House Bill 577 (AS PASSED HOUSE AND SENATE)
By: Representatives Carpenter of the 4th, Jasperse of the 11th, Burns of the 159th, Anulewicz of the 42nd, and Wiedower of the 119th

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 12-7-6 of the Official Code of Georgia Annotated, relating to best management practices and minimum requirements for rules, regulations, ordinances, or resolutions for land-disturbing practices, so as to provide for the adoption of rules by the Board of Natural Resources relative to requests for variances for road construction and maintenance projects undertaken by the Georgia Department of Transportation; to amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to provide for a proposal guaranty for bids upon certain projects; to provide for procedures, conditions, and limitations for financing and letting of projects; to provide for definitions; to provide for procedures, conditions, approval, and limitations upon an alternative contracting method to be used for certain projects; to provide for the licensing of airports; to provide for definitions; to provide for issuance of cease and desist orders and punishment; to revise bond validation processes for the State Road and Tollway Authority; to revise powers and definitions relative to such authority; to amend Code Section 40-6-181 of the Official Code of Georgia Annotated, relating to maximum speed limits, so as to provide for posting of signage of maximum speed limits; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:
SECTION 1.

Code Section 12-7-6 of the Official Code of Georgia Annotated, relating to best management practices and minimum requirements for rules, regulations, ordinances, or resolutions for land-disturbing practices by the Board of Natural Resources, is amended by adding a new subsection to read as follows:

"(b.1) On or before June 30, 2022, the board shall promulgate rules and regulations that contain specific criteria for the approval or denial by the director of requests for variances for road construction and maintenance projects undertaken by the Department of Transportation when:

(1) An alteration within the buffer area has been authorized pursuant to a permit issued by the United States Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act of 1972, as amended, or Section 10 of the Rivers and Harbors Act of 1899; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented; or

(2) The land-disturbing activity is not eligible for a permit issued by the United States Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act of 1972, as amended, and involves the piping, filling, or rerouting of waters that are not jurisdictional waters of the United States regardless as to whether or not such waters have been classified as primary or secondary trout waters."

SECTION 2.

Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, is amended in Code Section 32-2-65, relating to advertising for bids, by revising paragraph (5) of subsection (b) as follows:

"(5) The amount of the required proposal guaranty, if one is required,“
SECTION 3.

Said title is further amended in Code Section 32-2-68, relating to proposal guaranty by bidder for highway projects, by revising subsection (a) as follows:

"(a) No bid for capital construction or capital maintenance will be considered by the department unless it is accompanied by a proposal guaranty in the form of a certified check or other acceptable security payable to the treasurer of the department for an amount deemed by the department to be in the public interest and necessary to ensure that the successful bidder will execute the contract on which he bid upon."

SECTION 4.

Said title is further amended in Code Section 32-2-69, relating to bidding process and award of contract, by revising subsection (a) as follows:

"(a) Except as authorized by Code Sections 32-2-79, and 32-2-80, and 32-2-82, the department shall award contracts to the lowest reliable bidder, provided that the department shall have the right to reject any and all such bids whether such right is reserved in the public notice or not and, in such case, the department may readvertise, perform the work itself, or abandon the project."

SECTION 5.

Said title is further amended by designating Code Sections 32-2-60 through 32-2-77 as new Part 1, designating Code Sections 32-2-78 through 32-2-82 as Part 2, and revising newly designated Part 2 to read as follows:

"Part 2

32-2-78.

As used in this Code section and Code Sections 32-2-79 and 32-2-80 part, the term:
(1) 'Alternative contracting method' means a method of contracting authorized by Code Section 32-2-82.

(2) 'Construction manager/general contractor' means a person the department has selected to perform project delivery pursuant to Code Section 32-2-82.

(3) 'Participating local governing authority' includes the governing authority of any county or municipality whose geographical jurisdiction includes the project.

(4) 'Project' means an undertaking, including intermodal rail-related and multimodal transportation solutions, which the department deems appropriate for letting pursuant to the procedures of Code Section 32-2-79 and Code Section 32-2-80 pursuing or letting based upon the authority granted in this part.

32-2-79.

