TITLE 40
HIGHWAYS AND BRIDGES

CHAPTER 21
REGIONAL PUBLIC TRANSPORTATION AUTHORITY

40-2101. SHORT TITLE. This chapter may be known and cited as the "Regional Public Transportation Authority Act."

[40-2101, added 1994, ch. 327, sec. 1, p. 1053.]

40-2102. POLICY OF STATE. It is hereby recognized by the legislature of the state of Idaho that, as the population and economy of areas of this state grow, the total needs for mobility of commerce and people cannot be met solely with highway and road systems; that motor vehicle congestion and air quality problems result which may adversely affect health and safety; that there are a variety of persons who are elderly, who have disabilities, who live in rural areas or who otherwise require public transportation services for their general welfare; and that prosperous commerce and industry depend upon effective regional systems of transportation. It is therefore declared to be the policy of the state to maintain a state commitment to improve public transportation; to increase the use of transportation alternatives to single occupancy motor vehicles; to promote cooperative agreements among governmental entities in providing public transportation services; and to attain greater efficiency in the use of public transportation funds in a manner consistent with the needs, health, safety and general welfare of the people of Idaho.

[40-2102, added 1994, ch. 327, sec. 1, p. 1053.]

40-2103. DEFINITIONS. (1) "Authority" means the regional public transportation authority.

(2) "Board" means the governing body of the regional public transportation authority.

(3) "City" means an incorporated city.

(4) "Commission" means the board of county commissioners or the board of commissioners of a single county-wide highway district.

(5) "Public transportation service" means, without limitation, fixed transit routes; scheduled or unscheduled transit service provided by motor vehicle, bus, rail, van, aerial tramway and other modes of public conveyance; paratransit service for the elderly and disabled; shuttle and commuter service between cities, counties, health care facilities, employment centers, educational institutions or park-and-ride locations; subscription van and car-pooling service; and transportation services unique to social service programs.

(6) "Region" means the geographical area encompassed by an authority which may include all of a county or contiguous parts of one (1) or more counties.

[40-2103, added 1994, ch. 327, sec. 1, p. 1053; am. 1996, ch. 353, sec. 1, p. 1177.]

40-2104. PURPOSE OF AUTHORITY. The purpose of an authority created pursuant to this chapter is to establish a single governmental agency

oriented entirely toward public transportation needs within each county or region that deems such an agency necessary. This authority, a political subdivision of the state of Idaho, is under the supervision of and directly responsible to local governments, and shall provide public transportation services, encourage private transportation programs and coordinate both public and private transportation programs, services and support functions.

[40-2104, added 1994, ch. 327, sec. 1, p. 1053; am. 1996, ch. 353, sec. 2, p. 1177; am. 2003, ch. 210, sec. 1, p. 555.]

40-2105. CREATION OF AUTHORITY -- VOTER APPROVAL -- NAME. Authorities may be established in one (1) of the following ways:

(1) (a) County-wide authorities. A city or commission by resolution may call for an election to establish a regional public transportation authority in the county to carry out the purposes of this chapter. The entire geographical area of the county must be included within the jurisdiction of an authority created pursuant to this subsection.

(b) The ballot question shall seek voter approval of the establishment of the authority.

(2) (a) Regional authorities. A city or commission may adopt a resolution proposing to establish an authority which contains contiguous parts of one (1) or more counties. The resolutions shall include a legal description of a contiguous region encompassed by the proposed authority and specifically name each city and county wholly or partially included therein. Boundaries of the proposed authority shall conform insofar as possible to existing boundaries dividing voting precincts.

(b) A certified copy of the resolution shall be transmitted by registered mail to the chief elected official of each city and county wholly or partially included in the proposed region.

(c) Each city and county shall, by resolution, either approve without alteration or reject the resolution proposing the establishment of an authority and transmit a certified copy to the clerk or recorder of the initiating city or commission. If a city or county fails to act upon the resolution proposing the establishment of an authority within sixty (60) days after receipt of the certified copy, the city or county is deemed to have rejected the resolution.

(d) If the city councils and county commissions of all cities and counties wholly or partially included in the proposed region approve the resolution proposing the establishment of an authority, the question shall be submitted for voter approval. The ballot question shall generally describe the area which is proposed to be included in the authority, identify each city and county which will be located either wholly or partially within the authority and shall seek voter approval of the establishment of the authority.

(3) Authorization to establish a regional public transportation authority may be made only by the registered voters of the region at an election held at least sixty (60) days after the final resolution is adopted and in conformity with section 34-106, Idaho Code. A simple majority of votes cast on the question shall be necessary to establish the authority.

(4) An authority created pursuant to this act shall be named the "..... (name of authority) REGIONAL PUBLIC TRANSPORTATION AUTHORITY." In the event two (2) or more authorities should by cooperative agreement merge their services the name may be appropriately changed by a majority vote of the board of each authority.

[40-2105, added 1994, ch. 327, sec. 1, p. 1054; am. 1996, ch. 353, sec. 3, p. 1178.]

