

House Bill 817

By: Representatives Nimmer of the 178<sup>th</sup>, Roberts of the 154<sup>th</sup>, Burns of the 157<sup>th</sup>, and Sheldon of the 105<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend provisions of the Official Code of Georgia Annotated relating to the Department  
2 of Transportation; to amend Title 32 of the Official Code of Georgia Annotated, relating to  
3 highways, bridges, and ferries, so as to amend the limitations on the department's power to  
4 contract; to clarify the procedures for the posting of a contract bid; to amend the  
5 requirements for the classification of roads of the state highway system; to allow the  
6 department to require the use of tire chains by commercial vehicles on certain roads during  
7 inclement winter weather; to remove the requirement of county commissioner approval for  
8 the designation of a local truck route; to provide for a 90 day notification requirement for  
9 county local truck routes; to provide for related matters; to provide for an effective date; to  
10 repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,  
14 is amended in Code Section 32-2-61, relating to limitations on the Department of  
15 Transportation's power to contract, by revising subsection (d) as follows:

16 "(d)(1) The department is prohibited from negotiating any contract for the construction  
17 or maintenance of a public road involving the expenditure of ~~\$100,000.00~~ \$250,000.00  
18 or more except any contract:

19 (A) With counties, municipalities, and state agencies, provided that such negotiated  
20 contract shall be made at the average bid price of the same kind of work let to contract  
21 after advertisement during a period of 60 days prior to the making of the contract;

22 (B) With a railroad company or utility concerning relocation of its tracks or facilities  
23 where the same are not then located on a public road and such relocation is necessary  
24 as an incident to the construction or improvement of a public road. However, nothing  
25 contained in this subsection shall be construed as requiring the department to furnish  
26 a site or right of way for railroad or railway lines or tracks or utility facilities required

27 to be removed from a public road. Furthermore, this subsection shall not prevent the  
 28 department from assisting in the removal and relocation of publicly owned utilities  
 29 from locations on public roads as provided in Code Section 32-6-170;

30 (C) For emergency construction or maintenance involving the expenditure of  
 31 ~~\$100,000.00~~ \$250,000.00 or more when the public interest requires that the work be  
 32 done without the delay of advertising for public bids;

33 (D) For the procurement of business, professional, or other services from any person,  
 34 firm, or corporation as an independent contractor;

35 (E) With the State Road and Tollway Authority; or

36 (F) Through the provisions of a design-build contract as provided for in Code Section  
 37 32-2-81.

38 (2) A department contract negotiated and made with a political subdivision, as authorized  
 39 by subparagraph (A) of paragraph (1) of this subsection, may be subcontracted to any  
 40 person or political subdivision. It may be performed with inmate labor, except in the case  
 41 of a public work constructed with federal aid, or the forces of such political subdivision  
 42 or those of a political subdivision to which such contract has been subcontracted.  
 43 However, the department shall have the authority to furnish planning, contract plans,  
 44 specifications, and engineering supervision over a public road being constructed by a  
 45 political subdivision or by its subcontractor. Any subcontract made under authority of  
 46 this subsection shall not constitute the basis of any claim against the department, nor shall  
 47 such subcontract be considered an assignment of the rights of the political ~~division~~  
 48 subdivision under its contract with the department."

49 **SECTION 2.**

50 Said title is further amended in Code Section 32-2-64, relating to the requirement of letting  
 51 contracts by public bid, as follows:

52 "32-2-64.

53 Except as authorized by subsection (d) of Code Section 32-2-61, all department  
 54 construction and maintenance contracts shall be let by public bid. For purposes of this  
 55 Code section, posting a bid on the department's website shall satisfy the public bid  
 56 requirement."

57 **SECTION 3.**

58 Said title is further amended in Code Section 32-2-69, relating to the reading of contract bids  
 59 by the Department of Transportation, by adding a new subsection to read as follows:

60 "(e) For purposes of this Code section, posting of a bid on the department's website shall  
 61 be equivalent to having read the bid."

