

House Bill 1098

By: Representatives Carpenter of the 4th, Smith of the 133rd, Anulewicz of the 42nd, Scoggins of the 14th, and Prince of the 127th

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 provide for development of a state-wide strategic transportation plan; to
3 provide for updating and reporting of such plan; to provide for use of such plan in making
4 award determinations relating to public and private financing of projects; to provide for
5 acquisition of property by the Department of Transportation for present or future public road
6 purposes; to amend Code Section 48-8-243 of the Official Code of Georgia Annotated,
7 relating to criteria for development of investment list of projects and programs for Special
8 District Transportation Sales and Use Tax, report, and gridlock, so as to make a conforming
9 cross-reference change; to provide for related matters; to repeal conflicting laws; and for
10 other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,
14 is amended by revising Code Section 32-2-41.1, relating to progress report and state-wide
15 strategic transportation plan, as follows:

16 "32-2-41.1.

17 ~~(a) On or before October 15, 2009, the director shall prepare a report for the Governor, the~~
18 ~~Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons~~
19 ~~of the Senate Transportation Committee and the House Committee on Transportation,~~
20 ~~respectively, detailing the progress the division has made on preparing a State-wide~~
21 ~~Strategic Transportation Plan. The director shall deliver a draft of the plan for comments~~
22 ~~and suggestions by members of the General Assembly and the Governor on or before~~
23 ~~December 31, 2009. Comments and suggestions by the House and Senate Transportation~~
24 ~~Committees of the General Assembly and the Governor shall be submitted to the director~~
25 ~~no later than February 15, 2010. This plan shall include a list of projects realistically~~
26 ~~expected to begin construction within the next four years, the cost of such projects, and the~~

27 ~~source of funds for such projects. The plan shall be developed with consideration of~~
 28 ~~investment policies addressing:~~

29 ~~(1) Growth in private-sector employment, development of work force, and improved~~
 30 ~~access to jobs;~~

31 ~~(2) Reduction in traffic congestion;~~

32 ~~(3) Improved efficiency and reliability of commutes in major metropolitan areas;~~

33 ~~(4) Efficiency of freight, cargo, and goods movement;~~

34 ~~(5) Coordination of transportation investment with development patterns in major~~
 35 ~~metropolitan areas;~~

36 ~~(6) Market driven travel demand management;~~

37 ~~(7) Optimized capital asset management;~~

38 ~~(8) Reduction in accidents resulting in injury and loss of life;~~

39 ~~(9) Border-to-border and interregional connectivity; and~~

40 ~~(10) Support for local connectivity to the state-wide transportation network.~~

41 ~~The investment policies provided for in paragraphs (1) through (10) of this subsection shall~~
 42 ~~also guide the development of the allocation formula provided for under Code Section~~
 43 ~~32-5-27 and shall expire on April 15, 2012, and every four years thereafter unless amended~~
 44 ~~or renewed. The final version of the State-wide Strategic Transportation Plan shall be~~
 45 ~~completed by April 10, 2010, and shall be delivered to the Governor, the Lieutenant~~
 46 ~~Governor, the Speaker of the House of Representatives, and the chairpersons of the Senate~~
 47 ~~Transportation Committee and the House Committee on Transportation. A report detailing~~
 48 ~~the progress of projects and programs in the State-wide Strategic Transportation Plan shall~~
 49 ~~be prepared and delivered annually thereafter, and a revised version shall be prepared and~~
 50 ~~delivered at least biennially thereafter.~~

51 ~~(b) The report and plan prepared under subsection (a) of this Code section shall also be~~
 52 ~~published on the website of the department. The director shall prepare a state-wide~~
 53 ~~strategic transportation plan. Such plan shall be updated and delivered in coordination with~~
 54 ~~the state-wide, intermodal transportation plan as defined in 23 C.F.R. Section 450.104. The~~
 55 ~~director shall prepare the state-wide strategic transportation plan for the Governor,~~
 56 ~~Lieutenant Governor, Speaker of the House of Representatives, and the chairpersons of the~~
 57 ~~Senate Transportation Committee and House Committee on Transportation.~~"

58 **SECTION 2.**

59 Said title is further amended in Code Section 32-2-80, relating to public and private financing
 60 of projects, prohibitions, request for proposed process, no delegation of eminent domain, and
 61 performance and payment security, by revising paragraph (4) of subsection (a) as follows:

62 "(4) The department shall engage in individual discussions with two or more respondents
 63 deemed fully qualified, responsible, and suitable on the basis of initial responses and with
 64 emphasis on professional competence and ability to meet the level of private financial
 65 participation called for by the department. Repetitive informal interviews shall be
 66 permissible. In the event that any local governing authority has agreed to consider
 67 financial participation in the project, a representative of such local governing authority,
 68 appointed by such local governing authority, may participate in such discussions and
 69 interviews. At the discussion stage, the department may discuss estimates of total project
 70 costs, including, but not limited to, life cycle costing and nonbinding estimates of price
 71 for services. Proprietary information from competing respondents shall not be disclosed
 72 to the public or to competitors. At the conclusion of such discussions, on the basis of
 73 evaluation factors published in the request for proposal and all information developed in
 74 the selection process, the department, with the input of any participating local governing
 75 authority, shall select in the order of preference two or more respondents whose
 76 qualifications and proposed services are deemed most meritorious. Negotiations shall
 77 then be conducted with two or more respondents and with the participation of the
 78 designated representative of any participating local governing authority. Upon approval
 79 by the department, the commissioner shall select the respondent for project
 80 implementation based upon contract terms that are the most satisfactory and
 81 advantageous to the state and to the department based upon a thorough assessment of
 82 value and the ability of the final project's characteristics to meet state strategic goals and
 83 investment policies as provided for by ~~paragraphs (1) through (10) of subsection (a) of~~
 84 Code Section 32-2-41.1. Before making such selection, the commissioner shall consult
 85 with any participating local governing authority or authorities. Notwithstanding the
 86 foregoing, if the terms and conditions for multiple awards are included in the request for
 87 proposal, the department may award contracts to more than one respondent. Should the
 88 department determine in writing and in its sole discretion that only one respondent is fully
 89 qualified, or that one respondent is clearly more highly qualified and suitable than the
 90 others under consideration, a contract may be negotiated and awarded to that respondent."

91 **SECTION 3.**

92 Said title is further amended in Code Section 32-3-1, relating to authority to acquire property
 93 for present or future public road or other transportation purposes, by revising paragraphs (1)
 94 and (2) of subsection (c) as follows:

95 "(1) Construction will be commenced on the property to be acquired within a period of
 96 not less than two years nor more than ten years following the end of the fiscal year in
 97 which the secretary of transportation of the United States approves an advance of all the

98 necessary funds to the department for the acquisition of rights of way for such
 99 construction under authority of Title 23, Section 108, United States Code, as amended;
 100 ~~and or~~

101 (2) The intended acquisition is part of a specific plan of highway development, and the
 102 acquisition will assist in accomplishing one or more of the following:

103 (A) A substantial monetary savings;

104 (B) The enhancement of the integration of highways with public or private urban
 105 redevelopment; or

106 (C) The forestalling of the physical or functional obsolescence of highways."

107 **SECTION 4.**

108 Code Section 48-8-243 of the Official Code of Georgia Annotated, relating to criteria for
 109 development of investment list of projects and programs for Special District Transportation
 110 Sales and Use Tax, report, and gridlock, is amended by revising subsection (a) as follows:

111 "(a) Within 60 calendar days following approval by the Governor of the state-wide
 112 strategic transportation plan, the State Transportation Board shall consider the state-wide
 113 strategic transportation plan in accordance with the provisions of subsection (c) of Code
 114 Section 32-2-22. Upon approval of the state-wide strategic transportation plan by the State
 115 Transportation Board, the director shall provide in written form to the local governments
 116 and any MPO's within each special district across the state recommended criteria for the
 117 development of an investment list of projects and programs. The establishment of such
 118 criteria shall comport with the ~~investment policies provided in subsection (a) of Code~~
 119 ~~Section 32-2-41.1 and the~~ state-wide strategic transportation plan. The recommended
 120 criteria shall include performance goals, allocation of investments in alignment with
 121 performance, and execution of projects. The state fiscal economist shall develop an
 122 estimate of the proceeds of the special district transportation sales and use tax for each
 123 special district using financial data supplied by the department. Such estimate shall include
 124 reasonable ranges of anticipated growth, if any. The director shall include such estimates
 125 and ranges in the recommended criteria for developing the draft investment list. Any local
 126 government or MPO desiring to submit comments on the recommended criteria shall make
 127 such submission to the director no later than September 30, 2010. On or before November
 128 10, 2010, the mayors in each county shall elect the mayoral representative to the regional
 129 transportation roundtable and notify the county commission chairperson and the director
 130 of that mayor's name. The director shall accept comments from any MPO located wholly
 131 or partially within each special district in finalizing the recommended district criteria in a
 132 written report on or before November 15, 2010. Such report shall also include notice of
 133 the date, time, and location of the first regional transportation roundtable for each special

134 district for the purpose of considering the recommended district criteria and for electing
135 members of the executive committee for each special district. Any amendment to the
136 recommended criteria, approval of such criteria, and election of the executive committee
137 shall be enacted by a majority vote of the representatives present at the roundtable meeting.
138 Upon approval of the criteria, the director shall promptly deliver a report to the
139 commissioner of transportation, local governments, any MPO located wholly or partially
140 within each special district and the members of the General Assembly whose districts lie
141 wholly or partially within each special district detailing the criteria approved by the
142 roundtable."

143 **SECTION 5.**

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