

House Bill 516 (AS PASSED HOUSE AND SENATE)

By: Representatives McCollum of the 30th, Jasperse of the 11th, Ballinger of the 23rd, Carpenter of the 4th, and Hagan of the 156th

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges,
2 and ferries, so as to increase the minimum amount for a public road construction or
3 maintenance contract that prohibits negotiation; to provide for exceptions to public comment
4 and hearing on projects involving public-private partnerships in certain instances; to provide
5 for an exception to vote approval for such projects; to authorize the placement of wayfinding
6 kiosks in the right of way for a public road in a certain special district; to provide for a
7 definition; to provide for issuance of permits for such kiosks; to provide for standards for
8 such kiosks; to provide petition for removal for kiosks that create a public nuisance or safety
9 hazard; to provide for an exception to requirements of multiple message signs; to provide for
10 the discontinuance of issuance of such permits; to amend Chapter 6 of Title 40 of the Official
11 Code of Georgia Annotated, relating to uniform rules of the road, so as to prohibit the
12 operation of certain vehicles on highways that qualify as commercial motor vehicle restricted
13 highways; to provide for a definition; to require the installation by the Department of
14 Transportation of official traffic-control devices at the entrance of and upon such highways;
15 to provide for violation and punishment; to revise maximum speed limit provisions; to amend
16 Code Section 48-8-78 of the Official Code of Georgia Annotated, relating to freight and
17 logistics projects defined, use of appropriated funds, lack of funding, and accounting, so as
18 to revise for the allocation of funding; to amend an Act relating to regulation and taxation of

19 electricity used as motor fuel and electric vehicle charging stations, approved May 2, 2023
20 (Ga. L. 2023, p. 376/SB 146), so as to extend the effective date of provisions relative to
21 regulatory authority of the Department of Agriculture and revenue and taxation; to provide
22 for related matters; to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **SECTION 1.**

25 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,
26 is amended in Code Section 32-2-61, relating to limitations on power to contract, by revising
27 subsection (d) as follows:

28 "(d)(1) The department is prohibited from negotiating any contract for the construction
29 or maintenance of a public road involving the expenditure of ~~\$200,000.00~~ \$500,000.00
30 or more except any contract:

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

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

42 (C) For emergency construction or maintenance involving the expenditure of
 43 ~~\$200,000.00~~ \$500,000.00 or more when the public interest requires that the work be
 44 done without the delay of advertising for public bids;

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

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

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

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

61 **SECTION 2.**

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

64 "(2) For every project undertaken pursuant to this Code section, the department shall
 65 accept written public comment, solicited in the same manner as provided for in the
 66 request for proposal, for a period of 30 days beginning at least ten days after the public
 67 notice of the request for proposal is made pursuant to paragraph (1) of this subsection;

68 provided, however, that such requirement shall not apply when the public has been
 69 afforded the opportunity for comment during the environmental phase of a project. In
 70 addition, the department shall hold at least one public hearing, which may be held by
 71 teleconference, not later than the conclusion of the period for public comment; provided,
 72 however, that such requirement shall not apply when a public hearing has been held
 73 during the environmental phase of a project."

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

80 **SECTION 3.**

81 Said title is further amended in Code Section 32-6-51, relating to unauthorized devices and
 82 structures within right of way or visible from public road, bus shelters, and commercial
 83 advertisements by transit agency, by revising paragraph (1) of subsection (a) and
 84 subsection (h) and by adding a new subsection to read as follows:

85 "(a)(1) It shall be unlawful for any person to erect, place, or maintain within the
 86 dedicated right of way of any public road any sign, signal, or other device except as
 87 authorized by this subsection, ~~or~~ subsection (d) or (d.1) of this Code section, ~~or~~
 88 required or authorized by Code Section 32-6-50, or any other law."

89 "(d.1)(1) As used in this Code section, the term 'wayfinding kiosk' means a structure:

90 (A) With a maximum height of ten feet and a maximum width of four feet;

91 (B) That contains a digital touch screen for use by members of the public for public
 92 purposes of locating businesses, accessing transit information, or locating social
 93 services; and

94 (C) That is installed in state, county, or municipality rights of way pursuant to a
95 contract with the state or a municipality or county.

96 (2) Wayfinding kiosks, including those on which commercial advertisements are placed,
97 may be erected and maintained on the rights of way of public roads within a metropolitan
98 municipality special district as such district is set forth in Code Section 48-8-269.22 and
99 upon issuance of a permit:

100 (A) By the department when a wayfinding kiosk is to be located on the right of way of
101 a road in the state highway system and upon a finding by such department that
102 placement of such kiosk would provide a substantial public benefit; or

103 (B) By the respective county or municipality and in conformity with local regulations
104 when a wayfinding kiosk is to be located on the right of way of a road which is part of
105 a county road system or municipal street system and upon a finding by the local
106 governing authority that placement of such kiosk would provide a substantial public
107 benefit.

