

Senate Bill 200

By: Senators Williams of the 19th, Mullis of the 53rd, Rogers of the 21st, Douglas of the 17th, Hill of the 32nd and others

AS PASSED SENATE

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 enact the "Transforming Transportation Investment Act"; to abolish the
3 State Road and Tollway Authority; to create the State Transportation Agency and the State
4 Transportation Authority; to provide for short titles; to provide for definitions; to provide for
5 purposes of the authority; to provide for transition of duties, responsibilities, functions,
6 powers, and jurisdiction; to provide for membership; to provide for a quorum and filling of
7 vacancies; to provide for powers of the authority; to provide for expenditure of funds; to
8 provide for collection of tolls; to provide for air quality standards within certain geographic
9 areas; to provide for delegation by the Governor of certain powers to the authority; to provide
10 for developments of regional impact; to provide for cooperation with the Georgia Rail
11 Passenger Authority and the Georgia Environmental Facilities Authority; to provide for the
12 awarding of contracts; to provide for the transfer of property to the authority; to provide for
13 the disposition of revenue; to provide for liberal construction of provisions; to provide for
14 a streetcar pilot project; to provide for the issuance of revenue bonds; to provide for the
15 issuance of guaranteed revenue bonds; to provide for the disposition of revenue from bonds;
16 to provide for the replacement of lost bonds; to provide that revenue bonds are not debts of
17 the State of Georgia; to provide tax exemption for the revenue bonds; to provide venue for
18 proceedings on bonds; to amend Chapter 32 of Title 50 of the Official Code of Georgia
19 Annotated, relating to the Georgia Regional Transportation Authority, so as to abolish said
20 authority; to correct cross-references; to provide for related matters; to provide for effective
21 dates; to repeal conflicting laws; and for other purposes.

22 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

23 **SECTION .1.**

24 This Act shall be known and may be cited as the "Transforming Transportation Investment
25 Act."

PART I

Provisions Applicable

to the

Department of Transportation

and the

State Transportation Board

SECTION 1-1.

Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, is amended by revising paragraphs (21) and (27) and by adding new paragraphs (10.1), (26.1), (27.2), and (27.3) in Code Section 32-1-3, relating to definitions, as follows:

"(10.1) 'Federal Public Transportation Fund' means the fund established in Code Section 32-5-2."

"(21) 'Private road' means a privately owned road or way, including any bridge thereon, which is only open for the benefit of one or more individuals and not for the general public. This term also means a road which lies on privately owned land. The term does not include any road or road facility built under the terms of a public-private partnership agreement with a state agency or any political subdivision of the state."

"(26.1) 'Secretary of transportation' means the state's chief executive officer for transportation and shall be the secretary of the State Transportation Authority selected pursuant to subsection (d) of Code Section 32-12-5."

"(27) 'State agency' means any authority, division, department, instrumentality, branch, or other body of the state to which state governmental functions have been delegated."

"(27.2) 'State Public Transportation Fund' means the fund established in Code Section 32-5-20."

"(27.3) 'State Transportation Authority' means the authority established in Chapter 12 of this title to plan and coordinate transportation projects in the state."

SECTION 1-2.

Said title is further amended in Code Section 32-1-8, relating to construction and maintenance of private roads, by revising said Code section as follows:

"32-1-8.

It shall be unlawful for any official, officer, or employee of the department, the State Road and Tollway Authority ~~Transportation~~ Authority, the Georgia Highway Authority, or any similar authority or of any county or municipality to authorize the construction or maintenance of any private road."

SECTION 1-3.

Said title is further amended in Code Section 32-2-1, relating to the composition of the Department of Transportation, by revising said Code section as follows:

"32-2-1.

The Department of Transportation shall consist of the ~~State Transportation Board, the commissioner of transportation, the deputy commissioner of transportation, the chief engineer, the treasurer and the assistant treasurer~~ commissioner of transportation, and such subordinate employees as may be deemed necessary by the commissioner. The primary purpose of the department is to provide for maintenance and repairs to the state highway system. Subject to approval of plans and approval or award of funding by the State Transportation Agency or the State Transportation Authority by grant, agreement, or order, the department shall improve, construct, maintain, or repair the state public highway system. Subject to approval of plans and approval or award of funding by the State Transportation Agency or the State Transportation Authority, the department and other state or local entities or political subdivisions may contract for the department to improve, construct, maintain, and repair roads and bridges."

SECTION 1-4.

Said title is further amended in Code Section 32-2-2, relating to powers and duties of the Department of Transportation, by revising paragraphs (1), (2), (5), (7), and (19) of subsection (a) and subsection (b) as follows:

"(1) Subject to approval of the State Transportation Authority, the ~~The~~ department ~~shall~~ plan, designate, may improve, manage, ~~control,~~ construct, and maintain a state highway system and ~~shall~~ have ~~control of and~~ responsibility for ~~all~~ certain construction, maintenance, or ~~any~~ other work upon the state highway system and all other work which may be designated to be done by the department by this title or any other law. However, on those portions of the state highway system lying within the corporate limits of any municipality, the department shall be required to provide only substantial maintenance activities and operations, including but not limited to reconstruction and major resurfacing, reconstruction of bridges, erection and maintenance of official department signs, painting of striping and pavement delineators, furnishing of guardrails and bridge rails, and other major maintenance activities; and, furthermore, the ~~department~~ State Transportation Authority may by contract authorize and require any rapid transit authority created by the General Assembly to plan, design, and construct, at no cost to the ~~department~~ authority and subject to the ~~department's~~ authority's review and approval of design and construction, segments of the state highway system necessary to replace those portions of the system which the rapid transit authority and the ~~department~~ State

96 Transportation Authority agree must be relocated in order to avoid conflicts between the
97 rapid transit authority's facilities and the state highway system;

98 ~~(2) Except for appropriations to authorize the issuance of general obligation debt for~~
99 ~~public road work, or to pay such debt, the department shall be the state agency to receive~~
100 ~~and shall have control and supervision of all funds appropriated for public road work by~~
101 ~~the state and activities incident thereto from the net proceeds of motor fuel tax, as~~
102 ~~provided in Article III, Section IX, Paragraph VI(b) of the Constitution of Georgia and~~
103 ~~any other funds appropriated or provided for by law for such purposes or for performing~~
104 ~~other functions of the department. If the General Assembly fails to appropriate all of the~~
105 ~~net proceeds of the motor fuel tax to the department, to the State of Georgia General~~
106 ~~Obligation Debt Sinking Fund, and to counties for public road work and activities~~
107 ~~incident thereto, any such unappropriated part of such funds, exclusive of those proceeds~~
108 ~~required by law to be provided as grants to counties for the construction and maintenance~~
109 ~~of county roads, shall be made available to the department by the director of the Office~~
110 ~~of Treasury and Fiscal Services, notwithstanding any provisions to the contrary in Part~~
111 ~~1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act' Reserved;"~~

112 "(5) The department, subject to approval of the State Transportation Authority, shall have
113 the authority to negotiate, let, and enter into contracts with the Georgia Highway
114 Authority, the State Road and Tollway Authority Transportation Authority, any person,
115 any state agency, or any county or municipality of the state for the construction or
116 maintenance of any public road or any other mode of transportation or for the benefit of
117 or pertaining to the department or its employees in such manner and subject to such
118 express limitations as may be provided by law;"

119 ~~"(7) The department and the State Road and Tollway Authority shall be the proper~~
120 ~~agencies of the state to discharge all duties imposed on the state by any act of Congress~~
121 ~~allotting federal funds to be expended for public road and other transportation purposes~~
122 ~~in this state. Upon delegation or approval by the State Transportation Agency or the State~~
123 ~~Transportation Authority, the~~ Upon delegation or approval by the State Transportation Agency or the State
124 Transportation Authority, the The department shall have the authority to accept and use
125 federal funds; to enter into any contracts or agreements with the United States or its
126 agencies or subdivisions relating to the planning, financing, construction, improvement,
127 operation, and maintenance of any public road or other mode or system of transportation;
128 and to do all things necessary, proper, or expedient to achieve compliance with the
129 provisions and requirements of all applicable federal-aid acts and programs. Nothing in
130 this title is intended to conflict with any federal law; and, in case of such conflict, such
131 portion as may be in conflict with such federal law is declared of no effect to the extent
of the conflict;"

"(19) Code Sections 32-3-1 and 32-6-115 notwithstanding and at the direction of the State Transportation Authority, the department ~~may~~ shall by contract grant to any rapid transit authority created by the General Assembly, under such terms and conditions as the department may deem appropriate, the right to occupy or traverse a portion of the right of way of any road on the state highway system by or with its mass transportation facilities. Furthermore, at the direction of the State Transportation Authority, the department ~~may~~ shall by contract lease to the rapid transit authority, under such terms and conditions as the department may deem appropriate, the right to occupy, operate, maintain, or traverse by or with its mass transportation facilities any parking facility constructed by the department. Notwithstanding Code Section 48-2-17, all net revenue derived from the lease shall be utilized by the department to offset the cost of constructing any parking facility. Regardless of any financial expenditures by the rapid transit authority, no right of use or lease granted under this paragraph shall merge into or become a property interest of the rapid transit authority. Upon the transfer of the title of the mass transportation facilities to private ownership or upon the operation of the rapid transportation facilities for the financial gain of private persons, such rights granted by the department shall automatically terminate and all rapid transportation facilities shall be removed from the rights of way of the state highway system.

(b) In addition to the powers specifically delegated to it in this title and so long as not inconsistent with any powers granted to, or plans adopted by, the State Transportation Authority, the department shall have the authority to perform all acts which are necessary, proper, or incidental to the efficient operation and development of the department and of the state highway system and of other modes and systems of transportation; ~~and this title shall be liberally construed to that end.~~ Any power vested by law in the department but not implemented by specific provisions for the exercise thereof may be executed and carried out by the department in a reasonable manner pursuant to such rules, regulations, and procedures as the department may adopt and subject to such limitations as may be provided by law."

SECTION 1-5.

Said title is further amended in Code Section 32-2-3, relating to development of transportation plans, by repealing said Code section and designating it as "Reserved."

SECTION 1-6.

Said title is further amended in Code Section 32-2-4.1, relating to the Gateway Center, by revising subsection (a) as follows:

"(a) Notwithstanding any other provision of law to the contrary, the department may acquire, construct, operate, and maintain a demonstration safety rest area and information center in Cobb County. For purposes of this Code section, the safety rest area and information center shall be known as the 'Gateway Center,' but the ~~State Transportation Board~~ department may name or designate the center in its discretion. In addition to the powers provided in this Code section, cumulatively, the department shall have the same powers with respect to Gateway Center which the department otherwise enjoys with respect to safety rest areas, information centers, and welcome centers.

SECTION 1-7.

Said title is further amended in Code Section 32-2-5, relating to actions by or against the department, by revising subsection (b) as follows:

"(b) All actions brought ex contractu by or against the department shall be brought in a county where any part of the work is to be or has been performed. All other actions by or against the department shall be brought in the county in which the cause of action arose. Service upon the department shall be sufficient by serving a second original process issued from the county where the action is filed upon the commissioner personally or by leaving a copy of the same in the office of the commissioner in ~~the Department of Transportation Building,~~ Atlanta, Georgia."

SECTION 1-8.

Said title is further amended in Code Section 32-2-6, relating to liability of the department for actions against counties, by revising subsection (a) as follows:

"(a) The department shall defend any action and be responsible for all damages awarded therein in any court of this state against any county under existing laws whenever the cause of action accrues on a public road which at the time of accrual had been designated by the department as a part of the state highway system; provided, however, that no action may be brought under this Code section until the construction of the public road on which the injury complained of occurred has been completed and such public road has been officially opened to traffic as provided in subsection (b) of this Code section. When any such action is brought against a county in any court of this state, it shall be the duty of the plaintiff to provide for service of notice of the pendency of such action against the county upon the department by providing for service of a second original process, issued from the court where the action is filed, upon the commissioner personally or by leaving a copy of the same in the office of the commissioner in ~~the Department of Transportation Building,~~ Atlanta, Georgia. The service of process in such action upon the county shall not be perfected until such second original process has been served as provided in this Code

section. The department shall also have the right and authority to defend, adjust, and settle in the name of such county and on its behalf any claim for damages for which the department ultimately may be liable under this Code section."

SECTION 1-9.

Said title is further amended in Code Section 32-2-20, relating to composition of board, qualifications of members, terms of office, manner of selection of members, filling of vacancies, officers, meetings, and compensation of members, by repealing subsections (d) through (f), which read as follows:

"(d) The board shall, by majority vote of those members present and voting at regular sessions, elect from their number a chairman and vice-chairman who shall serve at the pleasure of the board. In like manner, the board shall also elect a secretary, who need not necessarily be a member of the board, and who shall also serve at the pleasure of the board.

(e) The board shall meet in regular session at least one day each month, at least nine of which regular sessions are to be held at the headquarters of the Department of Transportation in Atlanta, and at such other special meetings as may be called by the commissioner, by the chairman, or by a majority of the members of the board upon reasonable written notice to all members of the board. Further, the chairman of the board or the commissioner is authorized from time to time to call meetings of committees of the board which are established by board policy; and to require the attendance of a member or members of the board at places inside or outside the state when, in the opinion of the chairman or the commissioner, the member or members of the board are needed to attend properly to the department's business. A majority of the board shall constitute a quorum for the transaction of all business including election or removal of the commissioner. Except as otherwise provided in this title, any power of the board may be exercised by a majority vote of those members present at any meeting at which there is a quorum.

(f) The members of the board shall receive no salary but shall receive for each day of actual attendance at meetings of the board and the committee meetings the per diem and transportation costs prescribed in Code Section 45-7-21. A like sum shall be paid for each day actually spent in studying the transportation needs of the state or attending other functions as a representative of the board, not to exceed 60 days in any calendar year. In addition, they shall receive actual transportation costs while traveling by public carrier or the legal mileage rate for the use of a personal automobile in connection with such attendance and road study. Such per diem and expense shall be paid from funds appropriated to the department upon presentation, by members of the board, of vouchers approved by the chairperson and signed by the secretary."

SECTION 1-10.

Said title is further amended in Code Section 32-2-21, relating to the powers and duties of the State Transportation Board, by repealing said Code section.

SECTION 1-11.

Said title is further amended in Code Section 32-2-40, relating to the selection of the commissioner of transportation and the term of office of the commissioner, by revising subsections (b), (d), and (e) as follows:

"(b) The commissioner, his or her successor, and each succeeding commissioner thereafter shall be selected by a vote of the majority of the total number of members of the board. At the time of said vote, the board shall stipulate the term the commissioner shall serve, and said commissioner shall serve during the stipulated term and until his or her successor is selected by the board and duly qualified. The board shall stipulate one of the following to be the term of the commissioner:

(1) The commissioner shall serve at the pleasure of the board; or

(2) The commissioner shall serve any term specified by the board up to and including a maximum of four years; however, the board shall not specify a term of office that extends beyond the end of the term of the Governor in office at the time the commissioner's term is scheduled to begin."