(a) The staff of the department shall jointly identify and report to the board by July 31 of each odd-numbered year those projects on the state-wide transportation improvement program or otherwise identified that afford the greatest gains in congestion mitigation or promotion of economic development potential undertakings best suited for delivery under the procedures of Code Section 32-2-80 and that are expected to provide the greatest public benefit through enhanced public safety, enhanced mobility of goods, congestion mitigation, enhanced trade and economic development, improved air quality or land use, or reduction of public expenditures due to improved transportation efficiency or infrastructure preservation as aligned with the state-wide strategic transportation plan as defined in Code Section 32-2-41.1.

(b) Any project identified pursuant to subsection (a) of this Code section that will not be initiated within two years of the reporting date or that does not have specific available and complete funding may be let and constructed utilizing the procedures of this Code section and Code Section 32-2-80. All personnel of the department shall cooperate in all respects in the letting, construction, maintenance, and operation of such projects, including without
limitation providing such access and control of portions of the state highway system as may be requested or required from time to time for such purposes.

(c) Projects wholly or partly in a metropolitan planning area shall be included in a fiscally constrained transportation improvement program."

32-2-80.

(a)(1) The department shall evaluate a potential project to determine, in the judgment of the department, appropriate or desirable levels of state, local, and private participation in financing such project. In making such determination, the department shall be authorized and encouraged to seek the advice and input of the affected local governing authorities, applicable metropolitan planning organizations, and the private financial and construction sectors.

(1.1) No constitutional officer or member of the State Transportation Board shall serve as an agent, lobbyist, or board member for any entity directly or indirectly under contract with or negotiating a contract with the department under this Code section for one year after leaving his or her position as a constitutional officer or member of the State Transportation Board.

(b)(1) For projects that are funded or financed in part or in whole by private sources, the department shall be authorized to issue a written request for proposal indicating in general terms the scope of the project, the proposed financial participations in the project, and the factors that will be used in evaluating the proposal and containing or incorporating by reference other applicable contractual terms and conditions, including any unique capabilities or qualifications that will be required of the contractor. Public notice of such request for proposal shall be made at least 90 days prior to the date set for receipt of proposals by posting the legal notice on a single website that shall be procured and maintained for such purposes by the Department of Administrative Services or in substantially the same manner utilized by the department to solicit requests for proposals.
(3)(2) For every project undertaken pursuant to this Code section, upon receipt of a proposal or proposals responsive to the request for proposals, the department shall accept written public comment, solicited in the same manner as provided for notice of proposals in the request for proposal, for a period of 30 days beginning at least ten days after the date set for receipt of proposals. Public notice of the request for proposal is made pursuant to paragraph (1) of this subsection. In addition, the department shall hold at least one public hearing on such proposals, which may be held by teleconference, not later than the conclusion of the period for public comment.

(4)(3) The department shall engage in individual discussions with select two or more respondents deemed fully qualified, responsible, and suitable on the basis of initial responses and with emphasis to engage for interview and discussion based upon responses on professional competence and ability to meet the level of private financial participation called for by the department. Repetitive informal interviews shall be permissible. In the event that any local governing authority has agreed to consider financial participation in the project, a representative of such local governing authority, appointed by such local governing authority, may participate in such discussions and interviews. At the discussion during this stage, the department may discuss estimates of total project costs, including, but not limited to, life cycle costing and nonbinding estimates of price for services. Proprietary information from competing respondents shall not be disclosed to the public or to competitors.

(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 at the conclusion of such discussions, on the basis of evaluation factors published in the request for proposal and all information developed in the selection process, the department, with the input of any participating local governing authority, shall select in the order of preference two or more respondents whose qualifications and proposed services are deemed most meritorious. Negotiations
shall then be conducted with two or more respondents and with the participation of the
designated representative of any participating local governing authority and shall conduct
negotiations with those respondents. Negotiations conducted under this paragraph can
include, but are not limited to, one-on-one meetings or requests for proposals.

