

SENATE SUBSTITUTE TO HB 774:

**AS PASSED SENATE**

**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 require the submission of at least two  
5 estimates prior to the awarding of certain contracts by counties and municipalities; to amend  
6 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so as to  
7 remove the requirement of maintaining certain records by the Department of Driver Services;  
8 to provide for additional meanings for certain traffic signals; to provide for an exception to  
9 the requirement to stop a vehicle when approaching an inoperative traffic signal; to provide  
10 for an increase to maximum lawful speed limits; to provide for related matters; to repeal  
11 conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

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14 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,  
15 is amended by revising Code Section 32-2-41.1, relating to the State-wide Strategic  
16 Transportation Plan of the Department of Transportation, as follows:

17 "32-2-41.1.

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

27 expected to begin construction within the next four years, the cost of such projects, and the  
 28 source of funds for such projects. The plan shall be developed with consideration of  
 29 investment policies addressing:

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

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

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

## 54 **SECTION 2.**

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

57 "(b) The director shall submit ~~a semiannual~~ an annual report to the Governor, the  
 58 Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons  
 59 of the House and Senate Transportation Committees detailing the progress of every  
 60 construction project valued at \$10 million or more against the benchmarks. This report  
 61 shall include an analysis explaining the discrepancies between the benchmarks and actual

62 performance on each project as well as an explanation for delays. This report shall also be  
63 published on the website of the department."

64 **SECTION 3.**

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

67 "32-4-63.

68 (a) A county is prohibited from negotiating a contract except a contract:

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

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

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

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

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

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

88 (7) Otherwise expressly authorized by law.

89 (b) No contract involving an expenditure of more than \$20,000.00 but less than  
90 \$200,000.00 shall be awarded under this Code section without the submission of at least  
91 two estimates."

92 **SECTION 4.**

93 Said title is further amended by revising Code Section 32-4-113, relating to limitations of a  
94 municipality on the power to contract, as follows:

95 "32-4-113.

96 (a) A municipality is prohibited from negotiating a contract except a contract:

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

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

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

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

103 (5) For emergency maintenance requiring immediate repairs to a public road, including  
104 but not limited to bridge repairs, snow and ice removal, and repairs due to flood  
105 conditions; or

106 (6) Otherwise expressly authorized by law.

107 (b) No contract involving an expenditure of more than \$20,000.00 but less than  
108 \$200,000.00 shall be awarded under this Code section without the submission of at least  
109 two estimates."

110 **SECTION 5.**

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

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

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**SECTION 6.**

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

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

(A) Traffic, except pedestrians, facing a steady CIRCULAR YELLOW or YELLOW ARROW signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection; ~~and~~

(B) Pedestrians facing a steady CIRCULAR YELLOW or YELLOW ARROW signal, unless otherwise directed by a pedestrian signal, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway; and

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

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

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

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

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

174 (D) Traffic, except pedestrians, facing a steady CIRCULAR RED signal, after stopping  
 175 as provided in subparagraph (A) of this paragraph, may make a left turn from the  
 176 left-hand lane of a one-way street onto a one-way street on which the traffic moves  
 177 toward the driver's left but shall stop and remain stopped for pedestrians and yield the  
 178 right of way to other traffic proceeding as directed by the signal at such intersection.  
 179 Such vehicular traffic shall not make a left turn against a steady CIRCULAR RED  
 180 signal at any intersection where a sign is erected prohibiting such left turn;

181 (E) Unless otherwise directed by a pedestrian signal, pedestrians facing a steady  
 182 CIRCULAR RED signal alone shall not enter the roadway;

183 (F) Traffic, except pedestrians, facing a steady RED ARROW signal ~~indication~~ may  
 184 not enter the intersection to make the movement indicated by such arrow and, unless  
 185 entering the intersection to make such other movement as is permitted by other  
 186 indications shown at the same time, shall stop at a clearly marked stop line or, if there  
 187 is no stop line, before entering the crosswalk on the near side of the intersection or, if  
 188 there is no crosswalk, before entering the intersection, and shall remain standing until  
 189 an indication to make the movement indicated by such arrow is shown; ~~and~~

190 (G) Unless otherwise directed by a pedestrian signal, pedestrians facing a steady RED  
 191 ARROW signal ~~indication~~ shall not enter the roadway; and

192 (H) Traffic, except pedestrians, facing a flashing RED ARROW signal, after stopping  
 193 as provided in subparagraph (A) of this paragraph, may make a right turn but shall stop  
 194 and remain stopped for pedestrians and yield the right of way to other traffic proceeding  
 195 as directed by the signal at such intersection."

196 **SECTION 7.**

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

199 "(a) When two vehicles approach or enter an intersection from different highways at  
 200 approximately the same time, the driver of the vehicle on the left shall yield the right of  
 201 way to the vehicle on the right, provided that when a vehicle approaches or enters an  
 202 intersection with no stop signs or other traffic-control devices from a highway that  
 203 terminates at the intersection, the driver of that vehicle shall yield the right of way to the

204 other vehicle, whether the latter vehicle be on such driver's right or left. When two  
 205 vehicles approach or enter an intersection with an inoperative traffic light, the driver of  
 206 each vehicle shall be required to stop in the same manner as if a stop sign were facing in  
 207 each direction at the intersection. Drivers shall not be required to stop if the traffic signal  
 208 is properly signed as a pedestrian hybrid beacon or ramp meter and operating in the  
 209 unactivated dark mode. When a flashing indication is given, the driver shall stop for the  
 210 flashing red signal and exhibit caution while passing through a flashing yellow indication."

211 **SECTION 8.**

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

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

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

218 (1.1) Thirty-five miles per hour on an unpaved county road unless designated otherwise  
 219 by appropriate signs;

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

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

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

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

231 **SECTION 9.**

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