

**A SUBSTITUTE ORDINANCE (#2) BY TRANSPORTATION COMMITTEE TO AMEND CHAPTER 2 (“ADMINISTRATION”) ARTICLE V (“ADMINISTRATIVE ORGANIZATION OF THE EXECUTIVE BRANCH”) AT SECTION 2-261 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH THE OFFICE OF TRANSIT AND FTA ADMINISTRATION IN THE DEPARTMENT OF PUBLIC WORKS; TO ADD A NEW SECTION 2-266 THAT SETS FORTH THE FUNCTIONS AND DUTIES OF THE OFFICE OF TRANSIT AND FTA ADMINISTRATION; AND FOR OTHER PURPOSES.**

**Workflow List:**

Santana Kempson Wright	Completed	05/14/2014 4:19 PM
Rita Braswell	Completed	05/15/2014 1:57 PM
Richard Mendoza	Completed	05/15/2014 3:28 PM
Stefanie Grant	Completed	05/16/2014 11:33 AM
Mayor's Office	Completed	05/16/2014 2:10 PM
Office of Research and Policy Analysis	Completed	05/20/2014 11:30 AM
Transportation Committee	Completed	05/30/2014 11:55 AM
Atlanta City Council	Completed	07/01/2014 3:23 PM
Transportation Committee	Completed	06/18/2014 12:31 PM
Atlanta City Council	Completed	06/19/2014 3:09 PM
Transportation Committee	Completed	07/09/2014 3:24 PM
Atlanta City Council	Completed	07/24/2014 5:39 PM
Atlanta City Council	Completed	07/24/2014 12:27 PM
Transportation Committee	Completed	07/24/2014 5:08 PM
Finance/Executive Committee	Pending	
Mayor's Office	Pending	

**HISTORY:**

05/28/14	Transportation Committee	
06/02/14	Atlanta City Council	REFERRED TO COMMITTEE

<b>RESULT:</b>	<b>REFERRED TO COMMITTEE [UNANIMOUS]</b> Next: 6/11/2014 10:30 AM
<b>AYES:</b>	Bond, Dickens, Smith, Hall, Young Jr., Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd
<b>ABSENT:</b>	Mary Norwood

06/11/14	Transportation Committee	HELD IN COMMITTEE
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<b>RESULT:</b>	<b>HELD IN COMMITTEE [5 TO 0]</b>
<b>AYES:</b>	Moore, Dickens, Norwood, Smith, Wan
<b>ABSENT:</b>	Clarence "C. T." Martin
<b>AWAY:</b>	Natalyn Mosby Archibong

06/16/14	Atlanta City Council	REFERRED AS HELD
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**A SUBSTITUTE ORDINANCE (#2) BY TRANSPORTATION COMMITTEE TO AMEND CHAPTER 2 (“ADMINISTRATION”) ARTICLE V (“ADMINISTRATIVE ORGANIZATION OF THE EXECUTIVE BRANCH”) AT SECTION 2-261 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH THE OFFICE OF TRANSIT AND FTA ADMINISTRATION IN THE DEPARTMENT OF PUBLIC WORKS; TO ADD A NEW SECTION 2-266 THAT SETS FORTH THE FUNCTIONS AND DUTIES OF THE OFFICE OF TRANSIT AND FTA ADMINISTRATION; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta (“City”) desires to build a modern streetcar system in the City (“Atlanta Streetcar Project” or “Project”). The first phase of the Project, currently under construction, will consist of a 2.7 mile segment within downtown Atlanta; and

WHEREAS, in furtherance of the Project, the City, Metropolitan Atlanta Rapid Transit Authority (“MARTA”) and Atlanta Downtown Improvement District, Inc. (“ADID”) (collectively “Project Partners”) through their joint efforts, as well as the efforts of others, prepared and submitted to the Office of the Secretary of Transportation an application by the City for funding a portion of the construction of the Project through a TIGER II Discretionary Grant; and

WHEREAS, said application by the City resulted in the award of Grant Number GA-79-0001 in the amount of Forty-Seven Million, Six Hundred and Sixty-Seven Thousand, Seven-Hundred and Seventy-Seven Dollars (\$47,667,777) for the Project from the TIGER II Discretionary Grants funding described in the award (the “Awarded Funds”); in addition, ADID agreed with the City to provide certain funds for the Project; and

WHEREAS, pursuant to 11-0-0327, the City, as Grantee/Recipient and MARTA, as Limited Agent/Designee, thereafter executed a Grant Agreement with the United States Department of Transportation (“USDOT”) and the Federal Transit Administration (“FTA”), as administrator of the grant; and