(5) Upon approval by the department, the commissioner shall select the respondent for
project implementation based upon contract terms that are the most satisfactory and
advantageous to the state and to the department based upon a thorough assessment of
value and the ability of the final project's characteristics to meet state strategic goals and
investment policies as provided for by Code Section 32-2-41.1. Before making such
selection, the commissioner shall consult with any participating local governing authority
or authorities.

(6) Notwithstanding the foregoing, if the terms and conditions for multiple awards are
included in the request for proposal, the department may award contracts to more than
one respondent. Should the department determine in writing and in its sole discretion that
only one respondent is fully qualified, or that one respondent is clearly more highly
qualified and suitable than the others under consideration, a contract may be negotiated
and awarded to that respondent after the respondent is determined to be responsible.

(5)(c) Nothing in this Code section shall require the department to continue negotiations
or discussions arising out of any request for proposal.

(6)(d) The department shall be authorized to promulgate reasonable rules or regulations
to assist in its evaluation of the proposal evaluations and to implement the purposes of this
Code section. The department shall report the content of such rules or regulations to the
Transportation Committees of the Senate and House of Representatives for their approval
by majority vote prior to the promulgation thereof and shall make quarterly reports to the
same chairpersons of all of its activities undertaken pursuant to the provisions of this Code
section.
(b)(e) Any contracts entered into pursuant to this Code section may authorize funding to include tolls, fares, or other user fees and tax increments for use of the project that is the subject of the proposal. Such funding may be distributed by contract among the participants in the project as may be provided for by contract. The department may take any action to obtain federal, state, or local assistance for a qualifying project that serves the public purpose of this Code section and may enter into any contracts required to receive such assistance. The department may determine that it serves the public purpose of this Code section for all or any portion of the costs of a qualifying project to be paid, directly or indirectly, from the proceeds of a grant or loan made by the federal, state, or local government or any instrumentality thereof. The department may agree to make grants or loans to the operator from time to time from amounts received from the federal, state, or local government or any agency or instrumentality thereof.

(c)(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 State Transportation Board.

(d)(g) The power of eminent domain shall not be delegated to any private entity with respect to any project commenced or proposed pursuant to this Code section.

(e)(h) Any contract for a public-private partnership entered into pursuant to this Code section shall require the private partner or each of its prime contractors to provide performance and payment security. Notwithstanding any other provision of law, the penal sum or amount of such security may be less than the price of the contract involved, such as the value of the construction elements of the contract, based upon the department's determination on a project-by-project basis of what sum may be required to adequately protect the department, the state, and the contracting and subcontracting parties.
As used in this Code section, the term 'design-build procedure' means a method of contracting under which the department contracts with another party for the party to both design and build the structures, facilities, systems, and other items specified in the contract.

The department may use the design-build procedure for projects that include buildings, bridges and approaches, rail corridors, technology deployments, and limited or controlled access projects or projects that may be constructed within existing rights of way where the scope of work can be clearly defined or when a significant savings in project delivery time can be attained.

When the department determines that it is in the best interests of the public, the department may combine any or all of the environmental services, utility relocation services, right of way services, design services, and construction phases of a public road or other transportation purpose project into a single contract using a design-build procedure. Design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (1) of subsection (d) of Code Section 32-2-61. However, provided, however, that construction activities shall not begin on any portion of such projects until title to the necessary rights of way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed.

The department shall adopt by rule procedures for administering design-build contracts. Such procedures shall include, but not be limited to:

1. Prequalification requirements;
2. Public advertisement procedures;
3. Request for qualification requirements;
4. Request for proposal requirements;
5. Criteria for evaluating technical information and project costs;
(6) Criteria for selection and award process, provided that the rules shall specify that the criteria for selection shall consist of the following minimum two components for any two-step procurement process:

(A) A statement of qualifications from which the department will determine a list of qualified firms for the project, provided that, if the department determines it is in the state's best interest, it may omit this requirement and move directly to a one-step procurement process through the issuance of a request for proposal from which the department may select the lowest qualified bidder; and