"(d) The commissioner shall qualify, upon selection, by executing a bond in the amount of \$100,000.00 with a corporate surety licensed to do business in this state and payable to the Governor and his or her successors in office, such bond to be approved by the Governor and conditioned on the faithful discharge of his or her duties as commissioner. The premium of such bond shall be paid from funds of the department.

(e) The commissioner shall devote full time and attention to the duties and responsibilities of his or her office. No person who serves as commissioner shall be eligible, except as hereinafter provided in this subsection, to qualify as a candidate in any primary, special, or general election for any state or federal elective office nor to hold any such office, except as hereinafter provided in this subsection, during the time he or she serves as commissioner and for a period of 12 months after the date he or she ceases to serve as commissioner. However, nothing contained in this subsection shall prevent the commissioner from being appointed to any other office nor disqualify him or her from running in any election to succeed himself or herself in any office to which he or she was appointed nor to hold such office in the event he or she is elected thereto and otherwise qualified therefor; provided, however, that the commissioner shall resign as commissioner of transportation before accepting any such appointive office."

SECTION 1-12.

Said title is further amended in Code Section 32-2-41, relating to the powers, duties, and authority of the commissioner of transportation, by revising subsection (a) and adding a new subsection as follows:

"(a) As the chief executive officer of the department, the commissioner shall have direct and full control of the department. ~~He~~ and shall possess, exercise, and perform all the duties, powers, and authority which may be vested in the department by law, ~~except those duties, powers, and authority which are expressly reserved by law to the board. When the board is not in regular or called session, the commissioner shall perform, exercise, and possess all duties, powers, and authority of the board except:~~

(1) ~~Approval of the advertising of nonnegotiated construction contracts;~~

(2) ~~Approval of authority lease agreements;~~

(3) ~~Confirmation or rejection of the recommendation for appointment of the following department officers: the deputy commissioner; the chief engineer; and the treasurer and the assistant treasurer of the department; and~~

(4) ~~Approval of long-range plans and programs of the department.~~

~~The commissioner shall also have~~ such as the authority to exercise the power of eminent domain and to execute all contracts; and authority lease agreements; ~~and all other functions except those that cannot legally be delegated to him by the board."~~

"(c) The commissioner shall perform any transportation duties and implement any transportation projects or plans delegated or assigned to the commissioner by the secretary of transportation."

SECTION 1-13.

Said title is further amended in Code Section 32-2-41.1, relating to development of a State-wide Strategic Transportation Plan, by repealing said Code section and designating it as "Reserved."

SECTION 1-14.

Said title is further amended in Code Section 32-2-41.2, relating to benchmarks and value engineering studies to be developed by the commissioner of transportation, by revising subsections (b) and (d) as follows:

"(b) The commissioner shall submit an annual report to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, ~~and~~ the chairpersons of the House and Senate Transportation Committees, and the secretary of transportation detailing the progress of every construction project valued at \$10 million or more against the benchmarks. This report shall include an analysis explaining the discrepancies between

the benchmarks and actual performance on each project as well as an explanation for delays. This report shall also be published on the website of the department."

"(d) Value engineering studies shall be performed on all projects whose costs exceed \$10 million, and the commissioner shall submit an annual report to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, ~~and~~ the chairpersons of the House and Senate Transportation Committees, and the secretary of transportation detailing the amount saved due to the value engineering studies. This report shall also be published on the website of the department."

SECTION 1-15.

Said title is further amended in Code Section 32-2-42, relating to the appointment of a deputy commissioner of transportation, chief engineer, treasurer, and assistant treasurer, by revising said Code section as follows:

"32-2-42.

(a) The commissioner shall appoint a deputy commissioner of transportation, ~~whose appointment shall be subject to the approval of the board,~~ to serve at the pleasure of the commissioner. Before assuming the duties of his or her office, the deputy commissioner shall qualify by giving bond with a corporate surety licensed to do business in this state, such bond to be in the amount of \$100,000.00 and payable to the Governor and his or her successors in office. The bond shall be subject to the approval of the Governor and shall be conditioned on the faithful discharge of the duties of the office, including any duties of the office of the commissioner which the deputy commissioner may be required to perform as acting commissioner. The premium for the bond shall be paid out of the funds of the department. The deputy commissioner shall be the assistant commissioner and shall be empowered to act in his or her own name for the commissioner. The deputy commissioner may exercise to the extent permitted by law only such powers and duties of the commissioner as have been previously assigned to him or her in writing by the commissioner. In the event of the commissioner's temporary incapacity which causes his or her absence from the offices of the Department of Transportation ~~Building~~ in Atlanta, Georgia, for 30 consecutive days, the deputy commissioner shall assume all the powers and duties of the commissioner, to be exercised until such time as the commissioner's temporary absence or incapacity shall cease. In the event of the commissioner's permanent incapacity, the deputy commissioner shall become acting commissioner, as provided in subsection (c) of Code Section 32-2-40.

(b) The commissioner shall appoint a chief engineer, ~~whose appointment shall be confirmed or rejected by the board at the next regular board meeting following his or her appointment,~~ to serve at the pleasure of the commissioner. The chief engineer shall be the

chief engineer of the department and shall be a professional engineer registered in accordance with Chapter 15 of Title 43 and who shall be experienced in highway engineering.

(c) The commissioner shall appoint a treasurer of the department, ~~whose appointment shall be confirmed or rejected by the board at the next regular board meeting following his appointment,~~ to serve at the pleasure of the ~~board~~ commissioner. Before assuming the duties of his or her office, the treasurer shall qualify by giving bond with a corporate surety licensed to do business in this state, such bond to be in the amount of \$100,000.00 and payable to the Governor and his or her successors in office. The bond shall be subject to the approval of the Governor and shall be conditioned on the faithful discharge of the duties of the office. The premium for the bond shall be paid out of the funds of the department. The duties of the treasurer shall be to receive all funds from all sources to which the department is entitled, to account for all funds received by the department, and to perform such other duties as may be required of him or her by the commissioner. The commissioner shall have the authority to appoint an assistant treasurer in the same manner and under the same conditions as set forth in this subsection for the appointment of the treasurer, including the qualifying in advance by giving bond of the same type, amount, and paid for in the same manner as required of the treasurer. The assistant treasurer shall assume the duties of office of treasurer upon the incapacity or death of the treasurer and shall serve until a new treasurer is appointed as provided in this subsection.

(d) Any provision of this title or of any other statute or of any rule or regulation to the contrary notwithstanding, the commissioner or the deputy commissioner may, in addition to serving as commissioner or deputy commissioner, also simultaneously serve as chief engineer, provided that he or she shall be appointed ~~and confirmed~~ and shall possess the qualifications as prescribed in subsection (b) of this Code section. A commissioner or deputy commissioner simultaneously serving as chief engineer shall be paid for the discharge of all his or her duties the sum to which he or she is entitled as commissioner or deputy commissioner."

SECTION 1-16.

Said title is further amended in Code Section 32-2-60, relating to the authority of the department to contract and the form and content of construction contracts, by revising subsection (a) and paragraph (1) of subsection (e) as follows:

"(a) The department, subject to the specific approval of any contract by the State Transportation Authority, shall have the authority to contract as set forth in this article and in Code Section 32-2-2. All department construction contracts shall be in writing. Any contract entered into by the department for the construction of a public road shall include,

as a cost of the project, provisions for sowing vegetation, if appropriate, on all banks, fills, cuts, ditches, and other places where soil erosion is likely to result from the necessary incidents to road work along the right of way of the road project."

"(e)(1) When the estimated amount of any department construction contract exceeds \$300 million, performance and payment bonds shall be required in the amount of at least the total amount payable by the terms of the contract unless the department, after public notice and a public meeting, makes a written determination supported by specific findings that single bonds in such amount are not reasonably available, ~~and the board approves such determination in a public meeting~~. In such event, the estimated value of the construction portion of the contract, excluding right of way acquisition and engineering, shall be guaranteed by a combination of security including, but not limited to, the following:

- (A) Payment, performance, surety, cosurety, or excess layer surety bonds;
- (B) Letters of credit;
- (C) Guarantees of the contractor or its parent companies;
- (D) Obligations of the United States and of its agencies and instrumentalities; or
- (E) Cash collateral;

provided, however, that the aggregate total guarantee of the project may not use a corporate guarantee of more than 35 percent. The combination of such guarantees shall be determined at the discretion of the department, ~~subject to the approval of the board~~; provided, however, that such aggregate guarantees shall include not less than \$300 million of performance and payment bonds and shall equal not less than 100 percent of the contractor's obligation under the construction portion of the contract."

SECTION 1-17.

Said title is further amended in Code Section 32-2-61, relating to limitations on the power to contract by the Department of Transportation, by revising subsection (b) and paragraph (1) of subsection (d) as follows:

"(b)(1) The ~~board~~ department shall not enter into any lease contract if:

- (A) The aggregates of all lease rentals from that and all other such lease contracts including the contract or contracts proposed to be entered into exceed \$19,900,000.00 per annum or 15 percent of the funds appropriated to the department in the fiscal year immediately preceding entering into any such lease rental contract, whichever is greater; or
- (B) Such lease contract constitutes security for bonds or other obligations issued by the lessor.

(2) The execution of any lease contract is prohibited until the General Assembly has specifically provided funds in an appropriations Act for the payment of at least one year's rental under such contract.

(3) The execution of any lease contract is prohibited until the State Transportation Authority has specifically approved the execution of the lease contract."

"(d)(1) The department is prohibited from negotiating any contract for the construction or maintenance of a public road involving the expenditure of \$100,000.00 or more except any contract:

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

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

(C) For emergency construction or maintenance involving the expenditure of \$100,000.00 or more when the public interest requires that the work be done without the delay of advertising for public bids;

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

(E) With the State ~~Road and Tollway~~ Transportation Authority; ~~or,~~

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

SECTION 1-18.

Said title is further amended in Code Section 32-2-62, relating to the approval of advertising of nonnegotiated construction contracts by the State Transportation Board, by revising said Code section as follows:

"32-2-62.

The advertising of all nonnegotiated department construction contracts shall have the prior approval of the ~~board~~ commissioner. ~~When the board is not in session, the~~ The commissioner may also approve negotiated construction contracts. ~~In determining public roads most in need of work and also the type, class, width, location, and order of priority~~

of each project, the board shall take into consideration such factors as the use of the public road in question; the present need and anticipated development of the area traversed by it; whether or not it is a school bus or mail route; and its use for agricultural or industrial purposes. The board shall also take into consideration the information disclosed by the records required by Code Section 32-4-2 to be maintained by the department."

SECTION 1-19.

Said title is further amended in Code Section 32-2-63, relating to the authority of the commissioner of transportation to execute contracts and lease agreements, by revising said Code section as follows:

"32-2-63.

The commissioner shall have full authority to execute contracts and authority lease agreements on behalf of the department whenever such contracts or agreements have been approved in accordance with this title and approved by the State Transportation Authority."

SECTION 1-20.

Said title is further amended in Code Section 32-2-69, relating to awarding of contracts by the Department of Transportation to the lowest reliable bidder, by revising subsection (a) as follows:

"(a) ~~Except as authorized by Code Sections 32-2-79 and 32-2-80, the~~ The department shall award the contract to the lowest reliable bidder, provided that the department shall have the right to reject any and all such bids whether such right is reserved in the public notice or not and, in such case, the department may readvertise, perform the work itself, or abandon the project."

SECTION 1-21.

Said title is further amended in Code Section 32-2-74, relating to the effect of federal laws and securing the benefits of federal-aid programs, by revising subsection (b) as follows:

"(b) Upon the approval of the State Transportation Authority, the ~~The~~ department is authorized to take the necessary steps to secure the full benefit of the federal-aid program and to meet any contingencies not provided for in Code Sections 32-2-60 through 32-2-73, abiding at all times by a fundamental purpose to plan, survey, construct, reconstruct, maintain, improve, and pave as economically as possible those public roads of Georgia which, under the terms of Code Sections 32-2-60 through 32-2-73, are most in need of such construction or work in such a manner as will best promote the interest, welfare, and progress of the citizens of Georgia."

SECTION 1-22.

Said title is further amended in Code Section 32-2-75, relating to contract clauses for the retainage of certain amounts, by revising subsection (a) as follows:

"(a) As used in this Code section and Code Sections 32-2-76 and 32-2-77, the term:

(1) 'Engineer' means the chief engineer or the engineer designated by the Georgia Highway Authority or the State ~~Road and Tollway~~ Transportation Authority.

(2) 'Escrow account' means the certificates of deposit issued by a state or national bank in Georgia and any uninvested cash held in escrow.

(3) 'State' means the Department of Transportation, the Georgia Highway Authority, or the State ~~Road and Tollway~~ Transportation Authority.

(4) 'Treasurer' means the treasurer of the Department of Transportation, the treasurer of the Georgia Highway Authority, or the treasurer of the State ~~Road and Tollway~~ Transportation Authority."

SECTION 1-22.1.

Said title is further amended in Code Section 32-2-78, relating to definitions regarding public-private initiatives, by designating the existing text as subsection (a) and by adding a new subsection to read as follows:

"(b) Subject to oversight by the State Transportation Authority, the provisions of this Code section shall apply to any public-private initiative project that was being negotiated by the department as of July 1, 2009. The provisions of Code Section 32-12-31 shall apply to all public-private initiative projects initiated on or after July 1, 2009."

SECTION 1-22.2.

Said title is further amended in Code Section 32-2-79, relating to the requirements for solicited or unsolicited public-private initiatives, by adding a new subsection to read as follows:

"(q) Subject to oversight by the State Transportation Authority, the provisions of this Code section shall apply to any public-private initiative project that was being negotiated by the department as of July 1, 2009. The provisions of Code Section 32-12-31 shall apply to all public-private initiative projects initiated on or after July 1, 2009."

SECTION 1-22.3.

Said title is further amended in Code Section 32-2-80, relating the authority to contract with the proposer of a public-private initiative, by adding a new subsection to read as follows:

"(d) Subject to oversight by the State Transportation Authority, the provisions of this Code section shall apply to any public-private initiative project that was being negotiated by the

516 department as of July 1, 2009. The provisions of Code Section 32-12-31 shall apply to all
517 public-private initiative projects initiated on or after July 1, 2009."

518 **SECTION 1-22.4.**

519 Said title is further amended in Code Section 32-2-81, relating to procedures for using the
520 design-build procedure by the Department of Transportation, by adding a new subsection to
521 read as follows:

522 "(h) Subject to oversight by the State Transportation Authority, the provisions of this Code
523 section shall apply to any design-build project that was being negotiated by the department
524 as of July 1, 2009. The provisions of Code Section 32-12-31 shall apply to all design-build
525 projects initiated on or after July 1, 2009."