WHEREAS, pursuant to 11-0-0327, the Project Partners entered into an Intergovernmental Agreement for the construction of the Project (the “Construction IGA”), the procurement of vehicles, the administration of the Awarded Funds, and the administration of other funds for the construction of the Project and the procurement of vehicles and other assets for the operation and maintenance of the Project; and

WHEREAS, the Construction IGA has been modified by four (4) amendments providing for additional funding for the Project through the Transit Enhancements Grants I and II, the Luckie Street Grant and the funding of work included in the Project for the benefit of the City's Department of Watershed Management; and

WHEREAS, the completion of the construction of the Project assumes that the infrastructure put in place by such construction will be operated as a streetcar system utilizing physical assets made available by the City, and have been funded by ADID, the City, and the Awarded Funds; and

WHEREAS, pursuant to 13-R-3540, the Project Partners will enter into an Operations and Maintenance Intergovernmental Agreement (“O&M IGA”) to provide for the rights and obligations of the Project Partners, and the processes governing their cooperation with respect to the operation and maintenance of the Atlanta Streetcar; and

WHEREAS, the City is the system owner, and is responsible for coordination of all financial aspects of the Project, including direct and indirect costs associated with the operation and maintenance of the Project as well as capital costs, except where funding is provided by other Project Partners; and

WHEREAS, the City shall be responsible for compliance with all requirements and regulations of the U.S. Department of Transportation (hereinafter “USDOT”), Federal Transit Administration (hereinafter “FTA”), Georgia Department of Transportation (“GDOT”), and other applicable agencies; and

WHEREAS, as an FTA Grantee, the City may apply for additional future funding for the construction, operation and maintenance of its public transportation systems; and

WHEREAS, the City desires to administer its public transit services in a manner that establishes an effective and safe public transportation system, and provides the public and businesses access, mobility and enjoyment.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That the Atlanta Code of Ordinances, Part II, Chapter 2 (Administration), Article V (Administrative Organization of the Executive Branch), Section 2-261 (Offices in the Department of Public Works), which lists the functional areas of the Offices in the Department of Public Works, shall be amended by adding a number (4) that states the "Office of Transit and FTA administration." Section 2-261 shall read as follows:

The department of public works shall be composed of the following offices:

- (1) Office of transportation;
- (2) Office of solid waste services;
- (3) Office of fleet services; and
- (4) Office of transit and FTA administration

SECTION 2: That the Atlanta Code of Ordinances, Part II, Chapter 2 (Administration), Article V (Administrative Organization of the Executive Branch), shall be amended by renumbering Chapter 2 Article V in order to add a new Section 2-266 that shall read as follows:

## Sec. 2-266 Functions and Duties of the Office of Transit and FTA Administration

The Office of Transit and FTA Administration shall be responsible for administering the function and duties of the streetcar system, as it may be amended from time to time, including (without limitation):

- (1) Planning, developing, designing, constructing, maintaining, operating and managing the City's streetcar system, or as permitted by contract or agreement.
- (2) Applying for and administering federal, state and local funds for the City's public transit projects.
- (3) Monitoring and ensuring compliance with FTA, Georgia Department of Transportation, USDOT and other applicable laws, rules, regulations and grant program requirements.
- (4) Promulgating rules and regulations for the use of City owned streetcar systems in accordance with standards established by law.
- (5) Collaborating, coordinating, and supporting the planning, design, and construction of transit routes and lines associated with the adopted Connect Atlanta Plan; and
- (6) Collaborating, coordinating, and supporting regional transit service planning and operations activities with other regional transit providers.

SECTION 3: That all code sections, ordinances, and parts of code sections and ordinances in conflict herewith are hereby waived for the sole purpose of this ordinance only and shall otherwise remain in full force and effect.

