

House Bill 1286

By: Representatives McDonald III of the 26th, DeLoach of the 167th, LaHood of the 175th, Jasperse of the 11th, and Williams of the 168th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 32, Code Section 48-8-242, and Article 1 of Chapter 39 of Title 50 of the
2 Official Code of Georgia Annotated, relating to highways, bridges, and ferries, definitions
3 relative to special district transportation sales and use tax (TSPLOST), and creation and
4 organization of the Atlanta-region Transit Link "ATL" Authority, respectively, so as to
5 abolish the position of director of planning; to transfer duties and responsibilities relative to
6 transportation planning to the commissioner of transportation; to provide for conforming
7 changes; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,
11 is amended by revising Code Section 32-2-1, relating to composition of Department of
12 Transportation, as follows:

13 "32-2-1.

14 The Department of Transportation shall consist of the ~~State Transportation Board~~ board,
15 the commissioner of transportation, ~~the director of planning~~, the deputy commissioner of
16 transportation, the chief engineer, the treasurer and the assistant treasurer of transportation,

17 and such subordinate employees as may be deemed necessary by the commissioner ~~or the~~
 18 ~~director of planning."~~

19 **SECTION 2.**

20 Said title is further amended by revising Code Section 32-2-22, relating to definitions,
 21 responsibilities of director and Planning Division, and approval of program and plan, as
 22 follows:

23 "32-2-22.

24 (a) As used in this chapter and in Article 2 of Chapter 5 of this title, the term:

25 (1) ~~'Director' means the director of planning provided for by Code Section 32-2-43.~~

26 ~~(2)~~ (2) 'Division' means the Planning Division of the department provided for by paragraph
 27 (4) of subsection (b) of Code Section 32-2-41.

28 ~~(3)~~(2) 'Metropolitan planning organization' means the forum for cooperative
 29 transportation decision making for a metropolitan planning area.

30 ~~(4)~~(3) 'Metropolitan transportation plan' means the official intermodal transportation plan
 31 that is developed and adopted through the metropolitan transportation planning process
 32 for a metropolitan planning area.

33 ~~(5)~~(4) 'Nonmetropolitan area' means a geographic area outside the designated
 34 metropolitan planning areas.

35 ~~(5.1)~~(5) 'State-wide freight and logistics implementation plan' means the plan established
 36 pursuant to Code Section 32-2-41.4.

37 (6) 'State-wide strategic transportation plan' means the official, intermodal,
 38 comprehensive, fiscally constrained transportation plan which includes projects,
 39 programs, and other activities to support implementation of the state's strategic
 40 transportation goals and policies. ~~This~~ Such plan and the process for developing the plan
 41 shall comply with 23 C.F.R. Section 450.104.

42 (7) 'State-wide transportation improvement program' means a state-wide prioritized
43 listing of transportation projects covering a period of four years that is consistent with the
44 state-wide strategic transportation plan, metropolitan transportation plans, and
45 transportation improvement programs and required for multi-modal projects to be eligible
46 for funding under Title 23 U.S.C. and Title 49 U.S.C. Chapter 53.

47 (8) 'Transportation improvement program' means a prioritized listing of transportation
48 projects covering a period of four years that is developed and formally adopted by a
49 metropolitan planning organization as part of the metropolitan transportation planning
50 process, consistent with the metropolitan transportation plan, and required for projects
51 to be eligible for funding under Title 23 U.S.C. and Title 49 U.S.C. Chapter 53.

