

The House Committee on Transportation offers the following substitute to HB 1358:

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 12, 32, 36, 40, 45, 48, and 50 of the Official Code of Georgia Annotated,
2 relating to conservation and natural resources, highways, bridges, and ferries, local
3 government, motor vehicles and traffic, public officers and employees, revenue and taxation,
4 and state government, respectively, so as to abolish the Atlanta-Region Transit Link "ATL"
5 Authority and the Georgia Regional Transportation Authority and transfer all assets,
6 obligations, liabilities, and employees of such authorities to the State Road and Tollway
7 Authority; to provide for the transfer of vehicles owned by the State Road and Tollway
8 Authority for the provision of transit services to local governments; to abolish the Governor's
9 Development Council; to revise the composition of the State Road and Tollway Authority;
10 to transfer certain transit authority to the State Road and Tollway Authority; to replace the
11 "ATL" Authority's coordination and oversight duties relative to the Metropolitan Atlanta
12 Rapid Transit Authority with the State Road and Tollway Authority; to require approval by
13 the Atlanta Regional Commission for developments of regional impact within the
14 metropolitan Atlanta area; to revise provisions relative to the multicounty transportation
15 special purpose local option sales tax and the transit special purpose local option sales and
16 use tax; to provide for definitions; to provide for conforming changes; to provide for related
17 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
18 other purposes.

H. B. 1358 (SUB)

- 1 -

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 **PART I**

21 *Atlanta-region Transit Link "ATL" Authority*

22 *(ATL)*

23 **SECTION 1-1.**

24 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
 25 by repealing in its entirety Chapter 39, relating to the Atlanta-region Transit Link "ATL"
 26 Authority, and designating it as reserved.

27 **PART II**

28 *Georgia Regional Transportation Authority*

29 *(GRTA)*

30 **SECTION 2-1.**

31 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 32 amended in Code Section 40-1-100, relating to definitions relative to certification of motor
 33 carriers, by revising paragraphs (9) and (10) as follows:

34 "(9) 'Government endorsed rideshare program' means a vanpool, carpool, or similar
 35 rideshare operation conducted by or under the auspices of a state or local governmental
 36 transit instrumentality, such as ~~GRTA~~ the State Road and Tollway Authority, a
 37 transportation management association, or a community improvement district, or
 38 conducted under the auspices of such transit agencies, including through any form of
 39 contract between such transit instrumentality and private persons or businesses.

40 (10) ~~'GRTA' means the Georgia Regional Transportation Authority, which is itself~~
 41 ~~exempt from regulation as a carrier under Code Section 50-32-71~~ Reserved."

42 **SECTION 2-2.**

43 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
44 is amended by repealing in its entirety Article 6 of Chapter 12, relating to planning and
45 development, and designating it as reserved.

46 **SECTION 2-3.**

47 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
48 in Code Section 50-23-4, relating to definitions relative to the Environmental Finance
49 Authority, by revising paragraph (12) as follows:

50 "(12) 'Project' means:

51 ~~(A) The~~ the acquisition, construction, installation, modification, renovation, repair,
52 extension, renewal, replacement, or rehabilitation of land, interest in land, buildings,
53 structures, facilities, or other improvements and the acquisition, installation, modification,
54 renovation, repair, extension, renewal, replacement, rehabilitation, or furnishing of
55 fixtures, machinery, equipment, furniture, or other property of any nature whatsoever
56 used on, in, or in connection with any such land, interest in land, building, structure,
57 facility, or other improvement, all for the essential public purpose of providing
58 environmental facilities and services so as to meet public health and environmental
59 standards, protect the state's valuable natural resources, or aid the development of trade,
60 commerce, industry, agriculture, and employment opportunities, including, but not
61 limited to, any project as defined by Code Section 12-5-471;

62 ~~(B) Projects authorized by the Georgia Regional Transportation Authority created by~~
63 ~~Chapter 32 of this title and as defined in such chapter, where such authority has been~~
64 ~~directed to issue revenue bonds, bonds, notes, or other obligations to finance such~~
65 ~~project or the cost of a project in whole or in part, provided that such authority's power~~
66 ~~with respect to such projects authorized by the Georgia Regional Transportation~~

67 ~~Authority shall be limited to providing such financing and related matters as authorized~~
 68 ~~by the Georgia Regional Transportation Authority; and~~
 69 ~~(C) Projects authorized by the Atlanta-region Transit Link 'ATL' Authority created~~
 70 ~~pursuant to Chapter 39 of this title and as defined in such chapter, where such authority~~
 71 ~~has been directed to issue revenue bonds, bonds, notes, or other obligations to finance~~
 72 ~~such project or the cost of a project in whole or in part, provided that such authority's~~
 73 ~~power with respect to such projects authorized by the Atlanta-region Transit Link 'ATL'~~
 74 ~~Authority shall be limited to providing such financing and related matters as authorized~~
 75 ~~by the Atlanta-region Transit Link 'ATL' Authority."~~

76 **SECTION 2-4.**

77 Said title is further amended by repealing in its entirety Chapter 32, relating to the Georgia
 78 Regional Transportation Authority, and designating it as reserved.

79 **PART III**

80 *State Road and Tollway Authority*

81 *(SRTA)*

82 **SECTION 3-1.**

83 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,
 84 is amended in Code Section 32-6-51, relating to unauthorized devices and structures within
 85 right of way or visible from public road, bus shelters, and commercial advertisements by
 86 transit agency, by revising subparagraph (g)(1)(C) as follows:

87 "(C) 'Transit agency' means any public agency, public corporation, or public authority
 88 existing under the laws of this state that is authorized by any general, special, or local
 89 law to provide any type of transit services within any area of this state, including, but
 90 not limited to, the Department of Transportation, the Atlanta-region Transit Link 'ATL'

91 ~~Authority~~ State Road and Tollway Authority, and the Georgia Rail Passenger
 92 Authority."