62 **SECTION 4.**

63 Said title is further amended by revising Code Section 32-4-20, relating to the composition  
64 of the state highway system, as follows:

65 "32-4-20.

66 The state highway system shall consist of an integrated network of arterials and of other  
67 public roads or bypasses serving as the major collectors therefor. No public road shall be  
68 designated as a part of the state highway system unless it meets at least one of the  
69 following requirements:

70 (1) Serves trips of substantial length and duration indicative of regional, state-wide, or  
71 interstate importance;

72 (2) Connects adjoining county seats;

73 (3) Connects urban or regional areas with outlying areas, both intrastate and interstate;

74 or

75 (4) Serves as part of the principal collector network for the state-wide and interstate  
76 arterial public roads road system; or

77 (5) Serves as part of a programmed road improvement project plan in which the  
78 department will utilize state or federal funds for the acquisition of rights of way."

79 **SECTION 5.**

80 Said title is further amended by adding a new Code section to read as follows:

81 "32-6-5.

82 The department may close or limit access to any portion of road on the state highway  
83 system due to inclement weather that results in dangerous driving conditions. There shall  
84 be erected or posted signage of adequate size indicating that a portion of the state highway  
85 system has been closed or access has been limited. When the department determines a road  
86 shall have limited access due to inclement winter weather conditions, notice shall be given  
87 to motorists through posted signage that tire chains are required to proceed. Such signage  
88 shall inform motorists that it shall be unlawful to proceed on such road without tire chains.  
89 With the exception of buses, operators of commercial vehicles with four or more drive  
90 wheels traveling on a road declared as limited access due to inclement winter weather  
91 conditions shall affix tire chains to at least four of the drive wheel tires. Bus operators shall  
92 affix tire chains to at least two of the drive wheel tires before proceeding on a road with  
93 limited access due to inclement winter weather conditions. For purposes of this Code  
94 section, the term 'tire chains' means metal chains which consist of two circular metal loops,  
95 positioned on each side of a tire, connected by not less than nine evenly spaced chains  
96 across the tire tread or any other traction devices capable of providing traction equal to or  
97 exceeding that of such metal chains under similar conditions."

98 **SECTION 6.**

99 Said title is further amended in Code Section 32-6-26, relating to the weight and load of a  
100 vehicle, by revising subsection (f) to read as follows:

101 "(f) On any public road of a county road system, the maximum total gross weight of a  
102 vehicle and load shall not exceed 56,000 pounds unless the vehicle is making a pickup or  
103 delivery on such road; except that if a county road is constructed to the same standards as  
104 those highways of this state which are interstate highways and is authorized as a designated  
105 local truck route pursuant to official resolution of the county ~~and approval of the~~  
106 ~~commissioner~~, the maximum weight limits for such designated local truck route shall be  
107 the same as those for highways in this state which are not interstate highways as provided  
108 by paragraph (1) of subsection (c) of this Code section. The county shall notify the  
109 department of any roads designated by the county as a local truck route within 90 days of  
110 such designation."

111 **SECTION 7.**

112 Said title is further amended in Code Section 32-6-50, relating to uniform regulations  
113 governing the erection and maintenance of traffic-control devices, by revising paragraph (2)  
114 of subsection (c) to read as follows:

115 "(2) Counties, on their respective road systems, shall place and maintain on each county  
116 road which is authorized as a designated local truck route, pursuant to official resolution  
117 of the county ~~and approval of the commissioner~~, at each intersection of such road with  
118 a state highway signs identifying such county road as a designated local truck route and  
119 giving notice of the maximum weight limits for such designated local truck route in  
120 accordance with subsection (f) of Code Section 32-6-26."

121 **SECTION 8.**

122 This Act shall become effective on July 1, 2012.

123 **SECTION 9.**

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