526 **SECTION 1-23.**

527 Said title is further amended in Code Section 32-4-1, relating to the classification of public
528 roads, by revising paragraph (1) as follows:

529 "(1) STATE HIGHWAY SYSTEM. The state highway system shall consist of those public
530 roads which on July 1, 1973, are shown by the records of the department to be 'state-aid
531 roads,' those public roads thereafter designated by the department, as directed by the State
532 Transportation Authority, as part of the state highway system, and all of The Dwight D.
533 Eisenhower System of Interstate and Defense Highways within the state;"

534 **SECTION 1-24.**

535 Said title is further amended in Code Section 32-4-2, relating to the preparation of an official
536 map by the Department of Transportation, by revising subparagraph (a)(2)(A) and
537 subsections (b), (c), (d), and (e) as follows:

538 "(2)(A) The department shall prepare an official list of all portions or features of the
539 state highway system, including without limitation public roads, bridges, or
540 interchanges, which have been named by Act or resolution of the General Assembly ~~or~~
541 ~~by resolution of the State Transportation Board.~~ The department shall update the list
542 to reflect any additions or changes as soon as is reasonably possible; and such list, as
543 periodically revised, shall be open for public inspection. For each such named portion
544 or feature of the state highway system, the list shall specify without limitation the
545 official name; the state highway system route number; the name of each county and the
546 number of each five-digit postal ZIP Code area wherein the named portion or feature
547 is located; a citation to the Act or resolution of the General Assembly ~~or the resolution~~
548 ~~of the State Transportation Board~~ officially naming such portion or feature; and a brief

biographical, historical, or other relevant description of the person, place, event, or thing commemorated by such naming."

"(b) In accordance with procedures prescribed by the State Transportation Authority, the
~~The~~ department shall keep written records of the mileage on all public roads on the state highway system and on all public roads on each of the county road systems. These written records shall be revised in accordance with procedures prescribed by the State Transportation Authority as soon as is reasonably possible after any changes to the above public road systems. They shall indicate whether roads are paved or unpaved and shall contain information as to the condition, status, type, and use of all such public roads and such other information as deemed necessary for sound, long-range planning of public road construction and maintenance. These records shall be made available to each county and to the public.

(c) ~~The department~~ State Transportation Authority may provide reasonable rules and regulations, or may require the department to do so, for keeping accurate and up-to-date, between official measurements, the mileage record called for in this Code section. Each county shall comply with such rules and regulations.

(d) Not more often than every four years, a county may request an official measurement of its county road system under the rules and regulations of the department; and the department shall comply with such a request if properly made in accordance with procedures prescribed by the State Transportation Authority. Whenever a mileage measurement is to be made in any county, whether in response to a request or in the regular course of measurement for the records of the department, the county shall furnish a representative to accompany the representatives of the department in its measurement. In case of disagreement between the department representative and the county representative as to their findings, the matter shall be referred to the ~~commissioner~~ secretary of transportation, whose decision as to the facts thereof shall be final and conclusive. The distribution of the county grants based on public road mileage of the county road system shall be made on the basis of the latest official mileage record for each county as shown by department records at the end of the preceding fiscal year.

(e) The official record of the state highway system shall consist of an official map, as provided for in subsection (a) of this Code section, and a written record, as provided for in subsection (b) of this Code section, the written record to have priority in case of conflict between the two. ~~Resolutions of the board designating a road as part of the state highway system, as provided for in Code Section 32-4-21, and certifications~~ Certifications of abandonment, as provided for in subsection (a) of Code Section 32-7-2, shall serve as the official record until such changes are recorded on the official map and in the written record."

SECTION 1-25.

Said title is further amended in Code Section 32-4-21, relating to the designation of roads as part of the state highway system, by revising said Code section as follows:

"32-4-21.

The State Transportation Authority may designate a new or existing public road as part of the state highway system. Whenever ~~the board, or the commissioner when the board is not in session,~~ deems it necessary and in the public interest to have a new or existing public road designated as part of the state highway system, whether as additional mileage or as part of a substitution or relocation, ~~the board, by resolution, or the commissioner, by written notice to the board~~ in consultation with and upon the approval of the State Transportation Authority, may designate such road to be a part of the state highway system. If the road proposed to be designated is a part of either a county road system or a municipal street system, the ~~department~~ commissioner shall give written notice to the county or municipality of the effective date that such road shall become part of the state highway system. Any change on the state highway system by designation shall be recorded on the official map and in the written records of the state highway system, as provided for in subsections (a) and (b) of Code Section 32-4-2."

SECTION 1-26.

Said title is further amended in Code Section 32-4-22, relating to the creation of the Developmental Highway System, by revising subsections (b) and (c) as follows:

"(b) The location and mileage of the Developmental Highway System shall be as generally described in subsection (a) of this Code section, with the power of the ~~State Transportation Board~~ department to make such variances therein as shall be dictated by sound engineering and construction practices.

(c) The Developmental Highway System shall be under the ~~control and~~ supervision of the ~~board~~ department, subject to the provisions of this Code section or any other Act of the General Assembly; provided, however, that the State ~~Road and Tollway~~ Transportation Authority is authorized to construct all or any part of such system and to enter into agreements with the department or other entities, pursuant to Code Section 32-2-61, for such purpose. ~~Any project the cost of which is paid from the proceeds of garvee bonds as defined in Code Section 32-10-90.1 shall be, pursuant to a contract or agreement between the authority and the department, planned, designed, and constructed by the Department of Transportation or a contractor contracting with the Department of Transportation."~~

SECTION 1-27.

Said title is further amended in Code Section 32-4-24, relating to the designation of alternative tourism routes on the state highway system, by revising said Code section as follows:

"32-4-24.

(a) The ~~board~~ department, subject to approval by the State Transportation Authority, shall designate as alternative tourism routes roads that are a part of the state highway system that traverse the state and pass through or in close proximity to historic sites or tourist attractions in the state. Interstate highways that traverse the state shall not be eligible for designation as an alternative tourism route. The initial alternative tourism routes shall be U.S. Highway 27 and U.S. Highway 441.

(b) The ~~board~~ department shall consult with the Department of Economic Development, county governing authorities, and historical sites and tourist attractions located in this state in the selection of additional alternative tourism routes. The Department of Economic Development shall promote such routes and sites and attractions along such routes to the motoring public.

(c) Subject to the appropriation process, the department may within five years of the designation of an alternative tourism route construct within 20 miles of the state line on each end of such route a welcome center. Subject to the appropriation process, if the department decides to construct such a center, it shall negotiate and contract with the local governing authorities where the welcome center is located for the maintenance and operation of such center."

SECTION 1-28.

Said title is further amended in Code Section 32-5-1, relating to receipt of federal-aid funds by the state, by revising said Code section as follows:

"32-5-1.

(a) The director of the Office of Treasury and Fiscal Services is designated ~~a~~ the proper fiscal authority and custodian to receive ~~any of the all~~ federal-aid funds apportioned by the federal government under 23 U.S.C. and to receive any other federal funds apportioned to or otherwise available for the State of Georgia for public road and other public transportation purposes, unless designated otherwise by the federal government and except as such funds may be directed by the federal government to the State ~~Road and Tollway~~ Transportation Authority or its designee, in the authority's own right or as successor to the State Road and Tollway Authority.

(b) If any provisions of this chapter are inconsistent with or contrary to any laws, rules, regulations, or other requirements of the United States Department of Transportation or

other federal agencies, the ~~Georgia Department of Transportation~~ State Transportation Authority is authorized and empowered to waive such provisions of this chapter in order to resolve any such inconsistency or conflict, it being the purpose of this chapter to enable the ~~department~~ authority to comply with any requirement of the federal government in order to procure all possible federal aid and assistance for the construction or maintenance of the public roads of Georgia and other public transportation purposes."

SECTION 1-29.

Said title is further amended in Code Section 32-5-2, relating to appropriation of funds to the Department of Transportation, by revising said Code section as follows:

"32-5-2.

(a) All federal funds received by the director of the Office of Treasury and Fiscal Services under Code Section 32-5-1 ~~are continually appropriated to the department~~ constitute the Federal Public Transportation Fund. Unless otherwise required by federal law, the State Transportation Authority shall be the state entity authorized to apply for and dispose of, or direct the disposition of, the Federal Public Transportation Fund. The authority may grant, award, pay, disburse, and supervise moneys from the Federal Public Transportation Fund for the ~~purpose~~ purposes specified in the grants of such funds; provided, however, ~~except as such funds may be directed by the federal government to the State Road and Tollway Authority, provided that no federal funds or funds appropriated to the department~~ shall be expended for procurement of rights of way for a road to be constructed on a county road system except as otherwise provided by law or by agreement between the federal government and the ~~department~~ State Transportation Authority or with the authority's approval.

(b) The State Transportation Agency, in making state public transportation funds available to the authority or according to the authority's guidance, shall condition the use of such funds on compliance with the terms of the appropriation by the General Assembly."

SECTION 1-30.

Said title is further amended in Code Section 32-5-20, relating to the State Public Transportation Fund, by revising said Code section as follows:

"32-5-20.

(a)(1) As used in this ~~article~~ chapter, the term '~~State Public Transportation Fund~~' 'motor fuel funds' means ~~that money the expenditures of which are controlled and supervised by the department by virtue of paragraph (2) of subsection (a) of Code Section 32-2-2~~ the amount equal to the net amount derived from motor fuel taxes in each of the immediately preceding fiscal years appropriated for each fiscal year by Article III, Section IX,

Paragraph VI(b) of the Constitution of Georgia for all activities incident to providing and maintaining an adequate system of public roads and bridges in this state and for grants to counties for road construction and maintenance, as provided by law, and any other funds appropriated or provided for by law for such purposes except the Federal Public Transportation Fund. The State Public Transportation Fund includes all motor fuel funds except when, consistent with the purpose of motor fuel funds: (1) motor fuel funds are appropriated for the obligation imposed by the second paragraph of Paragraph I(a) of Section VI of Article IX of the Constitution of 1976; (2) motor fuel funds are appropriated for authorization or payment of general obligation debt for purposes consistent with the purpose of motor fuel funds; and (3) motor fuel funds are appropriated for guaranteed revenue debt.

(2) If the amount of motor fuel funds appropriated by the Constitution for a fiscal year as finally calculated differs from the total appropriation of motor fuel funds by the General Assembly for that fiscal year, the difference, whether an increase or a decrease, shall be spread among the appropriations from the State Public Transportation Fund pro rata. Any increase in appropriations shall be made available to the State Transportation Agency by the director of the Office of Treasury and Fiscal Services, notwithstanding any provisions to the contrary in Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act.'

(b) The State Transportation Agency in accordance with applicable law and appropriations shall control, grant, award, disburse and supervise the State Public Transportation Fund.

(c) Before the beginning of each fiscal year, the authority, the agency, the department, and the Office of Planning and Budget shall cooperate in establishing a budget for the department and making arrangements for its receipt of funds."

SECTION 1-31.

Said title is further amended in Code Section 32-5-21, relating to priority of expenditures from the State Public Transportation Fund, by revising said Code section as follows:

"32-5-21.

(a) The department shall apply motor fuel funds appropriated to it as required by law for the following purposes: Subject to the restrictions on expenditures imposed by Code Section 32-5-23, the State Public Transportation Fund shall be expended by the department in the following order:

(1) To pay the rentals on lease contracts entered into pursuant to the authority of the Constitution of Georgia; and

(2) To pay into the State of Georgia Guaranteed Revenue Debt Common Reserve Fund the amount of the highest annual debt service requirements for an issue of guaranteed

revenue debt for public road projects initiated pursuant to Code Section 32-10-67, upon its issuance, when the guarantee of the specific issue has been authorized by an appropriation of moneys governed by Article III, Section IX, Paragraph VI(b) of the Constitution and the appropriation meets the requirements for such debt as provided by Article VII, Section IV, Paragraph III(b) of the Constitution;

~~(3) To pay the costs of operating the department and for any emergencies or unusual situations;~~

(b) The department shall apply the funds of the State Public Transportation Fund and the Federal Public Transportation Fund disbursed, awarded, or otherwise made available to it in the following order:

~~(4)~~(1) To pay the costs necessary to comply with the conditions of any federal-aid apportionments to the state department for the planning, surveying, constructing, paving, and improving of the public roads in Georgia; and

~~(5) Next, a sum equal to at least 15 percent of the State Public Transportation Fund, said sum to be used as follows:~~

~~(A) One-third to pay all or part of the costs of the planning, surveying, constructing, improving, paving, and completing public roads not on the state highway system;~~

~~(B) One-third to pay all or part of the costs of planning, surveying, constructing, improving, and paving public roads on the state highway system; and~~

~~(C) The remaining one-third to pay all or part of the costs of planning, surveying, constructing, reconstructing, paving, and improving the public roads of Georgia determined by the department to be most in need of such work; and~~

~~(6)~~(2) After the requirements set out in the foregoing provisions of this Code section have been met, the remainder of the moneys allocated from the State Public Transportation Fund to shall be expended to pay the costs of maintaining, improving, constructing, and reconstructing the public roads of the state highway system, for maintaining roads within and leading to state parks, and for constructing public roads by department forces and to pay the costs of operating the department and for any emergencies or unusual situations, the existence of which is concurred in by the secretary of transportation."

SECTION 1-32.

Said title is further amended in Code Section 32-5-22, relating to expenditures from the State Public Transportation Fund, by revising said Code section as follows:

"32-5-22.

Expenditures from the The State Public Transportation Fund Agency, with the approval of the State Transportation Authority, may be made, authorize expenditures from the State

Public Transportation Fund under such conditions as the ~~department~~ agency may provide, for streets, driveways, and parking areas located upon the property of and serving:

- (1) Public schools;
- (2) Colleges of the university system;
- (3) State agencies and governments of political subdivisions; and
- (4) Hospitals constructed with the assistance of financial grants from the federal government, authorized by Title 42, Chapter 6A, Subchapter IV, United States Code, as amended."

SECTION 1-33.

Said title is further amended in Code Section 32-5-25, relating to use of funds from the State Public Transportation Fund in regard to acquisition of rights of way, by revising said Code section as follows:

"32-5-25.

Whenever property is acquired under subsection (e) of Code Section 32-3-3, all expenses of the acquisition thereof, including the purchase price and all direct and consequential damages awarded in any proceeding brought to condemn any such right of way, shall be paid by the county in which such right of way or portion thereof is situated. When such right of way or portion thereof lies within the limits of a municipality, acquisition expenses shall be paid by such municipality unless the county concerned agrees to procure such right of way on behalf of the municipality. However, nothing contained in this Code section shall prevent the department from using the moneys made available to it from the State Public Transportation Fund or Federal Public Transportation Fund to acquire such right of way, to pay any damage awarded on account of the location of any road that is a part of the state highway system, or to assist a county or municipality in so doing. Furthermore, nothing in this Code section shall be construed to authorize an expenditure from the moneys allocated from the State Public Transportation Fund or Federal Public Transportation Fund for the procurement of a right of way for a road to be constructed on a county road system or municipal street system except as otherwise provided by law or by agreement between the federal government and the department subject to approval by the State Transportation Agency or the State Transportation Authority."

SECTION 1-34.

Said title is further amended in Article 3 of Chapter 5, relating to the allocation of state and federal funds for public roads, by repealing said article.

SECTION 1-35.

Said title is further amended in Code Section 32-6-70, relating to state policy regarding outdoor advertising signs, by revising subsection (b) as follows:

"(b) The General Assembly further declares it to be the policy of this state to avert substantial economic hardship by the retention, in specific areas defined by the ~~board~~ department, upon request made by the Department of Transportation and approved by the United States Secretary of Transportation, of directional signs, displays, and devices which were lawfully erected under state law in force at the time of their erection, which were in existence on May 5, 1976, and which do not conform to the requirements of paragraphs (1) through (5) of Code Section 32-6-72 and paragraphs (1) through (3) of Code Section 32-6-73, where it can be demonstrated that such signs, displays, and devices (1) provide directional information about goods and services in the specific interest of the traveling public and (2) are such that removal would work a substantial economic hardship in such defined area."

