

HB215 INTRODUCED



1 HB215
2 9J23FBM-1
3 By Representative Sellers (N & P)
4 RFD: Jefferson County Legislation
5 First Read: 14-Jan-26



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4 A BILL
5 TO BE ENTITLED
6 AN ACT

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 11-32-7, Code of Alabama 1975, is
25 amended to read as follows:

26 "§11-32-7

27 (a) The authority shall exercise powers and duties
28 necessary to the discharge of its powers and duties in



29 corporate form as follows:

30 (1) Have succession by its corporate name in perpetuity
31 subject to Section 11-32-20.

32 (2) Sue and be sued in its own name in civil suits and
33 actions and defend suits against it.

34 (3) Adopt and make use of a corporate seal and alter
35 the same at its pleasure.

36 (4) Adopt and alter bylaws for the regulation and
37 conduct of its affairs and business.

38 (5) Acquire, receive, take, by purchase, gift, lease,
39 devise, or otherwise, and hold property of every description,
40 real, personal, or mixed, whether located in one or more
41 counties or municipalities and whether located within or
42 outside the authorizing county.

43 (6) Make, enter into, and execute contracts,
44 agreements, leases, and other instruments and take other
45 actions as may be necessary or convenient to accomplish any
46 purpose for which the authority was organized, or exercise any
47 power expressly granted under this chapter. It is further
48 provided that personnel employed and vendors hired with funds
49 provided under this chapter shall reflect the racial and
50 gender percentages within the authorizing county.

51 (7) Plan, establish, develop, acquire, purchase, lease,
52 construct, reconstruct, enlarge, improve, maintain, equip, and
53 operate a system for the provision of public transportation
54 service within the authorizing county, or within any other
55 county of the state, and without any requirement that the
56 system be interconnected or otherwise constitute an integrated



57 operational unit.

58 (8) Acquire real and personal property, franchises, and
59 easements deemed necessary or desirable in connection with the
60 system.

61 (9) Establish long-range plans and an annual program
62 for public transportation in consultation with plans adopted
63 by the Metropolitan Planning Organization and the Regional
64 Planning Commission, the plans and programs to be coordinated
65 with the plans for land use and development by counties and
66 municipalities in the geographic area of the authority, in
67 cooperation with the Regional Planning Commission and the
68 Metropolitan Planning Organization; assure consistency between
69 public transportation plans and related land use policies and
70 plans; and provide for funds sufficient to ensure the planning
71 and consultation as required among the authority, the
72 Metropolitan Planning Organization, and the Regional Planning
73 Commission.

74 (10) Develop or make grants for development of
75 alternative transportation projects designed to enhance access
76 to public transportation service in furtherance of the goal of
77 improved mobility within the system providing public
78 transportation service and in accordance with Section 23 U.S.C.
79 § 134 of Title 23 and Chapter 49 U.S.C. § 53 of Title 49 of
80 the United States Code.

81 (11) Own, operate, finance, and provide public
82 transportation service within the authorizing county or in any
83 part of any other county upon the terms and for rates or other
84 consideration as the board may prescribe.



HB215 INTRODUCED

94 (14) Assume obligations secured by a lien on, or
95 payable out of or secured by a pledge of the revenues from,
96 any transit system or any part thereof, that may be acquired
97 by the authority, any obligation so assumed to be payable by
98 the authority solely from the sources from which bonds of the
99 authority may be made payable pursuant to Sections 11-32-9 and
100 11-32-13.

101 (15) Pledge for payment of any bonds issued or
102 obligations assumed by the authority any revenues from which
103 those bonds or obligations are made payable as provided in
104 this chapter.

105 (16) Execute and deliver, in accordance with Sections
106 11-32-9 and 11-32-13, mortgages and deeds of trust and trust
107 indentures, or either.



113 ~~acquire~~ any real property or rights owned or held by public or
114 private railroads or utilities.

115 (18) Expend funds for the purchase or lease of
116 materials, equipment, supplies, or other personal property
117 without compliance with Chapter 16 of Title 41.

118 (19) Appoint, employ, contract with, and provide for
119 the compensation of, officers, employees, and agents,
120 including, but without limitation to, engineers, attorneys,
121 management consultants, fiscal advisers, or other consultants
122 without regard to Chapter 16 of Title 41, or any law
123 establishing a civil service or merit system that might
124 otherwise be applicable, as the business of the authority may
125 deem necessary or desirable, and also provide a system of
126 disability pay, employee insurance, retirement compensation,
127 pensions, or other employee benefit plans as the authority may
128 deem necessary or desirable. This chapter may not be construed
129 to affect the rights and privileges of the employees of the
130 system.

