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DETROIT AREA REGIONAL TRANSPORTATION AUTHORITY (DARTA)

(Update February 19, 2004: The Wayne County 3rd Circuit Court ruled in November that the Regional Transit Coordinating Council (RTCC) did not have the authority to transfer its powers to DARTA, which reduces DARTA's role in receiving federal grants but which apparently does not change DARTA's authority to plan and operate transit services. The RTCC has appealed this ruling.)

An executive summary of the May 22, 2003
DARTA Agreement

Archived summary of the earlier proposed DARTA legislation (HB 5467 of 2002, HB 4072 of 2003) can be found

following the summary of main points of the May 22, 2003 Agreement

The following summary is quoted from the public press document provided by the parties to the Agreement

The Agreement

The Regional Transit Coordinating Council (RTCC), the Suburban Mobility Authority for Regional Transportation (SMART), and the City of Detroit have entered into an agreement under the Urban Cooperation Act of 1967 for the joint exercise of powers, privileges, and authorities related to public transportation that each entity shares in common and that each might exercise separately. The agreement would also authorize the transfer of functions from the RTCC under the Intergovernmental Transfer of Functions statute (1967(Ex Sess) PA 8).

Main Points

The Detroit Area Regional Transportation Authority (DARTA) is created to administer the agreement. DARTA will operate in the southeast Michigan region including Macomb, Monroe, Oakland and Wayne Counties.

DARTA will be governed by an 11-member board, including:

- 2 Macomb County representatives appointed by the Chairperson of the Macomb County Board of Commissioners, in his or her capacity as a member of the RTCC, to serve at the will of the Chairperson;
- 2 Oakland County representatives appointed by the Oakland County Executive, in his or her capacity as a member of the RTCC, to serve at the will of the County Executive;
- 2 Wayne County representatives, non-Detroit residents, appointed by the Wayne County executive, in his or her capacity as a member of the RTCC, to serve at the will of the County Executive;
- 2 Detroit residents: 1 appointed by the Mayor of the City of Detroit serving at the will of the Mayor, and 1 appointed by Detroit City Council from a list of 3 names submitted by the Mayor, serving at the will of the Council;
- 1 Monroe County representative appointed by the Chairperson of the Monroe County Board of Commissioners, serving at the will of the Chairperson;
- 1 member appointed by the RTCC; and
- 1 member appointed by SMART.

DARTA may not levy any taxes.

DARTA may not bind any unit of state, county, city, township or village government to any obligation without the express consent of the individual unit.

DARTA will assume the functions of the RTCC, including planning and allocation of state and federal public transportation funds. In addition to the planning and coordinating functions of the RTCC, DARTA will be delegated many of the operating powers of a transportation system.

By October 1, 2003, the RTCC agrees to transfer functions as the designated recipient of federal funds to DARTA.

By March 20, 2004, DARTA will be required to hire a Chief Executive Officer. The CEO would manage the day-to-day operation of DARTA and prepare capital and operating budgets for the Authority Board.

By March 20, 2005, DARTA will be required to adopt a comprehensive regional public transportation service plan for Southeast Michigan, including funding options, and provide a copy to the Governor, the Michigan Legislature, and the Michigan Department of Transportation. The plan will be updated annually, subject to public comment.

DARTA may coordinate the public transportation functions of SMART and DDOT, including service overlap, rate, routing, scheduling, and other functions, if the coordination will not result in job losses. DARTA could withhold funds for failure to coordinate.

The agreement includes employee protections. DARTA will have the right to enter into collective bargaining agreements, be bound by existing agreements with public transportation employees, and assume wage and benefit obligations connected with public transportation activities assumed by DARTA.

DARTA must establish a citizen advisory committee, a ridership committee, and community advisory groups to provide input on regional public transportation policy.

If the City of Detroit or SMART withdraw from the Agreement, the Agreement would terminate and DARTA functions would revert back to the City of Detroit, SMART, and the RTCC.

The Agreement utilizes existing constitutional and statutory law to establish a mechanism for providing more cooperative, effective, and efficient public transportation services. While designed to enhance cooperation between the City of Detroit's DDOT and SMART, it neither merges nor eliminates SMART or DDOT.