SECTION 1-36.

Said title is further amended in Code Section 32-6-71, relating to definitions pertaining to outdoor advertising signs, by revising paragraphs (1) and (29) as follows:

"(1) 'Defined area' means any area or areas within the state defined by the ~~board~~ department, upon request made by the State Department of Transportation and approved by the United States Secretary of Transportation, to be an area where the removal of directional signs, displays, and devices which were lawfully erected under state law in force at the time of their erection, which were in existence on May 5, 1976, and which do not conform to the requirements of paragraphs (1) through (5) of Code Section 32-6-72 and paragraphs (1) through (3) of Code Section 32-6-73 would deprive the traveling public of directional information about goods and services in the specific interest of the traveling public and would work a substantial economic hardship in such defined area or areas."

"(29) 'Zoned commercial or industrial areas' means those areas which are zoned for industrial or commercial activities pursuant to state or local zoning laws or ordinances as part of a comprehensive zoning plan. Strip zoning shall not be considered as a bona fide comprehensive zoning plan. Comprehensive zoning plans for the purposes of outdoor advertising only shall be approved by the ~~board~~ department when an application for a permit has been made."

SECTION 1-37.

Said title is further amended in Code Section 32-6-75.2, relating to dedication of funds to the Roadside Enhancement and Beautification Fund, by revising said Code section as follows:

"32-6-75.2.

There is established a special fund to be known as the 'Roadside Enhancement and Beautification Fund.' This fund shall consist of all moneys collected under Code Section 32-6-75.3, any appropriations by the General Assembly to the fund, revenues derived from the sale of any special and distinctive wildflower motor vehicle license plates issued pursuant to Code Section 40-2-49.2, any contributions to the fund from any other source, and all interest thereon. All moneys collected under Code Section 32-6-75.3 and manufacturing fees for any special and distinctive wildflower motor vehicle license plates shall be paid into the fund. All balances in the fund shall be deposited in an interest-bearing account identifying the fund and shall be carried forward each year so that no part thereof may be deposited in the general treasury. The department shall administer the fund and expend moneys held in the fund in furtherance of roadside enhancement and beautification projects along public roads in this state and administration of the tree and vegetation trimming permit program under Code Section 32-6-75.3. In addition to the foregoing, the department may, without limitation, promote and solicit voluntary contributions, promote the sale of motor vehicle license tags authorized under Code Section 40-2-49.2, and develop any fund raising or other promotional techniques deemed appropriate by the department. Contributions to the fund shall be deemed supplemental to and shall in no way supplant funding that would otherwise be appropriated for these purposes. The department shall prepare, by February 1 of each year, an accounting of the funds received and expended from the fund. The report shall be made available to the members of ~~the State Transportation Board~~, the Senate Transportation Committee, the Transportation Committee of the House of Representatives, and to members of the public on request."

SECTION 1-38.

Said title is further amended in Code Section 32-6-76, relating to restrictions on directional signs, by revising paragraph (11) as follows:

"(11) Advertises privately owned activities or attractions other than natural phenomena, scenic attractions, historic, educational, cultural, scientific, and religious sites, agricultural tourist attractions designated by the Department of Agriculture, and outdoor recreational areas and which are nationally or regionally known and are of outstanding interest to the traveling public, as determined by the ~~State Transportation Board~~ commissioner."

SECTION 1-39.

Said title is further amended in Code Section 32-6-88, relating to the designation of defined areas, by revising said Code section as follows:

"32-6-88.

Upon written request made by any county, city, corporation, partnership, association, person, or persons, the ~~board~~ department is authorized to consider and to designate a specific area or areas as a defined area or areas, upon a showing having been made that the area in question contains directional signs, displays, or devices which were lawfully erected under state law in force at the time of erection and in existence on May 5, 1976, and which do not conform to the requirements of paragraphs (1) through (6) of Code Section 32-6-72 and paragraphs (1) through (4) of Code Section 32-6-73, and upon a further showing that such directional signs, displays, and devices provide directional information about goods and services in the specific interest of the traveling public and that their removal would work a substantial economic hardship in such defined area or areas."

SECTION 1-40.

Said title is further amended in Code Section 32-6-89, relating to directional signs in defined areas, by revising said Code section as follows:

"32-6-89.

Upon designation made by the ~~board~~ department of an area or areas as a defined area or areas for purposes of requesting the approval of the United States Secretary of Transportation for the retention of directional signs, displays, and devices in the specific interest of the traveling public, the ~~Georgia Department of Transportation~~ department is authorized to request the approval of the United States Secretary of Transportation."

SECTION 1-41.

Said title is further amended in Code Section 32-8-2, relating to last resort replacement housing for displaced persons, by revising said Code section as follows:

"32-8-2.

The department shall have the authority, as a last resort, to provide replacement housing when a federal-aid project financed in whole or in part with federal aid cannot proceed to actual construction because no comparable replacement sale or rental housing is available. In carrying out the relocation assistance activities, the department, ~~with prior concurrence of the board,~~ shall be authorized to make payments, construct or reconstruct with its own forces, cause to be constructed or reconstructed, and purchase by deed or condemnation any real property for the purposes of providing replacement housing. The department may exchange, lease, or sell to the displaced person such replacement housing. Whenever any

899 real property has been acquired under this Code section and thereafter the department
900 determines that all or any part of such property or any interest therein is no longer needed
901 for such purposes because of changed conditions, the department is authorized to dispose
902 of such property or interest therein in accordance with subsection (b) of Code Section
903 32-7-4."

904 **SECTION 1-42.**

905 Said title is further amended in Code Section 32-8-4, relating to payment of expenses of
906 persons displaced by projects on the state highway system, by revising said Code section as
907 follows:

908 "32-8-4.

909 The department is authorized to make or approve payments for all necessary relocation
910 expenses, replacement housing expenses, relocation advisory services, expenses incident
911 to the transfer of real property, and litigation expenses as provided for in subparagraphs
912 (a)(2)(A), (a)(2)(B), and (a)(2)(C) of Code Section 32-8-1 of any individual, family,
913 business, farm operation, or nonprofit organization displaced by a state-aid highway project
914 on the state highway system, the cost of which is now or hereafter financed in whole or in
915 part from state funds. The department shall be guided by the policies, provisions, and
916 limitations of the Uniform Act. ~~The department shall not implement any relocation~~
917 ~~assistance on any state-aid projects on the state highway system without the prior~~
918 ~~concurrence of the board."~~

919 **SECTION 1-43.**

920 Said title is further amended in Code Section 32-8-5, relating to last resort replacement
921 housing for persons displaced by projects on the state highway system, by revising said Code
922 section as follows:

923 "32-8-5.

924 The department shall have the authority, as a last resort, to provide replacement housing
925 when a state-aid project on the state highway system cannot proceed to actual construction
926 because no comparable replacement sale or rental housing is available. In carrying out the
927 relocation assistance activities, the department, ~~with prior concurrence of the board~~, shall
928 be authorized to make payments, construct or reconstruct with its own forces, cause to be
929 constructed or reconstructed, and purchase by deed or condemnation any real property for
930 the purposes of relocating or constructing replacement housing. The department may
931 exchange, lease, or sell to the displaced person such replacement housing. Whenever any
932 real property has been acquired under this Code section and thereafter the department
933 determines that all or any part of said property or any interest therein is no longer needed

934 for such purposes because of changed conditions, the department is authorized to dispose
935 of such property or interest therein in accordance with subsection (b) of Code Section
936 32-7-4."

937 **SECTION 1-44.**

938 Said title is further amended in Code Section 32-9-1, relating to financial support and project
939 grants for mass transportation, by repealing said Code section and designating it as
940 "Reserved."

941 **SECTION 1-45.**

942 Said title is further amended in Code Section 32-9-2, relating to operation of mass transit
943 facilities or systems by the Department of Transportation, by repealing said Code section and
944 designating it as "Reserved."

945 **SECTION 1-46.**

946 Said title is further amended in Code Section 32-9-4, relating to designation of travel lanes
947 by the Department of Transportation, by repealing said Code section and designating it as
948 "Reserved."

949 **SECTION 1-47.**

950 Said title is further amended in Code Section 32-9-4.1, relating to the designation of
951 FlexAuto lanes, by repealing said Code section.

952 **SECTION 1-48.**

953 Said title is further amended in Code Section 32-9-5, relating to ride-share programs, by
954 repealing said Code section and designating it as "Reserved."

955 **SECTION 1-49.**

956 Said title is further amended in Code Section 32-9-6, relating to financial assistance for rail
957 service, by repealing said Code section and designating it as "Reserved."

958 **SECTION 1-50.**

959 Said title is further amended in Code Section 32-9-10, relating to the implementation of the
960 federal Intermodal Surface Transportation Efficiency Act of 1991, by repealing said Code
961 section.

SECTION 1-51.

Said title is further amended in Code Section 32-9-11, relating to transit services with local governments, by repealing said Code section.

SECTION 1-52.

Said title is further amended in Code Section 32-9-12, relating to a pilot program for funding streetcar projects, by repealing said Code section.

SECTION 1-53.

Said title is further amended in Code Section 32-10-1, relating to a definitions relative to the Georgia Highway Authority, by revising paragraph (3) and subparagraphs (C), (D), and (E) of paragraph (10) as follows:

~~"(3) 'Board' means the State Transportation Board or the commissioner of transportation acting as the chief executive officer of the Department of Transportation; and, whenever any action is required to be taken, any power is permitted to be exercised, any approval is to be granted, or any contract is to be executed by the State Transportation Board, pursuant to any provision of this article, the same may be taken, exercised, granted, or executed by the commissioner to the extent permitted by law~~ Reserved."

~~"(C) A continuous length or stretch of urban road, including bridges thereon, as to which the authority has undertaken or agreed to undertake any action permitted by the terms of this article or as to which any such action has been completed by the authority; and~~

~~(D) One or more bridges, as defined in paragraph (5) of this Code section, together with the approaches thereto, as defined in paragraph (1) of this Code section; and~~

~~(E) A project undertaken pursuant to a public-private initiative as authorized pursuant to Code Section 32-2-78."~~

SECTION 1-54.

Said title is further amended in Code Section 32-10-5, relating to conveyance of property to the Georgia Highway Authority, by revising subsections (a) and (c) as follows:

"(a) The Governor is authorized and empowered to convey to the authority, on behalf of the state, any real property or interest therein or any rights of way owned by the state, including property or rights of way acquired in the name of the department ~~or board~~, which is used at the time, or may be used upon completion of any action committed to the authority by this article, as a state road, a county road, or an urban road. The consideration for such conveyance shall be determined by the Governor and expressed in the deed of

conveyance; however, such consideration shall be nominal, the benefits flowing to the state and its citizens constituting full and adequate actual consideration."

"(c) The ~~board or its successors and the~~ department ~~are~~ is empowered to acquire, in any manner now permitted to ~~them~~ it by law, and to expend funds available to ~~them~~ it for such acquisition, real property, interests therein, or rights of way which upon acquisition may be conveyed by the Governor as above-provided to the authority."

SECTION 1-55.

Said title is further amended in Code Section 32-10-8, relating to initiation and selection of projects by the Georgia Highway Authority, by revising said Code section as follows:

"32-10-8.

(a) Action by the authority with respect to any project or combination of projects shall be initiated as follows: The ~~board~~ department, after investigation, shall ~~by resolution~~ recommend the undertaking to the authority with respect to a specific project or a group of projects of any action permitted by this article and deemed by the ~~board~~ department to be desirable, in the public interest, and consistent with the purposes provided in subsection (b) of this Code section. The authority shall consider such request and may by resolution provide for undertaking and financing of all or any part of such recommended actions but it shall be under no duty to undertake or finance any of them.

(b) The ~~board~~ department is authorized to make and to expend any funds available to it for the purpose of making surveys, studies, and estimates in connection with formulating its recommendations to the authority; and it is further authorized to prepare, furnish, and expend its funds for the purpose of preparing all necessary plans and specifications and furnishing all engineering skill and supervision for any project or projects with respect to which the authority has undertaken or contemplates undertaking any action permitted by this article. The department shall keep an accurate record of such expenses which, if not reimbursed or paid for by the authority as permitted in subsection (d) of this Code section, shall be deemed proper and legitimate expenses of the ~~board and~~ department.

(c) The surveys, plans, and specifications for any action taken by the authority with respect to any project shall be prepared by the department, and the engineering and construction supervision shall be performed by the department unless the ~~board~~ department specifically authorizes the authority to do so with its own employees and agents. In any event, all such plans and specifications shall be approved by the chief engineer before work is entered upon pursuant to this subsection.

(d) The authority may contract to reimburse the department for surveys, studies, estimates, plans, specifications, furnishing engineering skill and supervision, and for any other services permitted by this article from the proceeds of any issue of revenue bonds secured

by the rentals of the project or group of projects with respect to which the services were rendered; and the same shall be considered as part of the cost of the project.

(e) In selecting projects pursuant to this Code section, the ~~board~~ department shall locate urban road projects according to a formula which will allocate to each urban incorporated municipality or urban county, as the case may be, a project or projects estimated to cost an amount approximately equal to the percentage of \$100 million which 110 percent of the population of such urban incorporated municipality or which 100 percent of the population of such urban county, as the case may be, bears to the sum of the total population of all urban counties plus 110 percent of the total population of all urban incorporated municipalities except those in urban counties. As used in this subsection, the term 'population' means the population figures according to the most recent official United States census. If any urban incorporated municipality or urban county fails to qualify for one or more of its projects, the ~~board~~ department shall have full authority to substitute other projects; but such substituted project shall count in the formula allocation and the urban incorporated municipality or urban county which failed to qualify shall have a cumulative credit for the amount of such forfeited project."

SECTION 1-56.

Said title is further amended in Code Section 32-10-10, relating to payment of rentals by lessees and enforcement of covenants and obligations, by revising subsection (a) as follows:

"(a) The rentals contracted to be paid by lessees to the authority under leases entered upon pursuant to this article shall constitute obligations of the state for the payment of which the good faith of the state is pledged. Such rentals shall be paid as provided in the lease contracts from funds appropriated for such purposes by the terms of the Constitution of Georgia. It shall be the duty of the Governor and the ~~board~~ department to see to the punctual payment of all such rentals. In the event of any failure or refusal on the part of lessees punctually to perform any covenant or obligation contained in any lease entered upon pursuant to this article, the authority may enforce performance by any legal or equitable process against lessees; and consent is given for the institution of any such action."

SECTION 1-57.

Said title is further amended in Code Section 32-10-13, relating to composition of the authority's fund and purposes for which it may be utilized, by revising paragraph (3) as follows:

"(3) The construction of any project requested by the ~~board~~ department, the cost of which may amount to a sum less than the accumulated balance of such fund;"

SECTION 1-58.