93 **SECTION 3-2.**

94 Said title is further amended in Article 2 of Chapter 10, relating to the State Road and
 95 Tollway Authority, by revising paragraph (5) of and adding a new paragraph to Code Section
 96 32-10-60, relating to definitions, to read as follows:

97 "(5) 'Project' means transportation related undertakings which provide a public benefit,
 98 including:

99 (A) One or more roads or bridges or a system of roads, bridges, and tunnels or
 100 improvements thereto included on an approved state-wide transportation improvement
 101 program on the Developmental Highway System as set forth in Code Section 32-4-22,
 102 as now or hereafter amended, or a comprehensive transportation plan pursuant to Code
 103 Section 32-2-3 or which are toll access roads, bridges, or tunnels, with access limited
 104 or unlimited as determined by the authority, and such buildings, structures, parking
 105 areas, appurtenances, and facilities related thereto, including but not limited to
 106 approaches, cross streets, roads, bridges, tunnels, and avenues of access for such
 107 system;

108 (B) Any program for mass transportation or mass transportation facilities as approved
 109 by the authority and the department and such buildings, structures, parking areas,
 110 appurtenances, and facilities related thereto, including, but not limited to, approaches,
 111 cross streets, roads, bridges, tunnels, and avenues of access for such facilities; ~~and~~

112 (C) The acquisition, construction, installation, modification, renovation, repair,
 113 extension, renewal, replacement, or rehabilitation of land, interest in land, buildings,
 114 structures, facilities, or other improvements and the acquisition, installation,
 115 modification, renovation, repair, extension, renewal, replacement, rehabilitation, or
 116 furnishing of fixtures, machinery, equipment, furniture, or other property of any nature

117 whatsoever used on, in, or in connection with any such land, interest in land, building,
118 structure, facility, or other improvement, all for the essential public purpose of
119 providing facilities and services related to transit and to aid in the accomplishment of
120 the purposes of the authority; and

121 (D) Any project undertaken pursuant to Part 2 of Article 4 of Chapter 2 of this title."

122 "(8.1) 'Transit' means regular, continuing shared-ride or shared-use surface transportation
123 services that are made available by or funded by a public entity or quasi-public entity and
124 are open to the general public or open to a segment of the general public defined by age,
125 disability, or low income. Such term includes services or systems operated by or under
126 contract with the state, a state agency or authority, a local government, a community
127 improvement district, or any other similar entity of this state and all accompanying
128 infrastructure and services necessary to provide access to these modes of transportation.

129 Such term excludes charter or sightseeing services; school bus services; courtesy shuttle
130 and intrafacility or terminal services; limousine carriers; and ride share network services,
131 transportation referral services, and taxi services as such terms are defined in Code
132 Section 40-1-90 and which are not paid for by a public entity."

133 **SECTION 3-3.**

134 Said title is further amended in said article by adding a new Code section to read as follows:

135 "32-10-61.1.

136 (a) All assets, property, and legal rights and obligations, including, but not limited to, all
137 bonded indebtedness, of the Georgia Regional Transportation Authority and the
138 Atlanta-region Transit Link 'ATL' Authority shall devolve by operation of law upon the
139 authority on July 1, 2024.

140 (b) The rights, privileges, entitlements, and duties of parties to contracts, leases,
141 agreements, and other transactions, including commitments related to federal funds, entered
142 into before July 1, 2024, by the Georgia Regional Transportation Authority and the

143 Atlanta-region Transit Link 'ATL' Authority shall continue to exist, and none of these
144 rights, privileges, entitlements, and duties are impaired or diminished by reason of the
145 transfer of the functions to the authority. In all such instances, the authority shall be
146 substituted for the Georgia Regional Transportation Authority and the Atlanta-region
147 Transit Link 'ATL' Authority and the authority shall succeed to the rights and duties under
148 such contracts, leases, agreements, and other transactions, including commitments related
149 to federal funds.

150 (c) All persons employed by the Georgia Regional Transportation Authority and the
151 Atlanta-region Transit Link 'ATL' Authority shall, on July 1, 2024, become employees of
152 the authority in similar capacities, as determined by the executive director. Such
153 employees shall be subject to the employment practices and policies of the authority on and
154 after July 1, 2024, but the compensation and benefits of such transferred employees shall
155 not be reduced as a result of such transfer. Employees who are subject to the rules of the
156 State Personnel Board and thereby under the State Personnel Administration and who are
157 transferred to the authority shall retain all existing rights under the State Personnel
158 Administration. Retirement rights of such transferred employees existing under the
159 Employees' Retirement System of Georgia or other public retirement systems on
160 June 30, 2024, shall not be impaired or interrupted by the transfer of such employees, and
161 membership in any such retirement system shall continue in the same status possessed by
162 the transferred employees on June 30, 2024. Accrued annual and sick leave possessed by
163 the transferred employees on June 30, 2024, shall be retained by such employees as
164 employees of the authority.

165 (d) On July 1, 2024, the authority shall receive custody of the real property in the custody
166 of the Georgia Regional Transportation Authority and the Atlanta-region Transit Link
167 'ATL' Authority on June 30, 2024.

168 (e) All equipment or other tangible property in the possession of the Georgia Regional
169 Transportation Authority and the Atlanta-region Transit Link 'ATL' Authority which is

170 used or held exclusively or principally by personnel transferred under this Code section
 171 shall be transferred to the authority as of July 1, 2024.
 172 (f) By January 1, 2025, any vehicles owned by the authority for the provision of transit
 173 services shall be leased to each local governing authority of any county in which transit
 174 services have been provided by the authority for use in the operation of transit services by
 175 the local governing authority. Such vehicles shall be transferred to such local governing
 176 authority for consideration of \$1.00 when a sale of such vehicles will not impact the ability
 177 of the authority to receive federal funding or impact any existing bond obligations.
 178 Distribution of such vehicles shall be based upon the percentage of the total number of
 179 users of the transit services provided by the authority which originated in a local
 180 jurisdiction in 2023."

181 SECTION 3-4.

182 Said title is further amended in said article by revising Code Section 32-10-62, relating to
 183 membership of the board of the State Road and Tollway Authority, compensation, officers,
 184 bylaws, quorum, and record of proceedings, as follows:

185 "32-10-62.

186 (a) The members of the authority shall be ~~ex officio the~~:

187 (1) The Governor, ~~the ex officio~~;

188 (2) The commissioner of transportation, ~~the~~;

189 (3) The director of the Office of Planning and Budget, ~~one~~;

190 (4) One member to be appointed by the Lieutenant Governor and to serve during the
 191 term of office of the Lieutenant Governor and until a successor is duly appointed and
 192 qualified, ~~and one~~;

193 (5) One member to be appointed by the Speaker of the House of Representatives and to
 194 serve during the term of office of the Speaker of the House of Representatives and until
 195 a successor is duly appointed and qualified; and ~~membership~~

196 (6) Two members, with one to be appointed by the Lieutenant Governor and Speaker of
 197 the House of Representatives, respectively, who shall reside in a county within a
 198 nonattainment area, as such term is defined in Code Section 12-9-43, to serve during the
 199 term of office of his or her appointing officer and until a successor is duly appointed and
 200 qualified.

