INTRODUCTION

The Metropolitan Atlanta Rapid Transportation Authority’s history dates back to as early as 1952 when Atlanta was growing rapidly and a small, yet powerful, group of downtown business leaders had a vision of the city becoming a major commercial center for the growing nation. However, it took nearly 20 years for this vision to come to fruition as political influences, financial hurdles and racial divides halted plans for Atlanta’s comprehensive public transportation scheme.

Part I of this paper will address the history behind the Metropolitan Atlanta Rapid Transportation Authority’s (MARTA’s) early stages of planning, and it will profile the Atlanta visionaries who brought the issue of public transportation to the forefront. It will also cover some of the legally significant decisions in MARTA’s initial development and discuss the political hindrances that kept MARTA from becoming the comprehensive system that the original planners had envisioned for the city. Part II will then look at MARTA’s more recent projects and discuss the political and financial motivations that sparked these avenues of development. Finally, Part III of the paper will focus on the recent resurgence of the need to grow Atlanta’s public transportation system, and it will look at areas of projected growth into the twenty first century. This will include a look at key planning avenues, coordination efforts with other entities, and potential funding sources.

I. History

Atlanta, which was originally known as Terminus, came into being in 1837 when the site was chosen to become a main railroad hub for the Southeast, connecting the Western and Atlantic Railroads. Since the city’s founding, Atlanta has been the economic and cultural center of the Southeast, and it currently houses ten of the nation’s Fortune 500 companies and operates the busiest passenger airport in the world. The city also hosted the 1996 Olympic Games. In the mid-twentieth century, Atlanta business leaders had the foresight to realize that in order for the city to continue to expand and attract new businesses and people, it would need a public transportation system.

Discussions began in the 1940’s among members of the Atlanta Chamber of Commerce on how to develop a public transportation system for Atlanta. Interest had been sparked when Congress indicated that it would likely fund new mass transit projects in the coming years to help support many of the nation’s expanding cities. As a result, the Atlanta Chamber of Commerce successfully lobbied the Georgia Legislature to authorize a Metropolitan Planning Commission for the City of Atlanta, Fulton and DeKalb Counties. In 1952, the newly enacted Metropolitan Planning Commission (MPC), developed their first report, called “Up Ahead,” which was the first time that a

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public transit system was recommended for the area. Just two years later, the MPC came out with a 1954 report called “Now For Tomorrow,” which “indicated an urgent need for the recognition of the vital role of mass transit in future years.” ⁶ Later the MPC was expanded to include Clayton, Cobb and Gwinnett Counties and once again the newly created Atlanta Region Metropolitan Planning Commission (ARMPC) recommended the building of a public transportation system in the “1962 Regional Development Plan.” ⁷ These reports provided an important first step in garnering the support needed for a public transportation system.

A. The Early Years: 1962-1971

After completing favorable reports on public transportation, the ARMPC and the Atlanta Chamber of Commerce sought the necessary support needed from the Georgia General Assembly and Georgia voters. Over a span of ten years, before the General Assembly implemented a workable public transportation scheme, it introduced a number of resolutions, bills and referenda to voters on the issue of mass public transit for the Atlanta area. This section of the paper will provide a summary of this time period from 1962-1971 and identify the instrumental players.

1. 1962-1965

In 1962, the General Assembly passed resolution #668-121, which formed the Metropolitan Atlanta Transit Commission. ⁸ The resolution was a result of the ARMPC 1962 report and efforts by the local businessmen who had continually been pushing for

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⁶ Id. at 4.
⁷ Id.
⁸ Rawson Haverty, MARTA and Its Board: A Monograph in MARTA’s Administrative Analysis 18 (Dec. 7, 1979) (unpublished manuscript) (on file with author of this report) [Hereinafter Haverty Report].
public transportation as a way to make Atlanta a commercial center.\textsuperscript{9} The resolution outlined that the commission was to be made up of four members from the City of Atlanta, two members from DeKalb County, two members from Fulton County, and one member each from Clayton, Gwinnett and Cobb Counties all to be elected by each county’s or city’s governing authority.\textsuperscript{10} The purpose of this resolution was to create a commission with the ability to receive funds and expend them as they determined based on “need, advisability, economic feasibility, and various methods of providing rapid mass transportation of passengers within the areas of City of Atlanta, DeKalb, Fulton, Cobb, Gwinnett and Clayton.”\textsuperscript{11}

As a result of their efforts, the commission developed a report that was favorable for building public transportation; however, more public support needed to be garnered before a regional transit agency could be established.\textsuperscript{12} This was evidenced by the fact that voters, by way of referendum, were asked in 1962 whether or not they would be willing to support the development of a regional transit agency, and the majority failed to vote in favor.\textsuperscript{13} The referendum was made available to voters because a constitutional amendment was necessary to create a regional transit agency since it would function as a quasi-government/private agency.\textsuperscript{14} Georgia was eager to establish the agency because otherwise, the state would not be able to receive federal funds for public transportation.\textsuperscript{15} In order to build public support, a statewide study commission was created in 1963 to

\textsuperscript{11} Id.
\textsuperscript{12} Id. at 13.
\textsuperscript{13} Id.
\textsuperscript{14} Id.
\textsuperscript{15} Id.
increase the proposal’s popularity outside the Atlanta region. This group focused on involving more political leaders from across the state and heavily lobbied Georgia congressmen to support the federal legislation, which would provide money for public transportation projects. In 1964, the constitutional amendment creating a transit agency was once again placed on a ballot before Georgia voters and this time, as a result of heavy publicity and campaigning, the measure was passed. The 1964 referendum was also successful because it was only placed before voters in Cobb, Gwinnett, Clayton, DeKalb and Fulton Counties, since the General Assembly determined it would only directly affect citizens in these counties. The referendum also noted that each county still had the opportunity to withdraw from the agency prior to any transit program being implemented, which likely made voters in Cobb, Clayton, and Gwinnett more willing to support it.