40-2106. AUTHORITY BOARD. (1) Each authority shall have a governing board appointed by and serving at the pleasure of the governing bodies of counties, incorporated cities and highway districts located wholly or partially within the authority.

(2) The board initially shall be composed of not less than five (5) members selected as follows: two (2) members representing each board of county commissioners; one (1) member representing highway district commissions wholly or partially contained within the region; two (2) members representing each city with a population of twenty-five thousand (25,000) or more; and one (1) member representing each city with a population of less than twenty-five thousand (25,000). Board composition subsequently may be modified pursuant to subsection (7) of this section.

(3) Board members shall be appointed by resolution of the appointing agency and shall serve at the pleasure of the appointing agency. Board members may be elected officials of the appointing agency or they may be representatives empowered by the agency to act in its best interests. The highway district board member shall be appointed by the board of commissioners of the highway district in counties with a single county-wide highway district or, in counties with more than one (1) highway district, by the board of county commissioners in consultation with all highway district commissions wholly or partially contained within the region.

(4) Ex officio members may be appointed to the authority board by any city or commission or by the board itself and shall serve at the pleasure of the appointing entity.

(5) Board members may be compensated forty dollars ($40.00) for each day in the actual performance of duties, but the total amount to be received as compensation shall not exceed the sum of one thousand dollars ($1,000) per year. Actual expenses shall be paid in addition to compensation. The payment for expenses shall be paid from funds of the authority upon presentation of itemized vouchers, signed by the board member and under oath made to the secretary of the authority.

(6) The authority shall be liable and responsible for the actions of the board members and employees of the authority when the board members and employees are performing their duties on behalf of the authority.

(7) Composition of the board may be modified from time to time by the board, provided that:

(a) The board adopts by majority vote at a regularly scheduled meeting a statement of intent to revise the board composition and a complete description of the proposed revision; and

(b) The board submits the statement of intent and proposed revision to the chief elected official of each city and commission within the authority for review and comment; and

(c) Each city or commission is provided a minimum of sixty (60) days in which to comment; and

(d) The board adopts a resolution revising the board composition by the affirmative vote of two-thirds (2/3) of all board members at a regularly scheduled meeting.

[40-2106, added 1994, ch. 327, sec. 1, p. 1054; am. 1996, ch. 353, sec. 4, p. 1179.]

40-2107. BOARD PROCEDURES. (1) At its first meeting following the appointment of all members, the board shall elect a chairman and a vice chairman from their number and appoint a secretary and a treasurer who need not be from their number for terms fixed by them. The offices of the secretary and treasurer may be filled by the same person. Certified copies of all appointments under the hand of the chairman and seal of the authority shall be filed with the clerk of each county and with the clerk of each city and with the secretary of each highway district in the region.

(2) A majority of the board members constitutes a quorum for the conduct of business. A majority of board members present at a board meeting at which a quorum has been established may exercise all of the powers of the full board except as otherwise provided in this chapter.

(3) As soon as practicable after organization the board shall designate a day, hour and place at which regular meetings shall be held. Minutes of all meetings must show what business was conducted, what votes were taken and what bills were submitted, considered, allowed or rejected. The secretary shall make a list of all bills presented, showing to whom payable, for what services or materials, the amount claimed and the amount allowed. The list shall be signed by the chairman and attested by the secretary.

(4) All meetings of the board shall be public and all records of the authority shall be open to the inspection of the public during normal business hours. Special meetings of the board may be held upon the call of the board chairman or a majority of the board. The secretary must give each member not joining in the order five (5) days' notice of any special meeting.

(5) The authority treasurer shall execute and file with the authority secretary an official bond in an amount of money equal to an amount that may come into his hands as treasurer but in no case shall the amount of the bond be less than an amount fixed by the board. The cost of such bond shall be a necessary expense paid by the authority.

[40-2107, added 1994, ch. 327, sec. 1, p. 1055; am. 1996, ch. 353, sec. 5, p. 1180.]

40-2108. CORPORATE POWERS OF AN AUTHORITY. A regional public transportation authority has power:

(1) To sue and be sued;

(2) To raise and expend funds as provided in this chapter;

(3) To issue revenue bonds;

(4) To adopt and use an official seal;

(5) To purchase and hold lands, make contracts, purchase and hold personal property as may be necessary or convenient for the purposes of this act, and to sell and exchange real and personal property. The board shall first adopt a resolution finding that the property to be sold or exchanged is no longer needed by or useful to the district; that a public hearing is to be held, of which hearing notice shall be published in accordance with the provisions of section 40-206, Idaho Code.

[40-2108, added 1994, ch. 327, sec. 1, p. 1055.]

40-2109. POWERS AND DUTIES OF BOARD. (1) Only one (1) regional public transportation authority shall exist within a county and when established pursuant to this chapter the authority will have exclusive jurisdiction over all publicly funded or publicly subsidized transportation services and pro-

grams except those transportation services and programs under the jurisdiction of public school districts and law enforcement agencies.