52 (b) The ~~director~~ commissioner and the division shall:

53 (1) Review and make recommendations to the Governor concerning all proposed
54 regional land transportation plans and transportation improvement programs and
55 negotiate with the propounder of the plans concerning changes or amendments which
56 may be recommended by the department or the Governor, consistent with applicable
57 federal law and regulation;

58 (2) Review any transportation projects proposed by the department and adopt, remove,
59 or otherwise include such projects as all or a portion of department plans, consistent with
60 applicable federal law and regulation;

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

64 (4) Develop an annual capital construction project list to be reviewed by the Governor
65 and submitted to the General Assembly for consideration in the budget;

66 (5) Promulgate rules and regulations necessary to carry out its duties under the
67 provisions of this title. The division shall report the content of such rules or regulations

68 to the House and Senate Transportation Committees ~~of the Senate and House of~~
 69 ~~Representatives~~ for their approval by majority vote prior to the promulgation thereof; and
 70 (6) Do all things necessary or convenient to carry out the powers expressly given in this
 71 Code section.

72 (c) After review and approval by the Governor, the state transportation improvement
 73 program and the state-wide strategic transportation plan shall be submitted to the ~~State~~
 74 ~~Transportation Board~~ board for approval."

75 **SECTION 3.**

76 Said title is further amended in Code Section 32-2-41, relating to powers, duties, and
 77 authority of commissioner and establishment of divisions, by revising the introductory
 78 language of subsection (a) and revising paragraph (4) of subsection (b) as follows:

79 "(a) As the chief executive officer of the department, the commissioner shall have direct
 80 and full control of the department. He or she shall possess, exercise, and perform all the
 81 duties, powers, and authority which may be vested in the department by law, except those
 82 duties, powers, and authority which are expressly reserved by law to the board ~~or the~~
 83 ~~director of planning~~. The commissioner's principal responsibility shall be the faithful
 84 implementation of transportation plans produced by the ~~director of planning~~ commissioner
 85 and the Planning Division and approved by the Governor and the ~~State Transportation~~
 86 ~~Board~~ board, subject to the terms of such appropriations Acts as may be adopted from time
 87 to time. The commissioner shall also be responsible for the duties and activities assigned
 88 to the commissioner in Article 5 of Chapter 8 of Title 48. When the board is not in regular
 89 or called session, the commissioner shall perform, exercise, and possess all duties, powers,
 90 and authority of the board except:"

91 "(4) There shall be a Planning Division of the department, ~~directed and staffed by the~~
 92 ~~director of planning~~, which shall be the department's principal unit for developing the
 93 state transportation improvement program, the state-wide strategic transportation plan,

94 and the state-wide freight and logistics implementation plan and coordinating
 95 transportation policies, planning, and programs related to design, construction,
 96 maintenance, operations, and financing of transportation, under the supervision of the
 97 ~~director~~ commissioner. The division ~~and the director~~ shall not have jurisdiction over the
 98 funds allocated for the local maintenance and improvement grant program pursuant to
 99 subsection (d) of Code Section 32-5-27 except as expressly provided by ~~said~~ such
 100 subsection."

101 SECTION 4.

102 Said title is further amended by revising Code Section 32-2-41.1, relating to state-wide
 103 strategic transportation plan, as follows:

104 "32-2-41.1.

105 The ~~director~~ commissioner, after consultation from the Planning Division, shall prepare a
 106 state-wide strategic transportation plan. Such plan shall be updated and delivered in
 107 coordination with the state-wide, intermodal transportation plan as defined in 23 C.F.R.
 108 Section 450.104. ~~The director shall prepare the state-wide strategic transportation plan for~~
 109 Such plan shall be presented to the Governor, Lieutenant Governor, Speaker of the House
 110 of Representatives, and the chairpersons of the Senate Transportation Committee and
 111 House Committee on Transportation House and Senate Transportation Committees."

112 SECTION 5.

113 Said title is further amended by revising Code Section 32-2-41.2, relating to development of
 114 benchmarks, reports, and value engineering studies, as follows:

115 "32-2-41.2.

116 (a) The commissioner shall develop and publish in print or electronically benchmarks,
 117 based upon the type and scope of a construction project, that detail a realistic time frame

118 for completion of each stage of a construction project, including preliminary engineering
119 and design, environmental permitting and review, and right of way acquisition.

