CHAPTER 10. CAPITAL AREA TRANSIT SYSTEM ACT

§1451. Short title

This Chapter shall be known and may be cited as the Capital Area Transit System Act.

Acts 2005, No. 463, §1, eff. Jan. 1, 2006.

§1452. Declaration of policy

The area comprising East Baton Rouge Parish and surrounding parishes has developed and continues to develop into a metropolitan area with a common interest in the cultural, social, and economic well-being of its people. This area has serious congestion, traffic, and air quality problems, which impede and will increasingly impede the development of these common interests to their fullest potential. It is therefore the public policy of this state to promote the establishment of a joint transit instrumentality, encourage participation in it by the local governments involved, and facilitate the accomplishment of its purposes.

Acts 2005, No. 463, §1, eff. Jan.1, 2006.

§1453. Definitions

For purposes of this Chapter, the following words have the meanings ascribed to them by this Section, except where the context clearly indicates otherwise:

(1) "Board" means the board of commissioners and governing body of the Capital Area Transit System.

(2) "Parish's financial contribution" means the total funds and the fair market value of any in-kind contributions received by the system directly from a parish governing authority and political subdivisions within that parish.

(3) "Participating parish" means a parish which has approved participation and for which participation has been approved by the board.

(4) "System" means the Capital Area Transit System.

Acts 2005, No. 463, §1, eff. Jan.1, 2006.

§1454. Creation

There is hereby created the Capital Area Transit System, subject to the conditions set forth in this Chapter, which shall be a body politic and corporate and a political subdivision of the state of Louisiana and, except as provided in this Chapter, shall have all of the powers of same. Its authority shall extend to all of East Baton Rouge Parish and to all of the territory of such additional participating parishes as may elect to participate, as provided by this Chapter. The domicile of the system shall be East Baton Rouge Parish but may be changed to another participating parish by the affirmative vote of a majority of the total members of the board.

Acts 2005, No. 463, §1, eff. Jan.1, 2006.

§1455. Participation

A. The board may exercise authority in parishes other than East Baton Rouge Parish if any such parish is a participating parish as provided in this Section.

B. A parish may become a participating parish if both of the following conditions are met:

(1) The governing authority of the parish approves such participation. Such approval shall be adopted in accordance with the procedures that apply to the adoption of an ordinance by the governing authority.

(2) The board approves such participation.

C. The board may enter into any contract it deems appropriate with a participating parish to stipulate the nature of the parish's participation in the activities of the system. Such agreements may provide for but are not limited to a parish's financial commitment for the provision of transportation services, for the board's obligation to provide certain services, or for such other terms as the parties may agree upon not inconsistent with this Chapter or other law.

D.(1) The board may, at its discretion, expel any parish from participation in the event of a material breach of an agreement with it.

(2) Any parish may withdraw from participation upon the approval of such action by its governing body adopted in accordance with the same procedures such parish requires for the approval of ordinances, but any such withdrawal shall not affect any obligations owed to the system.

Acts 2005, No. 463, §1, eff. Jan.1, 2006.

§1456. Board of commissioners

A. If there are no participating parishes other than East Baton Rouge Parish, the system shall be governed by a board of commissioners comprised of nine members.

B.(1) Effective January 1, 2009, and every three years thereafter, the board shall reapportion its membership to provide for representation of participating parishes as provided in this Subsection. Each such reapportionment shall be adopted by October first immediately prior to the January first on which it will become effective. For purposes of this Subsection, the year in which a reapportionment becomes effective shall be year one of a reapportionment cycle, the subsequent year shall be year two of a cycle, and the year in which a reapportionment is adopted shall be year three of a cycle.

(2) Every participating parish shall appoint at least one member to the board.

(3) Except as otherwise provided in this Section, the total number of commissioners shall not exceed fifteen when a reapportionment, as provided for in Paragraphs (4) and (5) of this Subsection, is complete.