Archived summary of earlier legislation

Background

Michigan House bill HB5467 passed the state Senate on December 13, 2002, and was vetoed by the governor at the end of the year. The legislation was revived in 2003 as HB 4072, containing a few significant changes from last year's bill. This summary presents major points of the DARTA Bill with changes from last year highlighted in red. It is not intended as a detailed analysis nor a legal interpretation. A full copy of HB4072 can be viewed [HERE](#) .

Preamble

House Bill 4072 is a bill to:

- Create the Detroit Area Regional Transportation Authority (DARTA).
- Transfer certain powers of authorities to DARTA.
- Provide regional transportation for senior citizens, citizens with disabilities, citizens without the economic means to provide their own personal transportation, and all other citizens.
- Continue the Suburban Mobility Authority for Regional Transportation (SMART).
- Prescribe certain powers and duties of the authorities.
- Provide for the addition and withdrawal of certain local entities from DARTA.
- Provide for the powers and duties of certain state agencies with respect to DARTA.
- Provide for the issuance of bonds and notes.
- Provide for the state to guarantee payment of certain claims against DARTA and give the state a lien in satisfaction of payment.
- Protect the rights of employees of existing public transportation systems.
- Provide for the pledge of taxes, revenues, assessments, tax levies, and other funds for bond and note payments.
- Authorize certain local entities to levy property taxes and make special assessments to fulfill their obligations under certain contracts with DARTA.
- Repeal acts and parts of acts.

Scope and General Responsibilities of DARTA

DARTA is an agency of the state having the following purposes [Article II, Sec. 3, Sec. 9] :

- Planning public transportaion facilities. (1)
- Designing public transportation facilities.

- **Constructing public transportation facilities.**
- **Operating public transportation facilities.**
- **Administering public transportation facilities.**
- **Acquiring public transportation facilities.**
- **Contracting to provide public transportation facilities.**
- **Maintaining, replacing, improving, and extending public transportation facilities.**
- **Exercising the powers of a public transportation facility.**

Services for senior citizens, citizens with disabilities, and citizens without the economic means to provide their own personal transportation will be the first services provided and last services reduced. [Article II, Sec. 3]

DARTA will develop, implement and update annually an initial comprehensive regional public transportation service plan for providing public transit services in the region, for presentation to the governor, the legislature and MDOT, which contains the following [Article II, Sec. 4] :

- **A specific plan for providing regional transportation for senior citizens, citizens with disabilities, and citizens without the economic means to provide their own personal transportation.**
- **A cost-benefit analysis of the necessity and effectiveness of the proposed plan.**
- **An economic impact analysis of public dollars to be expended versus private dollars to be invested as a result of the services.**
- **A full accounting of all funding sources including the amount of taxes or assessments to be obtained from, and services to be provided to the individual taxpayer, municipality and county.**
- **A discussion of how the plan provides for a fair distribution of services throughout the region.**
- **A discussion of how the specific public transportation needs of the region are addressed.**
- **A discussion of how the plan delivers measurable benefits.**

DARTA will provide, or contract to provide the services required for implementation of the comprehensive regional public transportation service plan. If the coordination of any of the following functions does not result in a reduction of represented employees at SMART or DDOT, then DARTA will coordinate all of the following functions between different owners and operators of public transportation facilities in the region relative to transit services [Article II, Sec. 4]:

- **Service overlap**
- **Rates**
- **Routing**
- **Scheduling**
- **Any other function necessary to implement the Plan.**

DARTA has the right to bargain collectively and enter into agreements with labor organizations. DARTA will be bound by existing collective bargaining agreements with privately or publicly owned entities that are acquired, purchased or condemned by DARTA. [Article II, Sec. 17]

Official records of DARTA will be available to the public under the freedom of information act. DARTA will publish a detailed public report and financial statement at the end of each fiscal year. The fiscal year is October 1 through September 30. [Article II, Secs. 26, 28 and 29]

(1) "Public transportation facility" means all property, real and personal, public or private, used for providing public transportation. Does not include ports or airports, roadways, and other exclusions.

Timeline

June 30, 2003- This act takes effect and the metropolitan transportation authorities act of 1967 (1967 PA 204) is repealed.