120 (b) The ~~director~~ commissioner or his or her designee shall submit an annual report to the
121 Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the
122 chairpersons of the House and Senate Transportation Committees detailing the progress of
123 every construction project valued at \$10 million or more against the benchmarks. ~~This~~ Such
124 Such report shall include an analysis explaining the discrepancies between the benchmarks
125 and actual performance on each project as well as an explanation for delays. ~~This~~ The
126 report shall also be published on the website of the department.

127 (c) The department shall create and maintain on its website a detailed status report on each
128 project under planning or construction. ~~This~~ Such status report shall include, but not be
129 limited to, the name and contact information of the project manager, if applicable.

130 (d) Value engineering studies shall be performed on all projects whose costs exceed \$50
131 million, except for any project procured in accordance with Code Sections 32-2-79,
132 32-2-80, ~~and or~~ 32-2-81, and the ~~director~~ commissioner or his or her designee shall submit
133 an annual report to the Governor, the Lieutenant Governor, the Speaker of the House of
134 Representatives, and the chairpersons of the House and Senate Transportation Committees
135 detailing the amount saved due to the value engineering studies. ~~This~~ Such report shall
136 also be published on the website of the department."

137 **SECTION 6.**

138 Said title is further amended by revising Code Section 32-2-41.4, relating to state-wide
139 freight and logistics implementation plan, by revising subsections (a) and (e) as follows:

140 "(a) The ~~director~~ commissioner, in consultation with the Planning Division, shall develop
141 and maintain a state-wide freight and logistics implementation plan. Such plan may be
142 included within or separate from the federal state freight plan required by 49 U.S.C.

143 Section 70202; provided, however, that the state-wide freight and logistics implementation
144 plan shall be updated in coordination with such federal plan."

145 "(e) By February 15 of each year, the ~~director~~ commissioner or his or her designee shall
146 provide the House and Senate ~~Committees on Transportation~~ Committees with a report on
147 the state-wide freight and logistics implementation plan, which shall include information
148 from the previous fiscal year on the:

149 (1) Budgetary proposal of state funds needed by the department to fully procure federal
150 aid funds;

151 (2) Status of the department's program to deliver projects which add capacity to
152 roadways through the exclusive use of state funds; and

153 (3) Status of any critical projects and available funding for:

154 (A) Widening of interstates;

155 (B) Widening of noninterstate arterial roads;

156 (C) Interchange, intersection, and other operational improvements;

157 (D) Intermodal or multimodal capacity enhancements;

158 (E) Railroad crossing access and safety improvements;

159 (F) Commercial motor vehicle parking and safety improvements;

160 (G) Projects located in an international ocean trade zone, an inland port zone, or a
161 commercial and industrial impact zone as described in subsection (d) of this Code
162 section; and

163 (H) Projects of significant economic impact."

164 **SECTION 7.**

165 Said title is further amended by repealing Code Section 32-2-43, relating to director of
166 planning, appointment, and responsibilities.

SECTION 8.

167
168 Said title is further amended by revising Code Section 32-5-27, relating to allocation formula
169 development and implementation, as follows:

170 "32-5-27.

171 (a) The Planning Division of the department ~~and the director of planning~~ shall develop an
172 allocation formula for:

173 (1) A state-wide transportation asset management program;

174 (2) A state-wide transportation asset improvement program; and

175 (3) A local maintenance and improvement grant program.

176 Funds from the State Public Transportation Fund shall be allocated by the department
177 pursuant to such formula as further defined in subsections (b) through (d) of this Code
178 section and as appropriated by the General Assembly. Every four years, concurrent with
179 the renewal of the state-wide strategic transportation plan, the division and the ~~director~~
180 commissioner shall update the data used in the allocation formula and shall review the
181 distributional components of the formula and at such time may amend the formula as
182 necessary to support implementation of the plans provided for in Code Section 32-2-22.

183 (b) Funds appropriated for the state-wide transportation asset management program shall
184 be allocated pursuant to the long-range state-wide strategic transportation plan and shall
185 be available for administration, maintenance, operations, and rehabilitation of
186 infrastructure.