201 (b) Membership of the authority shall be a separate and distinct duty for which they
 202 members shall receive no additional compensation. All members of the authority shall be
 203 entitled to all actual expenses necessarily incurred while in the performance of duties on
 204 behalf of the authority. The authority shall elect one of its members as chairman
 205 chairperson. It shall also elect a secretary and a treasurer, who need not necessarily be
 206 members of the authority. The authority may make such bylaws for its government as is
 207 deemed necessary but it is under no duty to do so. A majority of the members of the
 208 authority shall constitute a quorum necessary for the transaction of business, and a majority
 209 vote of those present at any meeting at which there is a quorum shall be sufficient to do and
 210 perform any action permitted to the authority by this article.

211 ~~(b)~~(c) No vacancy on the authority shall impair the right of the quorum to transact any and
 212 all business as stated in this Code section. Members of the authority shall be accountable
 213 as trustees. They shall cause to be kept adequate books and records of all transactions of
 214 the authority, including books of income and disbursements of every nature. The books
 215 and records shall be inspected and audited by the state auditor at least once a year."

216 **SECTION 3-5.**

217 Said title is further amended in said article by adding new paragraphs to Code Section
 218 32-10-63, relating to powers of the State Road and Tollway Authority generally, to read as
 219 follows:

220 "(6.1) To coordinate and assist in planning for transit purposes between and among all
221 state, regional, and local authorities charged with planning responsibilities for such
222 purposes by state or federal law;

223 (6.2) To review and make recommendations to the Governor, Lieutenant Governor, and
224 Speaker of the House of Representatives concerning all transit plans and transportation
225 improvement programs prepared by the Department of Transportation involving design,
226 construction, or operation of transit facilities, and to negotiate with the Department of
227 Transportation concerning changes or amendments to such plans which may be
228 recommended by the authority consistent with applicable federal law and regulation;"

229 "(8.1) To the extent permissible under federal law, to operate as a receiver of federal
230 grants, loans, and other moneys intended to be used pursuant to this article for inter-urban
231 and intra-urban transit, transit plans, and other purposes related to the alleviation of
232 congestion;

233 (8.2) To accept and use federal funds; to enter into any contracts or agreements with the
234 United States or its agencies or subdivisions relating to the planning, financing,
235 construction, improvement, operation, and maintenance of any transit services or transit
236 projects; and to do all things necessary, proper, or expedient to achieve compliance with
237 the provisions and requirements of all applicable federal-aid acts and programs. Nothing
238 in this paragraph is intended to conflict with any federal law, and, in case of such conflict,
239 such portion as may be in conflict with such federal law is declared of no effect to the
240 extent of the conflict;"

241 **SECTION 3-6.**

242 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
243 amended in Article 8 of Chapter 13, relating to excise tax on for-hire grand transportation,
244 by revising paragraph (6) of Code Section 48-13-140, relating to definitions, as follows:

245 "(6) 'Transit provider' means the Department of Transportation, the ~~Atlanta-region~~
246 ~~Transit Link 'ATL' Authority~~ State Road and Tollway Authority, or a system providing
247 transit or a jurisdiction operating such a system that receives federal transit formula
248 funding."

249 **SECTION 3-7.**

250 Said title is further amended in said article by revising Code Section 48-13-143, relating to
251 quarterly reporting requirement, as follows:

252 "48-13-143.

253 Each for-hire ground transport service provider shall submit a quarterly report that
254 identifies the number of for-hire ground transport trips provided by county of origin and
255 destination to the department, the ~~Atlanta-region~~ ~~Transit Link 'ATL' Authority~~ State Road
256 and Tollway Authority, and the Department of Transportation. All such reports shall be
257 treated as confidential and shall not be subject to Article 4 of Chapter 18 of Title 50,
258 relating to open records."

259 **SECTION 3-8.**

260 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
261 in Code Section 50-18-72, relating to when public disclosure not required for state records,
262 by revising paragraph (51) of subsection (a) as follows:

263 "(51) Reports submitted to the Department of Revenue, the ~~Atlanta-region~~ ~~Transit Link~~
264 ~~'ATL' Authority~~ State Road and Tollway Authority, or the Department of Transportation
265 by a for-hire ground transport service provider as required pursuant to Code
266 Section 48-13-143."

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PART IV

Metropolitan Atlanta Rapid Transit Authority

(MARTA)

SECTION 4-1.

271 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,
272 is amended in Chapter 9, relating to mass transportation, by revising Code Section 32-9-11,
273 relating to transit services with local governments, as follows:

274 "32-9-11.

275 (a) As used in this Code section, the term:

276 (1) 'Local government' means any county, municipality, or political subdivision of this
277 state, or any combination thereof.

278 (2) 'Nonattainment area' ~~means those counties currently having or previously deemed to~~
279 ~~have excess levels of ozone, carbon monoxide, or particulate matter in violation of the~~
280 ~~standards in the federal Clean Air Act, as amended in 1990 and codified at 42 U.S.C.A.~~
281 ~~Sections 7401 to 7671q and which fall under the jurisdiction exercised by the~~
282 ~~Atlanta-region Transit Link 'ATL' Authority or any predecessor authority as described~~
283 ~~in Article 2 of Chapter 39 of Title 50~~ shall have the same meaning as provided for in
284 Code Section 12-9-43.

285 (3) 'Transit agency' means any public agency, public corporation, or public authority
286 existing under the laws of this state that is authorized by any general, special, or local law
287 to provide any type of transit services within any area of this state but shall not include
288 the Department of Transportation, ~~the Atlanta-region Transit Link 'ATL' Authority,~~ or the
289 Georgia Rail Passenger Authority.

290 (4) 'Transit facilities' means everything necessary and appropriate for the conveyance
291 and convenience of passengers who utilize transit services.

292 (5) 'Transit services' means all modes of transportation serving the general public which
 293 are appropriate to transport people and their personal effects by highway or other ground
 294 conveyance but does not include rail conveyance.

295 (b)(1) Any transit agency may, by contract with any local government for any period not
 296 exceeding 50 years, provide transit services or transit facilities for, to, or within that local
 297 government or between that local government and any area in which such transit agency
 298 provides transit services or transit facilities, except that if such services or facilities are
 299 to be funded wholly or partially by fees, assessments, or taxes levied and collected within
 300 a special district created pursuant to Article IX, Section II, Paragraph VI of the
 301 Constitution, such contract may only become effective if a majority of the qualified
 302 voters residing within the special district to be taxed authorize such contract or tax by
 303 referendum in a special election which shall be called and conducted for that purpose by
 304 the election superintendent of such local government.

305 (2)(A) Any services provided in a county outside a nonattainment area by a transit
 306 agency pursuant to a contract authorized by this subsection shall be conditioned upon
 307 such services being included in a plan for transit services adopted or approved by the
 308 governing authority of the county and by the governing authorities of any
 309 municipalities within which transit services are to be provided as provided in the plan.