131 (20) Make and enforce reasonable rules and regulations
132 governing the use of any public transportation service
133 provided by the authority.

134 (21) Provide for any insurance as the board may deem
135 advisable.

136 (22) Invest funds of the authority that the board may
137 determine are not presently needed in the operation of its
138 properties in bonds of, or guaranteed by, the United States of
139 America or any agency of the United States, bonds of the
140 state, bonds of any county or municipality, interest-bearing



141 bank deposits, any agreement to repurchase any one or more of
142 the foregoing, any money market fund consisting of any one or
143 more of the foregoing, or any combination thereof.

144 (23) Cooperate with the United States of America or its
145 agencies or instrumentalities, the state, any county,
146 municipality, or other political subdivision of the state, and
147 any public corporation organized under the laws of the state
148 and make or receive funds from any of them in the terms as the
149 board may deem advisable or prescribe to make contracts with
150 them, or any of them, as the board deems advisable to
151 accomplish the purposes for which the authority was
152 established.

153 (24) Sell and convey its properties that may have
154 become obsolete or worn out or that may no longer be needed or
155 useful as a part of any transportation system of the
156 authority.

157 (25) Sell and convey, with or without valuable
158 consideration, any of its transit systems or any portion of a
159 transit system, to any one or more counties, municipalities,
160 or public corporations organized under the laws of the state,
161 which have the corporate power to operate the system, or
162 portions of a transit system, conveyed, and the property and
163 income of which are not subject to taxation except that the
164 sale and conveyance may be made only of the following:

165 a. With the consent of the authorizing county, the
166 principal municipality, and each participating municipality,
167 the consent to be evidenced by a resolution adopted by the
168 governing body of each consenting county and municipality.



169 b. If the conveyance would not constitute a breach of
170 any then outstanding mortgage and deed of trust, trust
171 indenture, or other agreement to which the authority is a
172 party.

173 (26) Enter into agreements with all or any part of the
174 employees of the authority or with any groups or associations
175 representing the employees.

176 (27) Enter into a management agreement or agreements
177 with any person for the management by or for the authority of
178 any public transportation service upon any mutually agreeable
179 terms and conditions.

180 (28) Require that all laborers and mechanics employed
181 by contractors or subcontractors in the performance of
182 construction work for the authority be paid wages at rates not
183 less than those prevailing on similar construction in the
184 locality where the work is performed as determined by the
185 United States Secretary of Labor or any department, agency, or
186 instrumentality of the United States or of the state.

187 (29) If the authority acquires an existing system for
188 the provision of public transportation service, enter into
189 arrangements necessary or desirable to protect the interest of
190 employees of any acquired system including, without limiting
191 the generality of the ~~foregoing~~following:

192 a. The preservation of rights, privileges, and benefits
193 including continuation of pension rights and benefits under
194 existing agreements.

195 b. The protection of individual employees against a
196 worsening of their positions with respect to their employment.



HB215 INTRODUCED

197 c. Assurance of employment to the employees of acquired
198 transportation systems, except executives and administrative
199 officers, and priority of reemployment of the employees
200 terminated or laid off.

201 d. Paid training or retraining programs.

202 (30) Fix and revise from time to time reasonable rates,
203 fees, and other charges for public transportation service
204 furnished or to be furnished by any system owned or operated
205 by the authority, and collect all charges made by it.

206 (31) Prepare, adopt, and implement a set of policies
207 that shall govern and set standards for, the conduct of all
208 members of the board and all employees of the authority which
209 shall include, but are not limited to, the following:

210 a. Provide for penalties for a violation.

211 b. Prohibit unethical conduct and require each director
212 and employee of the authority to comply with all the
213 provisions of the policy which shall include, but not
214 necessarily be limited to, the provisions of the code of
215 ethics for public officials and employees as provided for in
216 Chapter 25 of Title 36, and rules ~~and regulations~~
217 ~~promulgated~~adopted thereunder by the ~~state~~State Ethics
218 Commission.

219 c. Allow for the reimbursement of the expenses of
220 directors and employees, subject to any requirements provided
221 in the policy.

222 d. Provide a method of keeping records for expenses of
223 directors and employees.

224 e. Regulate business dealings and contracts between the



225 authority and directors or employees of the authority and
226 business dealings between the authority and members of the
227 family of directors or employees of the authority.

228 (32) Do any and all things necessary to own, operate,
229 facilitate, provide, or promote public transportation services
230 within the authorizing county or any other county of the
231 state.