187 (c)(1) Funds allocated for the state-wide transportation asset improvement program shall
188 be allocated for capital construction projects, which may include new capacity, expansion
189 of current infrastructure, safety improvements, or completion of, additions to, and capital
190 improvement of state strategic corridors and economic development highways, including
191 but not limited to those identified pursuant to Code Section 32-4-22. Recommendations
192 for appropriation to the state-wide transportation asset improvement program shall

193 include consideration of current and future regional population and regional employment.
194 Local funding matches may be required.

195 (2) A portion of this allocation shall be a specific itemized and prioritized project list and
196 such portion shall be not less than 10 percent nor more than 20 percent of the aggregate
197 allocation from the State Public Transportation Fund, subject to and consistent with the
198 provisions of the state-wide transportation improvement program, for such fiscal year.
199 In developing such project list the division ~~and the director~~ may accept project
200 recommendations from the House and Senate Transportation Committees ~~of the Senate~~
201 ~~and the House of Representatives~~, the Governor, metropolitan planning organizations,
202 and nonmetropolitan areas. Such projects shall be prioritized in accordance with the
203 state-wide strategic transportation plan. The division and the ~~director~~ commissioner shall
204 submit such prioritized capital construction projects to the Governor for consideration in
205 advance of the legislative session each year. The Governor shall submit all or a portion
206 of such capital construction project requests as part of the Governor's budget
207 recommendations to the General Assembly. The General Assembly may appropriate
208 funds to any project on the prioritized project list.

209 (3) In addition to the portion of the state-wide transportation asset improvement program
210 subject to the 10 percent limitation in paragraph (2) of this subsection, additional funds
211 from the State Public Transportation Fund may be allocated to the state-wide
212 transportation asset improvement program that are not subject to specific project
213 selection.

214 (d) Funds allocated for the local maintenance and improvement grant program shall
215 replace funds formerly available under the local assistance road program and state-aid
216 program and shall be allocated by the Local Grants Division of the department to local
217 governing authorities as grants or otherwise according to a funding formula developed by
218 the division and the ~~director~~ commissioner. Such formula shall include considerations of
219 paved and unpaved lane miles and vehicle miles traveled and may include population,

220 employment, and local funding matches available, as well as other factors as may be
 221 determined by the division and the ~~director~~ commissioner. Funds allocated each fiscal year
 222 for the local maintenance and improvement grant program shall be not less than 10 percent
 223 nor more than 20 percent of the money derived from motor fuel taxes received by the state
 224 in the immediately preceding fiscal year, less the amount of refunds, rebates, and collection
 225 costs authorized by law and shall be used only for the purposes available for the proceeds
 226 of such taxes. Grants of such funds shall include provisions requiring adherence to
 227 adequate roadway standards, accounting practices, and applicable transportation plans.
 228 Additional allocations to ~~this~~ such program from other funding sources shall be allocated
 229 subject to the requirements for usage attached to such funds.

230 (e) Funds allocated or appropriated pursuant to the provisions of this Code section shall
 231 not be subject to redirection or reservation pursuant to Chapter 12 of Title 45 or to
 232 budgetary reduction except as provided by subparagraph (b) of Paragraph VI of Section IX
 233 of Article III of the Constitution.

234 (f) Information pertaining to all funds received and expended by, through, or from the
 235 department, including but not limited to project numbers; let dates; estimated costs; actual costs; estimated completion date; status; priority ranking; congressional, House
 236 of Representatives, and Senate districts; vendor names; contract amounts; and other
 237 pertinent contract information, shall be published on the website of the department as data
 238 in a structured format. As used in this subsection, the term 'structured format' means data
 239 that is presented in machine readable format."
 240

241 **SECTION 9.**

242 Said title is further amended in Code Section 32-5-30, relating to allocation of state and
 243 federal funds, items excluded from budgeting, budgeting periods, and authorization of
 244 reduction of funds allocated, by revising subparagraph (a)(1)(C) as follows:

