

ADOPTED

Representatives Thomas of the 21st and Jasperse of the 11th offer the following amendment:

1 *Amend the Senate amendment to HB 52 by striking lines 1 through the end and inserting in*
2 *lieu thereof the following:*

3 To amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges,
4 and ferries, so as to amend notice provisions relative to meetings for the election of board
5 members; to provide for the development and maintenance of a state-wide freight and
6 logistics implementation plan; to provide for a definition; to provide for responsibilities and
7 duties of the Planning Division and director; to provide for standards and considerations for
8 such plan; to require annual reporting to the General Assembly; to provide for legislative
9 intent and declarations; to increase the minimum amount for a public road construction or
10 maintenance contract that prohibits negotiation; to provide for exceptions to public comment
11 and hearing on projects involving public-private partnerships (P3s) in certain instances; to
12 provide for negotiations in request for proposals relative to such projects; to provide for an
13 exception to vote approval for such projects; to provide for procurement procedures relative
14 to alternative contracting; to amend limitations relating to use of alternative contracting
15 methods; to amend weight and dimension requirements for modular unit transporters; to
16 provide for the creation of a Georgia Freight 2050 Program subject to appropriation by the
17 General Assembly; to provide for purposes of such program; to identify intended funding for
18 such program; to amend Code Section 45-16-23 of the Official Code of Georgia Annotated,
19 relating to delegation of power by coroner or county medical examiner and qualifications of
20 those authorized to perform examinations, so as to allow for delegation of duties when death
21 results from an accident upon a highway in certain instances; to amend Code Section 48-8-78
22 of the Official Code of Georgia Annotated, relating to relating to freight and logistics
23 projects defined, use of appropriated funds, lack of funding, and accounting, so as to provide

24 for allocation standards for funding of freight and logistics projects; to amend Code Section
25 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure not
26 required by a state agency, so as to exempt certain records from public disclosure
27 requirements; to provide for related matters; to provide for an effective date; to repeal
28 conflicting laws; and for other purposes.

29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

30 **SECTION 1.**

31 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,
32 is amended in Code Section 32-2-20, relating to composition of the Department of
33 Transportation board, qualifications of members, terms of office, selection of members,
34 filling of vacancies, officers, meetings, and compensation, by revising subsection (b) as
35 follows:

36 "(b) Each member shall be elected to serve for a term of five years and until his or her
37 successor is duly elected and certified. The member of the board from each congressional
38 district shall be elected by a majority vote of the members of the House of Representatives
39 and Senate whose respective districts are embraced or partly embraced within such
40 congressional district, meeting in caucus at the regular session of the General Assembly
41 immediately preceding the expiration of the term of office of each such board member.
42 Said caucus shall be called at the state capitol by the Speaker of the House of
43 Representatives and the President of the Senate within the first ten days of the convening
44 of the General Assembly in regular session ~~by mailing to the members of the General
45 Assembly who are affected written notice.~~ Notice of such meeting shall be sent by email
46 to the members of the General Assembly who are affected at least four days before the
47 caucus, ~~which notice~~ and shall state the time, place, and purpose of said caucus. Within 15
48 days after each such election, the Speaker of the House and the President of the Senate

49 shall jointly transmit a certificate of such election to the Secretary of State who, upon
 50 receipt thereof, shall immediately issue his or her commission thereon, with the great seal
 51 of the state affixed thereto. Any member of the board shall be subject to recall at any time
 52 by a majority vote of the legislative caucus that elected the member."

53 **SECTION 2.**

54 Said title is further amended in Code Section 32-2-22, relating to definitions, responsibilities
 55 of director and Planning Division, and approval of program and plan, by adding a new
 56 paragraph to subsection (a) and revising paragraph (3) of subsection (b) as follows:

57 "(5.1) 'State-wide freight and logistics implementation plan' means the plan established
 58 pursuant to Code Section 32-2-41.4."

59 "(3) Develop the state-wide strategic transportation plan, and the state-wide
 60 transportation improvement program, and the state-wide freight and logistics
 61 implementation plan and support the various transportation improvement programs;"

62 **SECTION 3.**

63 Said title is further amended in Code Section 32-2-41, relating to powers, duties, and
 64 authority of commissioner and establishment of divisions, by revising paragraph (4) of
 65 subsection (b) as follows:

66 "(4) There shall be a Planning Division of the department, directed and staffed by the
 67 director of planning, which shall be the department's principal unit for developing the
 68 state transportation improvement program, and the state-wide strategic transportation
 69 plan, and the state-wide freight and logistics implementation plan and coordinating
 70 transportation policies, planning, and programs related to design, construction,
 71 maintenance, operations, and financing of transportation, under the supervision of the
 72 director. The division and the director shall not have jurisdiction over the funds allocated

73 for the local maintenance and improvement grant program pursuant to subsection (d) of
74 Code Section 32-5-27 except as expressly provided by said subsection."