(B) From the list of qualified firms as provided in subparagraph (A) of this paragraph, a technical proposal and a price proposal from each firm from which the department shall select the lowest qualified bidder or, in the event the department uses the best value procurement process, the request for proposal shall specify the requirements necessary for the selection of the best value proposer which shall include, at a minimum, a weighted cost component and a technical component. A proposal shall only be considered nonresponsive if it does not contain all the information and level of detail requested in the request for proposal. A proposal shall not be deemed to be nonresponsive solely on the basis of minor irregularities in the proposal that do not directly affect the ability to fairly evaluate the merits of the proposal. Notwithstanding the requirements of Code Section 36-91-21, under no circumstances shall the department use a 'best and final offer' standard in awarding a contract in order to induce one proposer to bid against an offer of another proposer. The department may provide for a stipulated fee to be awarded to the short list of qualified proposers who provide a responsive, successful proposal. In consideration for paying the stipulated fee, the department may use any ideas or information contained in the proposals in connection with the contract awarded for the project, or in connection with a subsequent procurement, without obligation to pay any additional compensation to the unsuccessful proposers;
(7) Identification of those projects that the department believes are candidates for design-build contracting; and

(8) Criteria for resolution of contract issues. The department may adopt a method for resolving issues and disputes through negotiations at the project level by the program manager up to and including a dispute review board procedure with final review by the commissioner or his or her designee. Regardless of the status or disposition of the issue or dispute, the design-builder and the department shall continue to perform their contractual responsibilities. The department shall have the authority to suspend or provide for the suspension of Section 108 of the department's standard specifications pending final resolution of such contract issues and disputes. This paragraph shall not prevent an aggrieved party from seeking judicial review.

(e) In contracting for design-build projects, the department shall be limited to contracting for no more than 50 percent of the total amount of construction projects awarded in the previous fiscal year.

(f) Not later than 90 days after the end of the fiscal year, the department shall provide to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and chairpersons of the House and Senate Transportation Committees a summary containing all the projects awarded during the fiscal year using the design-build contracting method. Included in the report shall be an explanation for projects awarded to other than the low bid proposal. This report shall be made available for public information.

32-2-82.

(a) The department shall be authorized to utilize an alternative contracting method for project delivery that includes one of the following:

(1) An agreement in which a construction manager/general contractor performs two phases of work as follows:
(A) The first phase, in which the construction manager/general contractor performs in the capacity of a construction manager, consisting of preconstruction services for a project which may be paid in lump sum, cost-plus fixed fee, cost per unit of work, specific rates of compensation, or other comparable payment method permitted by law; and

(B) The second phase, in which the construction manager/general contractor performs in the capacity of a general contractor, consisting of construction services for a project that may be performed under the same contract as that of the first phase, subject to agreement by the department as to the terms for payment for such services and using any method of payment permitted by law; provided that the construction manager/general contractor self-performs at least 30 percent of the total original price for construction work on the project;

(2) A predevelopment agreement, pursuant to which one or more contractors collaborate with the department on one or more projects:

(A) For the conceptual, preliminary, and final planning for such projects, which may include predevelopment services, financial planning, environmental studies, engineering, and assistance with public outreach; and

(B) To perform, at the department's election, the construction work for any such project, subject to agreement as to the basis of payment for construction services; or

(3) A comprehensive development agreement that allows for expedited project delivery through the concurrent design and construction of a project under a single multiphase contract, pursuant to which a contractor shall:

(A) Collaborate with the department to advance development of the project concept;

(B) Perform both the design and construction services; and

(C) Perform any operations or maintenance work required for the project.

(b) The department shall consider at least the following factors in assessing a project's suitability and feasibility for delivery through an alternative contracting method: public
interest, innovation, risk, design complexity, cost control, and construction schedule optimization.

(c) When the department determines, in accordance with subsection (b) of this Code section, that the public interest is best served by delivering the project utilizing an alternative contracting method, the department shall submit to the board a written request to proceed in delivering a project using an alternative contracting method. The department shall not proceed with the project using an alternative contracting method without prior approval by the board.

(d) Upon approval of a request pursuant to subsection (c) of this Code section, the department shall be authorized to issue a written solicitation identifying the scope of the project, the factors to be used to evaluate responses to the solicitation, and the basis for award of the contract to perform work on the project utilizing an alternative contracting method.

(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 to competitively solicit proposals.