Said title is further amended in Code Section 32-10-43, relating to rights and remedies of holders of bonds and coupons, by revising said Code section as follows:

"32-10-43.

Any holder of bonds or interest coupons issued under this article, any receiver for such holders, or indenture trustee, if any there be, except to the extent the rights given in this Code section may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may either at law or in equity, by action, mandamus, or other proceedings protect and enforce any and all rights under the laws of Georgia or granted in this Code section or under such resolution or trust indenture. Also, any holder of bonds or interest coupons issued under this article, any receiver for such holders, or any indentured trustee may enforce and compel performance of all duties required by this article or by resolution or trust indenture to be performed by the authority or any officer thereof, including the fixing, charging, and collecting of revenues, rents, and other charges for the use of the project or projects; and, in the event of default of the authority upon the principal and interest obligations of any bond issue, the individual, receiver, or trustee specified in this Code section shall be subrogated to each and every right, specifically including the contract rights of collecting rentals, which the authority may possess against the ~~board and the department or either of them or their respective~~ its successors; and, in the pursuit of ~~their~~ its remedies as subrogee, such individual, receiver, or trustee may proceed, either at law or in equity, by action, mandamus, or other proceedings to collect any sums by such proceedings due and owing to the authority and pledged or partially pledged directly or indirectly to the benefit of the bond issue of which said individual, receiver, or trustee is representative. No holder of any such bond or receiver or indenture trustee thereof shall have the right to compel any exercise of the taxing power of the state to pay any such bond or the interest thereon or to enforce the payment thereof against any property of the state; nor shall any such bond constitute a charge, lien, or encumbrance, legal or equitable, upon the property of the state. However, any provision of this article or any other law to the contrary notwithstanding, any such bondholder or receiver or indenture trustee shall have the right by appropriate legal or equitable proceedings, including without being limited to mandamus, to enforce compliance by the appropriate public officials with Article VII, Section IV and Article III, Section IX, Paragraph VI(b) of the Constitution of Georgia; and permission is given for the institution of any such proceedings to compel the payment of lease obligations."

SECTION 1-59.

Said title is further amended in Code Section 32-10-46, relating to protection of the interests and rights of bondholders, by revising said Code section as follows:

"32-10-46.

While any of the bonds issued by the authority remain outstanding, the powers, duties, or existence of the authority or of its officers, employees, or agents shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such bonds; nor will the state itself in any way obstruct, prevent, impair, or render impossible the due and faithful performance by ~~its board and the~~ department, ~~or either of them, or their~~ its successors; of all project rental and lease contracts and all the covenants thereof entered into under this article. This article shall be for the benefit of the state, the authority, and each and every holder of the authority's bonds and upon and after the issuance of bonds under this article shall constitute an irrevocable contract with the holders of such bonds."

SECTION 1-60.

Said title is further amended in Code Section 32-10-48, relating to the right of the Georgia Highway Authority to declaratory adjudication of validity and binding effect of lease contracts, by revising said Code section as follows:

"32-10-48.

In and as an integral but independent part of the bond validation proceedings under this article, or separately, the authority is given the right to and privilege of a simultaneous or separate right of action or equitable bill against the state, ~~the board,~~ and the department for a declaratory adjudication of the validity and binding effect of all lease contracts whose rental income may be pledged or partially pledged to the benefit of any bonds being validated. In each instance of the exercise of this right the actual controversy shall be whether or not the purported contracts contested are in all respects good and sufficient, valid, and binding obligations of the ~~board and~~ department. Any citizens of the state may intervene in such actions and assert any ground of objection. It shall be incumbent upon the ~~board and~~ department to defend against an adjudication of such validity or be forever bound unto the authority and all succeeding to the rights of the authority thereafter. Such adjudications may be rendered as an integral but independent part of the judgment upon the validation issue with which they are contested or may be rendered separately."

SECTION 1-61.

Said title is further amended in Chapter 11, relating to the interstate rail passenger network compact, by repealing said chapter and designating it as "Reserved."

PART II

Provisions Repealing the
State Road and Tollway Authority

SECTION 2-1.

Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, relating to the
State Road and Tollway Authority, is repealed in its entirety and designated as "Reserved."

PART III

Provisions Creating the
State Transportation Agency and
State Transportation Authority

SECTION 3-1.

Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,
is amended by adding two new chapters to read as follows:

"CHAPTER 11A**32-11A-1.**

This chapter shall be known and may be cited as the 'State Transportation Agency Act.'

32-11A-2.

As used in this chapter, the term:

(1) 'Agency' means the State Transportation Agency.

(2) 'Authority' means the State Transportation Authority created by Chapter 12 of this
title.

(3) 'Board' means the State Transportation Agency Board.

32-11A-3.

There is created the State Transportation Agency. The agency shall control, award, grant,
disburse and pay the State Public Transportation Fund in accord with the appropriations
Acts and the allocations and state-wide guidance and policies of the authority. The agency
shall receive all moneys made available to the agency by the General Assembly or
otherwise for purposes of the authority, and the agency shall disburse such moneys to the
authority or otherwise in accord with the terms of the agency's funding, the allocations of
the authority, and authority's state-wide guidance and policies.

32-11A-4.

(a) The members of the authority shall constitute the board of the agency and shall exercise all of the agency's powers and duties when acting in that capacity. The chairperson and any other such positions established on the board shall be held by the same members holding such positions on the authority.

(b) The board shall provide for the holding of regular and special meetings, for bylaws, and for rules and regulations within its discretion. It shall not be subject to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' in any capacity or activity. The board shall hold at least one regular meeting during each fiscal year but may hold as many regular meetings during any fiscal year as may be deemed necessary. The chairperson is authorized to call at any time a special meeting of the board, provided at least five business days' advance notice is provided to each member. A majority of the members then in office shall constitute a quorum for the transaction of any business and for the exercise of any power, duty, or function of the board; and no vacancy on the board shall impair the right of a quorum of the members of the board then in office to transact any business or to exercise any power, duty, or function of the board. The concurrence of a majority of members present at any meeting of the board at which a quorum is present shall be sufficient to constitute official action of the board. All meetings of the board shall be open to the public except as otherwise provided by state law. Meetings of the board shall generally be held at the principal office or place of business of the agency but may be held elsewhere within the state when authorized by the board.

(d) When serving in the capacity of members of the board, the members shall receive compensation and reimbursements in the same manner as they would when serving in their capacity as members of the authority.

32-11A-5.

The secretary of transportation shall be the executive director of the agency and the agency and authority shall provide his or her compensation. Unless otherwise directed by the board, the secretary of transportation may employ, terminate, and prescribe duties for employees of the agency and may arrange for services of employees of the authority. All members of the board and officers and employees of the agency shall be covered by a fidelity bond or bonds in such sum or sums and conditioned for such purpose or purposes as the board shall determine, and the cost thereof shall be paid from funds available to the agency.

CHAPTER 12

ARTICLE 1

Part 1

32-12-1.

This chapter shall be known and may be cited as the 'State Transportation Authority Act.'

~~32-10-60~~ 32-12-2.

As used in this ~~article~~ chapter, the term:

(1) 'Approach' means that distance on either end of a bridge as shall be required to develop the maximum traffic capacity of a bridge, including but not limited to necessary rights of way, grading, paving, minor drainage structures, and such other construction necessary to the approach.

(2) 'Authority' means the State Transportation Authority. This new authority is a successor to the State Tollway Authority, ~~created by the 'State Tollway Authority Act,' Ga. L. 1953, Jan.-Feb. Sess., p. 302, as amended particularly by Ga. L. 1972, p. 179, and on and after April 30, 2001, also means~~ the State Road and Tollway Authority, and the Georgia Regional Transportation Authority.

(3) 'Bridge' means a structure, including the approaches thereto, erected in order to afford unrestricted vehicular passage over any obstruction in any public road, including but not limited to rivers, streams, ponds, lakes, bays, ravines, gullies, railroads, public highways, and canals.

(4) 'Clean Air Act' means the federal Clean Air Act, as amended and codified at 42 U.S.C.A. Sections 7401 to 7671q.

~~(4)~~(5) 'Cost of project' or 'cost' means the cost of construction, including relocation or adjustments of utilities; the cost of all lands, properties, rights, easements, and franchises acquired; relocation expenses; the cost of all machinery and equipment necessary for the operation of the project; financing charges; interest prior to and during construction and for such a period of time after completion of construction as shall be deemed necessary to allow the earnings of the project to become sufficient to meet the requirements of the bond issue; the cost of engineering, legal expenses, plans and specifications, and other expenses necessary or incident to determining the feasibility or practicability of the project; administrative expenses; and such other expenses as may be necessary or incident to the financing authorized in this ~~article~~ chapter, the construction of any project, and the placing of the same in operation. Any obligation or expense incurred for any of the foregoing purposes shall be regarded as a part of the cost of the project and may be paid

or reimbursed as such out of the proceeds of revenue bonds issued for such project under this ~~article~~ chapter.

(6) 'Department' means the Georgia Department of Transportation.

(7) 'Metropolitan planning organization' means the forum for cooperative transportation decision making for a metropolitan planning area.

(8) 'Metropolitan transportation plan' means the official intermodal transportation plan that is developed and adopted through the metropolitan transportation planning process for a metropolitan planning area.

~~(5)~~(9) 'Project' means land public transportation systems, including: (A) one or more roads or bridges or a system of roads, bridges, and tunnels or improvements thereto included on an approved state-wide transportation improvement program on the Developmental Highway System as set forth in Code Section 32-4-22, as now or hereafter amended, or ~~a comprehensive transportation plan pursuant to Code Section 32-2-3~~ included on the state-wide strategic transportation plan or which are toll access roads, bridges, or tunnels, with access limited or unlimited as determined by the authority, and such buildings, structures, parking areas, appurtenances, and facilities related thereto, including but not limited to approaches, cross streets, roads, bridges, tunnels, and avenues of access for such system; and (B) any program for mass transportation or mass transportation facilities as approved by the authority ~~and the department~~ and such buildings, structures, parking areas, appurtenances, and facilities related thereto, including, but not limited to, approaches, cross streets, roads, bridges, tunnels, and avenues of access for such facilities.

~~(6)~~(10) 'Relocation expenses' means all necessary relocation expenses, replacement housing expenses, relocation advisory services, expenses incident to the transfer of real property, and litigation expenses of any individual, family, business, farm operation, or nonprofit organization displaced by authority projects to the extent authorized by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended by the Uniform Relocation Act Amendments of 1987, Title IV of Public Law 100-17.

~~(6.1)~~(11) 'Revenue' or 'revenues' shall mean any and all moneys received from the collection of tolls authorized by Code Sections ~~32-10-64 and 32-10-65~~ 32-12-61 and 32-12-62, any federal highway or transit funds and reimbursements, any other federal highway or transit assistance received from time to time by the authority, any other moneys of the authority pledged for such purpose, and any other moneys received by the authority ~~pursuant to~~ from the Georgia Transportation Infrastructure Bank.

~~(7)~~(12) 'Revenue bonds,' 'revenue bond,' 'bonds,' or 'bond' means any bonds, notes, interim certificates, reimbursement anticipation notes, or other evidences of indebtedness

of the authority authorized by ~~Part 2 of this article~~ Article 2 of this chapter, including without limitation obligations issued to refund any of the foregoing.

~~(8)~~(13) 'Self-liquidating' means that, in the judgment of the authority, the revenues and earnings to be derived by the authority from any project or combination of projects or from any other revenues available to the authority, together with any maintenance, repair, operational services, funds, rights of way, engineering services, and any other in-kind services to be received by the authority from appropriations of the General Assembly, the department, other state agencies or authorities, the United States government, or any county or municipality, shall be sufficient to provide for the maintenance, repair, and operation and to pay the principal and interest of revenue bonds which may be issued for the cost of such project, projects, or combination of projects.

(14) 'State implementation plan' means the portion or portions of an applicable implementation plan approved or promulgated, or the most recent revision thereof, under Sections 110, 301(d), and 175A of the Clean Air Act.

(15) 'State-wide strategic transportation plan' means the official, intermodal, comprehensive, fiscally constrained transportation plan which includes projects, programs, and other activities to support implementation of the state's strategic transportation goals and policies. This plan and the process for developing the plan shall comply with 23 C.F.R. Section 450.104.

(16) 'State-wide transportation improvement program' means a state-wide prioritized listing of transportation projects covering a period of four years that is consistent with the state-wide strategic transportation plan, metropolitan transportation plans, and transportation improvement programs and required for multi-modal projects to be eligible for funding under Title 23 U.S.C. and Title 49 U.S.C. Chapter 53.

(17) 'Transportation improvement program' means a prioritized listing of transportation projects covering a period of four years that is developed and formally adopted by a metropolitan planning organization as part of the metropolitan transportation planning process, consistent with the metropolitan transportation plan, and required for projects to be eligible for funding under Title 23 U.S.C. and Title 49 U.S.C. Chapter 53.

~~(9)~~(18) 'Utility' means any publicly, privately, or cooperatively owned line, facility, or system for producing, transmitting, transporting, or distributing communications, power, electricity, light, heat, gas, oil products, passengers, water, steam, clay, waste, storm water not connected with highway drainage, and other similar services and commodities, including publicly owned fire and police, and traffic signals and street lighting systems, which directly or indirectly serve the public. This term also means a person, municipal corporation, county, state agency, or public authority which owns or manages a utility as defined in this paragraph.

32-12-3.

(a) As used in this Code section, the term:

(1) 'Authority' means the State Transportation Authority established in this chapter.

(2) 'Transferred authorities' means the Georgia Regional Transportation Authority set forth in Chapter 32 of Title 50 and the State Road and Tollway Authority set forth in Article 2 of Chapter 10 of Title 32, as each entity existed as of June 30, 2009.

(b) Beginning July 1, 2009, all functions, duties, responsibilities, and obligations of the transferred authorities shall belong to the authority. The authority shall also succeed to the rights, claims, remedies, securities, and any other debt or obligation owing to the transferred authorities.

(c) The authority shall be substituted for the transferred authorities on any bonds, claims, causes of action, contracts, leases, agreements, or other indebtedness or obligations of the transferred authorities. Contracts held by the transferred authorities shall be considered contracts of the authority, and any rights of renewal, prerogatives, benefits, and rights of enforcement under such contracts shall also be transferred to the authority.

(d) All assets, moneys, properties both tangible and intangible, and other valuable instruments and consideration belonging to the transferred authorities on the date of transfer shall become the property and assets of the authority.

(e) Rules and regulations previously adopted by the transferred authorities shall remain in full force and effect as rules and regulations of the authority until amended, repealed, or superseded by action of the authority.

~~32-10-61~~ 32-12-4.

