

## House Bill 930

House Bill 930, passed on March 29, 2018 - the final day of the 2018 Legislative Session - is the culmination of years of work devoted to developing a unified transit governance and funding structure in the metro Atlanta region. The bill, through the Atlanta-Transit Link (ATL) Authority, creates a new governance structure for coordinated and integrated transit planning for the 13-county metro Atlanta region through a regional transit plan, and outlines new transit funding through an optional local sales tax which counties, with approval of the voters, may assess to raise funds for transit.

### Existing Regional Transit Providers

#### **MARTA**

The ATL Authority will be the new federally designated recipient of federal funds and will administer the distribution procedures for federal formula funding programs and allocate that funding among operators within the ATL Authority's jurisdiction. HB 930 preserves MARTA's current operational autonomy and MARTA will be the sole provider of passenger heavy rail for the region.

#### **GRTA**

The Georgia Regional Transportation Authority (GRTA) will transition its role in regional transit operations to the ATL Authority no later than July 1, 2020. GRTA retains authority over the Transportation Improvement Program (TIP), Developments of Regional Impact (DRI), and the Governor's Development Council. The Board structure and state funding mechanisms for GRTA are also preserved in this legislation.

#### **SRTA**

The State Road and Tollway Authority (SRTA) will transition its role in regional transit operations to the ATL Authority no later than July 1, 2021. SRTA retains its authority over tolling, GTIB, and transportation financing. SRTA's "GO! Transit" program will now be coordinated with the ATL Authority.

### Regional Governance Structure

HB 930 creates the ATL Authority, administratively attached to GRTA, to serve as the sole entity for coordination and planning, and dispersing of federal and state funding for transit within the jurisdiction of the ATL Authority.

#### **Jurisdiction**

The jurisdiction of the ATL Authority Board extends to the 13 counties currently covered by GRTA – Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale.

#### **Board Composition**

The Board of Directors will consist of 16 members, according to the following:

- Board Chairman appointed by the Governor;
- Commissioner of Transportation (ex-officio);
- Two members appointed by the Lieutenant Governor;
- Two members appointed by the Speaker of the House;
- One member appointed from each of the 10 authority districts based on majority vote of a caucus within that district. Each caucus will be comprised as follows:
  - Members of the House of Representatives whose respective districts include any portion of such authority district;
  - Members of the Senate whose respective districts include any portion of such authority district;
  - Chairperson of the county board of commissioners whose counties are located within such authority districts;
  - One mayor from the municipalities located within such authority districts who shall be chosen by a caucus of all mayors from the municipalities located within such authority district;
  - The mayor of the City of Atlanta if such authority district is wholly or partially located within the City of Atlanta.

Each appointee must be a resident of the authority district which he/she represents and can be a county or local government official or a private citizen. Each appointee must possess significant experience and expertise in a field that is beneficial to the purpose of the ATL Authority. No later than December 1, 2018, each caucus must meet and appoint their respective board members.

## **Powers**

The ATL Authority will coordinate regional transit through two primary functions: development and implementation of a regional transit plan, and funding management for regional transit.

The regional transit plan is intended to guide the future of transit in the metro Atlanta region. The ATL Authority is empowered to develop, annually review, and amend, as necessary, the regional transit plan to ensure proper identification and prioritization of projects and initiatives required to implement regional transit. The regional transit plan must include transit projects based on a region-wide approach to the provision of transit services, establishment of multimodal stations, enhancement of regional connectivity, cost-effective expansion of existing transit systems, and coordination of schedules and methods of payment for transit service providers. The ATL Authority will work with the ARC and regional stakeholders to continue to evolve the regional transit plan.

As the provider of funding management for regional transit in metro Atlanta, the ATL Authority is the designated entity for coordination, planning, and dispersing of federal and state funding for transit within its jurisdiction. The ATL Authority will receive federal money and sub allocate such money to operators with the ATL Authority's jurisdiction. The ATL Authority is also authorized to issue guaranteed revenue, revenue, and general obligation bonds to finance its activities.

