to delete a provision subjecting said Authority to liability for certain attorneys fees of adverse parties

engineering, financial and economic studies, to make plans, designs and tests related to rapid transit projects. In connection therewith the Authority may enter in a reasonable

manner upon any lands, waters or premises for the purpose of making reasonable surveys, soundings, drillings and examinations and such entries shall not be deemed a trespass except that the Authority shall be liable for any actual and consequential damages resulting from such entries."

Section 4. Said Act is further amended by striking therefrom subsection (i) of Section 8 in its entirety and inserting in lieu thereof a new subsection (i) which shall read as follows:

"(i) The power to enter into contracts with the State of Georgia and any agency, instrumentality, authority,

municipality or political subdivision thereof or therein, and particularly with the local governments within the metropolitan area, for public transportation services to be rendered by the Authority or its rapid transit system, and for any other purposes incidental to the establishment and maintenance of its rapid transit system, or any part or project thereof, including the payment of funds to subsidize the operations of such system if it should ever be necessary to do so, and the usual facilities related thereto."

Section 5. Said Act is further amended by striking therefrom subsection (c) of Section 9 in its entirety and inserting in lieu thereof a new subsection (c) which shall read as follows:

"(c) The Board shall determine by itself exclusively after public hearings as hereinafter provided, the routes, types of construction, equipment, facilities, and the scope and standards of service to be operated by the Authority, the scheduled services to be made available to the public and the amounts to be charged therefor. Before making any determinations as to scheduled services or amounts to be charged therefor, the Board shall first hold at least one public hearing after giving notice of the time and place by twice advertising on different days in the newspaper having the largest circulation in the metropolitan area not more than ten days nor less than five days prior to the hearing. As to all other matters, the Board may hold such public hearings as it may deem appropriate, and as

to indicate which public bodies said Authority may contract with pertaining to its purposes and to clarify the power of local governments to pay operational subsidies

to eliminate the provision for judicial review of charges or services fixed by said Authority

to all public hearings, it may prescribe reasonable rules and regulations to govern such hearings not inconsistent with this Act."

Section 6. Said Act is further amended by striking therefrom subsection (d) of Section 10 in its entirety and inserting in lieu thereof a new subsection (d) which shall read as follows:

"(d) The bonds of each issue shall be dated, shall bear interest payable at such times and at such rate or rates, and shall mature in such amounts and at such times not exceeding forty (40) years from the date thereof, as the Board may determine. The to delete require-  
ments that revenue bonds may be in coupon or registered form, or both,  
bonds of said Authority  
be sold at par and as the Board may determine, and the Board may  
bearing interest at make provision for the registration of any coupon bond  
a rate not exceeding six per cent per  
six per cent per annum  
as to principal alone and also as to both principal and  
interest."

Section 7. Said Act is further amended by striking therefrom subsection (g) of Section 10 in its entirety and inserting in lieu thereof a new subsection (g) which shall read as follows:

"(g) All bonds, interim receipts, interim certificates, temporary bonds, equipment trust certificates and other to provide that all obligations issued by obligations issued under the provisions of this Act shall said Authority shall have the qualities and incidents of negotiable instruments and incidents of negotiable instruments have all the qualities and incidents of negotiable instruments under the laws of this state and are hereby declared to be issued for an essential public and governmental purpose, and the property, obligations and interest on the obligations of the Authority shall be exempt from all taxation within the State."

Section 8. Said Act is further amended by striking therefrom subsection (h) of Section 10 in its entirety and inserting in lieu thereof a new subsection (h) which shall read as follows:

"(h) Bonds of the Authority may be sold by public competitive bidding or through negotiation with a prospective purchaser or purchasers. If the Board determines that sale by public competitive bidding is to delete the requirement that bonds be sold at public competitive bidding in the best interest of the Authority with respect to any particular issue of bonds, the advertising of the notice of sale and invitation to bid with respect thereto shall be advertised as is customarily done in the handling of governmental bond issues and section 14(b) as to these matters shall not apply."