~~The State Tollway Authority shall continue to be a body corporate and politic and an instrumentality and public corporation of the state known as the 'State Road and Tollway Authority.' It shall have perpetual existence. In said name it may contract and be contracted with, sue and be sued, implead and be impleaded, and complain and defend in all courts of this state, subject to the limitations of Code Section 32-10-110.~~

(a) There is created the State Transportation Authority as a body corporate and politic, which shall be deemed an instrumentality of the State of Georgia and a public corporation thereof, for purposes of planning, overseeing transportation construction, and contracting with state or private entities to implement construction plans and other transportation projects, and managing or causing to be managed land transportation, tollways and tolling, public transit, and air quality within designated areas of this state. The authority shall have the duties, responsibilities, functions, powers, and authority set forth in this chapter and otherwise provided by law. The State Transportation Authority is the successor to the Georgia Regional Transportation Authority and the State Road and Tollway Authority and

1343 shall have the duties, responsibilities, functions, powers, and authority formerly held by
1344 those authorities. The authority shall have perpetual existence. In said name it may
1345 contract and be contracted with, sue and be sued, implead and be impleaded, and complain
1346 and defend in all courts of this state. Any change in the name or composition of the
1347 authority shall in no way affect the vested rights of any person under this chapter or impair
1348 the obligations of any contracts existing under this chapter.

1349 (b) The authority shall be the state's principal agency for developing, coordinating,
1350 administering, and managing transportation policies, planning, and programs related to
1351 design, construction, maintenance, operations, and financing of transportation and is
1352 specifically charged with the responsibility of highway construction in this state.

1353 (c) The jurisdiction of the authority shall extend throughout this state with respect to land
1354 transportation, tollways, and public transportation or transit. The jurisdiction of the
1355 authority with respect to air quality standards shall be as defined in Code Sections 32-12-70
1356 through 32-12-74.

1357 (d) The authority shall be assigned to the State Transportation Agency for administrative
1358 purposes pursuant to Code Section 50-4-3.

1359 ~~32-10-62~~ 32-12-5.

1360 (a) The terms of office of the members of the State Road and Tollway Authority and the
1361 Georgia Regional Transportation Authority as of June 30, 2009, shall expire at midnight
1362 on that date. The terms of office of the members of the authority appointed under the
1363 provisions of this Code section shall begin on July 1, 2009.

1364 ~~(b)(a) The members of the authority shall be ex officio the Governor, the commissioner~~
1365 ~~of transportation, the director of the Office of Planning and Budget, one member~~ The
1366 authority shall be composed of five members to be appointed by the Governor, three
1367 members to be appointed by the Lieutenant Governor and to serve during the term of office
1368 ~~of the Lieutenant Governor and until a successor is duly appointed and qualified, and one~~
1369 ~~member~~ three members to be appointed by the Speaker of the House of Representatives
1370 ~~and to serve during the term of office of the Speaker of the House of Representatives and~~
1371 ~~until a successor is duly appointed and qualified, and membership.~~ The members
1372 appointed by the Governor and the Lieutenant Governor shall be ratified by the Senate, and
1373 the members appointed by the Speaker of the House of Representatives shall be ratified by
1374 the House of Representatives. All appointments of members of the authority shall be
1375 ratified within five legislative days of the submittal of the appointments to the Senate or
1376 to the House of Representatives.

1377 (c) Members of the authority shall be appointed for a term of four years or until the
1378 individual holding the appointing office shall cease to hold such office, whichever is less.

1379 No member of the authority shall serve for more than two consecutive terms. Members of
 1380 the authority shall serve at the pleasure of the appointing officer.

1381 (d) Membership on the authority shall be a separate and distinct duty for which they
 1382 members shall receive no additional compensation. All members of the authority shall be
 1383 entitled to all actual expenses necessarily incurred while in the performance of duties on
 1384 behalf of the authority. The authority shall elect one of its the members of the authority as
 1385 chairman chairperson. The Governor shall select the secretary of the authority, who shall
 1386 be the state's secretary of transportation and who shall not be an appointed member of the
 1387 authority and who shall be responsible for implementing and managing the plans developed
 1388 by the authority. It shall also elect a secretary and a treasurer, who need not necessarily be
 1389 members of the authority. The authority may shall make such bylaws for its government
 1390 as is deemed necessary but it is under no duty to do so. A majority of the Six members of
 1391 the authority shall constitute a quorum necessary for the transaction of business, and a
 1392 majority vote of those present at any meeting at which there is a quorum shall be sufficient
 1393 to do and perform any action permitted to the authority by this article chapter.

1394 (b)(e) No vacancy on the authority shall impair the right of the quorum to transact any and
 1395 all business as stated in this Code section chapter. Members of the authority shall be
 1396 accountable as trustees. They shall cause to be kept adequate books and records of all
 1397 transactions of the authority, including books of income and disbursements of every nature.
 1398 The books and records shall be inspected and audited by the state auditor at least once a
 1399 year.

1400 32-12-6.

1401 (a) The secretary of transportation shall be the chief executive officer of the authority who
 1402 shall execute and implement, at the authority's direction, the authority's duties as the state's
 1403 principal agency for developing, coordinating, administering, and managing transportation
 1404 policies, planning, and programs related to design, construction, maintenance, operations,
 1405 and financing of transportation. Furthermore, pursuant to the authority's obligations, the
 1406 secretary of transportation is specifically charged with the responsibility of highway
 1407 construction in this state.

1408 (b) The secretary of transportation, with the approval of the members of the authority, shall
 1409 establish such units within the authority as he or she deems proper for its administration.
 1410 The secretary of transportation shall designate persons to be directors and assistant
 1411 directors of such units to exercise such authority as he or she may delegate to them. The
 1412 secretary of transportation may employ or delegate deputies or other individuals to oversee
 1413 the transportation needs of the state and carry out the duties placed on the secretary by the
 1414 authority. Such deputies and other delegated individuals may include, but shall not be

1415 limited to, a deputy for finance, a deputy for planning, and a deputy for construction and
1416 maintenance, who may be the commissioner of transportation.

1417 (c) The secretary of transportation shall have the authority to employ as many persons as
1418 he or she deems necessary for the administration of the authority and for the discharge of
1419 the duties of his or her office, and he or she may also engage available officers, personnel,
1420 and resources within the Department of Transportation to fulfill the purposes of the
1421 authority. He or she shall issue all necessary directions, instructions, orders, and rules
1422 applicable to such persons. He or she shall have authority, as he or she deems proper, to
1423 employ, assign, compensate, and discharge employees of the authority within the
1424 limitations of the restrictions set forth by law.

1425 ~~32-10-63~~ 32-12-7.

1426 (a) The authority shall have, in addition to any other powers conferred in this ~~article~~
1427 chapter, the following powers:

- 1428 (1) To have a seal and alter the same at its pleasure;
- 1429 (2) To acquire by purchase, lease, exchange, or otherwise and to hold, lease, and dispose
1430 of real and personal property of every kind and character for its corporate purposes;
- 1431 (3) To appoint such additional officers, who need not be members of the authority, as the
1432 authority deems advisable and to employ such experts, employees, and agents as may be
1433 necessary, in its judgment, to carry on properly the business of the authority; to fix their
1434 compensation; and to promote and discharge same;
- 1435 (4) To acquire in its own name by purchase, on such terms and conditions and in such
1436 manner as it may deem proper, or by condemnation in accordance with any and all
1437 existing laws applicable to the condemnation of property for public use, including but not
1438 limited to those procedures in Article 1 of Chapter 3 of this title, real property or rights
1439 or easements therein or franchises necessary or convenient for its corporate purposes; and
1440 to use the same so long as its corporate existence shall continue and to lease or make
1441 contracts with respect to the use of or to dispose of the same in any manner it deems to
1442 the best advantage of the authority, the authority being under no obligation to accept and
1443 pay for any property condemned under this ~~article~~ chapter except from the funds provided
1444 under the authority of this ~~article~~ chapter; and, in any proceedings to condemn, such order
1445 may be made by the court having jurisdiction of the action or proceedings as may be just
1446 to the authority and to the owners of the property to be condemned; and no property shall
1447 be acquired under this ~~article~~ chapter upon which any lien or other encumbrance exists
1448 unless at the time such property is so acquired a sufficient sum of money be deposited in
1449 trust to pay and redeem such lien or encumbrance in full;

(5) To make such contracts, leases, or conveyances as the legitimate and necessary purposes of this ~~article~~ chapter shall require, including but not limited to contracts for construction or maintenance of projects, provided that the authority shall consider the possible economic, social, and environmental effects of each project, and the authority shall assure that possible adverse economic, social, and environmental effects relating to any proposed project have been fully considered in developing such project and that the final decision on the project is made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and the cost of eliminating or minimizing adverse economic, social, and environmental effects. Furthermore, in order to assure that adequate consideration is given to economic, social, and environmental effects of any ~~tollway~~ project under consideration, the authority shall:

(A) For federal-aid projects, follow ~~Follow~~ the processes required for federal-aid highway projects, as determined by the National Environmental Policy Act of 1969, as amended, except that final approval of the adequacy of such consideration shall rest with the Governor, as provided in subparagraph (C) of this paragraph, acting as the chief executive of the state, ~~upon recommendation of the commissioner, acting as chief administrative officer of the Department of Transportation;~~

(B) In the location and design of any project, avoid the taking of or disruption of existing public parkland or public recreation areas unless there are no prudent or feasible project location alternates. The determination of prudence and feasibility shall be the responsibility of the authority as part of the consideration of the overall public interest; and

(C) For federal-aid projects, not ~~Not~~ approve and proceed with acquisition of rights of way and construction of a project until: (i) there has been held, or there has been offered an opportunity to hold, a public hearing or public hearings on such project in compliance with requirements of the Federal-aid Highway Act of 1970, as amended, except that neither acquisition of right of way nor construction shall be required to cease on any federal-aid project which has received federal approval pursuant to the National Environmental Policy Act of 1969, as amended, and is subsequently determined to be eligible for construction as an authority project utilizing, in whole or in part, a mix of federal funds and authority funds; and (ii) the adequacy of environmental considerations has been approved by the Governor, for which said approval of the environmental considerations may come in the form of the Governor's acceptance of a federally approved environmental document; and

(D) Let by public competitive bid ~~upon plans and specifications approved by the chief engineer or his or her successors~~ all contracts for the construction of projects, unless otherwise expressly authorized pursuant to Code Section 32-12-31;

- 1487 (6) To construct, erect, acquire, own, repair, maintain, add to, extend, improve, operate,
 1488 and manage projects, as defined in paragraph ~~(5)~~(9) of Code Section ~~32-10-60~~ 32-12-2,
 1489 the cost of any such project to be paid in whole or in part from the proceeds of revenue
 1490 bonds of the authority, from other funds available to the authority, or from any
 1491 combination of such sources;
- 1492 (7) To apply for, accept, and administer any federal highway or federal transit funds and
 1493 any other federal highway or transit assistance received from time to time for the State
 1494 of Georgia and to accept, with the approval of the Governor, loans and grants, either or
 1495 both, of money or materials or property of any kind from the United States government
 1496 or the State of Georgia or any political subdivision, authority, agency, or instrumentality
 1497 of either of them, upon such terms and conditions as the United States government or the
 1498 State of Georgia or such political subdivision, authority, agency, or instrumentality of
 1499 either of them shall impose;
- 1500 (8) To borrow money for any of its corporate purposes, to issue negotiable revenue
 1501 bonds payable from revenues of such projects, and to provide for the payment of the same
 1502 and for the rights of the holders thereof;
- 1503 (9) To exercise any power usually possessed by private corporations performing similar
 1504 functions, which power is not in conflict with the Constitution and laws of Georgia;
- 1505 (10) To covenant with bondholders for the preparation of annual budgets for each project
 1506 and for approval thereof by engineers or other representatives designated by the
 1507 bondholders of each project, as may be provided for in any bond issue resolutions or trust
 1508 indentures, and to covenant for the employment of experts or traffic engineers;
- 1509 (11) To lease its property to the United States government, the State of Georgia, or its
 1510 political subdivisions, including any agency, authority, or instrumentality of the foregoing
 1511 governments or political subdivisions, as well as to persons, public or private, for the
 1512 construction or operation of facilities of benefit to the general public;
- 1513 (12) By or through its authorized agents or employees, to enter upon any lands, waters,
 1514 and premises in the state for the purpose of making surveys, soundings, drillings, and
 1515 examinations as the authority may deem necessary or convenient for the purposes of this
 1516 ~~article chapter~~; and such entry shall not be deemed a trespass. ~~The authority shall,~~
 1517 ~~however;~~ provided, however, the authority shall make reimbursement for any actual
 1518 damages resulting from such activities;
- 1519 (13) To make reasonable regulations for the installation, construction, maintenance,
 1520 repairs, renewal, and relocation of pipes, mains, conduits, cables, wires, towers, poles,
 1521 and other equipment and appliances of any public utility in, on, along, over, or under any
 1522 project;

(14) To pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any property of the authority, including but not limited to real property, fixtures, personal property, intangible property, revenues, income, charges, fees, or other funds and to execute any lease, trust indenture, trust agreement, resolution, agreement for the sale of the authority's bonds, loan agreement, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other agreement or instrument as may be necessary or desirable, in the judgment of the authority, to secure such bonds; ~~and~~

(15) To plan, design, acquire, construct, add to, extend, improve, equip, operate, and maintain or cause to be operated and maintained land public transportation systems and other land transportation projects, and all facilities and appurtenances necessary or beneficial thereto, and to contract with any state, regional, or local government, authority, or department, or with any private person, firm, or corporation, for those purposes, and to enter into contracts and agreements with the Georgia Department of Transportation, county and local governments, and transit system operators for those purposes;

(16) To plan, design, acquire, construct, add to, extend, improve, equip, operate, and maintain or cause to be operated and maintained air quality control installations, and all facilities and appurtenances necessary or beneficial thereto, within the geographic area over which the authority has jurisdiction for such purposes pursuant to this chapter, and to contract with any state, regional, or local government, authority, or department, or with any private person, firm, or corporation, for those purposes; provided, however, that where such air quality control measures are included in an applicable implementation plan, they shall be approved by the Environmental Protection Division of the Department of Natural Resources and by the United States Environmental Protection Agency where necessary to preserve their protected status during any conformity lapse;

(17) To review and make recommendations to the Governor concerning all proposed regional land transportation plans and transportation improvement programs and to negotiate with the propounder of the plans concerning changes or amendments to such plans which may be recommended by the authority or the Governor, consistent with applicable federal law and regulation, and to adopt such regional plans as all or a portion of its own regional plans;

(18) To review any transportation projects proposed by the Department of Transportation and to adopt, remove, or revise such projects as all or a portion of its own plans consistent with applicable federal law and regulation;

(19) To develop and implement the state-wide strategic transportation plan and the state-wide transportation improvement program and to support the various transportation improvement programs;

1559 (20) To develop an annual capital construction project list to be reviewed by the
 1560 Governor and submitted to the General Assembly consideration;
 1561 (21) To develop formulas and strategies to ensure the proper distribution of moneys
 1562 allocated from the State Public Transportation Fund and the Federal Public
 1563 Transportation Fund;
 1564 (22) To allocate funds from the State Public Transportation Fund and the Federal Public
 1565 Transportation Fund for use on transportation projects;
 1566 (23) To promulgate rules and regulations necessary to carry out its duties under the
 1567 provisions of this title; and
 1568 ~~(15)~~(24) To do all things necessary or convenient to carry out the powers expressly given
 1569 in this article title.
 1570 (b) In addition to the above-enumerated general powers, and such other powers as are set
 1571 forth in this chapter, the authority shall have the following powers with respect to special
 1572 districts created and activated pursuant to this chapter:
 1573 (1) By resolution, to authorize the provision of land public transportation services and
 1574 the institution of air quality control measures within the bounds of such special districts
 1575 by local governments within such special districts utilizing the funding methods
 1576 authorized by this chapter where the facilities for such purposes are located wholly within
 1577 the jurisdiction of such local governments and such special districts or are the subject of
 1578 contracts between or among such local governments and where such services and
 1579 measures are certified by the authority to be consistent with the designated metropolitan
 1580 planning organizations' regional plans, where applicable;
 1581 (2) By resolution, to authorize the utilization by local governments within such special
 1582 districts of the funding mechanisms enumerated in Code Section 50-32-30 to provide
 1583 funding to defray the cost of land public transportation and air quality control measures
 1584 certified and provided pursuant to paragraph (1) of this subsection;
 1585 (3) By resolution, to authorize the utilization by local governments within such special
 1586 districts of the above-enumerated funding mechanisms to assist in funding those portions
 1587 of regional land public transportation systems which lie within and provide service to the
 1588 territory of such local governments within special districts; and
 1589 (4) By resolution, to contract with local governments within such special districts for
 1590 funding, planning services, and such other services as the authority may deem necessary
 1591 and proper to assist such local governments in providing land public transportation
 1592 services and instituting air quality control measures within the bounds of such special
 1593 districts where the facilities for such purposes are located wholly within the jurisdiction
 1594 of such local governments and such special districts or are the subject of contracts
 1595 between or among such local governments, and where such services and measures are

certified by the authority to be consistent with the designated metropolitan planning organizations' regional plans, where applicable.