310 (B) Any services provided by a transit agency in a county within a nonattainment area
 311 pursuant to a contract authorized by this subsection and entered into on or after
 312 January 1, 2019, shall be for services:

313 ~~(i) Approved~~ approved by a local governing authority; and the State Road and
 314 Tollway Authority.

315 ~~(ii) Included in the regional transit plan adopted pursuant to Code Section 50-39-12;~~
 316 ~~and~~

317 ~~(iii) Through agreement with the Atlanta-region Transit Link 'ATL' Authority.~~

318 (c) The purpose of this Code section is to facilitate the exercise of the power to provide
319 public transportation services conferred by Article IX, Section II, Paragraph III of the
320 Constitution. This Code section does not repeal any other law conferring the power to
321 provide public transportation services or prescribing the manner in which such power is to
322 be exercised. This Code section does not restrict the power of the Department of
323 Transportation, ~~the Atlanta-region Transit Link 'ATL' Authority~~, or the Georgia Rail
324 Passenger Authority to contract with any local government to provide transit services or
325 transit facilities, including but not limited to rail transit services and facilities, pursuant to
326 Article IX, Section III, Paragraph I of the Constitution."

327 **SECTION 4-2.**

328 Said title is further amended in Code Section 32-9-13, relating to definitions relative to the
329 Metropolitan Atlanta Rapid Transit Authority, by repealing in its entirety paragraph (7).

330 **SECTION 4-3.**

331 Said title is further amended in Code Section 32-9-15, relating to procedures, conditions, and
332 limitations for levy of additional retail sales and use tax by Fulton County for MARTA
333 services and transit oriented development, by revising subsection (c) as follows:

334 "(c) Following the meeting required by subsection (b) of this Code section and prior to any
335 tax being imposed under this Code section, the qualified municipalities and governing
336 authority representing at least 70 percent of the population of Fulton County outside the
337 boundaries of the city may execute an intergovernmental agreement memorializing their
338 agreement to the levy of a tax and the rate of such tax; provided, however, that no tax shall
339 be authorized to be imposed under this Code section if no such intergovernmental
340 agreement is entered into. An intergovernmental agreement authorized by this subsection
341 shall, at a minimum, include:

- 342 (1) If such tax is to be levied after January 1, 2019, a list of the projects proposed to be
 343 funded from the tax which shall be ~~from the regional transit plan and approved by the~~
 344 ~~Atlanta-regional Transit Link 'ATL' Authority~~ approved by the State Road and Tollway
 345 Authority;
- 346 (2) The rate of tax to be imposed upon approval of a referendum; and
- 347 (3) The duration of the tax to be imposed upon approval of a referendum."

348 **SECTION 4-4.**

349 Said title is further amended by repealing in its entirety Code Section 32-9-17, relating to
 350 logo and branding by MARTA, and designating it as reserved.

351 **SECTION 4-5.**

352 Said title is further amended by revising Code Section 32-9-19, relating to transportation
 353 services contracts with MARTA, as follows:

354 "32-9-19.

355 (a) Notwithstanding the provisions of the MARTA Act, any county, municipality, special
 356 tax or community improvement district, political subdivision of this state within the
 357 metropolitan area, or any combination thereof may execute a transportation services
 358 contract with the authority to provide public transportation services, facilities, or both, for,
 359 to, or within such county, municipality, district, subdivision, or combination thereof. A
 360 transportation services contract executed pursuant to this subsection:

361 (1) Shall not be a rapid transit contract subject to the conditions established therefor in
 362 Code Sections Section 32-9-20 and ~~32-9-22~~ or Section 24 of the MARTA Act;

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

365 (A) The issuance of bonds under subsection (c) of Section 24 of the MARTA Act;

366 (B) The levy of the special retail sales and use tax described and authorized in
367 Section 25 of the MARTA Act; or

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

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

372 (A) Fares;

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

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

376 (D) A special retail sales and use tax described and authorized in Article 5B of
377 Chapter 8 of Title 48; and

378 (4) Shall be for services ~~on the regional transit plan and approved by the Atlanta-regional~~
379 ~~Transit Link 'ATL' Authority~~ State Road and Tollway Authority.

380 (b) Notwithstanding the provisions of the MARTA Act, any county, municipality, special
381 tax or community improvement district, political subdivision of this state outside the
382 metropolitan area, or any combination thereof may execute a transportation services
383 contract with the authority to provide public transportation services, facilities, or both, for,
384 to, or within such county, municipality, district, subdivision, or combination thereof.
385 Under a transportation services contract executed pursuant to this subsection:

386 (1) The services and facilities shall be provided pursuant to a transportation services
387 contract meeting the requirements therefor under subsection (a) of this Code section; and

388 (2) The contract shall not authorize the construction of any extension of or addition to
389 the authority's existing rapid rail system."

390 **SECTION 4-6.**

391 Said title is further amended in Code Section 32-9-20, relating to rapid transit contract
392 between MARTA and Gwinnett County, by revising subsection (b) as follows:

393 "(b) The board of commissioners of Gwinnett County, subject to the conditions provided
394 in this Code section, shall be authorized to enter into a rapid transit contract for and on
395 behalf of the county with the authority for the provision of the aforesaid services and
396 extension of the existing system to and from and within said county subject to approval by
397 a majority of the qualified voters within said county voting in a referendum as provided for
398 in subsection (c) of this Code section. As a condition precedent to the board of
399 commissioners of Gwinnett County holding such referendum, if a rapid transit contract is
400 entered into after January 1, 2019, the rapid transit service to be provided through the
401 execution of a rapid transit contract shall be ~~from the regional transit plan and approved by~~
402 ~~the Atlanta-regional Transit Link 'ATL' Authority~~ State Road and Tollway Authority."

403 **SECTION 4-7.**

404 Said title is further amended in Code Section 32-9-23, relating to retail sales and use tax in
405 Gwinnett County, rate, proceeds, and utilization, by revising paragraph (3) of subsection (c)
406 as follows:

407 "(3) The effective date of the tax authorized to be levied pursuant to this Code section
408 shall be the first day of the first calendar month following approval of the tax in the
409 referendum required by Code Sections Section 32-9-20 ~~and 32-9-22~~ unless a later
410 effective date shall have been specified in the resolution or ordinance providing for the
411 levy of the tax; provided, however, that, with respect to services which are regularly
412 billed on a monthly basis, the tax shall become effective with the first regular billing
413 period coinciding with or following the effective date of the tax."

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PART V

Regional Commissions/Atlanta Regional Commission

(ARC)

SECTION 5-1.