(4) The membership on the board shall be reapportioned so that, to the extent possible, the ratio of the number of board members representing each participating parish to the total board membership shall be the same as the ratio of each parish's total financial contribution during year one and year two of the reapportionment cycle, as determined by the board, to the total of all participating parishes' contributions during those same two years. Contributions that were received during the two-year period but which were required by law, contract, or prior decision of the board to be paid prior to the two-year period shall not be considered.

(5) At each reapportionment, the number of commissioners from East Baton Rouge Parish shall remain nine, and other participating parishes shall appoint a number of members based on financial contribution as provided in Paragraph (4) of this Subsection unless this would result in a total membership in excess of fifteen. The number of commissioners appointed from East Baton Rouge Parish, as any other participating parish, shall be reduced and shall also be calculated based on the proportion of financial contribution made to the system when such a reduction is necessary to prevent the total number of commissioners from exceeding fifteen, except as otherwise provided by this Section, at the time of a reapportionment.

(6)(a) A parish which becomes a participating parish in year one or year two of a reapportionment cycle shall be immediately entitled to appoint one member of the board.

(b) A parish which becomes a participating parish in year three of a reapportionment cycle shall not be considered in the reapportionment that year but shall be immediately entitled to appoint one member of the board.

(c) Members appointed in accordance with Subparagraph (a) or (b) of this Paragraph may result in a total board membership in excess of fifteen until the subsequent reapportionment.

(7) Whenever the number of board members representing a parish is to be reduced as a result of reapportionment, the reduction shall be accomplished by the termination of the board membership of the member or members representing that parish with the least time remaining in their terms. In the event a parish's members have equally short terms and a fewer number of board positions for that parish are to be eliminated, the governing authority of such parish shall determine which member's term or members' terms shall be eliminated.

C.(1) The members from each participating parish, including East Baton Rouge Parish, shall be appointed by its governing authority in accordance with the procedures established by the governing authority. Except as provided in Paragraph (2) of this Subsection, all terms shall end on the third December thirty-first following the appointment.

(2) The initial members of the board of commissioners shall be the members serving as the board of directors of the Capital Area Transit System on the effective date of this Chapter. The three with the longest remaining terms on that board of directors shall serve an initial term lasting until December 31, 2008, the three with the shortest remaining terms shall serve an initial term lasting until December 31, 2006, and the other three shall serve an initial term lasting until December 31, 2007.

D. Notwithstanding the expiration of their terms, members shall serve until their successors are appointed and qualified. Members are eligible for reappointment.

E. A member may be removed only for cause determined by the governing body of the appointing parish. The board shall declare a member's office vacant upon the member's conviction of a felony or a plea of nolo contendere thereto. Further, a member shall be deemed to have abandoned his office upon failure to attend two of any three consecutive regularly scheduled meetings without an excuse approved by a resolution of the board at the next regular meeting, and a vacancy shall be deemed to exist in the member's office beginning at such time.

Acts 2005, No. 463, §1, eff. Jan.1, 2006.

§1457. Quorum; voting

A quorum necessary for the conduct of business by the board shall exist whenever a majority of the members is present. Except as may be otherwise provided by this Chapter, the public meeting law, or any other law, board action shall require the affirmative vote of a majority of the members present and voting.

Acts 2005, No. 463, §1, eff. Jan.1, 2006.

§1458. Conduct of meetings and affairs; bylaws

The board is authorized to create, amend, and repeal bylaws, rules and regulations, and resolutions for the government of the meetings and affairs of the system, not inconsistent with this Chapter or other law.

Acts 2005, No. 463, §1, eff. Jan.1, 2006.

§1459. Officers

The officers of the board shall consist of a president, who shall be a member of the board, a vice president, and such other officers or assistants as the members shall choose. The board shall conduct an annual meeting in February for the primary purpose of electing officers. Unless sooner removed by the board, each officer shall serve until his successor is elected, unless he is also a member of the board and his term as a member is terminated prior to such time. In the latter event, his term shall expire upon the expiration of the term as a board member.

Acts 2005, No. 463, §1, eff. Jan.1, 2006.