232 (b) (1) To assist the authority in fulfilling its
233 purpose, in addition to the powers and duties in subsection
234 (a), the authority may do any of the following:

235 a. Participate: (i) as a shareholder of a corporation;
236 (ii) as a limited or general partner of a limited or general
237 partnership; (iii) as a joint venture partner of a joint
238 venture; (iv) as a member of a nonprofit corporation; or (v)
239 as a member of any other lawful form of business organization
240 relating to transit operations, land acquisitions, or other
241 incidental operations of the authority.

242 b. Create, establish, acquire, operate, or support
243 subsidiaries and affiliates of the authority, either for
244 profit or nonprofit.

245 c. Make or arrange for loans, contributions to capital,
246 and other debt and equity financing for the activities of the
247 business organization described in paragraph a.

248 (2) Nothing in this subsection authorizes any business
249 organization with which an authority participates or any
250 subsidiary or affiliate of the authority to exercise eminent
251 domain.

252 (c) (1) The board shall establish a separate and



253 independently accountable TCAB. The TCAB shall be established
254 by the board by July 23, 2013. The TCAB shall be composed of
255 personsindividuals each of whom is a duly qualified elector of
256 the authorizing county. In addition, the executive director of
257 the authority shall serve as an ex officio nonvoting member of
258 the TCAB. The procedure for making appointments to the TCAB
259 and establishing the terms of the appointments shall be
260 determined by the board in its sole discretion. The procedure
261 shall include the approval of personsindividuals appointed to
262 the TCAB by the authorizing county, principal municipality, or
263 participating municipalities. In making appointments to the
264 TCAB the following shall be considered:

265 a. Representation from all geographic regions served by
266 the authority.

267 b. Minority representation to reflect the racial,
268 gender, geographic, urban, rural, and and economic diversity
269 within the geographic regions served by the authority.

270 c. Representation from users of the system providing
271 public transportation service, paratransit users, and
272 advocates.

273 (2) The board shall ensure that the authorizing county,
274 the principal municipality, and each participating
275 municipality shall be represented on the TCAB and that the
276 number of representatives of each shall roughly approximate
277 the funding normally provided by each.

278 ~~(2)~~(3) The TCAB shall be advisory to the authority and
279 perform the following duties:

280 a. Serve as a body to advise the authority, the board,



281 and private persons on the development and implementation of
282 policies and programs relating to public transportation, and
283 assist in the coordination of these activities.

284 b. Adopt bylaws, elect officers including a chair, and
285 establish procedures for its operation within 30 days of its
286 creation; provided, however, that the bylaws for the TCAB
287 shall be subject to approval or amendment by the board.

288 c. Advise and make recommendations regarding transit
289 development plans, comprehensive operations analysis, annual
290 service, and marketing and annual advertising plans developed
291 by the authority.

292 ~~(3)~~ (4) The board and the TCAB shall meet together at
293 least once every six months at the time and place as shall be
294 mutually agreeable.

295 ~~(4)~~ (5) The board ~~may~~, by three-fourths vote of the
296 members of the board, may determine to disband and
297 reconstitute the TCAB.

298 ~~(e)~~ (d) The board shall establish, from time to time, a
299 fiscal year for the authority.

300 ~~(d)~~ (e) A majority of the directors then in office shall
301 constitute a quorum at any meeting of the board for the
302 transaction of business. The act of a majority of the
303 directors present at any meeting at which there is a quorum
304 shall be an act of the board.

305 ~~(e)~~ (f) The recovery of damages under any judgment or
306 judgments against the authority shall be limited to one
307 hundred thousand dollars (\$100,000) for bodily injury or death
308 for one person in any single occurrence. Recovery of damages

HB215 INTRODUCED



309 under any judgment or judgments against the authority shall be
310 limited to three hundred thousand dollars (\$300,000) in the
311 aggregate where more than three persons have claims or
312 judgments on account of bodily injury or death arising out of
313 any single occurrence. Recovery of damages under any judgment
314 or judgments against the authority shall be limited to one
315 hundred thousand dollars (\$100,000) for damage or loss of
316 property arising out of any single occurrence. The authority
317 may not settle or compromise any claim for bodily injury,
318 death, or property damage for an amount in excess of the
319 amounts stated in this subsection."