(f) The department shall be authorized to utilize the alternative contracting method to deliver no more than two projects during any single fiscal year and no more than seven projects over a single ten-year period. Solely as it relates to a project delivered using an alternative contracting method under 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.

(g) Not later than 90 days after the end of a fiscal year in which the department has executed a contract to deliver a project using an alternative contracting method, the department shall provide to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and chairpersons of the House and Senate Transportation Committees a
summary containing all contracts that utilized an alternative contracting method. This
report shall be made available to the public.
(h) The department shall adopt rules and regulations to implement the provisions of this
Code section.
(i) Not later than five years after the effective date of this Code section and then once
every five years thereafter, the department shall submit a report to the Governor, Lieutenant
Governor, Speaker of the House of Representatives, and the members of the House and
Senate Transportation Committees detailing all contracts executed to deliver a project using
an alternative contracting method and the benefits of using an alternative contracting
method compared with other contracting methods for review and consideration as to the
effectiveness of this Code section and any necessary amendments."

SECTION 6.
Said title is further amended by revising Code Section 32-9-8, relating to licensing airports,
as follows:
"32-9-8.
(a) As used in this Code section, the term:
(1) 'Aircraft' means any machine, whether heavier or lighter than air, used or designed
for navigation of or flight in the air.
(2) 'Airport' means any area of land, water, or mechanical structure which is used for the
landing and takeoff of aircraft and is open to the general public, as evidenced by the
existence of a current and approved Federal Aviation Administration Form 7480-I or any
successor application, for such use without prior permission or restrictions and includes
any appurtenant structures and areas which are used or intended to be used for airport
buildings, other airport facilities, rights of way, or easements; provided, however, that
the term 'airport' shall not include the following facilities used as airports:
(A) Facilities owned or operated by the United States government or an agency thereof;

(B) Privately owned facilities not open to the general public when such airports do not interfere with the safe and efficient use of air space of an airport for which a license or an airport operating certificate issued under 14 C.F.R. Part 139 of the regulations of the Federal Aviation Administration or any successor regulation has been granted; and

(C) Facilities being operated pursuant to a current airport operating certificate issued by the Federal Aviation Administration 14 C.F.R. Part 139 relating to certification requirements for airports serving scheduled air carrier operations or any successor agency of the United States government; and

(D) Any facility served by a scheduled air carrier operating under a certificate of public convenience and necessity issued by the Civil Aeronautics Board or any successor agency of the United States government.

(3) 'Person' means an individual, firm, corporation, partnership, company, association, joint-stock association, municipality, county, or state agency, authority, or political subdivision and includes any director, employee, agent, trustee, receiver, assignee, or other similar representative thereof.

(b) It is declared that the operation of airports used by the public for general aviation purposes but which are operated without regulation as to minimum and uniform safety requirements endangers the lives and property of persons operating aircraft at these facilities, the passengers of aircraft operated by such persons, and the occupants of lands in the vicinity of such facilities. For the purpose of establishing and improving a system of safer airports and to foster safer operating conditions at these airports, the department is authorized and directed to provide for the licensing of airports. The department may charge a license fee of $100.00 per runway, up to a maximum of $400.00, for each original license and each renewal thereof. All licenses shall be renewed biennially. In
promulgating the rules and regulations establishing minimum standards, the department shall consult with the Georgia Aviation Trades Association.

(c) The department shall issue a permit license or renewal thereof to any owner of an airport who applies for a permit license or renewal thereof, if, upon investigation, the department determines that the airport meets minimum standards, prescribed by the department in its rules and regulations, in the areas of geometric layout, navigational aids, lighting, approach surfaces, landing surfaces, runway markings, and separation between airport sites, provided that no permit license shall be denied the owner or operator of an airport in existence on July 1, 1978, because of the failure to meet minimum standards prescribed with regard to geometric layout and separation between airport sites.

(d) Within nine months after July 1, 1978, the department shall promulgate and publish reasonable rules and regulations establishing the minimum standards provided for in subsection (c) of this Code section, the procedure for obtaining, renewing, and revoking a license, and such other procedures and conditions as are reasonable and necessary to carry out this Code section.