§1460. Powers

The board, as governing authority of the system, shall have all powers necessary or convenient to accomplish the policy declared in this Chapter, including but not limited to:

(1) The powers, privileges, and immunities authorized by law for political subdivisions. The system may sue or may be sued.

(2) The power to receive and acquire the transit system operated by the quasi-public, nonprofit corporation created by the city of Baton Rouge and the parish of East Baton Rouge pursuant to R.S. 12:202.1 and all of its rights and obligations, to maintain and expand that system and its facilities in East Baton Rouge Parish and within the area of participating parishes, including the construction and operation of bus rapid transit and light rail systems, and generally to construct, improve, maintain, repair, operate, and administer a mass transportation system or any component part thereof, and any incident part thereto, and to contract for the maintenance, operation, or administration thereof, and to lease as lessor the same for maintenance, operation, or administration by private parties.

(3) The power to acquire by purchase, lease, donation, expropriation, or otherwise; to own; to use; and to sell, lease as lessor, transfer, exchange, or otherwise dispose of any franchise, servitude, real or personal property, tangible or intangible property, or any interest therein.

(4) The power to develop data, plans, and information and the power to cooperate, participate, and coordinate with the federal government, the state of Louisiana, or any agency or instrumentality thereof, or any municipal or parish governing body or any agency thereof, or the regional planning commission or any similar joint agency, in the planning or execution of any studies, plans, or projects.

(5) The power to enter into any contract with the federal government, the state of Louisiana and any agency, instrumentality, or authority thereof, and with any parish or municipal government or other political subdivision whether or not participating in the system or within the area of the participating parishes, as the parties may deem appropriate. However, no contract with a political subdivision obligating the political subdivision to levy a tax shall be valid until the tax has been approved by a majority of the qualified voters of that political subdivision voting on the proposition at an election held in accordance with the laws governing tax elections.

(6) The power to contract with any public utility, railroad, or transportation company for the joint use of property or rights or for the establishment of through routes, joint fares, or transfer of passengers.

(7) The power to apply for and accept grants or other assistance from the federal or state government or from any source whatsoever.

(8) All power to borrow money and incur debt, including but not limited to the borrowing of money from private lenders, institutional lenders, financial institutions, individuals, the federal government, or to the extent authorized by law, from the state of Louisiana and from any local government, and the power to issue bonds, negotiable notes, and other evidence of indebtedness or obligations of the system, and to secure payment of any debt, or any part thereof, by conventional mortgages, by pledge of its revenues, rentals, taxes, and other receipts, all in accordance with relevant requirements of the State Bond Commission. However, except as may be established by contract between governmental entities and the board, the board shall have no power in any manner to pledge the property, credit, or taxing power of any political subdivision or of the state, nor shall any of its obligations be deemed obligations of the state or of any other political subdivision, and neither shall any other political subdivision be liable for the payment of principal or interest on such obligations.

(9) Subject to the approval of the appropriate parish governing authority, the exclusive power to determine the appropriate fares, rentals, and other charges for transportation provided to the public and to determine the appropriate routes, schedules, and other parameters for the provision of transportation services.

(10)(a) Subject to the approval of the appropriate parish governing authority, the exclusive power to issue, issue conditionally, or deny licenses and permits for buses for hire operating exclusively within the territorial area of participating parishes, but not taxicabs, limousines, or sightseeing or tourist guide vehicles, including the power to govern rates charged to the public, to promulgate rules and regulations for the safety and welfare of the riding public, and to establish the procedure and criteria for the issuance of permits.

(b) In the absence of further action by the board, the criteria for permit issuance shall include findings that all of the following apply:

(i) The system cannot provide service sufficient to meet the needs which the applicant seeks to satisfy by the service described in the application.

(ii) The granting of the application is likely to improve the quality of mass transportation services in the territory of the participating parishes.

(iii) The applicant and the applicant's employees and agents have not engaged in conduct inconsistent with honesty, fair dealing, safety, and welfare for the benefit of passengers.