The ATL Authority is also empowered to:

- Acquire by eminent domain any real property or rights in property which it may deem necessary for its purposes;
- Plan, design, acquire, construct, add to, extend, improve, equip, operate, and maintain transit systems and transit projects;
- Provide transit services within the jurisdiction;
- Contract with any state, regional, or local government, authority, or department, or with any private person, firm, or corporation for the provision of transit planning and transit services;
- Appoint an Executive Director of the ATL Authority. The initial Executive Director shall be the Executive Director of GRTA;
- Lease to local governments any ATL Authority-owned facilities or property or any state-owned facilities or property under management by the ATL Authority;
- To finance projects for the furtherance of regional transit within the ATL Authority's jurisdiction.

## Mass Transportation Special Purpose Local Option Sales Tax

### **13-County Metro Region**

To finance transit projects outlined in the regional transit plan, metro counties may raise an additional sales tax of up to 1 percent (with the exception of Fulton (*see below*), Clayton, and DeKalb counties), in increments of .05 percent, for up to 30 years (TSPLOST). If a county in the 13-county jurisdiction wishes to implement a TSPLOST, the following must occur:

- At least 60 days prior to any issuance of the call for the referendum, the county must host a meeting with qualified municipalities within the county to discuss possible transit projects from the regional transit plan for inclusion in the referendum and the rate of TSPLOST;
  - At the meeting the county and all municipalities may select transit projects for the county from the regional transit plan to be funded by the proceeds of the TSPLOST.
- Following the meeting, the county must notify the ATL Authority of its intent to hold such referendum. The notice must include:

- List of transit projects located within the county chosen from the regional transit plan which the county intends to fund with proceeds from the TSPLOST; AND
  - Proposed operator of any such transit projects that require an operator (MARTA will be the sole operator of heavy rail service).
- Upon receipt of such notice, the ATL Authority shall approve or deny any or all projects within a submitted transit project list and the proposed operator of any transit, based on transit projects in neighboring counties and any additional federal or state funding that may be available for any projects. The ATL Authority must send this notification back to the county no later than 20 days from receipt of the transit list;
- After receipt of notice from the ATL Authority, the county shall adopt a resolution formalizing the list of transit projects and TSPLOST. The resolution must specify:
  - Specific transit projects to be funded;
  - Approximate cost of such transit projects;
  - Operator selected for any transit projects that require an operator;
  - Maximum period for the TSPLOST (up to 30 years).
- The referendum will be put on the ballot in the next county-wide election and requires a majority “Yes” vote to pass.

The TSPLOST revenues must be used within the county and/or city imposing the tax for the transit projects specified in the resolution calling for imposition of the TSPLOST, except one percent of the amount collected will be paid into the State general fund.

### **Non-13-County Metro Area**

Any two or more neighboring counties located outside of the 13-county metro region over which the ATL Authority has jurisdiction can impose a TSPLOST for transit projects. The procedure for implementing a TSPLOST among two or more neighboring counties is similar to the procedure for implementing a TSPLOST in one of the 13 counties in the metro region, except that:

- The counties jointly implementing a TSPLOST must execute an intergovernmental agreement;
- The counties jointly implementing a TSPLOST are not required to develop transit projects in collaboration with the ATL Authority; AND
- The TSPLOST referendum must be approved in each county jointly implementing a TSPLOST or the TSPLOST will not be implemented in any of those counties.

### Special Provisions Related to Certain Local Governments

#### **Cobb County**

As an alternative to bringing forth a county-wide TSPLOST referendum, the legislation allows Cobb County to draw a special transit district within the County. A Special District Transit Committee can be formed and charged with creating a special district map for Cobb and identifying the services to be provided within the district. The Committee will include the members of the Cobb Board of Commissioners and members of the House and Senate that represent Cobb County, which currently will total 26 members collectively. There will be two subcommittees formed, one made up of the Board of Commissioners and the other composed of the legislative delegation members. Both subcommittees must approve the proposed map before being approved by the full Committee. The Committee will then negotiate a proposed transit contract with MARTA for the provision of heavy rail, light-rail, bus rapid transit, or other modes of transit services in Cobb County. Transit services must be within the ATL Authority’s regional transit plan and will require approval from the ATL Authority. The Cobb County Board of Commissioners can then choose to approve the proposed map and contract negotiated by the Committee.

