

ADOPTED SENATE**SENATE 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 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 prohibit
22 the use of speed detection devices upon highways in the federal interstate highway system
23 in certain instances; to provide for related matters; to repeal conflicting laws; and for other
24 purposes.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

26 **SECTION 1.**

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

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

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

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

44 (C) For emergency construction or maintenance involving the expenditure of
 45 ~~\$200,000.00~~ \$500,000.00 or more when the public interest requires that the work be
 46 done without the delay of advertising for public bids;

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

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

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

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

63

SECTION 2.

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

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

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

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

82 **SECTION 3.**

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

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

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

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

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

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

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

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

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

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

114 (A) Meet minimum setback requirements as follows:

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

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

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

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

123 (D) Not display any content prohibited by Code Section 32-6-52.

124 (4) The department or any county or municipality issuing a permit pursuant to this
125 subsection shall be authorized to charge a reasonable fee for such permit in an amount
126 sufficient to defray the expense incurred for evaluation of an application for a permit,
127 which shall include an in-person evaluation of the proposed location by the entity issuing
128 the permit.

129 (5) Any wayfinding kiosk erected and maintained on the right of way of a public road
130 in violation of paragraph (3) of this subsection or in violation of the conditions of the
131 permit issued by the department, a county, or a municipality shall be declared to be a
132 public nuisance and safety hazard. In such case, the department, county, or municipality
133 where such kiosk is located shall be authorized to apply to any court of competent
134 jurisdiction and such court shall issue judgment and order condemnation and removal of
135 such nuisance. The owner of such kiosk shall be liable for all court costs, fees, and other
136 expenses incurred in such action.

137 (6) The person to whom a permit has been issued for the erection and maintenance of a
138 wayfinding kiosk on the right of way of a public road pursuant to this subsection shall at
139 all times assume all risks for the wayfinding kiosk and shall indemnify and hold harmless
140 the State of Georgia, the department, and any county or municipality against all losses or
141 damages resulting solely from the existence of the wayfinding kiosk.

142 (7) No more than 30 permits shall be issued by the department pursuant to this
143 subsection and no permit shall be issued by the department or any county or municipality
144 on or after July 1, 2026.

145 (8) The provisions of Code Section 32-6-83 shall apply to any wayfinding kiosk lawfully
146 erected prior to July 1, 2024, that does not conform to the provisions of this subsection
147 or to any lawful ordinance, regulation, or resolution enacted pursuant to the authority of
148 this subsection."

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

156

SECTION 4.

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

159 "40-6-53.1.

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

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

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

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

173

SECTION 5.

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

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

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

181 ~~(1.1)~~(2) Thirty-five miles per hour on a highway that is an unpaved county road unless
182 designated otherwise by appropriate signs;

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

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

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

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

196

SECTION 6.

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

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

212

SECTION 7.

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

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

219

SECTION 8.

220 Code Section 40-14-2 of the Official Code of Georgia Annotated, relating to permit required
221 for use of speed detection devices, use not authorized where officers paid on fee system, and
222 operation by registered or certified peace officers, is amended by adding a new subsection
223 to read as follows:

224 "(b.1) No county sheriff or law enforcement agency of a county or municipal governing
225 authority shall be authorized to use speed detection devices upon a highway in the federal
226 interstate highway system unless five or more contiguous miles of such highway are within
227 the jurisdiction of the governing authority of such county or municipality."

228

SECTION 9.

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