(e) Within six months after the effective date of the rules and regulations adopted by the department, the owner of each airport in this state shall apply, on forms prescribed by the department, for a license to operate the airport. Within 60 days after the receipt of a properly filled out application for a license, with appropriate fee, the department shall act upon the application.

(f) All applications for renewal of a license shall be made to the department no later than 60 days prior to the expiration of the existing license.

(g) Applications for a license or renewal thereof may be denied, or a license may be revoked, by the department, after notice and opportunity for hearing to the licensee, when the department shall reasonably determine:

(1) That the licensee has failed to comply with the conditions of the license or renewal thereof;
(2) That the licensee has failed to comply with the minimum standards prescribed by the department pursuant to this Code section; or

(3) That because of changed physical or legal conditions or circumstances the airport has become either unsafe or unusable for the purposes for which the license or renewal was issued.

(h) The decision of the department to deny or revoke any license or renewal thereof shall be subject to review in the manner prescribed for the review of contested cases as prescribed by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

(i) (1) After September 30, 1979, it shall be unlawful for any person to own or operate an airport without first obtaining and thereafter maintaining a valid license as required by this Code section. Any person owning or operating an airport without a valid license as prescribed by this Code section shall be subject to a civil penalty in an amount not to exceed $100.00, to be imposed by the commissioner.

(2) Whenever it appears or is made known to the department that any person is operating an airport without a valid license, the department may issue an initial written cease and desist order requiring such person to cease and desist immediately from such unauthorized activity. Such cease and desist order shall become final 20 calendar days from the date of issuance as noted on the order. If the proper license or evidence of exemption from licensure requirements during the time of the alleged unlicensed activity is provided to the department's satisfaction within the 20 day period, the order shall not become final and shall be rescinded in writing by the department. Review of an administrative decision of the department entered pursuant to this paragraph shall be available solely in the superior court of the county of domicile of the department and shall be filed no later than 30 days after the department's cease and desist order becomes final.

(3) When a person fails to comply with the terms of a final cease and desist order of the department, the department may, through the Attorney General and upon three days'
written notice to such person, petition the superior court in the county where the
unlicensed airport is located for an order directing such person to obey the final cease and
desist order of the department. Upon the filing of such petition, the court shall allow a
motion to show cause as to why a final cease and desist order of the department should
be affirmed. After a hearing upon the merits or after failure of such person to appear
when ordered, the court may grant the petition of the department.

(4)(A) Any person that violates the terms of an order issued pursuant to this subsection
shall be liable to the department for a civil penalty not to exceed $1,000.00 per violation
per day.

(B) In determining the amount of penalty, the department shall consider the
appropriateness of the penalty relative to the gravity of the violation, the history of any
previous violation by such person, and any other such contributing factors or
circumstances. The department may, in its discretion, compromise or modify any
penalty that is subject to imposition or has been imposed pursuant to this paragraph.
Any violator that is assessed a civil penalty may also be assessed the cost of collection,
including, but not limited to, interest, court costs, and attorney's fees.

(C) Any person assessed a civil penalty as provided in this paragraph shall have the
right to request a hearing into the matter as provided for in Chapter 13 of Title 50, the
'Georgia Administrative Procedure Act' within ten days after notification of the
assessment has been served upon the person involved; otherwise, such penalty shall be
final.

(5) All penalties and fines recovered by the department pursuant to paragraph (4) of this
subsection shall be paid to the general fund of the state; provided, however, that the
department in its discretion may remit such amounts net of the cost of recovery if the
department makes an accounting of all such costs and expenses of recovery.”
SECTION 7.

