

Senate Bill 450

By: Senators Henson of the 41st, Tate of the 38th, Stokes of the 43rd and Adelman of the 42nd

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 change certain provisions relating to definitions; to change certain  
3 provisions relating to classification of public roads; to change certain provisions relating to  
4 operation of facilities or systems and financial assistance to systems by the Department of  
5 Transportation; to provide for related matters; to provide an effective date; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 style="text-align:center">**SECTION 1.**

9 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,  
10 is amended by striking paragraphs (18) and (24) of Code Section 32-1-3, relating to  
11 definitions, and inserting in their places new paragraphs (18) and (24) to read as follows:

12 "(18) 'Other transportation purposes' or 'other public transportation purposes' means any  
13 transportation facility designed to transport people or goods, including but not limited to  
14 railroads, port and harbor facilities, air transport and airport facilities, mass transportation  
15 facilities, as defined in paragraph (2) of subsection (a) of Code Section 32-9-1,  
16 transportation projects, as defined by subsection (h) of Section 2 of an Act approved  
17 March 10, 1965 (Ga. L. 1965, p. 2243), as amended, ~~and~~ transportation enhancement  
18 activities, as defined in Section 101 of Title 23 of the United States Code, as amended by  
19 Public Law 102-240 as it existed on January 1, 1993, and bicycle transportation facilities  
20 as defined in Section 217 of Title 23 of the United States Code as it existed on January  
21 1, 2004. However, in no event and for no purpose shall the term 'other transportation  
22 purposes' or 'other public transportation purposes' be deemed to include coal slurry  
23 pipelines."

24 "(24) 'Public road' means a highway, road, street, avenue, toll road, tollway, drive,  
25 detour, or other way open to the public and intended or used for its enjoyment and for the

1 passage of vehicles in any county or municipality of Georgia or any state owned,  
 2 operated, or supported railroad providing public rail passenger service, including but not  
 3 limited to the following public rights, structures, sidewalks, facilities, and appurtenances  
 4 incidental to the construction, maintenance, and enjoyment of such rights of way:

5 (A) Surface, shoulders, and sides;

6 (B) Bridges;

7 (C) Causeways;

8 (D) Viaducts;

9 (E) Ferries;

10 (F) Overpasses;

11 (G) Underpasses;

12 (H) Railroad grade crossings;

13 (H.1) Railroad passenger trains and operating rights;

14 (H.2) Bicycle paths;

15 (I) Tunnels;

16 (J) Signs, signals, markings, or other traffic control devices;

17 (K) Buildings for public equipment and personnel used for or engaged in  
 18 administration, construction, or maintenance of such ways or research pertaining  
 19 thereto;

20 (L) Wayside parks;

21 (M) Parking facilities;

22 (N) Drainage ditches;

23 (O) Canals and culverts;

24 (P) Rest areas;

25 (Q) Truck-weighing stations or check points; and

26 (R) Scenic easements and easements of light, air, view, and access."

## 27 SECTION 2.

28 Said title is further amended by striking paragraph (3) of subsection (a) of Code Section  
 29 32-2-3, relating to the development of transportation plans, and inserting in its place the  
 30 following:

31 "(3) 'Major transportation facility' means:

32 (A) Any facility primarily designed to transport people or goods rapidly and  
 33 efficiently, including but not limited to air transport facilities, railroads, bus services,  
 34 terminals, freeways, expressways, arterial highways, belt highways, ~~and~~ port facilities,  
 35 and bicycle transportation facilities; or

1 (B) Any facility or facilities utilized in providing a mass transit system for a standard  
2 metropolitan area or urban area."

### 3 SECTION 3.

4 Said title is further amended by striking Code Section 32-4-1, relating to classifications of  
5 public roads, and inserting in its place a new Code Section 32-4-1 to read as follows:

6 "32-4-1.

7 For purposes of jurisdiction and administration, the public roads of Georgia shall be  
8 divided and classified in accordance with the ~~three~~ four types of classifications provided  
9 in this Code section:

10 (1) STATE HIGHWAY SYSTEM. The state highway system shall consist of those public  
11 roads which on July 1, 1973, are shown by the records of the department to be 'state-aid  
12 roads,' those public roads thereafter designated by the department as part of the state  
13 highway system, and all of The Dwight D. Eisenhower System of Interstate and Defense  
14 Highways within the state;

15 (2) COUNTY ROAD SYSTEMS. Each county road system shall consist of those public roads  
16 within that county, including county roads extending into any municipality within the  
17 county, which are shown to be part of that county road system by the department records  
18 on July 1, 1973, and any subsequent additions to such county road system made by the  
19 county;

20 (3) MUNICIPAL STREET SYSTEMS. Each municipal street system shall consist of those  
21 public roads within the limits of that municipality which are not in any other  
22 classification under this Code section:; and

23 (4) RAILROAD PASSENGER SERVICE SYSTEM. The railroad passenger service system shall  
24 consist of all state owned, operated, or supported railroads providing public rail passenger  
25 service."