(c) For purposes of this Section, "bus" shall mean a motor vehicle with a seating capacity of six or more, exclusive of the operator, which is used in the transportation of passengers for hire, excluding any vehicle leased without the provision of a driver and excluding any vehicle which is subject to regulation by the Interstate Commerce Commission or the Louisiana Public Service Commission; or which is defined in this Section as a limousine or sightseeing or tourist guide vehicle; or which is used by undertakers for the transportation only of persons attending a funeral; or which is engaged exclusively in the transportation of children to and from school and which is operated by or under a contract with a public institution or a public or private school; or which is provided by a passenger's employer for transportation to his place of work; or which provides transportation in consideration of transportation to be furnished on other occasions by a passenger.

(d) For purposes of this Section, "taxicab" shall mean all motor vehicles for hire, carrying six passengers or less, including the driver thereof, which are subject to call from a garage, office, taxi stand, or otherwise.

(e) For purposes of this Section, "limousine" shall mean a chauffeur-driven luxury vehicle with a minimum seating capacity of six but no more than fourteen passengers, exclusive of the driver, which is used for the transportation of passengers for hire by prearrangement or contract, the charges for which are predetermined on a contractual basis.

(f) For purposes of this Section, "sightseeing or tourist guide vehicle" shall mean a motor vehicle with an operator for hire and a minimum seating capacity of six and a maximum seating capacity of no more than fourteen persons, exclusive of the driver, which is used in the transportation of passengers for hire to various tourist destinations and other landmarks of interest.

(11) The power to provide for police and fire protection over the facilities of the system or to contract for such services with public or private entities.

(12) The power to impose any tax on any subject of taxation within the territorial area of participating parishes for any transit-related purpose whatsoever, except as otherwise prohibited in this Chapter or by the constitution or laws of this state; however, no tax shall be imposed by the board unless it has first been approved by a majority of voters voting on the proposition in each of the parishes participating in the system at an election held in accordance with the Louisiana Election Code. Notwithstanding any other provision of law to the contrary, the board may exercise its powers of taxation within any local governmental subdivision or subdivisions located wholly within the territorial area of participating parishes provided only that the proposed tax must be approved by a majority of voters voting on the proposition within the affected local governmental subdivision or subdivisions at an election held in accordance with the Louisiana Election Code. "Local governmental subdivision" as used in this Chapter is as defined in Article VI, Section 44 of the Louisiana Constitution of 1974. The board may call an election for the purpose of submitting a proposition regarding such taxes to the voters.

(13) The power to appoint, select, or employ officers, agents, and employees, including engineering, architectural, and construction experts, fiscal agents, and attorneys; to contract for the services of individuals or organizations not employed full time by the system, including but not limited to the services of attorneys, accountants, engineers, architects, consultants, and advisors.

Acts 2005, No. 463, §1, eff. Jan.1, 2006.

§1461. Tax and regulatory exemptions; audits; laws relating to public bodies

A. The system shall be exempt from all taxes and assessments whatsoever, including sales, use, franchise, property, and income taxes levied by the state of Louisiana or by any parish, municipality, or other political subdivision of the state. In the event of any lease of system property, or any other arrangement providing the use of system property, to a private party, this exemption shall not apply to the value of such leasehold or use interest or to the lease or use income of the lessee. Otherwise, for purposes of taxation when property of the system is leased to or used by private parties to be employed solely for purposes of the system, the activities of the lessee shall be considered as the activities of the system, and the exemption provided for in this Section shall apply to such property and activities.

B. Except as provided in this Chapter and by laws generally applicable to political subdivisions, the system shall not be subject in any respect to the authority, control, or supervision of any regulatory body of the state, including but not limited to the Public Service Commission or by any political subdivision of the state. The system shall not be deemed a common carrier by any court of this state in a suit for personal injury or property damage. It shall cause its financial records to be audited annually, shall be subject to inspection and audit by the legislative auditor, and shall be subject to state laws relating to open meetings, public records, and public contracts.

Acts 2005, No. 463, §1, eff. Jan.1, 2006