Section 9. Said Act is further amended by striking therefrom subsection (p) of Section 10 in its entirety and inserting in lieu thereof a new subsection (p) which shall read as follows:

"(p) Bonds of the Authority shall be confirmed and validated, insofar as applicable, in accordance with the procedure of the Revenue Bond Law (Ga. L. 1937, p. 761, et. seq.) as now or hereafter amended. The to clarify the procedure for the validation of revenue bonds petition for validation shall also make party defendant to such action any municipality, county, authority, subdivision, instrumentality or department of the State of Georgia, if subject to be sued, which has contracted with the Authority for the services and facilities of the project for which bonds are to be issued and sought to be validated and such municipality, county, authority, subdivision, instrumentality or department shall be

required to show cause, if any, why such contract or contracts and the terms and conditions thereof should not be inquired into by the court and the validity of the terms thereof to be determined and the contract or contracts adjudicated as security for the payment of any such bonds of the Authority.

The judgment of validation shall be final and conclusive with respect to such bonds, and the security therefor, against the Authority, and against any municipality, county, authority, subdivision, instrumentality or department of the State of Georgia, if a party to the validation proceedings, contracting with the Authority."

Section 10. Said Act is further amended by striking therefrom subsection (b) of Section 13 in its entirety and inserting in lieu thereof a new subsection (b) which shall read as follows:

"(b) The Authority shall have the power to prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, nonprofit organizations and others) displaced by operations of the Authority in carrying out a rapid transit project, and to make relocation payments to or with respect to such persons. The relocation payments referred to in this subsection (b) shall not be made from the proceeds derived from the sale of bonds by the Authority nor from revenues or funds which absent the making of such relocation payments therefrom would stand as a pledge for the payment of bonds of the Authority or the interest thereon."

Section 11. Said Act is further amended by striking therefrom subsection (c) of Section 15 in its entirety and inserting in lieu thereof a new subsection (c) which shall read as follows:

"(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, (1964 Ga. L. 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; provided, however, a judgment and order validating bonds of the Authority, as in Section 10 provided, shall constitute a final and conclusive adjudication that no such conflict of interest exists with respect to such bonds or any contract or transaction which constitutes security for the payment of such bonds."

Section 12. Said Act is further amended by striking therefrom subsection (b) of Section 17 in its entirety and inserting in lieu thereof a new subsection (b) which shall read as follows:

"(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

to provide that contracts and transactions constituting security for the payment of obligations shall not be voidable after validation

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."

Section 13. Said Act is further amended by striking therefrom Section 18 which reads as follows:

"Section 18. Engineering Survey. At least every three years, the Board shall employ a firm of qualified in-

dependent engineers to survey the condition of the

to delete the requirement of an engineer-Authority's facilities and operations from an engineering survey every three years

standpoint and make a report thereof and any recommenda-

tions for improvement in its physical facilities and

operating procedures. Copies of such report shall be

furnished to each local governing body of each local

government in the metropolitan area."

in its entirety.

Section 14. Said Act is further amended by striking therefrom subsection (b) of Section 21 in its entirety and inserting in lieu thereof a new subsection (b) which shall read as follows:

"(b) The Authority shall also be exempt from any regulation

to clarify the relation of the Authority to the Public Service Commission by the Public Service Commission of this State."

Section 15. Said Act is further amended by striking therefrom

Section 22 in its entirety and inserting in lieu thereof a new Section 22 which shall read as follows:

"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."

Section 16. Said Act is further amended by striking therefrom Section 24 in its entirety and inserting in lieu thereof a new Section 24 which shall read as follows:

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

(b) The Board and the local governing body of the City of Atlanta and each of the counties of Fulton, DeKalb, Clayton, and Gwinnett, and of the county of Cobb if it hereafter determines to participate in the Authority as provided in this Act, subject to such limitations as are herein-after in this section set forth, may negotiate

to permit the Authority to act as a self-insurer

to modify the procedures whereby local governments and other public bodies may participate in financing and supporting a rapid transit system

and determine the extent of financial participation and the time or times such financial participation may be required with respect to each of the local governments in order to finance provision for a rapid transit system through the joint instrumentality of the Authority. If such determination contemplates a contractual obligation on the part of a local government to make payments to the Authority over a period of time exceeding one year or to issue any bonds or other obligations evidencing indebtedness, such determination shall take the form of a rapid transit contract to be entered into between the Authority and the local government. The final execution of a rapid transit contract shall be completed in every instance in the manner hereinafter set forth in this Section 24.

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

(d) As an alternative method of providing the financial participation determined by its local governing body to be its proper share

of the cost of financing a rapid transit project or projects, a local government may enter into a rapid transit contract or contracts calling for the Authority to perform for it the aforesaid governmental function and calling for it to make periodic payments to the Authority for the public transportation services and facilities contracted for, which payments may include amounts required to defray the periodic principal and interest payments on any obligations issued by the Authority for the purpose of financing the cost of any rapid transit project or projects, amounts necessary to establish and maintain reasonable reserves in connection with the payment of said debt service and amounts required to defray any operational deficit which the system or any part thereof may incur.

