

RESOLUTION 2011-20
A Resolution Ratifying Continued Membership in the
Regional Transportation Authority of Middle Tennessee

WHEREAS, public transportation provides access to life-essential goods and services for all citizens across Middle Tennessee including citizens with disabilities, low income individuals and older residents; and

WHEREAS, public transportation provides transportation to and from work, increases access to businesses, and spurs economic development and job creation; and

WHEREAS, public transportation offers local agencies across the region an invaluable tool for addressing growth pressures by expanding options to increase capacity on the transportation system to meet growing travel demands associated with new development; and

WHEREAS, public transportation has a proven role in promoting environmental sustainability by reducing air and water pollution, offering substantial energy savings, and supporting quality growth principles aimed at conserving land and other natural resources; and

WHEREAS, the Tennessee General Assembly passed legislation in 2009 creating Title 64, Chapter 8, Part 2, of the Tennessee Code, codified at *Tennessee Code Annotated* § 64-8-201 through § 64-8-208, which allows the Regional Transportation Authority of Middle Tennessee to assume and have authority to exercise additional powers, duties, and functions; and

WHEREAS, on January 19, 2011 and in accordance with *Tennessee Code Annotated* § 64-8-203(b), the Board of the Regional Transportation Authority of Middle Tennessee voted unanimously to assume and have authority to exercise the powers, duties, and functions under *Tennessee Code Annotated* Title 64, Chapter 8, Part 2 which provides capabilities that will be essential to expanding regional transportation in Middle Tennessee; and

WHEREAS, *Tennessee Code Annotated* § 64-8-203(b) provides that, if current local government members desire to continue their membership, they must do so by the date set by the Board of the Regional Transportation Authority of Middle Tennessee; and

WHEREAS, the Board of the Regional Transportation Authority of Middle Tennessee set December 31, 2011 as the deadline for local governments to ratify their continued membership in the Regional Transportation Authority of Middle Tennessee under *Tennessee Code Annotated Title 64, Chapter 8, Parts 1 and 2*; and

WHEREAS, the Board of Mayor and Aldermen of the City of Franklin has concluded that it is in its benefit to remain a member of the Regional Transportation Authority of Middle Tennessee following its assumption of powers, duties, and functions under *Tennessee Code Annotated* Title 64, Chapter 8, Part 2;

NOW, THEREFORE, in accordance with *Tennessee Code Annotated* § 64-8-203, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, THAT THE CITY OF FRANKLIN RATIFIES ITS CONTINUED MEMBERSHIP IN THE REGIONAL TRANSPORTATION AUTHORITY OF MIDDLE TENNESSEE:

ADOPTED THIS ____ DAY OF _____, 2011.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

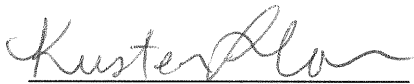
By: _____
ERIC S. STUCKEY

By: _____
DR. KEN MOORE

City Administrator

Mayor

Approved as to form by:



Kristen L. Corn, Staff Attorney

Regional Transportation Authority of Middle Tennessee Reconstitution: A Major Step Forward



Why should we Reconstitute the RTA?

- Ability to choose the most appropriate geographic area for regional transportation
- Ability to add new members
- Ability to issue bonds
- Ability to create special districts

Why is the RTA Important?

Public transportation provides life essential goods and services to the citizens of Middle Tennessee, enabling growth in the job market and promoting progressive opportunities for economic development. Specifically, it accomplishes the following:

- Provides transportation for all citizens of Middle Tennessee, including those with disabilities, low income individuals, and older residents
- Spurs economic development and job creation
- Expands the capacity of the existing transportation system, enabling the region to accommodate additional population growth
- Meets travel demands associated with new development
- Reduces air and water pollution
- Conserves land and other natural resources

Frequently Asked Questions

- 1. What do you mean by a “Reconstituted” Regional Transportation Authority (RTA)?** The original RTA was created by State legislation in 1988. In 2009, State legislation was passed and created a “Part 2” under the original legislation [§64-8-2]. Therefore, when the RTA Board unanimously voted to reconstitute the RTA, it didn’t eliminate the old RTA, it just added Part 2’s powers and abilities to it.
- 2. Why does each RTA member have to ratify their current membership with the newly reconstituted RTA when they are already a member?** This procedure was put in place so local governmental members could have a say in the reconstitution process.
- 3. How long does each RTA member have to ratify their membership?** Until December 31, 2011.
- 4. Will constituents’ taxes go up as a result of ratification of the reconstituted RTA?** No. There are no new taxes, nor user fees tied to the reconstitution of the RTA.
- 5. Does the newly reconstituted RTA have to issue bonds and develop expensive projects?** No. Part 2 of the legislation gives the RTA the ability to utilize these tools, not mandate them.
- 6. Can RTA member jurisdictions opt out of their membership in the future?** Yes.
- 7. Does the reconstitution impact current contracts that the RTA holds?** No.
- 8. Can additional local jurisdictions join the RTA following the reconstitution?** Yes.