Within 30 days of effective date- Appointment of first Board.

Within 60 days of effective date- The Board will conduct its first meeting.

By March 20, 2004 - The Board will select and retain of Chief Executive Officer.

Within 270 days after selection of Chief Executive Officer- The Chief Executive Officer will present to the Board the initial 5-year capital and operating budget plan.

Within 1 year after selection of Chief Executive Officer- DARTA will present the initial comprehensive regional public transportation service plan, AND will present its recommendation for legislation to fund DARTA and the Plan.

Membership Provisions

The Region is initially defined as Wayne, Oakland, Macomb and Monroe counties. [Article I, Sec. 2]

A county or local governmental consortium(2) may withdraw from DARTA if certain conditions are met. [Article II, Sec. 5] :

Opt-out provisions

Last year's HB 5467 contained opt-out provisions:

-Washtenaw and Livingston Counties could opt out immediately with a majority vote of their board of commissioners.

-In 2006, Oakland and Macomb Counties could withdraw through a resolution passed by the board of commissioners and approved by a majority of county voters in the November election.

- Wayne County could not withdraw.

-In 2006, a local consortium of governments established prior to 2002 in Wayne County could withdraw through a resolution passed by its governing board and passed by a majority of voters in each consortium unit in the next regular election.

-There was no provision for local consortiums in other counties to withdraw.

HB 4072 contains less stringent opt-out provisions:

-Washtenaw and Livingston counties may opt out as before.

-Within 60 days of DARTA enactment, Oakland and Macomb Counties may withdraw, under the same procedure as before.

- Wayne County remains unable to withdraw.

-Any 3 contiguous governmental units (county, city, township, village, or school district) can form a governmental consortium in any county and within 60 days of DARTA enactment can begin the withdraw process as before, except that passage requires only a majority of voters in the consortium, not each unit of the consortium.

A county may become a member of DARTA if certain conditions are met. [Article II, Sec. 6]

(2) "Local Governmental Consortium" is defined in Article I, Sec. 2, and means a legal or administrative entity consisting of 3 or more political subdivisions in a geographically contiguous area formed under section 7 of the urban cooperation act of 1967 and provided for in an interlocal agreement entered into pursuant to that act between cities, villages or townships in the region.

Governance

DARTA will be governed by a Board that consists of the following [Article II, Sec. 7]:

- Two resident members from each city in the region that has a population over 750,000, appointed by that city's chief executive officer with concurrence of a majority of the city council.
- Two resident members from each county in the region that has a population over 750,000 and less than 1,750,000. All county members are

appointed by that county's chief executive officer with concurrence of a majority of the county board of commissioners.

- One resident member from each county in the region that has a population of 750,000 or less.
- Two resident members from each county in the region that has a population over 1,750,000 so long as those members are not residents of a city in that county that has a population over 750,000.
- One member and one alternate from each local governmental consortium, selected by a majority vote of its governing board. These are non-voting member positions.

The DARTA Board will do the following [Article II, Sec. 8]:

- Select and retain a Chief Executive Officer of DARTA.
- Adopt bylaws and rules and procedures governing the Board meetings.
- Establish policies to implement day-to-day operation of DARTA.
- Review and approve DARTA's capital and operating budgets.
- As required by law, review, or review and approve, the operating budgets of SMART or any transit system in the region.
- Conduct an annual audit.
- Adopt the comprehensive regional public transportation service plan.
- Develop the performance measures of the efficiency and effectiveness of the provision of public transportation services in the region.
- Develop and specify uniform data requirements to assess the costs and benefits of public transportation services.
- Formulate procedures for establishing priorities in the allocation of funds.
- Establish and implement a standardized reporting and accounting system.
- Establish and implement standards relating to operating efficiency and cost control of transit systems.
- Establish public transportation policy for the region.

