

1 SB92
2 172920-1
3 By Senator Orr
4 RFD: Transportation and Energy
5 First Read: 02-FEB-16

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8 SYNOPSIS: Under existing law, the Department of
9 Transportation has no authority to enter into road
10 construction projects and financial agreements with
11 public companies, partnerships, or ventures.

12 This bill would authorize the Department of
13 Transportation to enter into various types of
14 construction agreements and financing agreements
15 with other public and private entities for
16 construction of a public road, bridge, and tunnel,
17 and work related or incidental thereto, under the
18 jurisdiction of the Department of Transportation.

19 This bill would require the department to
20 develop a process for evaluating and selecting
21 public road, bridge, and tunnel projects under
22 these provisions.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To amend Section 23-1-40, Code of Alabama 1975; to
2 authorize the Department of Transportation to enter into
3 various types of construction agreements and financing
4 agreements for construction of a public road, bridge, or
5 tunnel, and work related or incidental thereto, under the
6 jurisdiction of the Department of Transportation; and to
7 require the department to develop an evaluation process and
8 procedures for selecting public road, bridge, and tunnel
9 projects under these provisions.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 23-1-40 of the Code of Alabama
12 1975, is amended to read as follows:

13 "§23-1-40.

14 "(a) It shall be the duty of the ~~State~~ Department of
15 Transportation to designate the roads to be constructed,
16 repaired, and maintained and to construct, standardize,
17 repair, and maintain roads and bridges of this state; and it
18 shall have authority to make contracts or agreements to
19 construct or pave the roadway only of the street or streets
20 which will serve to connect the state highway constructed or
21 repaired by the ~~State~~ Department of Transportation within any
22 municipality in the State of Alabama.

23 "(b) In such municipalities in which the ~~State~~
24 Department of Transportation has not designated the street or
25 streets which are a part of the state highways constructed or
26 repaired by the ~~State~~ Department of Transportation, it shall
27 be the duty of the ~~State~~ Department of Transportation to

1 designate such street or streets. The ~~State~~ Department of
2 Transportation may also cooperate or contract with any
3 municipality or county in the paving or improving of any
4 street or streets, highway or highways, or walkway or walkways
5 upon which a state educational or eleemosynary institution, or
6 the property thereof, may front or abut; provided, that where
7 ~~said~~ the state educational or eleemosynary institution or the
8 property thereof fronts or abuts on both sides of such street
9 or streets, highway or highways, or walkway or walkways, the
10 ~~State~~ Department of Transportation is hereby authorized to and
11 shall expend an amount of money sufficient to cover the entire
12 cost thereof; provided further, that where such institution or
13 the property thereof fronts or abuts on only one side of such
14 street or streets, highway or highways, or walkway or
15 walkways, the ~~said~~ department shall expend an amount of money
16 sufficient to cover only one half of the cost thereof;
17 provided, that in such case, with the special approval of the
18 Governor, ~~said~~ the department shall be authorized to expend a
19 sum of money sufficient for the entire cost and, provided
20 further, the ~~said~~ the department may also, with the special
21 approval of the Governor, improve or pave any street or
22 streets, driveway or driveways, including curb and gutter, and
23 walkway or walkways on, by or through the grounds upon which a
24 state educational or eleemosynary institution is located and
25 to pay the entire cost thereof.

1 "(c) The ~~State~~ Department of Transportation shall
2 cause to be made and kept in its office a general highway map
3 of the state which shall show all state roads.

4 "(d) The ~~State~~ Department of Transportation shall
5 collect information and prepare statistics relative to the
6 mileage, character, and condition of the roads and bridges in
7 all counties of the state.

8 "(e) The ~~State~~ Department of Transportation shall
9 investigate and determine the methods of road construction
10 best adapted to the various sections of the state and shall
11 establish standards for the maintenance of roads and bridges
12 which have been constructed with state aid.

13 "(f) The ~~State~~ Department of Transportation may, at
14 all reasonable times, be consulted by county and municipal
15 officials relative to any matter relating to the construction
16 of roads and bridges or culverts, and the department may also
17 call on all county and municipal officials for any information
18 or assistance it may require and it shall be their duty to
19 supply the same.

20 "(g) The ~~State~~ Department of Transportation shall
21 determine the character and have the general supervision over
22 the construction and maintenance of all the public roads,
23 bridges, and culverts in the state where the funds of the
24 state are used and shall have a general supervision over the
25 expenditure of any funds apportioned to any county of the
26 state for the construction and maintenance of all public
27 roads, bridges, and culverts in each county.

1 "(h) (1) In addition to any other authority to enter
2 into contracts for construction of a public road, bridge, or
3 tunnel, and work incidental or related thereto, as may be
4 provided by law, the Department of Transportation may enter
5 into contracts, agreements, or understandings with any other
6 public and private parties including, but not limited to, all
7 of the following: Individuals, corporations, partnerships,
8 joint ventures, limited liability companies, and other private
9 parties; public or private partnerships, or both, or other
10 similar joint ventures; the federal government; any
11 department, agency, governmental or quasi-governmental body,
12 public corporation, instrumentality, or subdivision of the
13 United States, the State of Alabama, or any other state of the
14 United States, or any agency, governmental or
15 quasi-governmental body, instrumentality, or subdivision
16 thereof, for the construction of a public road, bridge, or
17 tunnel, and work incidental or related thereto, under the
18 jurisdiction of the department, or any part thereof,
19 including, but not limited to, the following:

20 "a. Design-build, design-build-operate,
21 design-build-own-operate, design-build-own-operate-maintain,
22 design-build-finance-operate-maintain, or other similar
23 arrangements or agreements pursuant to which the design,
24 right-of-way acquisition, relocation of structures or
25 utilities, construction, financing, ownership, management,
26 maintenance, and operation, or any combination thereof, of a
27 public road, bridge, or tunnel project is accomplished by the

1 department or on behalf of the department by any of the
2 aforementioned entities or methods.

3 "b. Leases, licenses, franchises, concessions, or
4 other agreements for the development, operation, management,
5 or undertaking of all or any part of a public road, bridge, or
6 tunnel project.

7 "(2) The public road, bridge, or tunnel project may
8 be awarded through any existing procurement authority,
9 proposals, or other means of procurement used for public works
10 projects delivered as provided in subdivision (1).

11 "(3) The department may enter into a contract for a
12 public road, bridge, or tunnel project under this section when
13 the estimated, projected, or budgeted construction cost is not
14 less than one hundred million dollars (\$100,000,000). The
15 department shall not group projects that are more than one
16 mile apart in order to meet the \$100 million construction cost
17 requirement. This section shall not apply to asphalt pavement
18 resurfacing projects.

19 "(4) The department shall develop procedures to
20 implement this section, including, but not limited to,
21 proposal content, selection criteria, prequalification,
22 applicant interview, proposal evaluation, proposal
23 negotiation, selection, and award, which will be outlined in
24 each department request for proposal.

25 "(5) Notwithstanding any provision of law to the
26 contrary, proposals under this section, with respect to public
27 road, bridge, or tunnel projects that the department

1 determines can be more efficiently accomplished by any of the
2 means enumerated in subdivision (1), may be evaluated and
3 awarded by the department based on qualifications of
4 participants or best value, or both, as evaluated by
5 procedures of the department and taking into consideration the
6 best interest of the State of Alabama.

7 "(6) Proposals shall use the standard specifications
8 of the department or other specifications the department
9 determines necessary for the project."

10 Section 2. This act shall become effective
11 immediately following its passage and approval by the
12 Governor, or its otherwise becoming law.