418 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
419 in Code Section 36-1-27, relating to referendum approval required prior to expenditure of
420 public funds for establishment of fixed guideway transit, definitions, submission of the
421 question to qualified voters, and ballot language, by revising paragraph (4) of subsection (a)
422 and subsection (b) as follows:

423 "(4) 'Mass transportation regional system participant' means any county within a special
424 district created pursuant to Article 5 of Chapter 8 of Title 48 in which mass transportation
425 is provided within such special district, to such special district, or from such special
426 district by a multicounty regional transportation authority created by an Act of the
427 General Assembly, including but not limited to the ~~Atlanta-region Transit Link 'ATL'~~
428 ~~Authority~~ or the Metropolitan Atlanta Rapid Transit Authority.

429 (b) Prior to an expenditure of any public funds for the establishment, maintenance, and
430 operation of a fixed guideway transit in any county that is a mass transportation regional
431 system participant, the governing authority of such county shall obtain approval from:

432 (1) ~~The Atlanta-region Transit Link 'ATL' Authority that such project is on the regional~~
433 ~~transit plan adopted by such authority pursuant to Code Section 50-39-12~~ State Road and
434 Tollway Authority; and

435 (2) A majority of qualified voters of the county in a separate referendum question as
436 provided for in this Code section."

437 **SECTION 5-2.**

438 Said title is further amended by revising Code Section 36-80-26, relating to multi-county
439 community improvement districts for transit projects, as follows:

440 "36-80-26.

441 (a) For purposes of this Code section, the term:

442 (1) 'County' means any county created under the Constitution or laws of this state.

443 (2) ~~'Regional transit plan' means the official multiyear plan for transit services and~~
444 ~~facilities adopted pursuant to Code Section 50-39-12.~~ 'Nonattainment area' shall have the
445 same meaning as provided for in Code Section 12-9-43.

446 (3) 'Transit' means regular, continuing shared-ride or shared-use surface transportation
447 services that are made available by a public entity and are open to the general public or
448 open to a segment of the general public defined by age, disability, or low income. Such
449 term includes services or systems operated by or under contract with the state, a public
450 agency or authority, a county or municipality, a community improvement district, or any
451 other similar public entity of this state and all accompanying infrastructure and services
452 necessary to provide access to these modes of transportation. Such term excludes charter
453 or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal
454 services, limousine carriers, and ride share network services, transportation referral
455 services, and taxi services not paid for by a public entity.

456 (4) 'Transit projects' means and includes purposes to establish, enhance, operate, and
457 maintain, or improve access to transit, including general obligation debt and other
458 multiyear obligations issued to finance such projects.

459 (b) A community improvement district for the purpose of the provision of transit projects
460 which are wholly or partially located in more than one county may be created under the
461 authority granted in and consistent with the processes set forth in Section VII of Article IX
462 of the Georgia Constitution. Any such ~~multi-county~~ multicounty community improvement
463 district may be authorized to be created upon the passage of a local act of the General

464 Assembly by each county in which such community improvement district is to be wholly
 465 or partially located. ~~The transit projects to be provided by such community improvement~~
 466 ~~district shall be projects included in the regional transit plan and through agreement with~~
 467 ~~the Atlanta-region Transit Link 'ATL' Authority. When the transit projects to be provided~~
 468 ~~by such multicounty community improvement district are within a nonattainment area, the~~
 469 ~~projects shall be approved by the State Road and Tollway Authority.~~ The administrative
 470 body of any such community improvement district shall include one member appointed by
 471 the governing authority of each county or municipality which is located wholly or partially
 472 within such community improvement district."

473 **SECTION 5-3.**

474 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
 475 in Code Section 50-8-35, relating to powers and duties of regional commissions, by revising
 476 paragraph (5) of subsection (c) as follows:

477 "(5) A commission may establish within its comprehensive plan goals, objectives,
 478 policies, and recommendations consistent with those established by the ~~Governor's~~
 479 ~~Development Council or by the department, for its region; and"~~

480 **SECTION 5-4.**

481 Said title is further amended in Article 4 of Chapter 8, relating to metropolitan area planning
 482 and development commissions, by adding a new Code section to read as follows:

483 "50-8-98.1.

484 In any case where a development of regional impact, as determined by the department
 485 pursuant to Article 1 of this chapter, is planned within the area which requires the
 486 expenditure of state or federal funds by the state or any political subdivision, agency,
 487 authority, or instrumentality thereof, any expenditure of such funds shall be prohibited
 488 unless and until the plan for such development and such expenditures is reviewed and

489 approved by the commission. The decision of the commission to allow or disallow the
 490 expenditure of such funds shall be final and nonreviewable, except that such decision shall
 491 be reversed where a resolution for such purpose is passed by vote of three-fourths of the
 492 authorized membership of the county commission of the county in which the development
 493 of regional impact is planned or, if such development is within a municipality, by vote of
 494 three-fourths of the authorized membership of the city council. Such a vote shall not
 495 constitute failure or refusal by the local government for purposes of Code
 496 Section 50-32-53."

497 **PART VI**

498 *Multicounty T-SPLOST*

499 **SECTION 6-1.**

500 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
 501 amended in Part 2 of Article 5 of Chapter 8, relating to election, imposition, and procedures
 502 relative to special district transportation sales and use tax, by revising subsection (b) of Code
 503 Section 48-8-243, relating to criteria for development of investment list of projects and
 504 programs, report, and gridlock, as follows:

505 "(b) With regard to any area of a special district that is not part of an MPO, following
 506 receipt of the report provided for in subsection (a) of this Code section, and after receiving
 507 comments, if any, from members of the General Assembly whose districts lie wholly or
 508 partially within such area, the local governments in such area may submit projects to the
 509 director to assemble a list of example investments for such special district that comport
 510 with the special district's investment criteria. With regard to any area of a special district
 511 that is part of an MPO, following receipt of the report provided for in subsection (a) of this
 512 Code section, and after receiving comments, if any, from members of the General
 513 Assembly whose districts lie wholly or partially within such area, the local governments

514 may submit projects to the director and to the MPO for the director to use to assemble a list
515 of example investments for such special district that comport with the special district's
516 investment criteria. The list of example investments for each special district shall not be
517 required to be fiscally constrained within the budget of the revenues projected to be
518 generated by each special district's sales and use tax and shall be submitted to the executive
519 committee for each regional transportation roundtable for consideration. The executive
520 committee in collaboration with the director shall choose from the list of example
521 investments to create the draft investment list, which shall be approved by majority vote
522 of the executive committee. Such draft investment list shall be fiscally constrained within
523 the ranges of revenues projected to be generated by the special district sales and use tax,
524 as determined by the state fiscal economist. The special district's draft investment list as
525 approved by the executive committee shall be considered by the regional transportation
526 roundtable. The director shall deliver the draft investment list to the local governments,
527 MPO's, and members of the General Assembly whose districts lie wholly or partially
528 within each special district for each special district not later than August 15, 2011. The
529 director shall include in the draft investment list a statement of the specific public benefits
530 to be expected upon the completion of each project on the investment list and how the
531 special district's investment criteria are furthered by each project. Examples of specific
532 public benefits include, but are not limited to, congestion mitigation, increased lane
533 capacity, public safety, and economic development. The director shall include in such
534 delivery notice of the date, time, and location of each district's executive committee
535 meeting and final regional transportation roundtable. Prior to holding the final regional
536 transportation roundtable, the executive committee shall hold, after proper notice to the
537 public, at least two public meetings in the region for the purpose of receiving public
538 comment on the draft regional investment list. The executive committee shall prepare and
539 deliver to all members of the regional roundtable and the director a summary of the public
540 comment on the regional investment list. The local governments, MPO's, and members of

541 the General Assembly whose districts lie wholly or partially within such special district
542 may submit comments on the draft investment list addressed to both the director and the
543 executive committee no later than two weeks prior to the dates of the final regional
544 transportation roundtable and the executive committee meeting, respectively, for the
545 special district. At the final regional transportation roundtable, the draft investment list
546 approved by the executive committee shall be considered for approval by a majority vote
547 of the representatives present at the roundtable. Should the roundtable reject the draft
548 investment list approved by the executive committee, the roundtable then may negotiate
549 amendments that meet the district's investment criteria to the draft investment list, which
550 shall be chosen from the list of example investments for each special district, each voted
551 on separately and requiring a majority vote of the representatives present at the roundtable
552 for approval. Upon consideration of all offered amendments, upon motion, the roundtable
553 shall vote as to the approval of the amended draft list, requiring a majority vote of the
554 representatives present at the roundtable. The approved investment list, if any, shall be
555 provided to the director. On or before October 15, 2011, the director shall deliver such list
556 to the commission, the commissioner of transportation, the executive director of the
557 ~~Atlanta-region Transit Link 'ATL' Authority~~ State Road and Tollway Authority, local
558 governments, MPO's, and members of the General Assembly whose districts lie wholly or
559 partially within each special district for each special district. The approved investment list
560 shall include:

- 561 (1) The specific transportation projects to be funded;
- 562 (2) The anticipated schedule of such projects;
- 563 (3) The approximate cost of such projects; and
- 564 (4) The estimated amount of net proceeds to be raised by the tax including the amount
565 of proceeds to be distributed to local governments pursuant to subsection (e) of Code
566 Section 48-8-249.

567 If a roundtable does not approve the original draft investment list or an amended draft
 568 investment list on or before October 15, 2011, then a special district gridlock shall be
 569 declared by the director and no election shall be held in such special district. The question
 570 of levying the tax shall not be submitted to the voters of the special district until after 24
 571 months immediately following the month in which the special district gridlock was
 572 reached."

573 **SECTION 6-2.**

574 Said title is further amended in said part by revising subsections (b) and (c) of Code Section
 575 48-8-249, relating to use of proceeds within special district exclusively for projects on
 576 approved investment list and contracts, as follows:

577 "(b) The commission shall be responsible for the proper application of the proceeds
 578 received from the tax authorized by this article for the approved investment list for each
 579 special district. The commission shall delegate the management of the budget, schedule,
 580 execution, and delivery of the projects contained in the approved investment list as follows:

581 (1) The commission shall contract with the Department of Transportation for all
 582 transportation projects except bus and rail mass transit systems and passenger rail in any
 583 special district the boundaries of which are not wholly contained within a single MPO;
 584 and

585 (2) The commission shall contract with the ~~Atlanta-region Transit Link 'ATL' Authority~~
 586 State Road and Tollway Authority only for projects that are bus and rail mass transit
 587 systems and passenger rail within any special district the boundaries of which are wholly
 588 contained within a single MPO.

589 Upon entering into contracts with the Department of Transportation or the ~~Atlanta-region~~
 590 ~~Transit Link 'ATL' Authority~~ State Road and Tollway Authority as provided above, the
 591 commission shall dispense funds upon the request of the commissioner of transportation
 592 or the executive director of the ~~Atlanta-region Transit Link 'ATL' Authority~~ State Road and

593 Tollway Authority, which request shall include certification of the completion of the
594 project or project element for which funds are requested. Payment shall be made promptly
595 upon approval by the construction division or the financing and investment division of the
596 commission, and such payments shall not require any other official action by the
597 commission. The use of funds so dispensed shall be subject to review and audit by the
598 construction division and the financing and investment division of the commission and
599 action by the commission upon receipt of complaint or if otherwise warranted. The
600 Department of Transportation and ~~Atlanta-region Transit Link 'ATL' Authority~~ State Road
601 and Tollway Authority shall consult with the commission on at least a quarterly basis
602 regarding the progress and performance in the execution, schedule, and delivery of projects
603 on the approved investment list.

604 (c) In managing the execution, schedule, and delivery of the projects on the approved
605 investment list for a special district, the Department of Transportation or ~~Atlanta-region~~
606 ~~Transit Link 'ATL' Authority~~ State Road and Tollway Authority, as appropriate, shall
607 determine whether a project should be designed and constructed by the Department of
608 Transportation, by a local government, or by another public or private entity. In making
609 such determination the following shall be considered:

- 610 (1) Whether such project is on the state-wide transportation improvement program, the
611 state-wide strategic transportation plan, or a transportation improvement program;
- 612 (2) The type and estimated cost of the project;
- 613 (3) The location of the project and whether it encompasses multiple jurisdictions;
- 614 (4) The experience of a local government or governments or a public or private entity in
615 designing and constructing such project as set forth in an application in a form to be
616 provided by the commissioner of transportation or the executive director of the
617 ~~Atlanta-region Transit Link 'ATL' Authority~~ State Road and Tollway Authority; and
- 618 (5) The recommendation of the MPO, if any, for such special district.

619 Following the decision, the Department of Transportation, the local government or
620 governments, or another public or private entity as determined under this subsection shall
621 contract for implementing the projects in accordance with applicable state and federal
622 requirements."

623 **SECTION 6-3.**

624 Said title is further amended in said part by revising Code Section 48-8-250, relating to
625 report, as follows:

626 "48-8-250.