SECTION 4: That this ordinance shall become effective upon the Mayor's signature or as otherwise provided by operation of law.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Santana Kempson Wright

Contact Number: (404) 330-6579

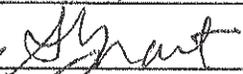
Originating Department: Department of Public Works

Committee(s) of Purview: Transportation

Chief of Staff Deadline: May 9, 2014

Anticipated Committee Meeting Date(s): May 27, 2014 (1<sup>st</sup> read) and June 10, 2014 (2<sup>nd</sup> read)

Anticipated Full Council Date: June 16, 2014 (final action)

Legislative Counsel's Signature: Stefanie Grant 

Commissioner's Signature: 

Chief Financial Officer: N/A

Chief Information Officer Signature (for IT Procurements) N/A

Chief Procurement Officer Signature: N/A

CAPTION

AN ORDINANCE TO AMEND CHAPTER 2 ("ADMINISTRATION") ARTICLE V ("ADMINISTRATIVE ORGANIZATION OF THE EXECUTIVE BRANCH") AT SECTION 2-261 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH THE OFFICE OF STREETCAR AND FTA ADMINISTRATION IN THE DEPARTMENT OF PUBLIC WORKS; TO ADD A NEW SECTION 2-266 THAT SETS FORTH THE FUNCTIONS AND DUTIES OF THE OFFICE OF STREETCAR AND FTA ADMINISTRATION; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT:

Mayor's Staff Only

Received by CPO: \_\_\_\_\_  
(date)

Received by LC from CPO: \_\_\_\_\_  
(date)

Received by Mayor's Office: Adrian 5-9-14  
(date)

Reviewed by:   
(date)

Submitted to Council: \_\_\_\_\_ (date)

Attachment: Office of Streetcar & FTA Administration (14-O-1289 : Creating the Office of Streetcar and FTA Administration)

**AN ORDINANCE BY  
TRANSPORTATION COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 2 (“ADMINISTRATION”) ARTICLE V (“ADMINISTRATIVE ORGANIZATION OF THE EXECUTIVE BRANCH”) AT SECTION 2-261 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH THE OFFICE OF STREETCAR AND FTA ADMINISTRATION IN THE DEPARTMENT OF PUBLIC WORKS; TO ADD A NEW SECTION 2-266 THAT SETS FORTH THE FUNCTIONS AND DUTIES OF THE OFFICE OF STREETCAR AND FTA ADMINISTRATION; AND FOR OTHER PURPOSES.**

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**WHEREAS**, said application by the City resulted in the award of Grant Number GA-79-0001 in the amount of Forty-Seven Million, Six Hundred and Sixty-Seven Thousand, Seven-Hundred and Seventy-Seven Dollars (\$47,667,777) for the Project from the TIGER II Discretionary Grants funding described in the award (the “Awarded Funds”); in addition, ADID agreed with the City to provide certain funds for the Project; and

**WHEREAS**, pursuant to 11-0-0327, the City, as Grantee/Recipient and MARTA, as Limited Agent/Designee, thereafter executed a Grant Agreement with the United States Department of Transportation (“USDOT”) and the Federal Transit Administration (“FTA”), as administrator of the grant; and

**WHEREAS**, pursuant to 11-0-0327, the Project Partners entered into an Intergovernmental Agreement for the construction of the Project (the “Construction IGA”), the procurement of vehicles, the administration of the Awarded Funds, and the administration of other funds for the construction of the Project and the procurement of vehicles and other assets for the operation and maintenance of the Project; and

**WHEREAS**, the Construction IGA has been modified by four (4) amendments providing for additional funding for the Project through the Transit Enhancements Grants I and II, the Luckie Street Grant and the funding of work included in the Project for the benefit of the City's Department of Watershed Management; and

**WHEREAS**, the completion of the construction of the Project assumes that the infrastructure put in place by such construction will be operated as a streetcar system utilizing physical assets made available by the City, and have been funded by ADID, the City, and the Awarded Funds; and

**WHEREAS**, pursuant to 13-R-3540, the Project Partners will enter into an Operations and Maintenance Intergovernmental Agreement (“O&M IGA”) to provide for the rights and obligations of the Project Partners, and the processes governing their cooperation with respect to the operation and maintenance of the Atlanta Streetcar; and

**WHEREAS**, the City is the system owner, and is responsible for coordination of all financial aspects of the Project, including direct and indirect costs associated with the operation and maintenance of the Project as well as capital costs, except where funding is provided by other Project Partners; and

**WHEREAS**, the City shall be responsible for compliance with all requirements and regulations of the U.S. Department of Transportation (hereinafter "USDOT"), Federal Transit Administration (hereinafter "FTA"), Georgia Department of Transportation ("GDOT"), and other applicable agencies.

**WHEREAS**, as an FTA Grantee, the City may apply for additional future funding for the construction, operation and maintenance of its public transportation systems.

**WHEREAS**, The City desires to administer its public transit services in a manner that establishes an effective and safe public transportation system, and provides the public and businesses access, mobility and enjoyment.