(2) The authority may provide public transportation services on fixed or unfixed routes; public transportation services on fixed or unfixed schedules; paratransit services for the elderly and people with disabilities as defined in the Americans with disabilities act; special services to accommodate community celebrations, sporting events and entertainment open to the public; public transportation services between cities, rural areas, park-and-ride facilities, employment centers, health care facilities, universities and commercial and shopping areas; commuter services between communities; van or car pool programs.

(3) The authority shall fix by resolution the fares and fees to be charged those who use its public transportation services. Prior to adopting any such resolution, the board shall publish proposed fares and fees in at least one (1) issue of a newspaper having general circulation in the region and shall hold at least one (1) public hearing on the proposed fares and fees.

(4) The authority may establish, fund, control and operate the administrative, equipment maintenance, servicing, storage, fueling, and other facilities required to support a safe and efficient public transportation system. In carrying out the purposes of this chapter, the authority may employ personnel, contract for services with public and private agencies and retain legal and other professional counsel.

(5) The board may adopt resolutions consistent with law, as necessary, for carrying out the purposes of this chapter and discharging all powers and duties conferred to the authority pursuant to this chapter.

(6) The authority shall have an annual audit made of the financial affairs of the authority as required in section 67-450B, Idaho Code, by the first day of December following the close of the fiscal year.

(7) The authority may enter into cooperative agreements with the state, other authorities, counties, cities and highway districts under the provisions of section 67-2328, Idaho Code.

[40-2109, added 1994, ch. 327, sec. 1, p. 1055; am. 1996, ch. 353, sec. 6, p. 1180.]

40-2110. CONTRIBUTIONS. The counties, cities, highway districts and other governmental entities within the region may, at their discretion, enter into a cooperative agreement with the authority in order to contribute funds from any source, provide services-in-kind and loan or convey real and personal property to the authority in recognition of costs of the authority, to maintain continuity of existing public transportation services, or to implement new services.

[40-2110, added 1994, ch. 327, sec. 1, p. 1056; am. 1996, ch. 353, sec. 7, p. 1181.]

40-2111. ISSUANCE OF REVENUE BONDS. A regional public transportation authority may issue revenue bonds in the same manner and form as under the municipal bond law contained in chapter 10, title 50, Idaho Code, provided that the ordinance required therein shall be by resolution of the board. For the purpose of this section, the term "city" in the municipal bond law shall include the term "regional public transportation authority."

[40-2111, added 1994, ch. 327, sec. 1, p. 1056.]

40-2112. BUDGET. (1) The board shall annually adopt a budget and cause a public hearing to be held upon the budget.

(2) Notice of the budget hearing shall be posted at least ten (10) days prior to the date of the meeting in at least one (1) conspicuous place in each county within the boundaries of the regional public transportation authority and at the administrative offices of the regional public transportation authority. A copy of the notice shall also be published in accordance with the provisions of section 40-206, Idaho Code. The place, hour and day of the hearing shall be specified in the notice, as well as the place where the budget may be examined prior to the hearing. A full and complete copy of the proposed budget shall be published with and as a part of the publication of the notice of hearing.

(3) The budget shall be available for public inspection from and after the date of the posting of notice of hearing at a place and during business hours as the board may direct.

(4) A quorum of the board shall attend the hearing and explain the proposed budget and hear any and all objections to it.

(5) The budget shall be completed and finalized not later than the Tuesday following the first Monday in September for the ensuing fiscal year.

(6) The fiscal year of the authority shall commence on the first day of October of each year.

[40-2112, added 1994, ch. 327, sec. 1, p. 1057; am. 1996, ch. 353, sec. 8, p. 1181; am. 2003, ch. 210, sec. 2, p. 556.]

40-2113. EXEMPTION FROM TAXATION. It is hereby found, determined and declared that the creation of a regional public transportation authority is in all respects for the benefit of the people of the state of Idaho, for the improvement of their welfare and prosperity, and for the promotion of their transportation, and is a public purpose and that projects and services operated by authorities are essential parts of the public transportation system, and that such authorities will be performing essential governmental functions in the exercise of the powers conferred upon them by this chapter. The state of Idaho declares that authorities shall be required to pay no taxes or assessments upon any of the property acquired by them or under their respective jurisdiction, control, possession, or supervision or upon the activities of authorities in the operation and maintenance of projects and services, or upon any charges, fees, revenues, or other income received by authorities, or upon special fuels used in motor vehicles owned or leased and operated by authorities, and that the bonds of authorities and the income therefrom shall at all times be exempt from taxation. Regional public transportation authorities created pursuant to this chapter shall be exempt from the sales tax imposed under the provisions of section 63-3621, Idaho Code, shall be issued a tax exemption certificate as provided for in section 63-3622, Idaho Code, and shall be entitled to such credits and refunds as other political subdivisions of the state of Idaho are entitled under section 63-2423, Idaho Code.

[40-2113, added 1994, ch. 327, sec. 1, p. 1057; am. 2004, ch. 152, sec. 1, p. 487.]

40-2114. SEVERABILITY. The provisions of this chapter are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any

reason, such declaration shall not affect the validity of the remaining portions of this chapter.

[40-2114, added 1994, ch. 327, sec. 1, p. 1057.]