Current RTA Services

- Carpools & Ridesharing
- Vanpools
- Park-n-Ride Lots
- Emergency Ride Home Program
- Employer/Employee Benefits
- Regional Express Bus Service
- Music City Star

Reconstitution of the RTA of Middle Tennessee

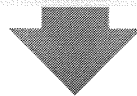


**State Legislation Created the RTA of Middle Tennessee
(1988)**



**State Legislation Provided for RTA Reconstitution with Expanded Capabilities
(2009)**

Enabling State Legislation (passed 2009) allows the RTA to reconstitute with expanded capabilities, including expansion of geographic boundary, designation of a special funding district, and issuance of bonds.



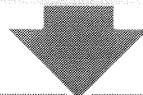
**RTA Executive Board Voted to Reconstitute
(January 19, 2011)**

The RTA Executive Board voted to reconstitute the RTA under the provisions of the 2009 legislation (unanimously approved Jan 19, 2011)



Local Government Ratification of Continued RTA Membership

Each member jurisdiction must ratify its continued membership in the RTA by a vote of its governing body. Local ratification is required by December 31, 2011.



**RTA Reconstitution Complete
(December 31, 2011)**

The Executive Board of the RTA will notify the State of Tennessee that it has reconstituted under the 2009 legislation.



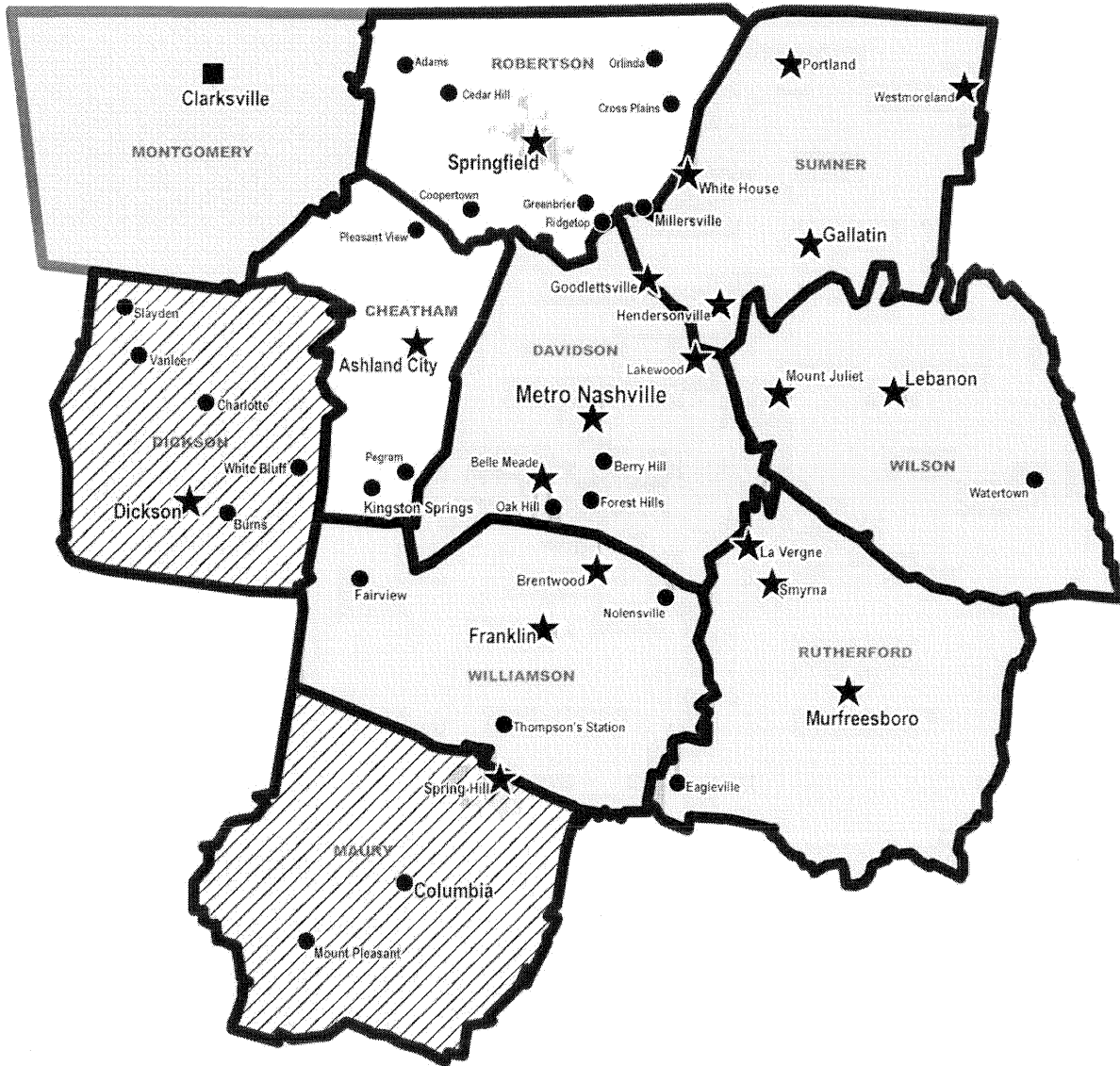
Operation of the RTA of Middle Tennessee with Expanded Capabilities

The RTA of Middle Tennessee will remain the same legal entity but with expanded capabilities. Prior to the exercise of expanded powers, further action would be required by the Executive Board of the RTA and/or member local governments.