320 Section 2. Section 11-32-2, Code of Alabama 1975, is
321 amended to make conforming changes to read as follows:

322 "§11-32-2

323 As used in this chapter, the following words and
324 phrases shall mean the following unless the context clearly
325 indicates otherwise:

326 (1) AD VALOREM TAX. Those real and personal property ad
327 valorem taxes collected by the county tax collector, the
328 director of revenue of the county, or revenue commissioner, if
329 any, for the county, but shall exclude all ad valorem taxes
330 collected for the State of Alabama and all boards of
331 education, municipalities, fire districts, or other entities
332 located in the county.

333 (2) APPLICANT. A natural person who files a written
334 application with the governing body of any county to which
335 this chapter applies and with a municipality in the county,
336 all in accordance with Section 11-32-3.



HB215 INTRODUCED

340 (4) AUTHORIZING COUNTY. Any county the governing body
341 of which shall have adopted an authorizing resolution, even if
342 the population of the county ~~should fall~~falls below 600,000.

343 (5) AUTHORIZING MUNICIPALITY. Any municipality the
344 governing body of which shall have adopted an authorizing
345 resolution.

346 (6) AUTHORIZING RESOLUTION. A resolution, adopted by
347 the governing body of any county to which this chapter applies
348 or by a municipality in the county, all in accordance with
349 Section 11-32-3.

350 (7) BOARD. The Board of Directors of an authority.

351 (8) BONDS. Bonds, notes, warrants, certificates, and
352 other obligations representing an obligation to pay money.

353 (9) COUNTY. Any county in the state.

354 (10) DIRECTOR. A member of the board.

355 (11) FISCAL YEAR. The 12-month period provided for in
356 ~~subsection (c) of~~ Section 11-32-7(d).

362 (13) INCORPORATORS. The persons forming a public
363 corporation organized pursuant to this chapter.

364 (14) LABOR UNION. An organization in which employees



365 participate for the purpose of dealing with one or more
366 employers concerning grievances, labor disputes, wages, rates
367 of pay, hours of employment, or conditions of work.

368 (15) METROPOLITAN PLANNING ORGANIZATION. The forum for
369 cooperative transportation decision making for a metropolitan
370 planning area pursuant to 23 U.S.C. § 134 and 49 U.S.C. §
371 5303.

372 (16) MUNICIPALITY. An incorporated city or town of this
373 state.

374 (17) PARATRANSIT. Comparable transportation service
375 required by the Americans with Disabilities Act for
376 individuals who are unable to use fixed route transportation
377 systems.

378 (18) PARTICIPATING MUNICIPALITY. A municipality in an
379 authorizing county, other than the principal municipality,
380 which is then providing funds for the authority, pursuant to
381 resolution, contract, or otherwise.

382 (19) PERSON. Unless limited to a natural person by the
383 context in which it is used, includes a public or private
384 corporation, municipality, county, or an agency, department,
385 or instrumentality of the state or of a county or
386 municipality.

387 (20) PRINCIPAL MUNICIPALITY. The municipality in an
388 authorizing county having the largest population in the
389 authorizing county according to the last or any subsequent
390 federal decennial census.

391 (21) PRINCIPAL OFFICE. The place at which the
392 certificate of incorporation and amendments to the certificate



393 of incorporation, the bylaws, and the minutes of proceedings
394 of the board are kept.

395 (22) PROPERTY. Real and personal property, and any and
396 all interests in the real and personal property.

397 (23) PUBLIC TRANSPORTATION SERVICE. All service
398 involved in the transportation of passengers for hire by means
399 of buses, street railway, elevated railway, subway,
400 underground railroad, light rail, mass transit systems, motor
401 vehicles, or other means of conveyance generally associated
402 with or developed for mass surface or sub-surface
403 transportation of the public, but does not include any service
404 involved in transportation by taxicab, airport limousine, or
405 industrial bus; however, public transportation service does
406 not include aircraft or any air service subject to the Air
407 Carrier Access Act of 1986 or managed by an airport authority
408 of the principal municipality.

409 (24) REGIONAL PLANNING COMMISSION. The regional
410 organization representing governing bodies of local
411 governments under Act 584 of the 1963 Regular Session (Acts
412 1963, p. 1278) or Act 1126 of the 1969 Regular Session (Acts
413 1969, p. 2084).

414 (25) TCAB. The transit citizens advisory board
415 established herein.

416 (26) TRANSIT SYSTEM. Land, plants, systems, facilities,
417 buildings, garages, vehicles of all types, rails, lines, and
418 any combination of any of the following, used or useful or
419 capable of future use in furnishing public transportation
420 service, and all other property deemed necessary or desirable

HB215 INTRODUCED



421 by an authority for use in furnishing public transportation
422 service.

423 (27) STATE. The State of Alabama."

424 Section 3. This act shall become effective on October
425 1, 2026.