A referendum must then be held and approved by voters within the drawn special district. The County is empowered to finance the transit expansion in any manner, but passage of a referendum will allow the County to implement a special retail and use tax that will only be collected within the confines of the special district up to a rate of 1 percent but can be in increments of

.05 percent and can only be used on obligations incurred by the transit contract and services provided. The Special District Transit Committee has until December 1, 2019, to provide to the Cobb County Board of Commissioners both a recommended map for the special district and a proposed rapid transit contract or this option will be abolished.

### Fulton County

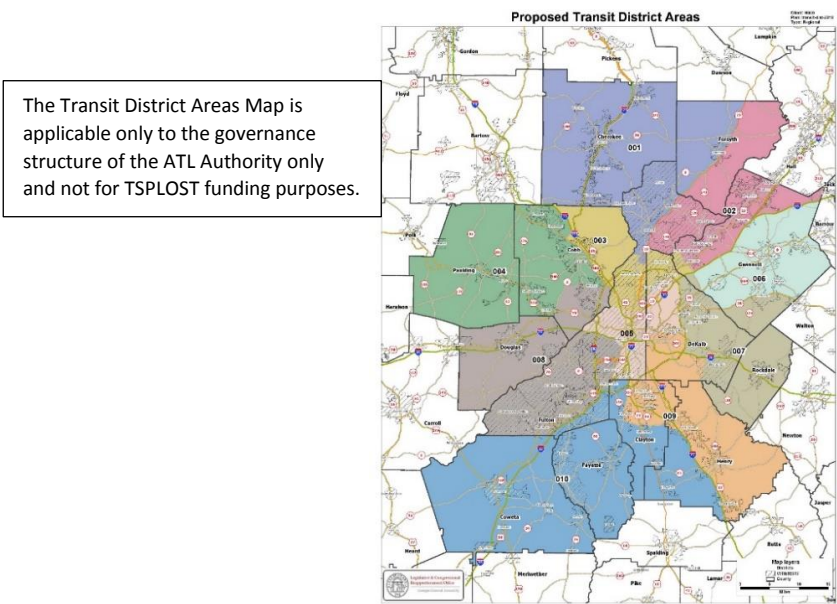
Fulton County can bring forth a referendum authorizing an additional retail sales and use tax up to .20 percent in increments of .05 percent, for no less than ten years and no more than thirty years. This money cannot be used to fund heavy rail expansion but can be used for light-rail, bus rapid transit, or other transit services provided by MARTA. Before a referendum can be called, an intergovernmental agreement must be entered into between the Fulton County Board of Commissioners and the Mayors in Fulton representing at least seventy percent of the population of Fulton County outside the City of Atlanta. If the tax is levied after January 1, 2019, the proposed projects must be part of the regional transit plan and approved by the ATL Authority. The local governments will have planning and zoning power over any proposed transit-oriented development.

### Gwinnett County

Gwinnett County Board of Commissioners can call for a MARTA referendum after negotiating a rapid transit services contract for the provision of heavy rail, light-rail, bus rapid transit, or other transit services. If the contract is approved after January 1, 2019, the rapid transit service offered must be a part of the Regional Transit Plan and approved by the ATL Authority. Gwinnett County can also levy a sales and use tax of up to 1 percent in increments of .05 percent to fund the obligations of the rapid service contract. Additionally, the Gwinnett County Board of Commissioners can appoint three residents to the MARTA Board who will serve four-year terms if a contract with MARTA is approved.

### Regional Transit Branding

As part of unifying transit services in the metro Atlanta region, the regional transit plan developed by the ATL Authority must provide for creation of a unified brand to encompass all transit service providers within the ATL Authority’s jurisdiction. Further, beginning January 1, 2019, MARTA must utilize a logo and brand on any newly acquired capital asset worth more than \$250,000 that is regularly visible to the public. After January 1, 2023, MARTA must utilize this logo and brand on any of its property. MARTA’s adopted logo and brand must include “ATL” as a prominent feature.



The Council for Quality Growth will continue to study the regional impact of House Bill 930 and will provide regular updates accordingly. Please contact Taylor Morison at [tm@councilforqualitygrowth.org](mailto:tm@councilforqualitygrowth.org) (980)297-3644 with any questions or comments.