(c) The provision of local government services and the utilization of funding mechanisms therefor consistent with the terms of this chapter shall not be subject to the provisions of Chapter 70 of Title 36; provided, however, that the authority shall, where practicable, provide for coordination and consistency between the provision of such services pursuant to the terms of this chapter and the provision of such services pursuant to Chapter 70 of Title 36.

32-12-8.

(a) The authority shall develop an allocation formula for:

(1) A state-wide transportation asset management program;

(2) A state-wide transportation asset improvement program; and

(3) A local maintenance and improvement grant program.

Funds from the State Public Transportation Fund and the Federal Public Transportation Fund shall be allocated by the authority pursuant to such formula as further defined in subsections (b) through (d) of this Code section and as appropriated by the General Assembly. Every four years, concurrent with the renewal of the state-wide strategic transportation plan, the authority shall update the data used in the allocation formula and shall review the distributional components of the formula and at such time may amend the formula as necessary to support implementation of the principles and policies provided in subsections (b) and (c) of Code Section 32-12-21.

(b) Funds appropriated for the state-wide transportation asset management program shall be allocated by the authority pursuant to the long-range state-wide strategic transportation plan and shall be available for administration, maintenance, operations, and rehabilitation of infrastructure.

(c)(1) Funds allocated for the state-wide transportation asset improvement program shall be allocated by the authority for capital construction projects, which may include new capacity, expansion of current infrastructure, safety improvements, or completion of, additions to, and capital improvement of state strategic corridors and economic development highways, including but not limited to those identified pursuant to Code Section 32-4-22. Recommendations for appropriation to the state-wide transportation asset improvement program shall include considerations of current and future regional population and regional employment, as well as other factors as may be determined by the authority. Local funding matches may be required.

(2) A portion of this recommendation should be a specific itemized and prioritized project list and such portion shall not exceed 10 percent of the aggregate allocation from

the State Public Transportation Fund and Federal Public Transportation Fund for such fiscal year. In developing such project list, the authority may accept project recommendations from the General Assembly and the Governor and evaluate such recommendations for the projects' adherence to investment policies set forth in subsection (c) of Code Section 32-12-21. Such projects shall be prioritized by the authority in accordance with the state-wide strategic transportation plan. The authority shall submit such capital construction projects prioritized by the authority to the Governor for consideration in advance of the legislative session each year. The Governor shall submit all or a portion of such capital construction project requests submitted by the authority as part of the Governor's budget recommendations to the General Assembly. The General Assembly may appropriate funds to any project on the prioritized project list as provided by the authority.

(3) In addition to the portion of the state-wide transportation asset improvement program subject to the 10 percent limitation in paragraph (2) of this subsection, additional funds from the State Public Transportation Fund and the Federal Public Transportation Fund may be allocated to the state-wide transportation asset improvement program that are not subject to specific project selection.

(4) For purposes of this subsection, the term 'regional' shall refer to the geographic boundaries of each region and shall be the same geographic boundaries of the regional commissions as defined in Article 2 of Chapter 8 of Title 50.

(d) Funds allocated for the local maintenance and improvement grant program shall replace funds formerly available under the local assistance road program and state-aid program and shall be allocated by the authority to local governing authorities as grants or otherwise according to a funding formula developed by the authority. Such formula shall include considerations of paved and unpaved lane miles and vehicle miles traveled and may include population, employment, and local funding matches available, as well as other factors as may be determined by the authority. Funds allocated each fiscal year for the local maintenance and improvement grant program shall not be less than 25 percent of the net proceeds of motor fuel tax, as provided in Article III, Section IX, Paragraph VI(b) of the Constitution of Georgia, collected in the previous fiscal year and shall only be used for the purposes available for the proceeds of such tax. Grant funds may be withheld if adequate roadway standards, accounting practices, or transportation plans are not followed. Additional allocations to this program from other funding sources must be allocated subject to the requirements for usage attached to such funds.

~~32-10-69~~ 32-12-9.

(a) The Governor is authorized and empowered to convey to the authority, on behalf of the state, any real property or interest therein or any rights of way owned by the state, including property or rights of way acquired in the name of the department or ~~board~~ the State Transportation Board, which is used at the time or may, upon completion of any action committed to the authority by this ~~article~~ chapter, be used as a project. The consideration for such conveyance shall be determined by the Governor and expressed in the deed of conveyance; however, such consideration shall be nominal, the benefits flowing to the state and its citizens constituting full and adequate actual consideration, provided that in the event of the inability of the authority to issue or sell the revenue bonds required for financing the completion of any given project or projects, then, subject to the intervening rights of any innocent party, all rights, titles, and interests so conveyed shall forever revert to the department or agency from which it came.

(b) The governing authority of any county or incorporated municipality of this state is authorized and empowered on behalf of such political subdivision to convey to the authority any real property or interest therein or any rights of way owned by such political subdivision, which is used at the time or may, upon completion of any action committed to the authority by this ~~article~~ chapter, be used as a project if conveyed by a county or incorporated municipality. The consideration for such conveyance shall be determined by the governing authority of such political subdivision and expressed in the deed of conveyance. Such consideration, however, shall be nominal, the benefits flowing to the political subdivisions and its citizens constituting full and adequate actual consideration. However, nothing in this subsection shall prevent the authority from reimbursing a political subdivision, as authorized in Code Section ~~32-10-70~~ 32-12-10.

(c) ~~The board or its successors and the department are~~ is empowered to acquire, in any manner now permitted to them by law, and to expend funds available to them for such acquisition, real property, interests therein, or rights of way which upon acquisition may be conveyed by the Governor as provided in this Code section to the authority.

~~32-10-70~~ 32-12-10.

All counties, municipalities, and other political subdivisions of the state and all public agencies and officers of the state, notwithstanding any contrary provisions of the law, are authorized and empowered to lease, lend, grant, or convey to the authority, upon its request and upon such terms and conditions as the authority and the proper officials of such counties, cities, other political subdivisions, or public agencies or officials may agree upon as reasonable and fair, and without necessity for any advertisement, order of court, or other action or formality other than the regular execution of the proper instrument, any real or

1702 personal property which may be necessary or convenient to the effectuation of the purpose
 1703 of this ~~article~~ chapter, including real or personal property devoted to public use.

1704 ~~32-10-72~~ 32-12-11.

1705 All revenue in excess of all obligations of the authority of any nature, together with all
 1706 unused receipts and gifts of every kind and nature whatsoever, shall be and become the
 1707 authority fund. The authority, in its discretion, is charged with the duty of pledging,
 1708 utilizing, or expending the authority fund for the following purposes:

1709 (1) Pledges to the payment of any revenue bond issue requirements, sinking or reserve
 1710 funds, as may be provided for under Code Section ~~32-10-102~~ 32-12-93;

1711 (2) The payment of any outstanding unpaid revenue bond obligations or administrative
 1712 expenses;

1713 (3) The construction of all or any part of projects, the need for which is concurred in by
 1714 the Governor ~~and the board~~;

1715 (4) The most advantageous obtainable redemptions and retirements of the authority's
 1716 bonds pursuant to the prepayment redemption privileges accorded to the authority upon
 1717 the various issues of bonds outstanding;

1718 (5) The most advantageous open market purchase of the authority's bonds that the
 1719 authority may accomplish; and

1720 (6) Investment in such securities and in such manner as it determines to be in its best
 1721 interest; ~~and~~.

1722 ~~(7) Subject to the terms of any resolution or trust indenture authorizing the issuance of~~
 1723 ~~revenue bonds, the transfer of funds to the department to be used by the department for~~
 1724 ~~department purposes.~~

1725 ~~32-10-73~~ 32-12-12.

1726 All moneys received pursuant to the authority of this ~~article~~ chapter, whether as proceeds
 1727 from the sale of revenue bonds or as revenues, tolls, and earnings, shall be deemed to be
 1728 trust funds to be held and applied solely as provided in this ~~article~~ chapter. The
 1729 bondholders or any other entity paying or entitled to receive the benefits of such bonds
 1730 shall have a lien on all such funds until applied as provided for in any resolution, contract,
 1731 or trust indenture of the authority. The preceding sentence shall not apply to funds from
 1732 the State Public Transportation Fund, and, as to funds from the Federal Public
 1733 Transportation Fund, the preceding sentence shall apply only to such funds as specifically
 1734 designated by the authority.

1735 ~~32-10-74~~ 32-12-13.

1736 This ~~article~~ chapter shall be deemed to provide an additional and alternative method for the
1737 doing of the things authorized thereby and shall be regarded as supplemental and additional
1738 to powers conferred by other laws and shall not be regarded as in derogation of any powers
1739 now existing.

1740 ~~32-10-75~~ 32-12-14.

1741 This ~~article~~ chapter, being for the welfare of the state and its inhabitants, shall be liberally
1742 construed to effect the purposes of this ~~article~~ chapter.

1743 ~~32-9-4~~. 32-12-15.

1744 (a) The authority may require the department is ~~authorized~~ to designate travel lanes in each
1745 direction of travel on any road in the state highway system for the exclusive or preferential
1746 use of:

1747 (1) Buses;

1748 (2) Motorcycles;

1749 (3) Passenger vehicles occupied by two persons or more;

1750 (4) Vehicles bearing alternative fueled vehicle license plates issued under Code Section
1751 40-2-76; or

1752 (5) Other vehicles as designated by the department.

1753 Where such designation has been made, the road shall be appropriately marked with such
1754 signs or other roadway markers and markings to inform the traveling public of the lane
1755 restrictions imposed.

1756 ~~(a.1)~~(b) Upon approval through either legislative action in the United States Congress or
1757 regulatory action by the United States Department of Transportation to permit hybrid
1758 vehicles with fewer than two occupants to operate in a high occupancy vehicle lane, the
1759 department shall authorize hybrid vehicles, as defined in Code Section 40-2-76, to use the
1760 travel lanes designated for such vehicles as provided in paragraph (4) of subsection (a) of
1761 this Code section.

1762 ~~(b)~~(c) No driver of any vehicle not authorized to be operated in a lane designated and
1763 signed for exclusive use shall operate such vehicle in such lane except to execute turning
1764 movements or in an emergency situation. Any person who violates this subsection shall
1765 be guilty of a misdemeanor, punishable as provided for in Code Section 40-6-54.

1766 ~~(c)~~(d) No traffic lane shall be designated and signed for exclusive use pursuant to
1767 subsection (a) of this Code section without the approval of the ~~State Transportation Board~~
1768 authority.

1769 ~~(d)~~(e) The authority may require the department is ~~authorized~~ to promulgate necessary
 1770 rules and regulations consistent with plans of the authority in order to carry out the
 1771 purposes of this Code section.

1772 ~~32-9-4.1. 32-12-16.~~

1773 (a) As used in this Code section, the term 'FlexAuto lane' means an area designated as a
 1774 special lane of travel created by converting emergency lane and hard shoulder areas on the
 1775 left or right side of an interstate highway or other road into a rush hour traffic lane for use
 1776 by automobiles during certain hours.

1777 (b) The authority may require the department, ~~with the approval of the board~~, is ~~authorized~~
 1778 to designate FlexAuto lanes on the state highway system for the purpose of improving
 1779 traffic flow in and around areas with a history of traffic congestion.

1780 (c) Any FlexAuto lane shall be appropriately striped and marked and shall have signage
 1781 appropriate to indicate its nature, as determined by the department. The department may
 1782 incorporate emergency havens, emergency ramps, or emergency parking pads into the
 1783 design and creation of FlexAuto lanes, as determined appropriate by the department, with
 1784 the approval of the authority.

1785 (d) The hours of usage of a FlexAuto lane shall be determined by the department, with the
 1786 approval of the authority, not to exceed eight hours per day.

1787 (e) It shall be unlawful for any person operating any motor vehicle to use a FlexAuto lane
 1788 for purposes of travel other than emergency use outside the permitted hours of travel use,
 1789 as determined and posted by the department, with the approval of the authority. It shall be
 1790 unlawful for any person operating any motor vehicle other than an automobile, motorcycle,
 1791 or light truck to use a FlexAuto lane for purposes of travel other than emergency use at any
 1792 time.

1793 (f) Prior to implementing this Code section, ~~the department shall~~, if necessary, the
 1794 authority may require the department to seek to secure and implement any federal
 1795 approvals, waivers, or other actions necessary or appropriate in order to implement this
 1796 Code section without any loss or impairment of federal funding.

1797 (g) FlexAuto lanes shall not be implemented at more than 80 separate locations in the state
 1798 until such time as the department has completed a one-year test use of such lanes.

1799 ~~32-9-5 32-12-17.~~

1800 ~~Subject to general appropriations for such purposes, the department, pursuant to its rules~~
 1801 ~~and regulations,~~ The authority is authorized, alone or in cooperation with counties,
 1802 municipalities, authorities, state agencies, or private or public entities, to participate in the
 1803 establishment and operation of ride-sharing programs. A ride-sharing program is an

1804 undertaking designed to encourage safe and adequate transportation by increasing the
1805 number of person-trips per vehicle, regardless of the type of vehicle.

1806 ~~50-32-20~~ 32-12-18.

1807 (a) Upon request of the ~~board of the~~ authority, the Department of Transportation and the
1808 Department of Natural Resources shall provide to the authority and its authorized personnel
1809 and agents access to all books, records, and other information resources available to those
1810 departments which are not of a commercial proprietary nature; and shall assist the authority
1811 in identifying and locating such information resources. Reimbursement for costs of
1812 identification, location, transfer, or reproduction of such information resources, including
1813 personnel costs incurred by the respective departments for such purposes, shall be made
1814 by the authority to those respective departments.

