

House Bill 273 (AS PASSED HOUSE AND SENATE)

By: Representatives Lunsford of the 110<sup>th</sup>, Richardson of the 19<sup>th</sup>, Smith of the 129<sup>th</sup>, Ehrhart of the 36<sup>th</sup>, Harbin of the 118<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Titles 32 and 40 of the Official Code of Georgia Annotated, relating to highways,  
2 bridges, and ferries and motor vehicles and traffic, respectively, so as to authorize the  
3 Department of Transportation to implement FlexAuto lanes; to provide that a FlexAuto lane  
4 shall be an area designated as a special lane of travel created by converting emergency lane  
5 and hard shoulder areas on the left or right side of an interstate highway or other road into  
6 a rush hour traffic lane for use by automobiles only during certain hours; to state legislative  
7 findings, determinations, and recommendations; to define a term; to provide for striping,  
8 marking, and signage of FlexAuto lanes; to regulate the use of such lanes and provide for  
9 criminal punishment of violations; to provide for conditions and limitations; to provide for  
10 other related matters; to provide an effective date; to repeal conflicting laws; and for other  
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 The General Assembly finds and determines and recommends as follows:

- 15 (1) The Georgia Department of Transportation has a job of overwhelming proportions and  
16 addresses the ever-increasing transportation needs of the state through the hard work and  
17 dedication of outstanding leaders and staff;
- 18 (2) There is a need in this state to reduce emissions and improve air quality by increasing  
19 traffic flow and reducing traffic congestion and decreasing drive times;
- 20 (3) The Department of Transportation is urged to use creative and innovative methods to  
21 deal with gridlock and traffic congestion in Georgia and especially in the metropolitan  
22 areas;
- 23 (4) Upon passage of this enabling legislation, the department is urged to implement  
24 FlexAuto lanes where applicable and to commence the implementation of such lanes in as  
25 timely a manner as is practicable;

1 (5) The Department of Transportation is requested specifically to identify 20 major areas  
2 with a history of traffic congestion in and around our state that will derive the most benefit  
3 from the use of FlexAuto lanes and, after identifying these areas, to create and rapidly  
4 implement a plan for use of such lanes in such areas;

5 (6) Studies and construction models used successfully in other areas within this country  
6 and others should be used as models where traffic flow was improved and emissions  
7 reduced by using creative and innovative methods to deal with gridlock and traffic  
8 congestion; and

9 (7) The model used in Virginia is being studied by Israel, France, Japan, Germany, and  
10 England.

## 11 **SECTION 2.**

12 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries  
13 is amended by adding after Code Section 32-9-4 a new Code Section 32-9-4.1 to read as  
14 follows:

15 "32-9-4.1.

16 (a) As used in this Code section, the term 'FlexAuto lane' means an area designated as a  
17 special lane of travel created by converting emergency lane and hard shoulder areas on the  
18 left or right side of an interstate highway or other road into a rush hour traffic lane for use  
19 by automobiles during certain hours.

20 (b) The department, with the approval of the board, is authorized to designate FlexAuto  
21 lanes on the state highway system for the purpose of improving traffic flow in and around  
22 areas with a history of traffic congestion.

23 (c) Any FlexAuto lane shall be appropriately striped and marked and shall have signage  
24 appropriate to indicate its nature, as determined by the department. The department may  
25 incorporate emergency havens, emergency ramps, or emergency parking pads into the  
26 design and creation of FlexAuto lanes, as determined appropriate by the department.

27 (d) The hours of usage of a FlexAuto lane shall be determined by the department, not to  
28 exceed eight hours per day.

29 (e) It shall be unlawful for any person operating any motor vehicle to use a FlexAuto lane  
30 for purposes of travel other than emergency use outside the permitted hours of travel use,  
31 as determined and posted by the department. It shall be unlawful for any person operating  
32 any motor vehicle other than an automobile, motorcycle, or light truck to use a FlexAuto  
33 lane for purposes of travel other than emergency use at any time.

34 (f) Prior to implementing this Code section, the department shall, if necessary, seek to  
35 secure and implement any federal approvals, waivers, or other actions necessary or

1 appropriate in order to implement this Code section without any loss or impairment of  
2 federal funding.

3 (g) FlexAuto lanes shall not be implemented at more than 80 separate locations in the state  
4 until such time as the department has completed a one-year test use of such lanes."

5 **SECTION 3.**

6 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
7 amended by adding at the end of Code Section 40-6-50, relating to use of divided highways,  
8 controlled-access roadways, and emergency lanes, a new subsection (d) to read as follows:

9 "(d) Nothing in this Code section shall prohibit the use of a FlexAuto lane in the manner  
10 permitted under Code Section 32-9-4.1."

11 **SECTION 4.**

12 This Act shall become effective upon its approval by the Governor or upon its becoming law  
13 without such approval.

14 **SECTION 5.**

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