

House Bill 774

By: Representatives Watson of the 172nd, Roberts of the 155th, Epps of the 144th,
Deffenbaugh of the 1st, Williams of the 168th, 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 require the annual submission of a State-wide Strategic Transportation
3 Plan progress report; to provide for an increase to limitations of counties and municipalities
4 for negotiating contracts involving public roads; to amend Title 40 of the Official Code of
5 Georgia Annotated, relating to motor vehicles, so as to remove the requirement of
6 maintaining certain records by the Department of Driver Services; to provide for additional
7 meanings for certain traffic signals; to provide for an exception to the requirement to stop a
8 vehicle when approaching an inoperative traffic signal; to provide for an increase to
9 maximum lawful speed limits; to provide for related matters; to repeal conflicting laws; and
10 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 by revising Code Section 32-2-41.1, relating to the State-wide Strategic
15 Transportation Plan of the Department of Transportation, as follows:

16 "32-2-41.1.

17 (a) On or before October 15, 2009, the director shall prepare a report for the Governor, the
18 Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons
19 of the Senate Transportation Committee and the House Committee on Transportation,
20 respectively, detailing the progress the division has made on preparing a State-wide
21 Strategic Transportation Plan. The director shall deliver a draft of the plan for comments
22 and suggestions by members of the General Assembly and the Governor on or before
23 December 31, 2009. Comments and suggestions by the House and Senate Transportation
24 Committees of the General Assembly and the Governor shall be submitted to the director
25 no later than February 15, 2010. This plan shall include a list of projects realistically
26 expected to begin construction within the next four years, the cost of such projects, and the

27 source of funds for such projects. The plan shall be developed with consideration of
 28 investment policies addressing:

- 29 (1) Growth in private-sector employment, development of work force, and improved
 30 access to jobs;
- 31 (2) Reduction in traffic congestion;
- 32 (3) Improved efficiency and reliability of commutes in major metropolitan areas;
- 33 (4) Efficiency of freight, cargo, and goods movement;
- 34 (5) Coordination of transportation investment with development patterns in major
 35 metropolitan areas;
- 36 (6) Market driven travel demand management;
- 37 (7) Optimized capital asset management;
- 38 (8) Reduction in accidents resulting in injury and loss of life;
- 39 (9) Border-to-border and interregional connectivity; and
- 40 (10) Support for local connectivity to the state-wide transportation network.

41 The investment policies provided for in paragraphs (1) through (10) of this subsection shall
 42 also guide the development of the allocation formula provided for under Code Section
 43 32-5-27 and shall expire on April 15, 2012, and every four years thereafter unless amended
 44 or renewed. The final version of the State-wide Strategic Transportation Plan shall be
 45 completed by April 10, 2010, and shall be delivered to the Governor, the Lieutenant
 46 Governor, the Speaker of the House of Representatives, and the chairpersons of the Senate
 47 Transportation Committee and the House Committee on Transportation. A report detailing
 48 the progress of projects and programs in the State-wide Strategic Transportation Plan shall
 49 be prepared and delivered ~~semiannually~~ annually thereafter, and a revised version shall be
 50 prepared and delivered at least biennially thereafter.

51 (b) The report and plan prepared under subsection (a) of this Code section shall also be
 52 published on the website of the department."

53 **SECTION 2.**

54 Said title is further amended by revising subsection (b) of Code Section 32-2-41.2, relating
 55 to benchmark development, reports, and value engineering studies, as follows:

56 "(b) The director shall submit ~~a semiannual~~ an annual report to the Governor, the
 57 Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons
 58 of the House and Senate Transportation Committees detailing the progress of every
 59 construction project valued at \$10 million or more against the benchmarks. This report
 60 shall include an analysis explaining the discrepancies between the benchmarks and actual
 61 performance on each project as well as an explanation for delays. This report shall also be
 62 published on the website of the department."

63 **SECTION 3.**

64 Said title is further amended by revising Code Section 32-4-63, relating to limitations of a
65 county on the power to contract, as follows:

66 "32-4-63.

67 A county is prohibited from negotiating a contract except a contract:

68 (1) Involving the expenditure of less than ~~\$20,000.00~~ \$200,000.00;

69 (2) With a state agency or county or municipality with which a county is authorized to
70 contract in accordance with the provisions of Code Sections 32-4-61 and 32-4-62;

71 (3) For the purchase of those materials, supplies, and equipment necessary for the
72 county's construction and maintenance of its public roads and for the support and
73 maintenance of the county's forces used in such work, as authorized by Chapter 91 of
74 Title 36;

75 (4) Subject to Article 6 of Chapter 6 of this title, with a railroad or railway company or
76 a publicly or privately owned utility concerning relocation of its line, tracks, or facilities
77 where the same are not then located in a public road and such relocation or
78 grade-crossing elimination is necessary as an incident to the construction of a new public
79 road or to the reconstruction or maintenance of an existing public road. Nothing
80 contained in this paragraph shall be construed as requiring a county to furnish a site or
81 right of way for railroad or railway lines or tracks of public utility facilities required to
82 be removed from a public road;

83 (5) For engineering or other kinds of professional or specialized services;

84 (6) For emergency maintenance requiring immediate repairs to a public road, including
85 but not limited to bridge repairs, snow and ice removal, and repairs due to flood
86 conditions; or

87 (7) Otherwise expressly authorized by law."

88 **SECTION 4.**

89 Said title is further amended by revising Code Section 34-4-113, relating to limitations of a
90 municipality on the power to contract, as follows:

91 "32-4-113.

92 A municipality is prohibited from negotiating a contract except a contract:

93 (1) Involving the expenditure of less than ~~\$20,000.00~~ \$200,000.00;

94 (2) With a state agency or political subdivision as authorized by Code Sections 32-4-111
95 and 32-4-112;

96 (3) With a railroad or railway company or a publicly or privately owned utility as
97 authorized by Article 6 of Chapter 6 of this title;

98 (4) For engineering or other kinds of professional or specialized services;

- 99 (5) For emergency maintenance requiring immediate repairs to a public road, including
 100 but not limited to bridge repairs, snow and ice removal, and repairs due to flood
 101 conditions; or
 102 (6) Otherwise expressly authorized by law."

103 **SECTION 5.**

104 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended
 105 by revising paragraph (3) of subsection (a) of Code Section 40-5-2, relating to records of
 106 license applications and information on licenses, as follows:

107 "(3) Records of all ~~accident reports and~~ abstracts of court records of convictions of any
 108 offense listed in subsection (a) of Code Section 40-5-20, subsection (a) of Code Section
 109 40-5-54, Code Section 40-6-10, driving on a suspended license in violation of Code
 110 Section 40-5-121, administrative license suspension pursuant to Code Sections 40-5-67
 111 through 40-5-67.2, Code Section 40-5-75, Chapter 9 of this title, the 'Motor Vehicle
 112 Safety Responsibility Act,' and Chapter 34 of Title 33, the 'Georgia Motor Vehicle
 113 Accident Reparations Act,' any felony offense under this title, any offense committed
 114 while operating a commercial motor vehicle, serious traffic offenses, or other offenses
 115 requiring the assessment of points on the driving record that are received by it under the
 116 laws of this state and in connection therewith maintain convenient records or make
 117 suitable notations in order that an individual record of each licensee or individual
 118 showing the convictions of such licensee or individual and the traffic accidents in which
 119 such licensee or individual has been involved shall be readily ascertainable and available
 120 for the consideration of the department upon any application for, or application for
 121 renewal of, license and at other suitable times. For purposes of issuing a driver's
 122 operating record to the public as provided in this Code section, the period of calculation
 123 for compilation of such report shall be determined by the date of arrest."

124 **SECTION 6.**

125 Said title is further amended by revising paragraphs (2) and (3) of subsection (a) of Code
 126 Section 40-6-21, relating to the meaning of traffic signals, as follows:

127 "(2) ~~Steady yellow~~ Yellow indications shall have the following meanings:

- 128 (A) Traffic, except pedestrians, facing a steady CIRCULAR YELLOW or YELLOW
 129 ARROW signal is thereby warned that the related green movement is being terminated
 130 or that a red indication will be exhibited immediately thereafter when vehicular traffic
 131 shall not enter the intersection; ~~and~~
 132 (B) Pedestrians facing a steady CIRCULAR YELLOW or YELLOW ARROW signal,
 133 unless otherwise directed by a pedestrian signal, are thereby advised that there is

134 insufficient time to cross the roadway before a red indication is shown, and no
 135 pedestrian shall then start to cross the roadway; and

136 (C) Traffic, except pedestrians, facing a flashing YELLOW ARROW signal may
 137 proceed in the direction of the arrow. Vehicular traffic turning shall yield the right of
 138 way to approaching vehicles. Vehicular traffic shall stop and remain stopped to allow
 139 a pedestrian to cross the roadway within a crosswalk when the pedestrian is lawfully
 140 within the intersection or an adjacent crosswalk at the time such signal is exhibited,
 141 when the pedestrian is upon the half of the roadway upon which the vehicle is traveling,
 142 or when the pedestrian is approaching and is within one lane of the half of the roadway
 143 on which the vehicle is traveling or onto which it is turning. For the purposes of this
 144 subparagraph, 'half of the roadway' means all traffic lanes carrying traffic in one
 145 direction of travel; and

146 (3) ~~Steady red~~ Red indications shall have the following meanings:

147 (A) Traffic, except pedestrians, facing a steady CIRCULAR RED signal alone shall
 148 stop at a clearly marked stop line or, if there is no stop line, before entering the
 149 crosswalk on the near side of the intersection or, if there is no crosswalk, before
 150 entering the intersection, and shall remain standing until an indication to proceed is
 151 shown, except as provided in subparagraphs (B), (C), and (D) of this paragraph;

152 (B) Vehicular traffic facing a steady CIRCULAR RED signal may cautiously enter the
 153 intersection to make a right turn after stopping as provided in subparagraph (A) of this
 154 paragraph. Such vehicular traffic shall stop and remain stopped to allow a pedestrian
 155 to cross the roadway within a crosswalk when the pedestrian is upon the half of the
 156 roadway upon which the vehicle is traveling, or when the pedestrian is approaching and
 157 is within one lane of the half of the roadway on which the vehicle is traveling or onto
 158 which it is turning. For the purposes of this subparagraph, 'half of the roadway' means
 159 all traffic lanes carrying traffic in one direction of travel. Vehicular traffic shall yield
 160 the right of way to other traffic lawfully using the intersection;

161 (C) Traffic, except pedestrians, facing a steady CIRCULAR RED signal, after stopping
 162 as provided in subparagraph (A) of this paragraph, may make a right turn but shall stop
 163 and remain stopped for pedestrians and yield the right of way to other traffic proceeding
 164 as directed by the signal at such intersection. Such vehicular traffic shall not make a
 165 right turn against a steady CIRCULAR RED signal at any intersection where a sign is
 166 erected prohibiting such right turn;

167 (D) Traffic, except pedestrians, facing a steady CIRCULAR RED signal, after stopping
 168 as provided in subparagraph (A) of this paragraph, may make a left turn from the
 169 left-hand lane of a one-way street onto a one-way street on which the traffic moves
 170 toward the driver's left but shall stop and remain stopped for pedestrians and yield the

171 right of way to other traffic proceeding as directed by the signal at such intersection.
 172 Such vehicular traffic shall not make a left turn against a steady CIRCULAR RED
 173 signal at any intersection where a sign is erected prohibiting such left turn;
 174 (E) Unless otherwise directed by a pedestrian signal, pedestrians facing a steady
 175 CIRCULAR RED signal alone shall not enter the roadway;
 176 (F) Traffic, except pedestrians, facing a steady RED ARROW signal ~~indication~~ may
 177 not enter the intersection to make the movement indicated by such arrow and, unless
 178 entering the intersection to make such other movement as is permitted by other
 179 indications shown at the same time, shall stop at a clearly marked stop line or, if there
 180 is no stop line, before entering the crosswalk on the near side of the intersection or, if
 181 there is no crosswalk, before entering the intersection, and shall remain standing until
 182 an indication to make the movement indicated by such arrow is shown; ~~and~~
 183 (G) Unless otherwise directed by a pedestrian signal, pedestrians facing a steady RED
 184 ARROW signal ~~indication~~ shall not enter the roadway; and
 185 (H) Traffic, except pedestrians, facing a flashing RED ARROW signal, after stopping
 186 as provided in subparagraph (A) of this paragraph, may make a right turn but shall stop
 187 and remain stopped for pedestrians and yield the right of way to other traffic proceeding
 188 as directed by the signal at such intersection."

189 **SECTION 7.**

190 Said title is further amended by revising subsection (a) of Code Section 40-6-70, relating to
 191 vehicles approaching or entering an intersection, as follows:

192 "(a) When two vehicles approach or enter an intersection from different highways at
 193 approximately the same time, the driver of the vehicle on the left shall yield the right of
 194 way to the vehicle on the right, provided that when a vehicle approaches or enters an
 195 intersection with no stop signs or other traffic-control devices from a highway that
 196 terminates at the intersection, the driver of that vehicle shall yield the right of way to the
 197 other vehicle, whether the latter vehicle be on such driver's right or left. When two
 198 vehicles approach or enter an intersection with an inoperative traffic light, the driver of
 199 each vehicle shall be required to stop in the same manner as if a stop sign were facing in
 200 each direction at the intersection. Drivers shall not be required to stop if the traffic signal
 201 is properly signed as a pedestrian hybrid beacon or ramp meter and operating in the
 202 unactivated dark mode. When a flashing indication is given, the driver shall stop for the
 203 flashing red signal and exhibit caution while passing through a flashing yellow indication."

204 **SECTION 8.**

205 Said title is further amended by revising subsection (b) of Code Section 40-6-181, relating
206 to maximum lawful speed limits, as follows:

207 "(b) Consistent with the provision of engineering and traffic investigations regarding
208 maximum speed limits as provided in Code Section 40-6-182, no person shall drive a
209 vehicle at a speed in excess of the following maximum limits:

210 (1) Thirty miles per hour in any urban or residential district;

211 (1.1) Thirty-five miles per hour on an unpaved county road unless designated otherwise
212 by appropriate signs;

213 (2) Seventy miles per hour on a highway on the federal interstate system and on
214 physically divided highways with full control of access which are outside of an urbanized
215 area of 50,000 population or more, provided that such speed limit is designated by
216 appropriate signs;

217 (3) ~~Sixty-five~~ Seventy miles per hour on a highway on the federal interstate system
218 which is inside of an urbanized area of 50,000 population or more, provided that such
219 speed limit is designated by appropriate signs;

220 (4) Sixty-five miles per hour on those sections of physically divided highways without
221 full access control on the state highway system, provided that such speed limit is
222 designated by appropriate signs; and

223 (5) Fifty-five miles per hour in other locations."

224 **SECTION 9.**

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