### 26 SECTION 4.

27 Said title is further amended by striking Code Section 32-9-2, relating to operation of  
28 facilities or systems and financial assistance to systems by the Department of Transportation,  
29 and inserting in its place a new Code Section 32-9-2 to read as follows:

30 "32-9-2.

31 (a) As used in this Code section, the term:

32 (1) 'Capital project' has the same meaning as in 49 U.S.C.A. Section 5302(a)(1).

33 (2) 'Construction' means the supervising, inspecting, actual building, and all expenses  
34 incidental to the acquisition, actual building, or reconstruction of facilities and equipment

1 for use in mass transportation and bicycle transportation facilities, including designing,  
2 engineering, locating, surveying, mapping, and acquisition of rights of way.

3 (3) 'Mass transportation' means all modes of transportation serving the general public  
4 which are appropriate, in the judgment of the department, to transport people,  
5 commodities, or freight by highways, rail, air, water, or other conveyance, exclusive of  
6 wires and pipelines.

7 (b) Subject to general appropriations for such purposes and except as otherwise authorized  
8 under subsection (e) of this Code section, the department may, alone or in cooperation with  
9 counties, municipalities, authorities, state agencies, or private or public transit companies,  
10 plan, develop, supervise, support, own, lease, maintain, and operate mass transportation  
11 facilities or systems and bicycle transportation facilities.

12 (c)(1) The department may, when funds are available from the United States government  
13 for such purposes, provide assistance to the operators of mass transportation systems or  
14 to the owners of facilities used in connection therewith for the payment of operating  
15 expenses to improve or to continue such mass transportation service by operation, lease,  
16 contract, or otherwise.

17 (2) The department may, when funds are available from the United States government  
18 for such purposes, participate in the acquisition, construction, and improvement of  
19 facilities and equipment, including capital projects, for use, by operation or lease or  
20 otherwise, in mass transportation service.

21 (3) The department's participation with state funds in those programs specified in  
22 paragraphs (1) and (2) of this subsection may be in either cash, products, or in-kind  
23 services. The department's participation with state funds shall be limited to a maximum  
24 of 15 percent of the cost of the program. The remainder shall be provided from sources  
25 other than department funds or from revenues from the operation of public mass  
26 transportation systems.

27 (d) The department shall not enter into any contract with any private entity for the  
28 purposes set out in subsections (b) and (c) of this Code section without the prior  
29 concurrence of the State Transportation Board.

30 (e) Funds appropriated to the department pursuant to Article III, Section IX, Paragraph  
31 VI(b) of the Constitution of Georgia may not be utilized for any of the purposes set out in  
32 this Code section except that this subsection shall not prohibit the utilization of such funds  
33 for any such purpose which is a public road as defined in paragraph (24) of Code Section  
34 32-1-3 or for the construction and maintenance of bicycle transportation facilities incident  
35 to the construction and maintenance of a public road or bridge.

1 (f) In order to effectuate and enforce this Code section, the department is authorized to  
2 promulgate necessary rules and regulations and to prescribe conditions and procedures in  
3 order to assure compliance in carrying out the purposes of this Code section.

4 (g) The department shall not be authorized, without the concurrence of the Metropolitan  
5 Atlanta Rapid Transit Authority, to receive federal financial assistance to provide mass  
6 transportation services or facilities that will duplicate those mass transportation services  
7 or facilities provided or to be provided by the Metropolitan Atlanta Rapid Transit  
8 Authority, within the City of Atlanta and Fulton and DeKalb counties, as a part of its rapid  
9 transit system, including the use of buses as well as a rail system, as that system is  
10 described in an engineering report, dated September 1971, prepared for the Metropolitan  
11 Atlanta Rapid Transit Authority by Parsons-Brinckerhoff-Tudor-Bechtel, general  
12 engineering consultants, and adopted as part of the Rapid Transit Contract and Assistance  
13 Agreement, dated September 1, 1971, between the Metropolitan Atlanta Rapid Transit  
14 Authority, the City of Atlanta, Fulton County, Georgia, and DeKalb County, Georgia."

15 **SECTION 5.**

16 This Act shall become effective on July 1, 2004.

17 **SECTION 6.**

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