75 **SECTION 4.**

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

77 "32-2-41.4.

78 (a) The director shall develop, maintain, and update at appropriate intervals a state-wide
79 freight and logistics implementation plan.

80 (b) The state-wide freight and logistics implementation plan shall be based upon a 20 year
81 projection and identify example project types, specific projects to be programmed, or
82 critical corridors, taking into account the following categories for improvements:

83 (1) Foundational investments that ensure the maintenance of the existing transportation
84 system;

85 (2) Catalytic investments that strategically expand the transportation system to both
86 support economic development and improve the mobility of goods and people throughout
87 this state; and

88 (3) Innovative investments that promote industry growth and sustain existing industry
89 use of the freight network.

90 (c) Any investment proposed within the state-wide freight and logistics implementation
91 plan pursuant to the considerations set forth in subsection (b) of this Code section shall
92 incorporate performance indicators that assess impact in the areas of system safety and
93 security, system reliability, average vehicle travel time, congestion costs, and system risks.

94 (d) The state-wide freight and logistics implementation plan shall take into consideration
95 and place an emphasis on projects and programs that improve transportation in the
96 economic zones to be known as the:

97 (1) International ocean trade zone, composed of any county which is located within
98 20 miles of a deep-water port;

- 99 (2) Inland port zone, composed of any county which is located within ten miles of any
100 inland port facility operated by the Georgia Ports Authority; and
- 101 (3) Commercial and industrial impact zone, composed of any county which is located
102 within five miles of a commercial or industrial warehouse or production facility that is
103 larger than 200,000 square feet.
- 104 (e) By February 15 of each year, the director shall provide the House and Senate
105 Committees on Transportation with a report on the state-wide freight and logistics
106 implementation plan, which shall include information from the previous fiscal year on the:
- 107 (1) Budgetary proposal of state funds needed by the department to fully procure federal
108 aid funds;
- 109 (2) Status of the department's program to deliver projects which add capacity to
110 roadways through the exclusive use of state funds; and
- 111 (3) Status of any critical projects and available funding for:
- 112 (A) Widening of interstates;
- 113 (B) Widening of noninterstate arterial roads;
- 114 (C) Interchange, intersection, and other operational improvements;
- 115 (D) Intermodal or multimodal capacity enhancements;
- 116 (E) Railroad crossing access and safety improvements;
- 117 (F) Commercial motor vehicle parking and safety improvements;
- 118 (G) Projects located in an international ocean trade zone, an inland port zone, or a
119 commercial and industrial impact zone as described in subsection (d) of this Code
120 section;
- 121 (H) Technology deployments;
- 122 (I) Air cargo facility deployments; and
- 123 (J) Projects of significant economic impact."

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SECTION 5.

Said title is further amended in Code Section 32-2-43, relating to director of planning, appointment, and responsibilities, by revising subsection (b) as follows:

"(b) The director of planning's principal responsibility shall be the development of transportation plans, including the development of the state-wide strategic transportation plan, ~~and state-wide transportation improvement program, state-wide freight and logistics implementation plan,~~ and other comprehensive plans pursuant to the provisions of Code Section 32-2-3 and Code Section 32-2-22, strategic transportation plans pursuant to the provisions of Code Section 32-2-41.1, and benchmarks and value engineering studies pursuant to the provisions of Code Section 32-2-41.2, in consultation with the board, the Governor, and the commissioner. The director shall also be responsible for the duties and activities assigned to the director in Article 5 of Chapter 8 of Title 48. The director shall be the director of the Planning Division of the department and shall possess, exercise, and perform all the duties, powers, and authority which may be vested in such division by law and are necessary or appropriate for such purpose, except those duties, powers, and authority which are expressly reserved by law to the board or the commissioner."

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SECTION 6.

Said title is further amended in Code Section 32-2-61, relating to limitations on power to contract, by revising subsection (d) as follows:

"(d)(1) The department is prohibited from negotiating any contract for the construction or maintenance of a public road involving the expenditure of ~~\$200,000.00~~ \$400,000.00 or more except any contract:

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

149 (B) With a railroad company or utility concerning relocation of its tracks or facilities
150 where the same are not then located on a public road and such relocation is necessary
151 as an incident to the construction or improvement of a public road. However, nothing
152 contained in this subsection shall be construed as requiring the department to furnish
153 a site or right of way for railroad or railway lines or tracks or utility facilities required
154 to be removed from a public road. Furthermore, this subsection shall not prevent the
155 department from assisting in the removal and relocation of publicly owned utilities
156 from locations on public roads as provided in Code Section 32-6-170;

157 (C) For emergency construction or maintenance involving the expenditure of
158 ~~\$200,000.00~~ \$400,000.00 or more when the public interest requires that the work be
159 done without the delay of advertising for public bids;

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

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

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

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

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SECTION 7.