627 Not later than December 15 of each year, the state revenue commissioner shall publish, on
628 the website created pursuant to paragraph (3) of subsection (c) of Code Section 48-8-245,
629 a simple, nontechnical report which shows for each project in the investment list approved
630 by the director the original estimated cost, the current estimated cost if it is not the original
631 estimated cost, amounts expended in prior years, and amounts expended in the current year
632 with respect to each such project. The report shall also include a statement of what
633 corrective action the commissioner of transportation and the executive director of the
634 ~~Atlanta-region Transit Link 'ATL' Authority~~ State Road and Tollway Authority intend to
635 implement with respect to each project which is underfunded or behind schedule and a
636 statement of any surplus funds which have not been expended for a project."

637 **SECTION 6-4.**

638 Said title is further amended in said part by revising subsection (f) of Code Section 48-8-251,
639 relating to Citizens Review Panel, membership, vacancy, recommendations, and report, as
640 follows:

641 "(f) The panel shall be charged with review of the administration of the projects and
642 programs included on the approved investment list. The panel may make such
643 recommendations to and require such reports from the Department of Transportation, the

644 ~~Atlanta-region Transit Link 'ATL' Authority~~ State Road and Tollway Authority, any other
 645 agency or instrumentality of the state, any political subdivision of the state, and any agency
 646 or instrumentality of such political subdivisions as it may deem appropriate and necessary
 647 from time to time in the interest of the region."

648 **PART VII**

649 *Transit SPLOST*

650 **SECTION 7-1.**

651 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
 652 amended in Article 5B of Chapter 8, relating to special districts for transit purposes sales and
 653 use tax, by revising Code Section 48-8-269.40, relating to definitions, as follows:

654 "48-8-269.40.

655 As used in this article, the term:

656 (1) 'Authority' means the ~~Atlanta-region Transit Link 'ATL' Authority created pursuant~~
 657 ~~to Chapter 39 of Title 50~~ State Road and Tollway Authority continued by Article 2 of
 658 Chapter 10 of Title 32.

659 (2) 'County' means any county created under the Constitution or laws of this state.

660 (3) 'Dealer' shall have the same meaning as provided for in paragraph (8) of Code
 661 Section 48-8-2.

662 (4) 'Intergovernmental agreement' means a contract entered into pursuant to Article IX,
 663 Section III, Paragraph I of the Constitution.

664 (5) 'Nonattainment area' ~~means those counties currently having or previously designated~~
 665 ~~as having excess levels of ozone, carbon monoxide, or particulate matter in violation of~~
 666 ~~the standards in the federal Clean Air Act, as amended in 1990 and codified at 42~~
 667 ~~U.S.C.A. Sections 7401 to 7671q and which fall under the jurisdiction exercised by the~~
 668 ~~Atlanta-region Transit Link 'ATL' Authority or any predecessor authority as described~~

669 ~~in Article 2 of Chapter 39 of Title 50 shall have the same meaning as provided for in~~
670 ~~Code Section 12-9-43.~~

671 (6) 'Qualified municipality' means a qualified municipality as defined in paragraph (4)
672 of Code Section 48-8-110 and which is located wholly or partly within a special district.

673 ~~(7) 'Regional transit plan' means the official multiyear plan for transit services and~~
674 ~~facilities adopted pursuant to Code Section 50-39-12.~~

675 ~~(8)~~(7) 'Transit' means regular, continuing shared-ride or shared-use surface transportation
676 services that are made available by a public entity and are open to the general public or
677 open to a segment of the general public defined by age, disability, or low income. Such
678 term includes services or systems operated by or under contract with the state, a public
679 agency or authority, a county or municipality, a community improvement district, or any
680 other similar public entity of this state and all accompanying infrastructure and services
681 necessary to provide access to these modes of transportation. Such term excludes charter
682 or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal
683 services, limousine carriers, and ride share network services, transportation referral
684 services, and taxi services not paid for by a public entity.

685 ~~(9)~~(8) 'Transit projects' means and includes purposes to establish, enhance, operate, and
686 maintain, or improve access to transit, including general obligation debt and other
687 multiyear obligations issued to finance such projects, the operations and maintenance of
688 such projects once constructed, and the contracted purchase of transit services from
689 providers without direct capital investment."

690 **SECTION 7-2.**

691 Said title is further amended in said article by revising Code Section 48-8-269.45, relating
692 to notice to local officials, approval or denial of projects, and requirements for resolution, as
693 follows:

694 "48-8-269.45.

695 (a)(1) Any county qualified to levy a tax pursuant to paragraph (2) of subsection (b) of
696 Code Section 48-8-269.41 shall deliver or mail a written notice to the mayor or chief
697 elected official in each qualified municipality located within the special district prior to
698 the issuance of the call for the referendum. Such notice shall contain the date, time,
699 place, and purpose of a meeting at which the governing authorities of the county and of
700 each qualified municipality are to meet to discuss possible transit projects ~~from the~~
701 ~~regional transit plan~~ for inclusion in the referendum and the rate of tax. The notice shall
702 be delivered or mailed at least ten days prior to the date of the meeting. The meeting
703 shall be held at least 60 days prior to any issuance of the call for the referendum.

704 (2) At the meeting the county and all qualified municipalities may ~~select~~ develop a list
705 of potential transit projects for the county ~~from the regional transit plan~~ to be funded by
706 the proceeds of the tax authorized by this article.

707 (b) Following the meeting required by subsection (a) of this Code section, the county shall
708 deliver or mail a written notice to the authority of the intent to call for a referendum to
709 impose the tax authorized by this article. Such notice shall include a list of transit projects
710 located within such county ~~chosen from the regional transit plan~~ which the county intends
711 to fund with proceeds from the tax authorized under this article and the proposed operator
712 of any such transit projects if such project or projects are services which require an
713 operator.

714 (c) Upon receipt of such notice from a county, the authority shall approve or deny any or
715 all projects within a submitted transit project list and the proposed operator of any transit
716 projects if such project or projects are services which require an operator. In making a
717 determination upon whether to approve transit projects, the authority shall take into
718 consideration any other transit projects the authority has approved for any neighboring
719 counties, any transit projects in progress in any neighboring counties, and any additional
720 federal or state funding that may be available for any projects. The authority shall make

721 a determination and send notification to a county approving or denying the submitted
722 transit projects and operators, if applicable, no later than 20 days from the receipt of such
723 list.

724 (d)(1) As soon as practicable after receipt of notice from the authority, the governing
725 authority of the county desiring to call for a referendum shall, by a majority vote on a
726 resolution offered for such purpose, submit the list of transit projects and the question of
727 whether the tax should be approved to electors of the special district in the next scheduled
728 election and shall notify the county election superintendent within the special district by
729 forwarding to the superintendent a copy of such resolution calling for the imposition of
730 the tax. Such list, or a digest thereof, shall be available during regular business hours in
731 the office of the county clerk.

