

Summary of Remarks of W. Stell Huie at MARTA meeting,
November 7, 1967 - re Amendments to MARTA Legislation-1968

1. Section 9(c) requiring judicial review of the Authority's rate making powers should be eliminated. It is necessary that the Authority have the power to commit to bond purchasers that it can establish rates sufficient to cover the operating cost of the system.
2. Section 10: (a) eliminate the 6% interest limitation found in 10(d).
(b) eliminate the requirement that the bonds be sold by public competitive bidding found in 10(h).
(c) eliminate the requirement that the bonds be sold at par found in 10(h).
(d) amend 10(g) to provide that all "obligations" rather than just bonds will have the qualities of negotiable instruments.
(e) amend 10(p) to provide that the procedure of the revenue bond law as it now exists or may be hereafter amended will apply. It appears that the 1965 version which has since been amended may be referred to in the Act.
3. Section 13(b) must be clarified so as to eliminate any excessive drain of funds by reason of relocation payments which may not be included in estimates of engineers. In this respect we must check on the federal requirements as well as procedures and policies established for relocation payments under other laws.
4. Section 15(c) must be amended so as to provide that after a validation proceeding no contract may be declared void by reason of any conflict of interest.
5. Greater flexibility than is allowed by Section 17 needs to be added for budgeting purposes; however it would appear that the only must requirement herein is that a deficit budget should be allowed during initial year's operations.
6. Section 18 which provides for inspection every three years by an outside engineer is unreasonable and would be too expensive. It should be eliminated. The trust indenture securing the bonds will provide for adequate inspection for the interest of the bond holders.
7. Section 24 must be amended so as to eliminate the requirement that the contracts with participating governments be approved in a referendum by submitting "the extent of the dollar amount or amounts involved."

8. Section 24 and Section 8(i) must be amended so as to authorize the payment of participating governments of operating subsidies if it should become necessary.
9. Section 24(e) should be amended to eliminate the last sentence which says that the authority is subject to and limited by any local act heretofore or hereafter enacted applicable to the local governing body of any local government. This language is troublesome and we don't know exactly what it means.
10. Section 24(k) should be amended to eliminate the prohibition of the use by the City of Atlanta of "its public funds" to support rapid transit when taxes are being levied by Fulton and DeKalb Counties on subjects of taxation within the city limits. Such provision could prevent the city from giving us the benefit of their land office without cost and ceding to us certain rights-of-way and benefits in public streets, etc.
11. Section 24(l) should be amended to authorize contributions and support from any municipality in the five-county area rather than limiting it to the defined term "local government" which is limited to the City of Atlanta and the participating counties.
12. Section 2(j) should be amended so as to clearly authorize the capitalizing of interest during construction as well as start-up costs with respect to each section of the system as it is begun. This section should also be amended so as to include the total cost of the system as defined in 2(g).
13. Section 6(i-2) should be amended to eliminate the last sentence or to make it clear how a showing that the leasing or purchasing of a privately owned system is essential to rapid transit.
14. Section 8(e) should be amended to eliminate the payment of attorneys' fees to those suing the Authority for trespass.
15. Section 12 should be amended so as to provide the Authority with the power of eminent domain.
16. Section 21(d) regarding the exemption of the Authority from regulation by public service commission, etc. is ambiguous and should be clarified.
17. Section 22 should be reworded so as to allow the Authority to establish self-insurance reserves.