108 (3) In addition to any further conditions required by the department or local governing
109 authority for a determination that the placement of a wayfinding kiosk would provide a
110 substantial public benefit, a wayfinding kiosk erected and maintained on the right of way
111 of a public road pursuant to this subsection, shall, at a minimum:

112 (A) Meet minimum setback requirements as follows:

113 (i) Where a curb and gutter are present, there shall be a minimum of four feet
114 clearance from the face of the curb to any portion of the wayfinding kiosk or the
115 wayfinding kiosk shall be placed at the back of the existing concrete sidewalk; or

116 (ii) Where no curb or gutter is present, the wayfinding kiosk shall be at least ten feet
117 from the edge of the main traveled roadway;

118 (B) Not store any data collected by users of such kiosk;

119 (C) Not project any light at an intensity greater than that allowed of outdoor advertising
120 pursuant to Part 2 of this article; and

121 (D) Not display any content prohibited by Code Section 32-6-52.
122 (4) The department or any county or municipality issuing a permit pursuant to this
123 subsection shall be authorized to charge a reasonable fee for such permit in an amount
124 sufficient to defray the expense incurred for evaluation of an application for a permit,
125 which shall include an in-person evaluation of the proposed location by the entity issuing
126 the permit.
127 (5) Any wayfinding kiosk erected and maintained on the right of way of a public road
128 in violation of paragraph (3) of this subsection or in violation of the conditions of the
129 permit issued by the department, a county, or a municipality shall be declared to be a
130 public nuisance and safety hazard. In such case, the department, county, or municipality
131 where such kiosk is located shall be authorized to apply to any court of competent
132 jurisdiction and such court shall issue judgment and order condemnation and removal of
133 such nuisance. The owner of such kiosk shall be liable for all court costs, fees, and other
134 expenses incurred in such action.
135 (6) The person to whom a permit has been issued for the erection and maintenance of a
136 wayfinding kiosk on the right of way of a public road pursuant to this subsection shall at
137 all times assume all risks for the wayfinding kiosk and shall indemnify and hold harmless
138 the State of Georgia, the department, and any county or municipality against all losses or
139 damages resulting solely from the existence of the wayfinding kiosk.
140 (7) No more than 30 permits shall be issued by the department pursuant to this
141 subsection and no permit shall be issued by the department or any county or municipality
142 on or after July 1, 2026.
143 (8) The provisions of Code Section 32-6-83 shall apply to any wayfinding kiosk lawfully
144 erected prior to July 1, 2024, that does not conform to the provisions of this subsection
145 or to any lawful ordinance, regulation, or resolution enacted pursuant to the authority of
146 this subsection."

147 "(h) Multiple media displays authorized pursuant to this Code section other than those
148 upon wayfinding kiosks shall comply with the operational standards for multiple message
149 signs provided for in Part 2 of this article ~~but shall not~~. No multiple media displays
150 authorized pursuant to this Code section shall be required to comply with any spacing
151 requirements provided for in such part and multiple media displays shall not be considered
152 in regard to the spacing requirements provided for in Code Section 32-6-75 as to the
153 placement of any multiple message sign."

154 **SECTION 4.**

155 Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to uniform rules
156 of the road, is amended by adding a new Code section to read as follows:

157 "40-6-53.1.

158 (a) For purposes of this Code section, the term 'commercial motor vehicle restricted
159 highway' means the portion of a highway designated by the Department of Transportation
160 as a scenic highway that spans more than one county and that has upon it installed by such
161 department fixed gates in order to prohibit the entrance and operation of motor vehicles
162 upon such highway during hazardous weather conditions.

163 (b) No person shall operate a motor vehicle equipped with more than six wheels on a
164 commercial motor vehicle restricted highway that has been properly marked pursuant to
165 subsection (c) of this Code section.

166 (c) The Department of Transportation shall erect and maintain official traffic-control
167 devices at the entrance of and upon any commercial motor vehicle restricted highway
168 giving notice of the prohibition provided for by this Code section.

169 (d) Any person that violates this Code section shall be guilty of a misdemeanor and, upon
170 conviction thereof, shall be punished by a fine not to exceed \$250.00."

171 **SECTION 5.**

172 Said chapter is further amended in Code Section 40-6-181, relating to maximum limits, by
173 revising subsection (b) as follows:

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

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

179 ~~(1.1)~~(2) Thirty-five miles per hour on a highway that is an unpaved county road unless
180 designated otherwise by appropriate signs;

181 ~~(2)~~(3) Seventy miles per hour on a highway ~~on that is part of the federal interstate system~~
182 ~~and on physically divided highways with full control of access which are outside of an~~
183 ~~urbanized area of 50,000 population or more~~ highways that are physically divided with
184 full control of access and that are part of the state highway system, provided that such
185 speed limit is designated by appropriate signs;

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

189 (4) Sixty-five miles per hour on ~~those sections of physically divided highways without~~
190 ~~full access control on~~ highways that are physically divided without full control of access
191 and that are part of the state highway system, provided that such speed limit is designated
192 by appropriate signs; and

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

194 **SECTION 6.**

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

198 "(b) It is the intention of the General Assembly, subject to appropriations, that the funds
199 collected under this article upon the retail purchase, retail sale, rental, storage, use, or
200 consumption of fuel to a contract or common carrier regulated by the United States Surface
201 Transportation Board for use exclusively in the operation of locomotives by such carrier
202 shall be appropriated to the Department of Transportation for use exclusively on freight and
203 logistics projects located on or connected to publicly owned roads. Such appropriation
204 shall be allocated for freight and logistics projects, including administration costs,
205 consistent with the Georgia Freight Railroad Program as established by Code
206 Section 32-2-41.3. Such allocation shall take into consideration the ~~based upon a formula~~
207 ~~developed by the commissioner of transportation which shall include consideration of total~~
208 track miles operated within the state by a common carrier and any other factors as
209 determined appropriate by the commissioner."

210 **SECTION 7.**

211 An Act relating to regulation and taxation of electricity used as motor fuel and electric
212 vehicle charging stations, approved May 2, 2023 (Ga. L. 2023, p. 376/SB 146), is amended
213 by revising subsection (b) of Section 5-1 to read as follows:

214 "(b) Part II of this Act, which provides for the regulatory authority of the Department of
215 Agriculture, and Part III of this Act, relating to revenue and taxation, shall become
216 effective on January 1, 2026."

217 **SECTION 8.**

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