

The House Committee on Transportation offers the following substitute to HB 516:

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 amend weight and dimension
6 requirements for modular unit transporters; to provide for related matters; to repeal
7 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 in Code Section 32-2-61, relating to limitations on power to contract, by revising
12 subsection (d) as follows:

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

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- 16 (A) With counties, municipalities, and state agencies, provided that such negotiated
17 contract shall be made at the average bid price of the same kind of work let to contract
18 after advertisement during a period of 60 days prior to the making of the contract;
- 19 (B) With a railroad company or utility concerning relocation of its tracks or facilities
20 where the same are not then located on a public road and such relocation is necessary
21 as an incident to the construction or improvement of a public road. However, nothing
22 contained in this subsection shall be construed as requiring the department to furnish
23 a site or right of way for railroad or railway lines or tracks or utility facilities required
24 to be removed from a public road. Furthermore, this subsection shall not prevent the
25 department from assisting in the removal and relocation of publicly owned utilities
26 from locations on public roads as provided in Code Section 32-6-170;
- 27 (C) For emergency construction or maintenance involving the expenditure of
28 ~~\$200,000.00~~ \$500,000.00 or more when the public interest requires that the work be
29 done without the delay of advertising for public bids;
- 30 (D) For the procurement of business, professional, or other services from any person,
31 firm, or corporation as an independent contractor;
- 32 (E) With the State Road and Tollway Authority; or
- 33 (F) Through the provisions of a design-build contract as provided for in Code
34 Section 32-2-81.
- 35 (2) A department contract negotiated and made with a political subdivision, as authorized
36 by subparagraph (A) of paragraph (1) of this subsection, may be subcontracted to any
37 person or political subdivision. It may be performed with inmate labor, except in the case
38 of a public work constructed with federal aid, or the forces of such political subdivision
39 or those of a political subdivision to which such contract has been subcontracted.
40 However, the department shall have the authority to furnish planning, contract plans,
41 specifications, and engineering supervision over a public road being constructed by a
42 political subdivision or by its subcontractor. Any subcontract made under authority of

43 this subsection shall not constitute the basis of any claim against the department, nor shall
 44 such subcontract be considered an assignment of the rights of the political subdivision
 45 under its contract with the department."

46 **SECTION 2.**

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

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

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

65 **SECTION 3.**

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

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

- 72 (i) Be constructed of 12 inch steel I beams doubled and welded together;
- 73 (ii) Have all axles equipped with brakes;
- 74 (iii) Have every floor joist on each modular section securely attached to the beams
 75 with lag bolts and washers, or lag bolts, washers, and cable winches; and
- 76 (iv) Have an overall length not to exceed ~~80~~ 84 feet including the hitch."

77 "(A) Any load not greater than 16 feet wide, not greater than 16 feet high, and
 78 not weighing more than 150,000 pounds; ~~or any load greater than 100 feet~~
 79 ~~long which does not exceed the maximum width, height, and weight limits~~
 80 ~~specified by this subparagraph; or any modular or sectional housing units~~
 81 ~~exceeding 80 feet in length~~ \$ 30.00"

82 **SECTION 4.**

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

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

- 89 (i) Be constructed of 12 inch steel I beams doubled and welded together;
- 90 (ii) Have all axles equipped with brakes;
- 91 (iii) Have every floor joist on each modular section securely attached to the beams
 92 with lag bolts and washers, or lag bolts, washers, and cable winches; and
- 93 (iv) Have an overall length not to exceed ~~80~~ 84 feet including the hitch."

94 "(A) Any load not greater than 16 feet wide, not greater than 16 feet high, and
 95 not weighing more than 150,000 pounds; ~~or~~ any load greater than 100 feet
 96 long which does not exceed the maximum width, height, and weight limits
 97 specified by this subparagraph; or any modular or sectional housing units
 98 exceeding 80 feet in length \$ 30.00"

SECTION 5.

100 This Act shall become effective on July 1, 2024; except that Section 4 of this Act shall
 101 become effective on July 1, 2025.

SECTION 6.

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