

House Bill 817 (COMMITTEE SUBSTITUTE)

By: Representatives Nimmer of the 178th, Roberts of the 154th, Burns of the 157th, Sheldon of the 105th, and Dollar of the 45th

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 restrictions on
5 the department when contracting for design-build projects; to amend the requirements for the
6 classification of roads of the state highway system; to allow the department to require the use
7 of tire chains or certain tires by certain vehicles on limited access roads during inclement
8 winter weather; to remove the requirement of county commissioner approval for the
9 designation of a local truck route; to provide for a 90 day notification requirement for county
10 local truck routes; to provide for the use of state funds for mass transportation by the
11 department; to provide for related matters; to provide for an effective date; to repeal
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

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

18 "(d)(1) The department is prohibited from negotiating any contract for the construction
19 or maintenance of a public road involving the expenditure of ~~\$100,000.00~~ \$200,000.00
20 or more except any contract:

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

24 (B) With a railroad company or utility concerning relocation of its tracks or facilities
25 where the same are not then located on a public road and such relocation is necessary
26 as an incident to the construction or improvement of a public road. However, nothing

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27 contained in this subsection shall be construed as requiring the department to furnish
 28 a site or right of way for railroad or railway lines or tracks or utility facilities required
 29 to be removed from a public road. Furthermore, this subsection shall not prevent the
 30 department from assisting in the removal and relocation of publicly owned utilities
 31 from locations on public roads as provided in Code Section 32-6-170;

32 (C) For emergency construction or maintenance involving the expenditure of
 33 ~~\$100,000.00~~ \$200,000.00 or more when the public interest requires that the work be
 34 done without the delay of advertising for public bids;

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

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

38 (F) Through the provisions of a design-build contract as provided for in Code Section
 39 32-2-81.

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

51 **SECTION 2.**

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

54 "32-2-64.

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

59 **SECTION 3.**

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

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

64 **SECTION 4.**

65 Said title is further amended by revising subsection (f) of Code Section 32-2-81, relating to
 66 design-build projects and procedure of the department, as follows:

67 "(f) In contracting for design-build projects, the department shall be limited to contracting
 68 for no more than ~~30~~ 50 percent of the total amount of construction projects awarded in the
 69 previous fiscal year. ~~After July 1, 2014, in contracting for design-build projects, the~~
 70 ~~department shall be limited to contracting for no more than 15 percent of the total amount~~
 71 ~~of construction projects awarded in the previous fiscal year."~~

72 **SECTION 5.**

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

75 "32-4-20.

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

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

82 (2) Connects adjoining county seats;

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

84 ~~or~~

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

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

89 **SECTION 6.**

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

91 "32-6-5.

92 (a) The department may close or limit access to any portion of road on the state highway
 93 system due to inclement weather that results in dangerous driving conditions. There shall
 94 be erected or posted signage of adequate size indicating that a portion of the state highway
 95 system has been closed or access has been limited. When the department determines a road

96 shall have limited access due to inclement winter weather conditions, notice shall be given
 97 to motorists through posted signage that motor vehicles must be equipped with tire chains,
 98 four-wheel drive with adequate tires for existing conditions, or snow tires with a
 99 manufacturer's all weather rating in order to proceed. Such signage shall inform motorists
 100 that it shall be unlawful to proceed on such road without such equipment. With the
 101 exception of buses, operators of commercial vehicles with four or more drive wheels
 102 traveling on a road declared as limited access due to inclement winter weather conditions
 103 shall affix tire chains to at least four of the drive wheel tires. Bus operators shall affix tire
 104 chains to at least two of the drive wheel tires before proceeding on a road with limited
 105 access due to inclement winter weather conditions. For purposes of this Code section, the
 106 term 'tire chains' means metal chains which consist of two circular metal loops, positioned
 107 on each side of a tire, connected by not less than nine evenly spaced chains across the tire
 108 tread or any other traction devices capable of providing traction equal to or exceeding that
 109 of such metal chains under similar conditions.
 110 (b) This Code section shall not apply to a tow operator towing a motor vehicle or traveling
 111 to a site from which a motor vehicle shall be towed or to emergency responders traveling
 112 the roadway in order to fulfill their duties."

113 **SECTION 7.**

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

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

126 **SECTION 8.**

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

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

136 **SECTION 9.**

137 Said title is further amended in Code Section 32-9-2, relating to the operation of mass
138 transportation facilities or systems by the department, by revising paragraph (3) of subsection
139 (c) as follows:

140 "(3) The department's participation with state funds in those programs specified in
141 paragraphs (1) and (2) of this subsection may be in either cash, products, or in-kind
142 services. The department's participation with state funds shall be limited to ~~a maximum~~
143 ~~of 15 percent of the cost~~ the minimum nonfederal share of the program. The remainder
144 shall be provided from sources other than department funds or from revenues from the
145 operation of public mass transportation systems."

146 **SECTION 10.**

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

148 **SECTION 11.**

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