(e) A local governing body may proceed on its own resolution to complete and make final the execution of a rapid transit contract such as is described in subsection (d) if it determines that the financial participation required thereunder may reasonably be financed without the levy of any new or increased tax on the property situated within its territory. In this event, the resolution of the local governing body that the participation required thereunder may reasonably be financed without the levy of any new or increased tax on the property situated within its territory shall be conclusive of that fact.

(f) Otherwise, before a rapid transit contract such as is described in subsection (d) is executed between the Authority and a local government, the local governing body shall call an election and shall submit to the qualified voters of such

local government in a referendum as hereinafter provided, the question whether or not the local government should enter into a rapid transit contract or contracts calling for it to make periodic payments to the Authority within the particular monetary limitation or limitations proposed by such local governing body.

(g) The procedure for holding the referendum called for in subsection (f) shall be as follows: The local governing body shall cause to be published in a newspaper having general circulation throughout the territory of the local government involved, once each week for three weeks immediately preceding the week during which the referendum is to be held, a notice to the electors thereof that on the day named therein an election will be held to determine the question whether or not the local government shall enter into a rapid transit contract or contracts calling for it to make periodic payments to the Authority within the particular monetary limitation or limitations proposed by such governing body. Such special election shall be held at all the election districts within the territorial limits of the local government involved except that an election called by the local governing body of any county within the metropolitan area shall not be held in any part of such county which is within the territorial limits of the City of Atlanta if, with respect to the particular rapid transit project or projects to be supported by the proposed rapid transit contract of such county, said City is already a party to a rapid transit contract or the governing body of said City proposes to enter into a rapid transit contract subject to the approval thereof at a referendum. The question to be presented to the electorate of a local government and set

forth on the ballot shall be determined by the local governing body and it shall set out the monetary limitation or limitations, if any, proposed by the local governing body with respect to the amounts of the periodic payments to be made under any such rapid transit contract or contracts.

The ballot submitting the question shall be in a form determined by the local governing body, and the form of the ballot shall be published as a part of the aforesaid notice. Each such election called by the governing body of a county within the metropolitan area under the provisions of this subsection is hereby declared to be a county election and shall be governed by and conducted in accordance with the provisions of the Georgia Election Code. The board of registrars of each county shall provide the necessary lists for conducting any such election held within its county. After consolidation, the ordinary shall transmit the returns of such an election to the local governing authority calling the election, or its delegate, who shall officially declare the result. Each election called by the governing body of the City of Atlanta under the provisions of this subsection shall be governed by and conducted in accordance with the provisions of law, including specifically the charter of said City, at the time governing the holding of elections by said City. The expense of any such election called by the governing body of the City of Atlanta shall be paid by the City of Atlanta.

(h) If a majority of those voting in such an election vote in favor of the proposition submitted, then the local

governing body shall be authorized to agree upon and complete and make final the execution of a rapid transit contract or contracts subject to such monetary limitation or limitations as were proposed to the electorate and in accordance with the terms of this Act.

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

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

(k) Any local government may use public funds to provide for a rapid transit system within the metropolitan area and may levy and collect any taxes authorized to it by law to the extent necessary to fulfill the obligations incurred in a rapid transit contract or contracts with the Authority; provided, that no local county government shall have the power to levy any tax on any subject of taxation situated within the territorial limits of the City of Atlanta in fulfillment of financial obligations set forth in a rapid transit contract when the City of Atlanta has a

rapid transit contract with the Authority calling for said City to issue its general obligation bonds for rapid transit purposes or to pay monies periodically with respect to the debt service on obligations issued by the Authority, and is itself using its public funds or levying a tax for either of such purposes.

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

Section 17. Said Act is further amended by renumbering Sections 19, 20, 21, 22, 23, 24, 25 and 26 thereof so that hereafter said Sections shall be known as Sections 18, 19, 20, 21, 22, 23, 24 and 25, respectively, to renumber certain sections of the Act and any references in said Act, as heretofore amended by said Act approved March 4, 1966 and by the preceding language of this amendatory Act, to any of said Sections 19, 20, 21, 22, 23, 24, 25 and 26 as they were known prior to the adoption of this amendatory Act, are hereby changed so that such references hereafter shall be to said Sections as renumbered.