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, as follows:

**SECTION 1:** That the Atlanta Code of Ordinances, Part II, Chapter 2 (Administration), Article V (Administrative Organization of the Executive Branch), Section 2-261 (Offices in the Department of Public Works), which lists the functional areas of the Offices in the Department of Public Works, shall be amended by adding a number (4) that states the "Office of Streetcar and FTA administration." Section 2-261 shall read as follows:

The department of public works shall be composed of the following offices:

- (1) Office of transportation;
- (2) Office of solid waste services;
- (3) Office of fleet services; and
- (4) Office of streetcar and FTA administration

**SECTION 2:** That the Atlanta Code of Ordinances, Part II, Chapter 2 (Administration), Article V (Administrative Organization of the Executive Branch), shall be amended by renumbering Chapter 2 Article V in order to add a new Section 2-266 that shall read as follows:

**Sec. 2-266 Functions and Duties of the Office of Streetcar and FTA Administration**

The Office of Streetcar and FTA Administration shall be responsible for administering the function and duties of the streetcar system, as it may be amended from time to time, including (without limitation):

- (1) Planning, developing, designing, constructing, maintaining, operating and managing the City's public transit system, or as permitted by contract or agreement.
- (2) Applying for and administering federal, state and local funds for the City's public transit projects.
- (3) Monitoring and ensuring compliance with FTA, Georgia Department of Transportation, USDOT and other applicable laws, rules, regulations and grant program requirements.
- (4) Promulgating rules and regulations for the use of City owned public transit systems in accordance with standards established by law.

- (5) Collaborating, coordinating, and supporting the planning, design, and construction of transit routes and lines associated with the adopted Connect Atlanta Plan; and
- (6) Collaborating, coordinating, and supporting regional transit service planning and operations activities with other regional transit providers.

**SECTION 3:** That all code sections, ordinances, and parts of code sections and ordinances in conflict herewith are hereby waived for the sole purpose of this ordinance only and shall otherwise remain in full force and effect.

**SECTION 4:** That this ordinance shall become effective upon the Mayor's signature or as specified by City Charter Section 2-403.

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Caption:**

AN ORDINANCE TO AMEND CHAPTER 2 (“ADMINISTRATION”) ARTICLE V (“ADMINISTRATIVE ORGANIZATION OF THE EXECUTIVE BRANCH”) AT SECTION 2-261 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO ESTABLISH THE OFFICE OF STREETCAR AND FTA ADMINISTRATION IN THE DEPARTMENT OF PUBLIC WORKS; TO ADD A NEW SECTION 2-266 THAT SETS FORTH THE FUNCTIONS AND DUTIES OF THE OFFICE OF STREETCAR AND FTA ADMINISTRATION; AND FOR OTHER PURPOSES.

**Committee of Purview:** Transportation Committee

**Committee Meeting Date:** May 27, 2014 (1<sup>st</sup> read) and June 10, 2014 (2<sup>nd</sup> read)

**Council Meeting Date:** June 16, 2014 (final action)

**Requesting Dept.:** Department of Public Works

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to establish an Office of Streetcar and FTA Administration in the Department of Public Works.

**2. Please provide background information regarding this legislation.**

The City desires to administer the Streetcar and other FTA funded projects in a manner that establishes an effective and safe public transit system, and provides the public and businesses access, mobility and enjoyment. This Office of Streetcar and FTA Administration shall be responsible for coordination of all financial aspects of the Streetcar, including direct and indirect costs associated with the operation and maintenance of the Project as well as capital costs. In addition, the Office shall be responsible for compliance with all requirements and regulations of the U.S. Department of Transportation (hereinafter “USDOT”), Federal Transit Administration (hereinafter “FTA”), Georgia Department of Transportation (“GDOT”), and other applicable agencies. The Office may apply for additional future funding for the construction, operation and maintenance of the City’s public transit systems.

**3. If Applicable/Known:**

- (a) **Contract Type:**  
N/A
- (b) **Source Selection:** N/A
- (c) **Bids/Proposals Due:** N/A
- (d) **Invitations Issued:** N/A
- (e) **Number of Bids:** N/A
- (f) **Proposals Received:** N/A
- (g) **Bidders/Proponents:** N/A
- (h) **Term of Contract:** N/A

**4. Fund Department Account Center:** N/A

**5. Source of Funds:** N/A

**6. Fiscal Impact:** N/A

**7. Method of Cost Recovery:** N/A

**This Legislative Request Form Was Prepared By:** Yolanda Favors