

House Bill 817 (AS PASSED HOUSE AND SENATE)

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

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

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

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

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

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

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

SECTION 2.

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

"32-2-64.

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

SECTION 3.

Said title is further amended in Code Section 32-2-69, relating to the reading of contract bids 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

shall have limited access due to inclement winter weather conditions, notice shall be given to motorists through posted signage that motor vehicles must be equipped with tire chains, four-wheel drive with adequate tires for existing conditions, or snow tires with a manufacturer's all weather rating in order to proceed. Such signage shall inform motorists that it shall be unlawful to proceed on such road without such equipment. With the exception of buses, operators of commercial vehicles with four or more drive wheels traveling on a road declared as limited access due to inclement winter weather conditions shall affix tire chains to at least four of the drive wheel tires. Bus operators shall affix tire chains to at least two of the drive wheel tires before proceeding on a road with limited access due to inclement winter weather conditions. For purposes of this Code section, the term 'tire chains' means metal chains which consist of two circular metal loops, positioned on each side of a tire, connected by not less than nine evenly spaced chains across the tire tread or any other traction devices capable of providing traction equal to or exceeding that of such metal chains under similar conditions.

(b) This Code section shall not apply to a tow operator towing a motor vehicle or traveling to a site from which a motor vehicle shall be towed or to emergency responders traveling the roadway in order to fulfill their duties."

SECTION 7.

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

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

SECTION 8.

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

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

SECTION 9.

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

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

SECTION 10.

This Act shall become effective on July 1, 2012.

SECTION 11.

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