

## House Bill 180

By: Representatives Thomas of the 43<sup>rd</sup>, Post 1, Sinkfield of the 50<sup>th</sup>, Beasley-Teague of the 48<sup>th</sup>, Post 2, Noel of the 44<sup>th</sup>, Jackson of the 124<sup>th</sup>, Post 1, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges,  
2 and ferries, so as to provide for conservation of natural roadside growth and scenery and  
3 implementation and maintenance of roadside beautification programs on public rights of  
4 way; to provide certain minimum requirements for such programs; to change certain  
5 provisions relating to powers and duties of the Department of Transportation; to change  
6 certain provisions relating to study, financing, construction, and operation of new projects  
7 by the State Road and Tollway Authority and cooperation and assistance of the Department  
8 of Transportation; to provide legislative findings and declarations; to repeal conflicting laws;  
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 The General Assembly finds and declares that:

- 13 (1) The public owns innumerable acres of highway rights of way in this state;
- 14 (2) This resource is highly visible to the traveling public, and its appearance not only  
15 gives many tourists a first and lasting impression of this state but also provides a  
16 backdrop to the daily lives of all Georgians;
- 17 (3) Such public lands may also constitute a readily available resource base for the  
18 restoration of substantially diminished native plant populations or communities on  
19 appropriate sites within their former natural ranges;
- 20 (4) With wise use and dedicated, sustained effort, a relatively minor commitment of  
21 resources can go a long way toward restoring roadside beauty and natural ecosystems and  
22 enhancing biodiversity through plantings of attractive, native species which require  
23 relatively low maintenance after establishment; and
- 24 (5) Sister states with which we compete for tourism dollars have made similar  
25 commitments, and as stewards of a public resource we should do no less to make this  
26 state a more beautiful and healthy place in which to travel, visit, and live.

**SECTION 2.**

1  
2 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,  
3 is amended in subsection (a) of Code Section 32-2-2, relating to powers and duties of the  
4 Department of Transportation, by striking "and" at the end of paragraph (18), striking the  
5 period at the end of paragraph (19) and inserting "; and" in lieu thereof, and adding a new  
6 paragraph (20) to read as follows:

7 "(20) To provide for the conservation of natural roadside growth and scenery and for the  
8 implementation and maintenance of roadside beautification programs. To accomplish  
9 this, for fiscal years 2004-2005, 2005-2006, and 2006-2007 no less than 1 percent, and  
10 for subsequent fiscal years no less than 1.5 percent, of the amount contracted for road  
11 construction and reconstruction projects shall be allocated by the department to such  
12 beautification programs for public rights of way. Except where prohibited by federal law  
13 or federal regulation and to the extent practical, a minimum of 50 percent of such funds  
14 shall be used to purchase and establish tree and shrub plants with the remaining funds for  
15 purchase and establishment of other plants and landscaping materials. All such plants  
16 shall be attractive, native plants adapted to local conditions, appropriate for integrated  
17 native ecosystem restoration utilizing natural plant associates that require relatively low  
18 maintenance after successful establishment, and purchased on a uniform competitive bid  
19 basis from Georgia based nurseryman stock when available therefrom unless otherwise  
20 available from a state owned nursery. Restoration of substantially diminished native  
21 plant populations or communities on appropriate sites within their former natural ranges,  
22 including without limitation *Pinus palustris* and its natural associates, shall be a  
23 significant component of such beautification programs. No plants purchased and  
24 established on public rights of way pursuant to this paragraph shall be trimmed or  
25 removed pursuant to any permit issued or renewed under Code Section 32-6-75.3. The  
26 department, in consultation with the Georgia Forestry Commission and the Department  
27 of Agriculture, shall develop minimum grades and standards for plant and landscaping  
28 materials purchased through this process. To accomplish beautification activities and to  
29 the extent appropriate for the skill levels required, the department may contract with  
30 nonprofit organizations having the primary purpose of developing youth employment  
31 opportunities. Any amounts allocated to roadside enhancement and beautification projects  
32 from the Roadside Enhancement and Beautification Fund pursuant to Code Section  
33 32-6-75 and consisting of revenues derived from voluntary purchase of special license  
34 plates or contributions to such fund shall be in addition to, and not in lieu of, amounts  
35 required to be allocated to beautification programs under this paragraph."

**SECTION 3.**

1  
2 Said title is further amended in Code Section 32-10-67, relating to study, financing,  
3 construction, and operation of new projects by the State Road and Tollway Authority and  
4 cooperation and assistance of the Department of Transportation, by designating the existing  
5 provisions of subsection (a) as paragraph (1) thereof and adding a new paragraph (2) to read  
6 as follows:

7       "(2) The authority shall provide for the conservation of natural roadside growth and  
8 scenery and for the implementation and maintenance of roadside beautification programs.  
9 To accomplish this, for fiscal years 2004-2005, 2005-2006, and 2006-2007 no less than  
10 1 percent, and for subsequent fiscal years no less than 1.5 percent, of any amount  
11 contracted for road construction and reconstruction projects shall be allocated by the  
12 authority to such beautification programs for public rights of way. Except where  
13 prohibited by federal law or federal regulation and to the extent practical, a minimum of  
14 50 percent of such funds shall be used to purchase and establish tree and shrub plants  
15 with the remaining funds for purchase and establishment of other plants and landscaping  
16 materials. All such plants shall be attractive, native plants adapted to local conditions,  
17 appropriate for integrated native ecosystem restoration utilizing natural plant associates  
18 that require relatively low maintenance after successful establishment, and purchased on  
19 a uniform competitive bid basis from Georgia based nurseryman stock when available  
20 therefrom unless otherwise available from a state owned nursery. Restoration of  
21 substantially diminished native plant populations or communities on appropriate sites  
22 within their former natural ranges, including without limitation *Pinus palustris* and its  
23 natural associates, shall be a significant component of such beautification programs. No  
24 plants purchased and established on public rights of way pursuant to this paragraph shall  
25 be trimmed or removed pursuant to any permit issued or renewed under Code Section  
26 32-6-75.3. The minimum grades and standards for plant and landscaping materials  
27 developed by the Department of Transportation pursuant to paragraph (20) of Code  
28 Section 32-2-2 shall apply to any such materials purchased pursuant to this paragraph. To  
29 accomplish beautification activities and to the extent appropriate for the skill levels  
30 required, the authority may contract with nonprofit organizations having the primary  
31 purpose of developing youth employment opportunities. Any amounts allocated to  
32 roadside enhancement and beautification projects from the Roadside Enhancement and  
33 Beautification Fund pursuant to Code Section 32-6-75 and consisting of revenues derived  
34 from voluntary purchase of special license plates or contributions to such fund shall be  
35 in addition to, and not in lieu of, amounts required to be allocated to beautification  
36 programs under this paragraph."

1 **SECTION 4.**

2 All laws and parts of laws in conflict with this Act are repealed.