As a result of all the efforts described above, the state legislature created the Metropolitan Atlanta Rapid Transit Authority (MARTA) through the MARTA Act of 1965. MARTA was given a great deal of authority, including but not limited to the power to acquire and lease property; develop data and plans; design and test rapid transit projects; contract with the State of Georgia and public utilities; borrow money; collect and set rates for fares; and sell bonds. However, it was not given the authority of eminent domain or the power to tax. The 1965 Act first established an interim study

16 Id.
17 Id.
18 Atlanta Case Study at 13.
19 Id.
20 Id.
21 The act was actually not passed until March of 1966.
commission to govern MARTA until board members were appointed, which could not occur until “each local governing body shall submit to the qualified voters thereof in the referendum the question whether it should participate further in the Authority or not.”

This meant that even though the 1965 Act created a transit agency, each county’s full involvement in it would have to be approved by voters in Cobb, DeKalb, Clayton, Fulton, and Gwinnett once again by way of referendum. Unfortunately, this time Cobb County failed to muster enough votes to participate fully in the agency. The general feeling by Cobb County voters at the time was that MARTA would not greatly benefit their rural county and there was also a racially charged fear of urban intrusion. However, even without Cobb’s support, the MARTA board was established.

The interim study commission and the first agency board were largely compromised of the same group of businessmen who were integral in pushing the concept of mass transit through the ARMPC and who already had a great deal of experience working on the issue. The first board was comprised of the area’s business elite including: Richard H. Rich of Rich’s Inc.; Mills B. Lane, Jr., of C&S National Bank; L.D. Milton of Citizens Trust Co.; Rawson Haverty of Haverty Furniture Co.; Edgar Blalock of Blalock Oil Co.; Sanford S. Atwood of Emory University; Roy A. Blount of DeKalb Federal Savings & Loan Association; Mitchell C. Bishop, Sr., of B&B Construction Co.; W.A. Pulver of Lockheed Aircraft Corp.; and K.A. McMillon of Georgia Power Co.

As one past board member recounts, “not too surprisingly, the Board members constituted a well-integrated

24 Id.
25 Atlanta Case Study at 16.
26 Id.
27 See Id.
29 Id.
body. This was evidenced by their common goals, their individual and group conception of their roles and themselves, and of their leadership.” 30 Because they were all of like mind and focused on the same goals, the group worked diligently to develop a plan for MARTA and were even willing to work beyond the time required to earn their maximum compensation, which was five hundred dollars a month, per member, to be paid in increments of fifty dollars for each meeting they attended. 31

The business leaders were not the only key players in getting the MARTA legislation passed. None of these initial developments would have come to fruition without the support of a few members of the General Assembly. Ben F. Johnson Jr., whom a few called the “Father of Marta,” drafted the Constitutional Amendment of 1964 and the MARTA Act of 1965 and generally “orchestrated the efforts” necessary for the legislation to pass. 32 In addition, State Representative Jack Etheridge was instrumental in the House of Representatives in getting MARTA legislation passed. 33

2. 1966-1971

The MARTA Act of 1965 provided a huge step forward for building mass transit in Georgia but a number of political, racial and financial issues had to be resolved before local county residents were willing to help foot the bill for such a massive project. These hindrances kept MARTA from breaking ground until the next decade. Soon after the 1965 enactment, tensions began to increase between MARTA, the State Highway Department and a local bus company called Atlanta Transit System. 34 The State Highway Department generally was not supportive of mass transit because of the fear that it would

30 Id. at 8.
31 Id. at 11.
32 Id. at 18.
33 Interview with W. Stell Huie, Previous Counsel for MARTA (Jan. 5, 2012).
34 Haverty Report at 21.
take away important federal and state funding for the building of new expressways and roads.\textsuperscript{35} The Atlanta Transit System, which was beginning to have financial troubles, was frustrated that MARTA leaders were focused on developing light rail and lacked a desire to coordinate on planning a cohesive bus system.\textsuperscript{36}

In addition, backlash to the Civil Rights Movement led to the election of Lester Maddox, a staunch segregationist, as Georgia Governor in 1967.\textsuperscript{37} Governor Maddox strongly opposed MARTA’s development.\textsuperscript{38} From 1966 until 1971, attempts were made to strengthen some of the powers of MARTA through the General Assembly.\textsuperscript{39} Although the Assembly negotiated fervently with the City of Atlanta’s Alderman Millikan and others on what kind of power MARTA would be allowed to have, Governor Maddox vetoed their resulting compromise legislation in 1968.\textsuperscript{40}