The Board will act by majority vote of its membership that is entitled to vote, except that a vote for the adoption of bylaws, for the adoption of rules of procedure or for the transaction of business will require at least one affirmative vote from a member that represents each city that has a population of 750,000 or more and at least one affirmative vote from each county immediately contiguous to each city with a population of 750,000 or more. [Article II, Sec. 8]

The Board will meet regularly but not less than quarterly, and Board meetings will be conducted in accordance with the Open Meetings Act. [Article II, Sec. 8]

The Chief Executive Officer will administer DARTA in accordance with the comprehensive regional public transportation service plan, the operating budgets, the general policy guidelines established by the Board, applicable governmental procedures and policies, and this act. The Chief Executive Officer is responsible for supervision of all DARTA employees. [Article II, Sec. 16]

The Chief Executive Officer will prepare and the Board will approve the operating and capital budgets for DARTA. The budgets will be approved by February 1 immediately preceeding the beginning of the DARTA fiscal year. The budgets will be in the form of 5-year capital program and operating budgets which are updated annually. [Article II, Sec. 19]

Oversight

The Board will appoint a Citizens Advisory Committee which will consist of region residents as follows [Article II, Sec. 8]:

- 40% of the membership will be users of public transportation. At least 25% of these will be seniors or persons with disabilities. There will be 2 users of public transportation appointed from each of Wayne, Oakland and Macomb counties, 2 from each city with a population of 750,000 or more, and 1 from each other member county.
- 30% of the membership will be individuals from organizations representing seniors and persons with disabilities.
- 30% of the membership will be individuals representing business, labor, community and faith-based organizations.

The Citizens Advisory Committee will meet at least quarterly and may make reports and recommendations to the Board at Board meetings. The Committee will also do the following [Article II, Sec. 8]:

- Review and comment on the comprehensive regional public transportation service plan and all annual updates.
- Advise the Board on the coordination of functions between different owners and operators of public transportation facilities in the region.
- Review and comment on the specialized services coordination plan required in public act 51.
- Provide recommendations on other public transportation matters.

The Board will establish a Ridership Committee that consists of a representative group of transit system riders who live in the region. The ridership Committee will report their concerns to the Board on a regularly scheduled basis. [Article II, Sec. 8]

A community or group of communities in the region may create citizen advisory councils to relate concerns to the Board on a regularly scheduled basis. These councils will be composed of members representative of the neighborhoods within the communities. [Article II, Sec. 13]

Public Meetings

DARTA will hold a public meeting annually on the comprehensive regional public transportation service plan and all plan updates, prior to adoption of the plan or updates. A summary of the comments made at the public meeting will be provided to the Board.[Article II, Sec. 10]

DARTA will conduct a public hearing before the implementation of changes to fares. A transcript of the public hearing will be transmitted to the Board before consideration of proposed fare changes. [Article II, Sec. 10]

Transit Funding

The Board will become the designated recipient for purposes of receiving federal funds and will apply for federal and state transportation operating and capital assistance grants. The Board may designate DARTA, a city with population of more than 750,000, SMART, and other transit systems not included in a city of more than 750,000 population as sub-recipients.[Article II, Sec. 4]

DARTA will not levy taxes. DARTA may pledge the receipts of taxes, special assessments and charges that the state or political subdivision collects, so long as the receipts are returnable and payable by law or contract to DARTA. [Article II, Sec. 18]

In addition to any other method of financing authorized by law, public transportation facilities may be financed by 1 or more of the following [Article II, Sec. 18]:

- Fares, rates, tolls and rents.
- Other income or revenue from whatever source available.
- Grants, loans and contributions from federal, state or other governmental units.
- Grants, contributions, gifts, devises, or bequests from any other source.
- Taxes, special assessments, or charges imposed by law and collected by a state or political subdivision and returned or paid to DARTA under the law or pursuant to contract.

SMART and DDOT status

DARTA will contract only with SMART and DDOT for any public transportation or related service that SMART or DDOT offered as of May 22, 2002 unless DDOT or SMART has been declared ineligible for grant assistance under Article II,

Sec. 4 of this act. Nothing in this act requires DARTA to provide funds to either DDOT or SMART beyond those received by DARTA as the designated recipient under Article II, Sec. 4.[Article II, Sec. 17]

Beginning with the effective date of this act, SMART is continued. The chief executive officer and Board then serving, will continue. The members of SMART are Wayne, Oakland, Macomb and Monroe counties. This act provides for specific duties and administrative requirements for SMART within its service region which are similar in scope to those provided for DARTA within the entire region.[Article III, Secs. 30-43]

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