Reconstitution of the RTA under Part 2 of the 2009 Legislation: Questions and Answers

Does the RTA Board recommend that the RTA reconstitute under Part 2?	Yes	On January 19, 2011 the RTA Board voted unanimously to reconstitute under Part 2.
How has the RTA Board reached that recommendation?	–	The RTA Board tasked the RTA’s Executive Committee to explore the RTA’s governance options. The Committee has considered the matter over the course of four meetings with the assistance of a consultant, RTA staff, and RTA legal counsel.
Is any action necessary for RTA member governments that want to continue as members of the reconstituted RTA?	Yes	Continued participation of a local government in the RTA will require ratification by the local jurisdiction’s governing body by Dec. 31, 2011, (the deadline set by the RTA Board) [§64-8-203(b)]
Could a local jurisdiction that is currently an RTA member opt not to belong to the reconstituted RTA?	Yes	If a local jurisdiction’s governing body does not ratify continued membership, then that local government will no longer be a member of the RTA. [§64-8-203(b)]
Will the composition of the RTA Board change after reconstitution?	Yes	Currently there are six Governor appointees. The reconstituted RTA will have one Governor’s appointee from each member county. [§64-8-204: (a)(1)(D)]
Can additional jurisdictions join the RTA following reconstitution?	Yes	Part 2 will enable other jurisdictions to join the RTA subject to specified requirements. [§64-8-203(a)(3)]
Could the reconstituted RTA Board change the amount of the local assessment?	Yes	Part 2 indicates that the per capita member assessment will be no less than \$0.10. The RTA Board will determine the minimum rate. Currently (under Part 1) the RTA Board can set a per capita rate between \$0.10 and \$0.50 with a minimum rate of \$500.
Will the reconstituted RTA be considered a new legal entity?	No	Following reconstitution, the existing RTA entity will continue to exist with the additional capabilities provided by Part 2. [per RTA legal counsel] [§64-8-203(a)(1)]
Will the reconstitution of the RTA impact the RTA’s existing contracts?	No	The RTA’s existing contractual obligations will remain in place since the reconstituted RTA is the same legal entity. [per RTA legal counsel]
Can the reconstituted RTA issue bonds to fund transit investments?	Yes	Reconstitution under Part 2 will enable the RTA to issue bonds to fund transit investments. [§64-8-207(4)(A)]
Can the reconstituted RTA impose a tax on a local jurisdiction without that local jurisdiction’s express consent?	No	Part 2 specifies that the RTA cannot impose a tax on any local member jurisdictions without the approval of the jurisdiction’s governing body or by public referendum. [§64-8-207(4)(O)]
Can the reconstituted RTA include local jurisdictions in a special district for the assessment of a tax without those jurisdictions’ express consent?	No	Local governments may opt out of any special funding district defined by the RTA by a majority vote of their governing body. [§64-8-207(5)]
Can local jurisdictions be held liable for repayment of bonds issued by the RTA?	No	Part 2 specifies that member jurisdictions will not be liable for the payment of principal or interest on any bonds of the authority. [§64-8-207(4)(N)]. This does not preclude local governments from choosing to accept liability by pledging local revenues for bond repayment.
Can the reconstituted RTA unilaterally pledge the full faith and credit of member jurisdictions as surety for the payment of the RTA’s bonds?	No	Part 2 specifies that the RTA cannot pledge the full faith and credit of member jurisdictions. [§64-8-207(4)(O)]
Can the RTA offer transit services that directly compete with services offered by a local transit agency without the permission of the local transit agency?	No	The reconstituted RTA cannot offer local transit services where such services are already offered by a local agency without the consent of the local jurisdiction’s governing body. [§64-8-206: (b)(5)]

A BOLD, NEW VISION FOR MASS TRANSIT



REGIONAL TRANSPORTATION AUTHORITY – MEMBERSHIP STATUS

RTA Status for Cities & Towns

- ★ Active Member
- Inactive Member
- Not a Member

RTA Status for Counties

- Active Member
- ▨ Inactive Member
- ▤ Not a Member

Planning & Policy

- ▨ MPO Member

Find out more at
NashvilleMPO.org

Under new enabling legislation, a newly constituted RTA may modify its membership to conform with regional planning efforts.