Tensions between the local leaders in Atlanta that began with the Civil Rights Movement continued to hinder MARTA’s development. Some of the outlying counties feared that “rapid transit would hasten the movement of city blacks into the suburbs.”\textsuperscript{41} The black community in Atlanta generally did not support MARTA either during this period, and “some dismissed the whole project as a boondoggle meant to shuttle customers downtown to Rich’s,” not as a meaningful source of transportation for their own neighborhoods.\textsuperscript{42}

\begin{itemize}
\item \textsuperscript{35} \textit{Id.} at 22.
\item \textsuperscript{36} \textit{Id.} at 24.
\item \textsuperscript{37} \url{http://www.legacy.com/obituaries/atlanta/obituary.aspx?n=lester-g-maddox&pid=1114520}
\item \textsuperscript{38} \textit{See Atlanta Case Study} at 18.
\item \textsuperscript{39} \textit{Haverty Reports} at 20.
\item \textsuperscript{40} \textit{Atlanta Case Study} at 18.
\item \textsuperscript{41} \textit{See Id.} at 16.
\item \textsuperscript{42} Frederick Allen, \textit{Atlanta Rising: The Invention of an International City} 1946-1996 161 (1996) \textit{[hereinafter Atlanta Rising]}.  
\end{itemize}
Amidst all these negative forces, MARTA leadership decided to push forward with a 1968 referendum for voters in Fulton, DeKalb, Gwinnett and Clayton Counties. The referendum outlined a route map for MARTA’s light rail system and called for voters to support an ad valorem tax assessment on real property to help support the project.\textsuperscript{43} At the time, there was little political support from suburban Atlantans for additional taxes on property.\textsuperscript{44} Not surprisingly, the 1968 referendum was defeated and MARTA leaders were forced to go back to the drawing board in designing a transportation system that would appeal to a diverse mix of voters.\textsuperscript{45}

MARTA and local government leaders were well aware that in order for a subsequent referendum to pass in 1971, players beyond the city’s core business elite would need to be brought into the decision making process, given that the “referendum proposal had been attacked as only serving the interests of downtown business, and an internal MARTA memorandum called for the board to become more inclusive, moving away from the image of a downtown interest to a city-wide and representative body.”\textsuperscript{46} In 1970, the mayor of Atlanta appointed Jesse Hill, a prominent local black leader, to the MARTA board.\textsuperscript{47} In addition, the Action Forum, established in 1965, was developed to form a private, biracial leadership committee to drum up additional support for MARTA from the black community.\textsuperscript{48} The forum turned out to be a successful model for integration during the Civil Rights Era and led to MARTA establishing a policy to hire

\textsuperscript{43} Haverty Reports at 35.
\textsuperscript{44} Interview with W. Stell Huie, Previous Counsel for Marta (Jan. 5, 2012).
\textsuperscript{45} Id.
\textsuperscript{46} Clarence N. Stone, Regime Politics Governing Atlanta 1946-1988 99 (University Press of Kansas 1989) [hereinafter Regime Politics].
\textsuperscript{47} Id.
\textsuperscript{48} Id. at 97.
black employees at every level and to ensure that rapid rail and bus service be provided to the black communities on “an equitable basis.”

In order to garner additional support, political leaders strategically chose to involve the labor community in MARTA’s planning process. The City of Atlanta’s Mayor, Sam Massell, appointed John Wright, President of the Atlanta Labor Council of the AFL-CIO, to the MARTA board in early 1971. In addition, MARTA legislation was amended by the General Assembly to include collective bargaining provisions.

Also during this time period, the Atlanta Transit System (ATS), which had tensions with MARTA in the past, was nearing financial ruin and suddenly found itself the subject of acquisition by MARTA. The patrons of the bus system were becoming more and more frustrated by increasing bus fare rates as the ATS tried to keep from going bankrupt. In addition, federal funding that could support a large bus system became available to MARTA, and the General Assembly was willing to allow them to use this money for this purpose. As a result, MARTA contracted to purchase the bus system from ATS for 12.9 million dollars and agreed to decrease fares from forty cents to fifteen cents. This all occurred before the 1971 referendum went to voters.

Finally, to help appeal to suburban voters, Mayor Massell proposed a different kind of local funding source to the MARTA board, which likely resulted in the referendum’s

49 Haverty Report at 35.
50 Id. at 39-40.
51 Atlanta Case Study at 18.
52 Haverty Report at 33.
53 Id.
54 Id.
55 Id.
success.\textsuperscript{57} In a meeting held at the Atlanta airport by the MARTA board to discuss the referendum, Massell was called in as Atlanta’s voting member and made the proposal for a one percent sales tax linked to a no-fare provision as means to finance the building of the rail system.\textsuperscript{58} This was unique because prior to the 1971 referendum, the state constitution provided that, “no county, municipality, school district or political subdivision of the State, shall impose, levy, or collect a gross receipts, sales, or use tax.”\textsuperscript{59} Because of the perseverance and creative thinking of MARTA’s first leaders, a local option sales tax was born and has now become a common funding source in Georgia for local projects, which would otherwise not garner the support needed for funding at the state level.\textsuperscript{60}

The 1971 referendum resulted in a more favorable outcome than in 1968. The referendum passed in the City of Atlanta and in DeKalb and Fulton Counties but failed in Gwinnett and Clayton.\textsuperscript{61} As result of the referendum’s passage, a constitutional amendment was added to the 1945 Constitution, recognizing transportation as a government function and a public resource “for which the powers of taxation and eminent domain may be exercised and public funds of said counties and municipality expended.”\textsuperscript{62} This vote laid the foundation for the MARTA system that is in place today, and eight years later, MARTA would open its first light rail station.\textsuperscript{63}