Said title is further amended in Code Section 32-2-80, relating to public-private partnerships (P3s), by revising paragraphs (2) and (4) of subsection (b) and subsection (f) as follows:

"(2) For every project undertaken pursuant to this Code section, the department shall accept written public comment, solicited in the same manner as provided for in the request for proposal, for a period of 30 days beginning at least ten days after the public notice of the request for proposal is made pursuant to paragraph (1) of this subsection; provided, however, that such requirement shall not apply when the public has been afforded the opportunity for comment during the environmental phase of a project. In addition, the department shall hold at least one public hearing, which may be held by teleconference, not later than the conclusion of the period for public comment; provided, however, that such requirement shall not apply when a public hearing has been held during the environmental phase of a project."

"(4) Upon conclusion of discussions described in paragraph (3) of this subsection, the department shall rank respondents on the basis of the evaluation criteria set forth in the request for proposal. The department shall select in the order of preference two or more respondents whose qualifications and proposed services are deemed most meritorious and shall conduct negotiations with those respondents. Negotiations conducted under this paragraph ~~can~~ may include, but ~~are not~~ shall not be limited to, one-on-one meetings or requests for ~~proposals~~ proposal revisions."

"(f) The commissioner shall be authorized to delegate such duties and responsibilities under this Code section as he or she deems appropriate from time to time; provided, however, that the final approval of contracts provided for in this Code section shall be by action of the board unless the board has previously approved the proposal based upon a determination that the proposal provided the apparent best value to the state upon contract terms that are most satisfactory and advantageous to the state."

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SECTION 8.

Said title is further amended in Code Section 32-2-82, relating to alternative contracting method, by revising subsections (e) and (f) as follows:

"(e) For any project for which an alternative contracting method is elected, the department shall utilize the procurement procedures under ~~either~~ Code Section 32-2-80 or 32-2-81 or otherwise authorized rules and regulations of the department to competitively solicit proposals.

(f)(1) The department shall be authorized to utilize the alternative contracting method set forth in paragraph (1) of subsection (a) of this Code section to deliver no more than two projects during any single fiscal year and no more than seven projects over a single ten-year period.

(2) Except as otherwise provided for in paragraph (3) of this subsection, solely ~~Solely~~ as it relates to a project delivered using an alternative contracting method under paragraph (1) of subsection (a) of this Code section, the department shall not encumber in any one fiscal year an amount greater than 5 percent of the department's capital budget in the previous fiscal year.

(3) On and after January 1, 2024, the board shall be authorized to waive the requirement set forth in paragraph (2) of this subsection by a majority vote for a project when:

(A) A specific line item appropriation for funding such project has been made; or

(B) Fifty percent of such project is funded by the Georgia Ports Authority."

SECTION 9.

Said title is further amended by adding a new article to Chapter 5, relating to funds for public roads, to read as follows:

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"ARTICLE 4227 32-5-40.228 The General Assembly finds, determines, and declares that:229 (1) The safe, effective, efficient, and expedient movement of people and goods are
230 essential to the economic and overall well-being of Georgia and her citizens;231 (2) Georgia's geographic location and transportation assets have made it a leader for
232 freight and logistics transportation;233 (3) Continued freight growth and the corresponding investments to support, sustain, and
234 integrate that growth are critical to Georgia's future opportunities and prosperity;235 (4) The freight transportation network and the general population transportation network
236 are intertwined and interdependent parts of the state's transportation system; and237 (5) A fund established within the department to accumulate moneys from designated
238 sources, subject to appropriation, to be utilized for the planning, designing, improving,
239 constructing, reconstructing, and maintaining of the state's transportation freight network
240 is necessary for growing and maintaining the state's important freight network assets.241 32-5-41.242 (a) There is created the Georgia Freight 2050 Program which shall be administered by the
243 department to enhance the state's investment in the state-wide transportation freight
244 network. The Georgia Freight 2050 Program shall fund and support projects and programs
245 included in the freight plans identified in Code Section 32-2-41.4, including, but not
246 limited to, system safety improvements, operation and maintenance of the transportation
247 system, intermodal or multimodal connectivity improvements, and capacity enhancement
248 projects.249 (b) The Georgia Freight 2050 Program shall prioritize capacity enhancement projects,
250 including, but not limited to, the following:

- 251 (1) Widening of interstates;
 252 (2) Widening of noninterstate arterial roads;
 253 (3) Interchange, intersection, and other operational improvements;
 254 (4) Intermodal or multimodal capacity enhancements;
 255 (5) Railroad crossing access and safety improvements;
 256 (6) Commercial motor vehicle parking and safety improvements;
 257 (7) Projects located in an international ocean trade zone, an inland port zone, or a
 258 commercial and industrial impact zone as described in subsection (d) of Code
 259 Section 32-2-41.4; and
 260 (8) Projects of significant economic impact.
 261 (c) It is the intent of the General Assembly that moneys collected from the use of and
 262 impact on the state-wide transportation network be appropriated to the Georgia Freight
 263 2050 Program.
 264 (d) The provisions of this Code section shall be subject to appropriation by the General
 265 Assembly."

266 **SECTION 10.**

267 Said title is further amended in Code Section 32-6-28, relating to permits for vehicles with
 268 excess weight and dimensions, by revising subparagraphs (a)(1)(C) and (c)(5)(A) as follows:

269 "(C) A modular unit transporter shall meet all requirements of the Federal Motor
 270 Carrier Safety Administration and all state safety requirements, rules, and regulations.
 271 The modular unit transporter shall be properly registered and have a proper, current
 272 license plate. At a minimum, the modular unit transporter shall:

- 273 (i) Be constructed of 12 inch steel I beams doubled and welded together;
 274 (ii) Have all axles equipped with brakes;
 275 (iii) Have every floor joist on each modular section securely attached to the beams
 276 with lag bolts and washers, or lag bolts, washers, and cable winches; and

277 (iv) Have an overall length not to exceed ~~80~~ 84 feet including the hitch."
 278 "(A) Any load not greater than 16 feet wide, not greater than 16 feet high, and
 279 not weighing more than 150,000 pounds; ~~or any load greater than 100 feet~~
 280 long which does not exceed the maximum width, height, and weight limits
 281 specified by this subparagraph; or any modular or sectional housing units
 282 exceeding 80 feet in length \$ 30.00"

SECTION 11.

Code Section 45-16-23 of the Official Code of Georgia Annotated, relating to delegation of power by coroner or county medical examiner and qualifications of those authorized to perform examinations, is amended by revising subsection (a) as follows:

"(a)(1) Notwithstanding any other provision of this chapter, any coroner or county medical examiner may delegate to a local medical examiner, forensic consultant, or medical examiner's investigator the power to perform those duties of such coroner or medical examiner specified in this ~~Code section~~ article if the person to whom such power is thus delegated meets the applicable requirements of this Code section for the performance of such duties, but the performance of those delegated duties shall not in any manner infringe upon or diminish the authority of the peace officer in charge at the scene of the crime.

(2) Notwithstanding any other provision of this chapter, in cases of death resulting from an accident upon an interstate highway or limited-access road as such terms are defined in Code Section 32-1-3, any coroner or county medical examiner may delegate to medical personnel otherwise qualified to meet the requirements of this article the power to perform those duties of such coroner or county medical examiner specified in this article. The delegation provided for in this paragraph shall occur only when the accident results in a significant disruption to the flow of traffic upon the interstate highway or limited-access road."

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SECTION 12.

304 Code Section 48-8-78 of the Official Code of Georgia Annotated, relating to relating to
 305 freight and logistics projects defined, use of appropriated funds, lack of funding, and
 306 accounting, is amended by revising subsection (b) as follows:

307 "(b) It is the intention of the General Assembly, subject to appropriations, that the funds
 308 collected under this article upon the retail purchase, retail sale, rental, storage, use, or
 309 consumption of fuel to a contract or common carrier regulated by the United States Surface
 310 Transportation Board for use exclusively in the operation of locomotives by such carrier
 311 shall be appropriated to the Department of Transportation for use exclusively on freight and
 312 logistics projects located on or connected to publicly owned roads. Such appropriation
 313 shall be allocated for freight and logistics projects ~~based upon a formula developed by the~~
 314 ~~commissioner of transportation which shall include consideration of total track miles~~
 315 ~~operated within the state by a common carrier~~ consistent with the standards set forth in
 316 Code Section 32-2-41.3 and any other factors as determined appropriate by the
 317 commissioner."

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SECTION 13.

319 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public
 320 disclosure not required by a state agency, is amended by revising paragraph (28) of
 321 subsection (a) as follows:

322 "(28) Records or data of the State Road and Tollway Authority or the Department of
 323 Transportation which would reveal the financial accounts, ~~or~~ travel history, vehicle
 324 information, or personally identifiable information of any individual who is a motorist
 325 upon any toll project or roadway;"

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SECTION 14.

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This Act shall become effective upon its approval by the Governor or upon its becoming law

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without such approval.

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SECTION 15.

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