Said title is further amended in Code Section 32-10-60, relating to definitions relative to the State Road and Tollway Authority, by revising paragraph (5) as follows:

"(5) 'Project' means land public transportation systems transportation related undertakings which provide a public benefit, including:

(A) One or more roads or bridges or a system of roads, bridges, and tunnels or improvements thereto included on an approved state-wide transportation improvement program on the Developmental Highway System as set forth in Code Section 32-4-22, as now or hereafter amended, or a comprehensive transportation plan pursuant to Code Section 32-2-3 or which are toll access roads, bridges, or tunnels, with access limited or unlimited as determined by the authority, and such buildings, structures, parking areas, appurtenances, and facilities related thereto, including but not limited to approaches, cross streets, roads, bridges, tunnels, and avenues of access for such system;

(B) Any program for mass transportation or mass transportation facilities as approved by the authority and the department and such buildings, structures, parking areas, appurtenances, and facilities related thereto, including, but not limited to, approaches, cross streets, roads, bridges, tunnels, and avenues of access for such facilities; and

(C) Any project undertaken pursuant to a public-private initiative as authorized pursuant to Code Section 32-2-78 Part 2 of Article 4 of Chapter 2 of this title."

SECTION 8.

Said title is further amended in Code Section 32-10-63, relating to powers of authority generally, by revising paragraph (5) as follows:

"(5) To make such contracts, leases, or conveyances as the legitimate and necessary purposes of this article shall require, including but not limited to contracts for
construction or maintenance of projects, provided that the authority shall consider the possible economic, social, and environmental effects of each project, and the authority shall assure that possible adverse economic, social, and environmental effects relating to any proposed project have been fully considered in developing such project and that the final decision on the project is made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and the cost of eliminating or minimizing adverse economic, social, and environmental effects. Furthermore, in order to assure that adequate consideration is given to economic, social, and environmental effects of any tollway project under consideration, the authority shall:

(A) Follow the processes required for federal-aid highway projects, as determined by the National Environmental Policy Act of 1969, as amended, except that final approval of the adequacy of such consideration shall rest with the Governor, as provided in subparagraph (C) of this paragraph, acting as the chief executive of the state, upon recommendation of the commissioner, acting as chief administrative officer of the Department of Transportation;

(B) In the location and design of any project, avoid the taking of or disruption of existing public parkland or public recreation areas unless there are no prudent or feasible project location alternates. The determination of prudency and feasibility shall be the responsibility of the authority as part of the consideration of the overall public interest;

(C) Not approve and proceed with acquisition of rights of way and construction of a project until: (i) there has been held, or there has been offered an opportunity to hold, a public hearing or public hearings on such project in compliance with requirements of the Federal-aid Highway Act of 1970, as amended, except that neither acquisition of right of way nor construction shall be required to cease on any federal-aid project which has received federal approval pursuant to the National Environmental Policy Act of 1969, as amended, and is subsequently determined to be eligible for construction as an
authority project utilizing, in whole or in part, a mix of federal funds and authority funds; and (ii) the adequacy of environmental considerations has been approved by the Governor, for which said approval of the environmental considerations may come in the form of the Governor's acceptance of a federally approved environmental document; and

(D) Let by public competitive bid upon plans and specifications approved by the chief engineer or his or her successors all contracts for the construction of projects, except as otherwise provided for projects authorized under any provisions of Code Sections 32-2-78 through 32-2-81 Part 2 of Article 4 of Chapter 2 of this title;"

SECTION 9.

Said title is further amended by revising Code Section 32-10-107, relating to confirmation and validation of bonds for the State Road and Tollway Authority, as follows:

"32-10-107.

Bonds of the authority shall be confirmed and validated in accordance with Article 3 of Chapter 82 of Title 36, the 'Revenue Bond Law.' The petition for validation for conduit bonds issued pursuant to paragraph (8) of Code Section 32-10-63 shall also make any person, firm, corporation, limited liability company, or other type of private entity a party defendant to such action, if such person, firm, corporation, limited liability company, or other type of private entity has contracted or will contract with the authority with respect to the project for which to provide funds for the repayment of revenue bonds which are to be issued and are sought to be validated. The bonds, when validated, and the judgment of validation shall be final and conclusive with respect to the validity of such bonds and against the authority and against all other persons or entities, regardless of whether such persons or entities were parties to such validation proceedings."
SECTION 10.

Code Section 40-6-181 of the Official Code of Georgia Annotated, relating to maximum speed limits, is amended by revising paragraph (1) of subsection (b) as follows:

"(1) Thirty miles per hour in any urban or residential district unless otherwise designated by appropriate signs;"

SECTION 11.

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