3. \textit{Bond Approval and Legal Challenges}

\textsuperscript{57} Haverty Report at 35.
\textsuperscript{58} Id.
\textsuperscript{60} See Georgia SPLOST, \url{http://www.gasplost.org/} (last visited May 28, 2012).
\textsuperscript{61} Haverty Report at 38.
Following the 1971 referendum’s passage, MARTA was largely focused on hiring a staff to develop a long-range transit program and to implement it. They also began to acquire property and to conduct an Environmental Impact Statement, as well as make essential changes to the plan’s original outline in order to incorporate Clayton and Gwinnett Counties.\textsuperscript{64} MARTA also had to revise the system development based on funding changes at the federal and state levels and to validate bonds generated by MARTA’s sales tax revenue.\textsuperscript{65} Legal challenges were brought forth on a number of these tasks, but MARTA ultimately prevailed in the court system.

In 1976, the total cost of the system was estimated to be approximately 2.1 billion dollars, of which 200 million dollars was to be generated by the sales tax revenue bonds.\textsuperscript{66} In order to validate the bonds and MARTA’s authority in general, a legal challenge was brought before the court. A Fulton County taxpayer, Mr. Ben J. Camp, attacked the constitutional amendment authorizing the creation of the agency on approximately ten different theories.\textsuperscript{67} His main premise was that the scheme in which Fulton County levied taxes violated the Equal Protection Clause of the Federal Constitution, “for the reason the tax imposes an unequal tax burden and fairly discriminates against nonresidents of Fulton County who pay the tax while doing business in Fulton County but do not receive the benefit of the rapid transit system for which the tax is levied.”\textsuperscript{68} The court found that only an equal assessment of taxes was constitutionally required, and that “there is no requirement that the persons paying the

\textsuperscript{64} \textit{See Haverty Report} at 38.
\textsuperscript{65} \textit{Id.} at 49.
\textsuperscript{68} \textit{Id.} at 61.
taxes receive equal benefits from the facilities for which the taxes are used.” In addition, Mr. Camp challenged the way in which money was allocated from the state treasury directly to MARTA, arguing that taxes should only be levied under general laws that affect the entire state, and he challenged the general structure of MARTA’s multi-county framework. The court concluded that there was “no merit in the attacks made on the MARTA Act, the Constitutional Amendment authorizing the MARTA Act, or the actions done by the Fulton County Commissioners pursuant to the MARTA Act.”

The condemnation of land and demolition of buildings in order to establish right-of-ways for MARTA also did not come without controversy. Two neighborhood groups, Save Our Sycamore and Inman Park Restoration, Inc. (formerly Reynoldstown Civic Improvement League, Inc.), were concerned that two proposed Marta stations, the Moreland Avenue station and the Decatur Square station, would interfere with the historic preservation of their neighborhoods. In 1973, the Inman Park neighborhood had been placed on the National Register of Historic Places, and in 1971, the DeKalb County Courthouse was placed on the Register; thus, the groups wanted to ensure that MARTA did not interfere with the protections they were given. In addition, the development of the line between Decatur and Avondale would also result in the destruction of eight Victorian-era homes on Sycamore Street, which were deemed eligible for inclusion on the National Register of Historic Places. The court consolidated their suits, which alleged that MARTA failed to comply with the requirements of the National

69 Id.
70 Id. at 58.
71 Id. at 64.
73 Id. at 108.
74 Id. at 108, 110.
Environmental Policy Act of 1969 (NEPA), because they conducted a system-wide Environmental Impact Statement (EIS) without taking into account separately the impact of each station and section of rail individually.\footnote{Id. at 102.} The court found that it was proper to evaluate the completed EIS by using a “systematic, interdisciplinary approach, to evaluate the environmental impact of a project and prepare an EIS, which covers a unit which has an independent purpose, and in which reasonable alternatives to the unit covered by the EIS are discussed.”\footnote{Id. at 116.} The court ultimately concluded that MARTA appropriately evaluated the system as a whole because each station could not be evaluated individually since they did not have separate utilities and that alternatives were discussed adequately in a public format, including the evaluation of different locations for the Decatur station.\footnote{Id. at 116-17.} The court found that a supplement to the EIS that included the Moreland and Decatur stations would be inappropriate because there were no substantial changes to the original stations proposed and no “new significant information regarding [the stations] environmental impacts comes to light.”\footnote{Id. at 118.} In conclusion, the court denied plaintiff’s request for declaratory and injunctive relief.\footnote{Id. at 130.} Save our Sycamore appealed this finding to the Fifth Circuit where the district court’s opinion was affirmed.\footnote{Save Our Sycamore v. Metro. Atlanta Rapid Transit Auth. 576 F.2d 573 (5th Cir. 1978).}

In addition, the City of Atlanta condemned land in fee simple on MARTA’s behalf in order to construct an entrance to an underground terminal on Peachtree Street.\footnote{Heirs of W.L. Champion v. City of Atlanta, 149 Ga. App. 470 (Ga. Ct. App. 1979).} A challenge was brought forth by the owners of the property that MARTA did not need to have more than surface and subsurface easements for the station entrance and that there
was no public purpose for taking the air rights over the property, whereas MARTA’s own studies showed that proper support could be provided for a structure thirty-six feet above the entrance.  

The Court of Appeals found that their attempt to obtain the property in fee simple was for the purpose of deriving income from a valuable piece of property and was for a private, not public, purpose. However, the Supreme Court of Georgia upheld the trial court’s original decision and found the evidence adequate to find that ownership of the property was necessary for MARTA’s public purposes.

B. MARTA Driven by Federal Funding Opportunities

Prior to the late 1950’s, public transportation was a service provided by private companies on a for-profit basis. However, during this time period, fares began to increase across the nation and ridership was reduced. The Atlanta Transit System, Atlanta’s bus system described in section one of this paper, is a prime example of public transportation concerns that were occurring nationwide. In addition, during the late 1950’s and early 1960’s, the nation began to become more concerned with issues related to suburban growth and congestion from increased automobile usage. As a result, the federal government began to look at ways to support urban mass transportation through subsidies. The sudden increase in federal funds for transit programs was likely the main driving force behind the political will in Georgia for developing MARTA.

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82 Id. at 471
83 Id. at 474
84 City of Atlanta v. Heirs of W.L. Champion, 244 Ga. 620 (Ga. 1979).
86 Id.
87 Supra note 52.
89 Urban Transit Policy at 6.
Although the federal government began offering subsidies in the form of loans and demonstration grants in 1961, it was not until 1964 with the passage of the Urban Mass Transportation Act (UMTA) that there was an opportunity for MARTA to build a light rail system through capital grants. \(^{90}\) UMTA provided that capital grants could be provided to “build or replace transit facilities, purchase transit coaches and acquire private transit properties and . . . [establish] a federal-local matching ratio of 67-33 and [impose] a 12.5 percent ceiling on the state’s share of the program total.” \(^{91}\) The program was later amended in 1966 to increase and continue funding; in 1970, to eliminate the twelve-and-a-half percent state limit on program shares; and in 1973, to increase the federal matching rate from sixty-seven to eighty percent, all of which was favorable for MARTA. \(^{92}\) With the passage of the Georgia referendum in 1971, which provided a state funding source via a sales tax, MARTA was finally able to take advantage of the matching federal funds. At the time, San Francisco was in the process of building a rapid transit program, while Baltimore, Buffalo, Los Angeles and Miami had all shown interest. \(^{93}\) Given that there were a limited number of cities vying for federal funds with matching state funds available, Atlanta did not have any issue receiving federal funding in the early years of its construction and development. \(^{94}\) It has been estimated that Atlanta received over 800 million dollars in the form of grants from the federal government during the 1970’s. \(^{95}\) Because of this funding opportunity, MARTA began construction and has been continually developing its program ever since.

\(^{90}\) Federal Role at 86.
\(^{91}\) Urban Transit Policy at 7.
\(^{92}\) Id.
\(^{93}\) Federal Role at 95.
\(^{94}\) Interview with Stell Huie, previous counsel for MARTA (Jan. 5, 2012).
\(^{95}\) MARTA Past and Future
II. MARTA’S ORIGINAL EXPANSION EFFORTS

Soon after the MARTA referendum passed, the City of Atlanta faced a decline in population while the metropolitan area as a whole expanded exponentially. The Metro Atlanta region, which was originally considered a five-county region, has been a victim of urban sprawl and now includes ten counties with a population of over four million residents. This means that public transportation has become an even more dire necessity for the Metro Atlanta region as air quality and traffic congestion problems continue to plague the area. In March of 2012, 11.5 million unlinked passenger boardings were reported for MARTA. Because of the ever-changing landscape in Atlanta, MARTA has learned to adapt to changing growth patterns and to expand in ways that were not originally considered during the 1971 referendum, but which have proven beneficial for the city. By the mid-1990’s, MARTA was able to complete over twenty major projects, including construction of the East and West lines; the South line all the way to the Hartsfield-Jackson airport; and two North lines: one through DeKalb and the other through Fulton.

A. The Olympic Games

A major driver in MARTA’s growth prior to 2000 was related to accommodating passengers for the 1996 Olympic Games. Although an original bid was placed in 1987 to host the 1996 Olympic Games, it was not until September of 1990 that Atlanta was

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99 Given that Gwinnett and Clayton did not vote in favor of the referendum the original map was revised and attention was focused on areas of development in Fulton and DeKalb counties.
100 MARTA Past and Future
selected as the official host.\footnote{The Official Report of the Centennial Olympic Games, Vol. I Planning and Organizing, 2 (The Atlanta Committee for the Olympic Games 1997).} At this time, MARTA began plans of expansion, which included the opening of three new rail stations and seven new miles of additional rail.\footnote{Id. at 10.} This expanded MARTA’s service into the affluent northeastern suburbs of Atlanta along Georgia State Route 400, an area not originally considered in the 1971 referendum.\footnote{Karl Hudson, Atlanta’s Transit System “trains” for the 1996 Olympic Games, American City and County (Jan. 1, 1996 1:00 PM), http://americancityandcounty.com/mag/government_atlantas_transit_system} In addition, the Olympic Games were a main driver behind MARTA’s purchasing a fleet of buses that run on natural gas to help reduce air pollution in the city.\footnote{Id.} Because of MARTA’s efforts and involvement with the Olympics, it was considered the “first ever transit system to be designated as the Official Provider of Transportation for Olympic Games.”\footnote{MARTA Fact Sheet (Jan. 2011), available at http://www.itsmarta.com/uploadedFiles/News_And_Events/Newsletters/MARTA%20Fact%20Sheet%2010611.pdf [hereinafter MARTA Fact Sheet].} The support provided to MARTA during the course of the Olympics has had a lasting impact on the system. For example, MARTA is still considered to have one of the largest fleets of compressed-natural-gas buses in the entire nation.\footnote{MARTA Frequently Asked Questions, itsmarta.com http://www.itsmarta.com/using-marta-faq.aspx (last visited May 29, 2012).}

\textit{B. Transit Oriented Development Initiatives}

As mentioned previously, in the early years of its development, MARTA was focused on developing a comprehensive rail and bus system that would make ridership available to residents of Fulton and DeKalb Counties and that would support the City of Atlanta’s business community. MARTA began construction of its rail system at the center of downtown Atlanta and slowly expanded outward into the suburbs of Fulton and
Dekalb. In the 1990’s, rail stations were added outside of Interstate 285, the city’s main perimeter, to Indian Creek and Dunwoody. Bus routes were also developed to run between stations in order to provide more individuals with access to the rail stations. Although it is estimated that MARTA provides approximately five-hundred thousand passenger boardings each weekday, many of these individuals still have to rely on a vehicle to supplement their travel. In fact, many Atlantans who take the train to work from stations such as East Point, Doraville, and North Springs come from suburban areas and park at the outlying stations in order to take the train to their final destinations. This can be attested to by the fact that MARTA has over 24,000 free parking spaces at their stations. Because MARTA has been criticized as not being able to handle all of Atlanta’s transportation needs, the agency has been exploring different development frameworks.

In 1997, MARTA decided to take a new approach to increasing ridership levels while decreasing the need for a vehicle by developing a Transit Oriented Development (TOD) at Lindbergh station. A TOD is defined by the Federal Transit Agency as “compact, mixed-use development near transit facilities and high-quality walking environments . . . TOD leverages transit infrastructure to promote economic development and smart growth, and to cater to shifting market demands and . . . [is] about creating sustainable communities where people of all ages and incomes have transportation and housing choices, increasing location efficiency where people can walk, bike and take

107 MARTA Past and Future (the east line was the first line constructed and began service from Avondale to Georgia State in 1979).
108 Id.
109 MARTA Fact Sheet
The MARTA Act of 1965 provided MARTA with the ability to acquire real property, which has resulted in a surplus of land surrounding some of their transit stations. In 1997, MARTA had a surplus of forty-seven acres surrounding its Lindbergh station, which is located between Buckhead and Midtown, two thriving neighborhoods in Atlanta. In the late 1990’s, the Federal Transit Administration authorized transit agencies to develop properties into TODs and no longer restricted their use, meaning MARTA suddenly had a new potential revenue stream. Lindbergh was the “first development selected to pilot the Federal Transit Administration’s 1997 Policy on Transit Joint Development.” In order to develop a successful project, MARTA needed to secure tenants in the early stages to receive financial support. Coincidentally, during this time period, Bellsouth was looking to move their employees from over seventy-five locations in Metro Atlanta to three main hubs located near transit. Bellsouth agreed to a ninety-nine-year lease for an over 2 million square foot office building. MARTA also chose to place their headquarters at the new Lindbergh station, and restaurants, retail, and housing were all projected to be included in the site as well. As a result of the TOD being developed, it is estimated that MARTA brings in an additional 13.3 million dollars per year in revenue. The project has had a rippling effect on the surrounding community, spurring the development of additional retail and

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114 Lindbergh Case Study at 46.
115 Id. at 49.
116 Id. at 45.
118 Lindbergh Case Study at 46.
119 Id. at 58.
housing, which has turned the area into a more livable and walkable community.

Because of Lindbergh’s success, MARTA developed an Office of Transit Oriented Development and Real Estate to further develop their property with the goals of “increasing ridership, generating new revenues for MARTA, acting as a catalyst for new development near transit, and providing new services and amenities for MARTA customers.”

MARTA has determined that additional TODs will be built at the Avondale and Brookhaven stations given the success of Lindbergh.

C. Current Funding Mechanisms for MARTA

Despite the success of projects such as the Lindbergh TOD, MARTA’s financing mechanisms are extremely limited. The majority of MARTA’s income comes from fare revenue and the local DeKalb and Fulton County sales tax. MARTA’s remaining funds come from federal transportation funding, which has continually been limited since the 1980’s. MARTA is the only major transit agency in the United States that receives no funding from state government. Although no state funding is provided, in 1973, the General Assembly formed the Metropolitan Atlanta Rapid Transit Overview Committee (MARTOC). The purpose of MARTOC was to create a committee of certain General Assembly members who would have the ability to “inquire into and review the operations, contracts, safety, financing, organization and structure of the Metropolitan

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121 Id.
Atlanta Rapid Transit Authority.” The General Assembly generally reasoned that, because MARTA is a creature of statute and the Fulton and DeKalb sales taxes generally affect all Georgia citizens who purchase items in these counties, they were obligated to provide oversight.

The Georgia General Assembly has further limited MARTA’s authority and autonomy by requiring the Agency “to spend fifty-percent of its revenue on capital expenditures and the other fifty-percent on operations and maintenance.” This rule has created some challenges for MARTA, which led the state to temporarily remove the requirement from 2010-2013. However, budget shortfalls have continued in operations and maintenance, which has led MARTA to seek the rule’s permanent removal. This proposal was ultimately turned down; additionally, a compromise that would have required MARTA to turn over most of its powers to a local governing authority was criticized for putting too much power in state leadership hands, especially considering that the state generally does not support MARTA.

III. MARTA’S FUTURE: PLANNING FOR THE 21ST CENTURY

Public transportation has continued to be at the forefront in planning for many cities. However, in Atlanta, MARTA faces very dire circumstances. Lawmakers failed to vote in favor of a bill during the 2012 legislative session that would have provided MARTA

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126 Id.
127 See Generally Id.
with more permanent flexibility in their funding structure.\(^{132}\) In addition, MARTA leaders have projected that the sales tax revenue will decline in the following year because of a projected decline in consumer spending in Fulton and DeKalb Counties.\(^{133}\) What does this mean for MARTA’s future? This section of the paper will look at the options and opportunities available for MARTA to meet the growing needs of Metropolitan Atlanta and further its prominence and importance in the region.

A. Atlanta Regional Commission 2040 Report

In 2010, the Atlanta Regional Commission (ARC) adopted a comprehensive plan, *Plan 2040*, to address regional challenges facing Metropolitan Atlanta, including transportation, over the next thirty years.\(^{134}\) The ARC is the Metropolitan Atlanta region’s planning organization and has been federally designated as responsible for “developing a multi-modal, financially constrained transportation plan that meets all federal transportation and Clean Air Act requirements.”\(^{135}\) In *Plan 2040*, the Regional Transportation Plan (RTP) recognizes that over 2.8 million new people will be moving to the Atlanta region, and that in order to appropriately accommodate them, Atlanta’s public transit system will need to become a high-priority mode of transportation for many individuals.\(^{136}\)


\(^{134}\) Volume I: Plan 2040 Regional Transportation Plan (RTP) 1-1, 1-8. Atlanta Regional Commission, available at http://documents.atlantaregional.com/plan2040/docs/tp_PLAN2040RTP_072711.pdf [Hereinafter *Plan 2040*] (ARC has taken over responsibility of the former ARMP which was only focused on a five county region. ARC is responsible for comprehensive planning for a twenty county region).

\(^{135}\) Id.

\(^{136}\) Id. at 2-1, 3-9.
One component of the regional plan is Concept 3, which is known as the “Atlanta Region’s official long-range vision for transit.” MARTA, the Transit Planning Board (TPB), Georgia Regional Transportation Authority (GRTA), and the ARC adopted Concept 3 in 2008 after going through an extensive public commenting period. The plan calls for the addition of a number of public transit modes, including the extension of heavy rail, commuter rail, regional rail, and bus service. Specifically, it calls for MARTA to make improvements to its heavy line by extending the “Northeast line from Doraville station to Norcross[,] . . . West line from Hamilton E. Holmes station to a station near the I-285/Martin Luther King Jr. Drive Interchange, and Southeast from the East Point station . . . to the Southern Crescent Transportation Center near the new International Terminal at Hartsfield-Jackson Atlanta International Airport.” The plan estimates that the total cost of implementing the MARTA projects along with additional rail in Cobb, Gwinnett, and Clayton counties will cost approximately 26 billion dollars to operate through the year 2030.

Another avenue that ARC recommends for improving transit and general mobility in Atlanta is the agency’s Livable Centers Initiative (LCI), which provides grants to local governments in order to “plan and implement strategies that link transportation improvements with development strategies.” As part of this program, “ARC is working to promote TOD [Transit Oriented Development] at each MARTA station in the LCI

137 Id. at 3-19.
139 Id. at 4.8, 4.9.
140 Id.
141 Id. at 4.10.
142 Id. at 3-15.
region.”¹⁴³ One such study was conducted in 2010 for the City of Doraville to look at ways that the area surrounding the Doraville MARTA station, including the adjacent and empty General Motors Assembly Plant, could be redeveloped to provide more individuals with better access to current transit.¹⁴⁴ In order to ensure that all the LCI study recommendations are carried out, the program does provide implementation funds, which come from both federal and local government sources. These funds are limited and have been used for more minor projects such as streetscaping to make areas surrounding certain MARTA stations, including the Brookhaven, Chamblee and Decatur stations, more pedestrian friendly.¹⁴⁵ In order to ensure that other LCI studies, such as the Doraville TOD, are implemented, private and federal funding will need to be secured by local governments and project developers who will ultimately be responsible for building such large-scale communities.

B. MARTA Collaborative Needs

There are additional public transit projects that do not fall under the scope of Plan 2040, which are being proposed for the City of Atlanta. The Connect Atlanta Plan was developed in 2008 and proposes a number of new projects within the City of Atlanta to improve connectivity within city boundaries.¹⁴⁶ Many of the proposed projects are focused on building new public transit projects that would increase connectivity of


neighborhoods and also provide better access to existing transit stations and corridors.\textsuperscript{147} One component of the \textit{Connect Atlanta Plan} is a proposal for streetcars to connect neighborhoods to existing MARTA stations; for example, a streetcar on Peachtree Street could provide the up-and-coming neighborhood of Castleberry Hill with an easy way to access the Five Points MARTA station.\textsuperscript{148} In addition, the plan proposes new MARTA lines to increase connectivity within the city. One such plan calls for providing better connections within Atlanta’s northwest neighborhoods by extending the West line to Perry Boulevard and Highlands West, as well as creating a new Donald Lee Hollowell Transit Corridor.\textsuperscript{149}

Some of the projects mentioned in the \textit{Connect Atlanta Plan} are currently being developed. MARTA has partnered with the City of Atlanta and the Central Atlanta Progress Atlanta Downtown Improvement District to create the Atlanta Streetcar Project.\textsuperscript{150} The partnership envisions adding streetcar lines on existing roads from the Brookhaven MARTA station south to Fort McPherson and from the King Center to Centennial Olympic Park.\textsuperscript{151} Currently, federal funding has been provided to complete phase one of the project, which will connect the Martin Luther King Jr. National Historic Site to Centennial Olympic Park.\textsuperscript{152} It is anticipated that a public event to showcase the new line will occur in October of 2012.\textsuperscript{153}

\begin{footnotesize}
\textsuperscript{147} \textit{Chapter 4 Candidate Project Concept}, Connect Atlanta Plan 1 \url{http://web.atlantaga.gov/connectatlanta/connectatl09/Chapter_4.pdf} .
\textsuperscript{148} \textit{Id.} at 30.
\textsuperscript{149} \textit{Id.} at 13.
\textsuperscript{150} \textit{Atlanta Streetcar About}, AtlantaDowntown.com \url{http://www.atlantadowntown.com/initiatives/atlanta-streetcar/About} (last visited Jun. 1, 2012).
\textsuperscript{151} \textit{Atlanta Streetcar About}, AtlantaDowntown.com \url{http://www.atlantadowntown.com/initiatives/atlanta-streetcar/About} (last visited Jun. 1, 2012).
\textsuperscript{153} \textit{Id.} at 9.
\end{footnotesize}
In addition, the Atlanta Beltline, which is a project aimed towards connecting twenty-two miles of old railroad corridor in the City of Atlanta through trails, parks and eventually transit in order to increase mobility between Atlanta’s neighborhoods is currently being developed.\textsuperscript{154} The Beltline has slowly been acquiring property along the line and has conducted an Environmental Impact Statement in order to move forward in plans for building transit.\textsuperscript{155} Although a number of the parks and trails have already been built along the Beltline, it is projected to take several more decades before the transit corridor is completed.\textsuperscript{156} The transit corridor is expected to tie into the existing MARTA lines in order to maximize connection points for individuals across Atlanta.\textsuperscript{157} Throughout the Beltline’s history, MARTA has played a “key role as a partner on the critical transit studies and planning activities.”\textsuperscript{158}

\textbf{C. Financing MARTA’s Future}

None of the above mentioned projects and partnerships can be completed without adequate funding. In order to build new rail service, an additional funding source will need to be made available to MARTA. Although federal transportation funds will likely be made available to help support some of the above mentioned projects, they can only be used if the projects receive state, local or regional governmental support.\textsuperscript{159} The most significant proposal for a new local funding source for MARTA and other regional transit

\textsuperscript{154} Atlanta Beltline Overview, beltlne.org http://beltline.org/about/the-atlanta-beltline-project/atlanta-beltline-overview/ (last visited Jun. 1, 2012).
\textsuperscript{156} Overview, Atlanta Beltline http://beltline.org/about/the-atlanta-beltline-project/atlanta-beltline-overview/ (last visited Jun. 1, 2012).
\textsuperscript{159} Plan 2040 5.6.
projects comes in the form of a Special Purpose Local Option Sales Tax (SPLOST), recommended in Plan 2040. On July 31, 2012, voters in the ten-county region of Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry, and Rockdale Counties as well as the City of Atlanta will get to decide whether or not to approve a one percent sales tax, which would provide over 8.5 billion dollars for transportation improvement projects. MARTA specific projects that would receive a portion of this funding include the expansion of the North Springs line to Holcomb Bridge Road; the Clifton Corridor, which will extend the MARTA line to Emory University and the Center for Disease Control Headquarters; and a potential rail line extended to Cobb County. The SPLOST will also support specific portions of the transit line along the Beltline, which would connect to existing MARTA rail and provide for expansion of the Streetcar Project.

One could easily make the argument that history is repeating itself for MARTA with the upcoming Transportation Referendum vote in July of 2012. In order for MARTA to receive the funding necessary to continue its development, it needs to review lessons learned from past experiences. First, MARTA needs to ensure that it has involved a wide variety of stakeholders in the community in its planning process so that the greatest possible amount of public support is garnered before the July vote. Also, MARTA needs to make a strong case before the General Assembly on what value it brings to Georgia as a whole to ensure that it receives more flexibility in its spending patterns. Finally,

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160 Id. at 5.5. (MARTA currently generates local revenue through a SPLOST).
163 Id.
MARTA needs to ensure that the projects being developed are made with an eye towards future growth patterns in Atlanta.

**CONCLUSION**

Over the past fifty years, MARTA has gone from being the vision of a few local businessmen to a thriving public transportation vehicle for the Atlanta metropolitan region. MARTA was built against all odds at a time when there was little support from state government or voters outside the metro region and when the City of Atlanta itself was in turmoil over the Civil Rights Movement. MARTA’s story provides a particular lesson in how the perseverance of a few and the willingness to innovate can lead to great success. In order for MARTA to thrive in the twenty-first century, it must continue to coordinate with other regional and local transportation entities and develop projects that will make public transit an appealing and essential mode of transportation for the citizens of Atlanta.