732 (2) The resolution authorized by paragraph (1) of this subsection shall describe or
733 identify:

734 (A) The specific transit projects to be funded which shall have been ~~selected from the~~
735 ~~regional transit plan~~ and approved by the authority;

736 (B) The approximate cost of such transit projects;

737 (C) The operator selected for any transit project or projects proposed if such project or
738 projects are services which require an operator; and

739 (D) The maximum period of time, to be stated in calendar years, for which the tax may
740 be imposed and the rate thereof. The maximum period of time for the imposition of the
741 tax shall not exceed 30 years."

742 **SECTION 7-3.**

743 Said title is further amended in said article by revising subsection (b) of Code Section
744 48-8-269.51, relating to allocation or balancing of funds, as follows:

745 "(b) The approval of the tax under this article shall not in any way diminish the percentage
746 of state or federal funds allocated to any of the local governments under Code Section
747 32-5-27 or ~~Chapter 39 of Title 50~~ within the special district levying the tax."

748

SECTION 7-4.

749 Said title is further amended in said article by revising subsection (f) of Code Section
750 48-8-269.57, relating to exclusive use of tax proceeds, audits, and payment of debt, as
751 follows:

752 "(f)(1)(A)(i) If the proceeds of the tax are specified to be used solely for the purpose
753 of payment of general obligation debt issued in conjunction with the imposition of the
754 tax authorized to be levied pursuant to Part 2 of this article, then any net proceeds of
755 the tax in excess of the amount required for final payment of such debt may be used
756 for additional transit projects, provided that a subsequent intergovernmental
757 agreement meeting the requirements set forth in subsection (b) of Code
758 Section 48-8-269.43 has been entered into. If a subsequent intergovernmental
759 agreement required by this division is not entered into, then such excess proceeds
760 shall be subject to and applied as provided in paragraph (2) of this subsection.

761 (ii) If the proceeds of the tax are specified to be used solely for the purpose of
762 payment of general obligation debt issued in conjunction with the imposition of the
763 tax authorized to be levied pursuant to Part 3 of this article, then any net proceeds of
764 the tax in excess of the amount required for final payment of such debt may be used
765 for additional transit projects, provided that such projects are ~~selected from the~~
766 ~~regional transit plan~~ and approved by the authority. If approval from the authority
767 regarding additional transit projects to be funded with any excess net proceeds is not
768 obtained, then such excess proceeds shall be subject to and applied as provided in
769 paragraph (2) of this subsection.

770 (B)(i) If the special district receives from the tax net proceeds in excess of the
771 maximum cost of the transit projects stated in the resolution calling for the imposition
772 of the tax or in excess of the actual cost of such projects when the tax was authorized
773 to be levied pursuant to Part 2 of this article, then such excess proceeds may be used
774 for additional transit projects, provided that a subsequent intergovernmental
775 agreement meeting the requirements set forth in subsection (b) of Code
776 Section 48-8-269.43 has been entered into. If a subsequent intergovernmental
777 agreement required by this division is not entered into, then such excess proceeds
778 shall be subject to and applied as provided in paragraph (2) of this subsection.

779 (ii) If the special district receives from the tax net proceeds in excess of the maximum
780 cost of the transit projects stated in the resolution calling for the imposition of the tax
781 or in excess of the actual cost of such projects when the tax was authorized to be
782 levied pursuant to Part 3 of this article, then such excess proceeds may be used for
783 additional transit projects, provided that such projects are ~~selected from the regional~~
784 ~~transit plan~~ and approved by the authority. If approval from the authority regarding
785 additional transit projects to be funded with any excess net proceeds is not obtained,
786 then such excess proceeds shall be subject to and applied as provided in paragraph (2)
787 of this subsection.

788 (2) Except as provided in paragraph (1) of this subsection, excess proceeds shall be used
789 solely for the purpose of reducing any indebtedness of any county within the special
790 district other than indebtedness incurred pursuant to this article. If there is no such other
791 indebtedness or if the excess proceeds exceed the amount of any such other indebtedness,
792 then the excess proceeds shall next be paid into the general fund of such county, it being
793 the intent that any funds so paid into the general fund of such county be used for the
794 purpose of reducing ad valorem taxes."

795

PART VIII

796

Various conforming changes

797

SECTION 8-1.

798 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural
799 resources, is amended in Code Section 12-8-31, relating to state solid waste management
800 plan and reporting, by revising subsection (b) as follows:

801 ~~"(b) The state solid waste management plan shall be submitted to the Governor's~~
802 ~~Development Council and shall serve as the guide for the development of local plans and~~
803 ~~regional plans for solid waste management Reserved."~~

804

SECTION 8-2.

805 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,
806 is amended in Code Section 32-6-26, relating to weight of vehicle and load, by revising
807 paragraph (5) of subsection (g) as follows:

808 "(5) Notwithstanding any provisions of this Code section to the contrary, a vehicle which
809 is hauling any of the commodities listed in subparagraphs ~~(g)(1)(A), (g)(1)(B), (g)(1)(C),~~
810 ~~and (g)(1)(G) of this Code section~~ (A), (B), (C), and (G) of paragraph (1) of this
811 subsection, which is hauling any other agricultural or farm product from a farm to the
812 first point of marketing or processing, which is hauling agricultural finished goods for
813 distribution or for retail sale and purchase by consumers, or which is hauling recovered
814 materials from points of generation to a processing facility shall, within a 150 mile radius
815 of the farm or point of origin and outside of a nonattainment area as of May 3, 2023, as
816 such term is defined in Code Section ~~32-9-11~~ 12-9-43, be permitted a 10 percent variance
817 from the weight limitations in paragraph (1) of this subsection, provided that the tractor
818 and the trailer are each certified to meet or exceed the weight allowable by such variance.
819 A lift axle may not be used in computing the maximum total gross weight authorized for

820 any vehicle or load under this paragraph. Any person who violates the load limitations
821 provided for in this paragraph by exceeding a 10 percent variance per single axle, tandem
822 axle, or maximum total gross weight shall be fined on the basis of the weight limitations
823 of paragraph (1) of this subsection and not on the basis of the variance allowed by this
824 paragraph. This paragraph shall stand repealed on July 1, 2025."

825 **PART IX**

826 *Effective date and applicability*

827 **SECTION 9-1.**

828 This Act shall become effective upon its approval by the Governor or upon its becoming law
829 without such approval.

830 **SECTION 9-2.**

831 The provisions of Parts IV, VI, and VII of this Act requiring approval of transit projects by
832 the State Road and Tollway Authority shall not apply to any referendum approved to be
833 brought before the voters in November, 2024.

834 **PART X**

835 *Repealer*

836 **SECTION 10-1.**

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