1815 (b) The authority may request from time to time, and the Department of Transportation
1816 and the Department of Natural Resources shall provide as permissible under the
1817 Constitution and laws of this state, the assistance of personnel and the use of facilities,
1818 vehicles, aircraft, and equipment of those departments, and reimbursement for all costs and
1819 salaries thereby incurred by the respective departments shall be made by the authority to
1820 those respective departments.

1821 Part 2

1822 ~~32-2-3~~ 32-12-20.

1823 (a) As used in this Code section, the term:

1824 (1) ~~'Comprehensive plan' means the major transportation facilities described in this Code~~
1825 ~~section as well as collectors and interconnecting routes within or between standard~~
1826 ~~metropolitan areas, urban areas, and rural areas.~~

1827 (2) 'Local governing body' means the governing body of the city, town, municipality,
1828 county, or other local governing unit or authority in the area in which the major
1829 transportation facility will be located.

1830 (3)(2) 'Major transportation facility' means:

1831 (A) Any facility primarily designed to transport people or goods rapidly and
1832 efficiently, including but not limited to air transport facilities, railroads, bus services,
1833 terminals, freeways, expressways, arterial highways, belt highways, and port facilities;
1834 or

1835 (B) Any facility or facilities utilized in providing a mass transit system for a standard
1836 metropolitan area or urban area.

(4)(3) 'Standard metropolitan area' means a county or group of contiguous counties or parts thereof as designated by the ~~department~~ authority which contains at least one central city of 50,000 inhabitants or more as determined by the latest available federal census or such other population estimate as may be provided by law.

(5)(4) 'Transportation corridor' means a strip of land between two termini or central points within which travel, topography, land uses, environment, and other characteristics are evaluated for transportation purposes.

(6)(5) 'Urban area' means an area including and adjacent to a municipality and other urban centers having a population of 5,000 or more as determined by the latest available federal census or such other population estimates as may be provided by law within boundaries to be fixed by the ~~department~~ authority.

(b)(1) The ~~department~~ authority in conjunction with the affected local governmental bodies, regional planning agencies, and other appropriate state and federal agencies shall develop:

(A) A ~~comprehensive, state-wide, 20-year~~ state-wide strategic transportation plan;

(B) A ~~comprehensive~~ transportation plan for all standard metropolitan areas and those areas which the ~~department~~ authority determines, based upon population projections, will become a standard metropolitan area within 20 years, such plan to supplement and be compatible with the state-wide transportation plan; and

(C) ~~Comprehensive~~ Transportation plans for regions and urban areas as such plans are deemed necessary by the ~~department~~ authority.

(2) Priority for developing ~~comprehensive~~ transportation plans shall be given to areas in which the need for construction of major transportation facilities is anticipated.

(3) In developing ~~comprehensive~~ transportation plans, the ~~department~~ authority shall take into account:

(A) Future as well as present needs;

(B) All possible alternative modes of transportation;

(C) The joint use of transportation corridors and major transportation facilities for alternate transportation and community uses;

(D) The integration of any proposed system into all other types of major transportation facilities in the community or region;

(E) The coordination with other development plans in the community and region so as to facilitate and synchronize growth; and

(F) The total environment of the community and region including land use, state and regional development goals and decisions, population, travel patterns, traffic control features, ecology, pollution effects, esthetics, safety, and social and community values.

(c) In order to ensure an integrated transportation system, the planning, location, and design of transportation facilities shall be coordinated with the appropriate planning agencies and the affected local governmental bodies.

(d)(1) The ~~department~~ authority may adopt local or regional transportation plans as part of or in lieu of the ~~department's~~ authority's plan.

(2) The ~~department~~ authority may develop and design plans for arterial and collector roads and streets, vehicular parking areas, other transportation modes and facilities, and other support facilities which are consistent with the ~~department's~~ authority's ~~comprehensive~~ transportation plans. The ~~department~~ authority may render to local governmental bodies or their planning agencies such technical assistance and services as are necessary so that local plans and facilities are coordinated with the ~~department's~~ authority's plans and facilities.

(e) The ~~department~~ authority shall develop systematic techniques for considering those factors to be used in developing ~~comprehensive~~ transportation plans pursuant to subsection (b) of this Code section so that all major transportation facilities are so planned that they will function as integral parts of the overall plan for community, regional, and state development as portrayed in the ~~comprehensive~~ transportation plans; and these plans shall be updated at reasonable intervals so as to maintain a viable plan for a 20 year planning period.

(f)(1) The ~~department~~ authority shall, pursuant to its rules and regulations, hold planning hearings at the appropriate state, regional, or local level, at which time the ~~comprehensive~~ transportation plans included in subsection (b) of this Code section shall be presented for discussion and comment.

(2) The ~~department~~ authority shall, pursuant to its rules and regulations, hold hearings at the appropriate regional or local level for major transportation facilities, or as required by federal law, as follows:

(A) A facility, site, or project corridor hearing, at a time after the selection of the type or types of transportation facility or facilities to be constructed and prior to the final selection of the specific site or corridor of the proposed facility; and

(B) A design hearing, at a time prior to the ~~department's~~ authority's commitment to a specific design proposal for the facility or facilities.

(3) These public hearings shall be conducted so as to provide an opportunity for effective participation by interested persons in transportation policy decisions, the process of transportation planning, modal selections, and site and route selection, and the specific location and design of major transportation facilities. The various factors involved in the decision or decisions and any alternative proposals shall be clearly presented so that the persons attending the hearing may present their views relating to the decision or decisions

which will be made. The facility, site, or project corridor hearing and the design hearing for a proposed facility or facilities may be held simultaneously to satisfy the requirements of this subsection.

(4)(A) The ~~department~~ authority may satisfy the requirements for a public hearing by holding a public hearing or by publishing two notices of opportunity for public hearing in a newspaper having general circulation in the vicinity of the proposed undertaking and holding a public hearing if any written requests for such a hearing are received. The procedure for requesting a public hearing shall be explained in the notice. The deadline for submission of such a request may not be less than 21 days after the publication of the first notice of opportunity for public hearing and no less than 14 days after the date of publication of the second notice of opportunity for public hearing.

(B) A copy of the notice of opportunity for public hearing shall be furnished at the time of publication to the United States Department of Transportation, the appropriate departments of state government, and affected local governments and planning agencies. If no requests are received in response to a notice within the time specified for the submission of requests, the ~~department~~ authority shall be deemed to have met the hearing requirements.

(C) The opportunity for another public hearing shall be afforded in any case when proposed locations or designs are changed from those presented in the notices specified in this paragraph or at a public hearing so as to have a substantially different transportation service, social, economic, or environmental effect.

(D) The opportunity for a public hearing shall be afforded in each case in which the ~~department~~ authority is in doubt as to whether a public hearing is required.

(5)(A) When a public hearing is to be held, two notices of such hearing shall be published in a newspaper having general circulation in the vicinity of the proposed undertaking. The first notice shall be published no less than 30 days prior to the date of the hearing and the second notice shall be published no less than five days prior to the date of the hearing.

(B) Copies of the notice for public hearing shall be mailed to the United States Department of Transportation, appropriate departments of state government, and affected local governments and planning agencies.

~~(g) All long-range comprehensive transportation plans developed pursuant to this Code section shall be submitted to the board for its approval or disapproval.~~

~~32-2-41.1~~ 32-12-21.

(a) On or before ~~September 1, 2008~~, April 1, 2010, the ~~commissioner~~ secretary of transportation shall prepare a ~~report~~ draft of the state-wide strategic transportation plan for

~~review and comment by the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons of the Senate Transportation Committee and the House Committee on Transportation, respectively, detailing the progress the department has made on preparing a State-wide Strategic Transportation Plan. The commissioner shall deliver a draft of the plan for comments and suggestions by members of the General Assembly and the Governor on or before January 1, 2009. Comments and suggestions by the General Assembly and the Governor shall be submitted to the commissioner no later than February 15, 2009. This plan shall include the state transportation improvement program and the various transportation improvement programs and a list of projects realistically expected to begin construction within the next five four years, the cost of such projects, and the source of funds for such projects. The plan shall also detail how the listed projects will help to mitigate congestion, improve air quality, improve public safety, increase mobility, and encourage economic development meet the principles set forth in subsection (b) of this Code section. The final version of the State-wide Strategic Transportation Plan state-wide strategic transportation plan shall be completed by June 30, 2009 January 15, 2011, and shall be delivered to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons of the Senate Transportation Committee and the House Committee on Transportation on or before that date. An updated version of the State-wide Strategic Transportation Plan shall be prepared and delivered annually thereafter. The state-wide strategic transportation plan shall be reviewed every four years thereafter and may be revised or updated to comply with principles and policies provided in this Code section. The authority shall review and update, if necessary, the state transportation improvement program at least every two years, including collaboration with metropolitan planning organizations on updating the various transportation improvement programs.~~

(b) The General Assembly finds that the following principles provide general guidance when Georgians contemplate reasonable development of the transportation system in this state: economic development, growth, and competitiveness; improved safety and security; maximized value of transportation assets; environmental stewardship; innovative delivery of projects and services; and consideration for equity.

(c) The authority shall develop and abide by investment policies considering:

- (1) Growth in private-sector employment, development of work force, and improved access to jobs;
- (2) Reduction in traffic congestion;
- (3) Improved efficiency and reliability of commutes in major metropolitan areas;
- (4) Efficiency of freight, cargo, and goods movement;

1982 (5) Coordination of transportation investment with development patterns in major
 1983 metropolitan areas;
 1984 (6) Market driven travel demand management;
 1985 (7) Optimized capital asset management;
 1986 (8) Reduction in accidents resulting in injury and loss of life;
 1987 (9) Border-to-border and interregional connectivity; and
 1988 (10) Support for local connectivity to the state-wide transportation network.
 1989 (d) The investment policies in subsection (c) of this Code section shall guide the
 1990 development of the allocation formula provided for under Code Section 32-12-8 and shall
 1991 expire on April 15, 2012, and every four years thereafter unless amended or renewed.
 1992 ~~(b)~~(e) The report and plan prepared under subsection (a) of this Code section shall also be
 1993 published on the website of the department authority. Every six months the authority shall
 1994 report to the Governor, General Assembly, and metropolitan planning organizations on the
 1995 progress achieved in completing projects and on the performance of the transportation
 1996 network in accordance with the principles and policies provided in this Code section.

1997 Part 3

1998 32-12-31.

1999 (a) The General Assembly finds that private sector participation in all stages of project
 2000 development, including but not limited to design, finance, construction, operations, and
 2001 maintenance, has the ability to yield public benefits such as expedited project completion,
 2002 innovative design, customer service, public safety, and lower overall project construction
 2003 and maintenance costs.
 2004 (b) The secretary of transportation may evaluate proposed projects and recommend to the
 2005 authority whether to fund a project using federal, state, or local funds; user fees; tolls;
 2006 private financing; or any combination of the foregoing. The authority shall promulgate
 2007 rules and regulations establishing procedures for public-private partnerships in a manner
 2008 consistent with the policies provided in subsection (c) of Code Section 32-12-21.
 2009 (c) Except as expressly authorized by an authority rule or regulation relating to alternative
 2010 procedures for letting contracts for public-private partnerships identified in subsection (b)
 2011 of this Code section, all contracts shall be let to the reliable bidder submitting the lowest
 2012 sealed bid.
 2013 (d) The authority may require the department to implement a project in accordance with
 2014 the department's procedures for letting contracts, and the department may be an eligible
 2015 bidder on projects that the authority does not require the department to implement.

Part 4

~~32-9-1~~ 32-12-40.

(a) As used in this Code section, the term:

(1) 'Mass transportation' means all modes of transportation serving the general public which are appropriate, in the judgment of the ~~department~~ authority, to transport people, commodities, or freight by highways, rail, air, water, or other conveyance, exclusive of wires and pipelines.

(2) 'Mass transportation facilities' means everything necessary for the conveyance and convenience of passengers and the safe and prompt transportation of freight on those modes of transportation serving the general public which are appropriate, in the judgment of the ~~department~~ authority, to transport people, commodities, or freight by highways, rail, air, water, or other conveyance, exclusive of wires and pipelines.

(3) 'Project grant' means the state's share of the cost of carrying out a particular project authorized by this Code section. This share may be provided in direct financial support, goods or products, personnel services, or any combination thereof.

(b) Subject to general fund appropriations for such purposes and any provisions of Chapter 5 of this title to the contrary notwithstanding, the ~~department~~ authority is authorized, within the limitations provided in paragraphs (1) and (2) of this subsection, to provide to municipalities, counties, regional commissions, authorities, state agencies, and public and private mass transportation operators:

(1) Financial support for research concerning mass transportation, by contract or otherwise; and

(2) Project grants to supplement federal, local, or federal and local funds for use:

(A) In providing for studies, analyses, and planning and development of programs for mass transportation service and facilities;

(B) In providing for research, development, and demonstration projects in all phases of mass transportation;

(C) In providing for programs designed solely to advertise, promote, and stimulate the development and use of mass transportation facilities; and

(D) In providing for the purchase of facilities and equipment, including rolling stock, used or to be used for the purpose of mass transportation.

(c)(1) The governing bodies of municipalities, counties, regional commissions, other authorities, state agencies, and public and private mass transportation operators may, by formal resolution, apply to the ~~department~~ authority for financial support and project grants provided by this Code section.

2051 (2) The use of funds or grants shall be for the purposes set forth in this Code section and,
 2052 without limiting the generality of the foregoing, may be used for local contributions
 2053 required by the federal Urban Mass Transportation Act of 1964, as amended, or any other
 2054 federal law concerning mass transportation.

2055 (3) The ~~department~~ authority shall review the proposal and, if satisfied that the proposal
 2056 is in accordance with the purposes of this Code section, may, with the approval of the
 2057 ~~commissioner~~ secretary of transportation, enter into a financial support or project grant
 2058 agreement subject to the condition that the financial support or project grant be used in
 2059 accordance with the terms of the proposal.

2060 (4) The time of payment of the financial support or project grant and any conditions
 2061 concerning such payment shall be set forth in the financial support or project grant
 2062 agreement.

2063 (d) In order to effectuate and enforce this Code section, the ~~department~~ authority is
 2064 authorized to promulgate necessary rules and regulations and to prescribe conditions and
 2065 procedures in order to assure compliance in carrying out the purposes for which financial
 2066 support and project grants may be made in accordance with this Code section.

2067 (e) The ~~department~~ authority is directed to administer this program with such flexibility
 2068 as to permit full cooperation between federal, state, and local governments, agencies, and
 2069 instrumentalities so as to result in an effective and economical program.

2070 (f) Funds appropriated ~~to the department~~ pursuant to Article III, Section IX, Paragraph
 2071 VI(b) of the Constitution of Georgia may not be utilized for any of the purposes set out in
 2072 this Code section.

2073 (g) No financial support or project grant provided for in this Code section may be made
 2074 to any private mass transportation operator without prior concurrence of the ~~State~~
 2075 ~~Transportation Board~~ authority.

2076 ~~32-9-2~~ 32-12-41.

2077 (a) As used in this Code section, the term:

2078 (1) 'Capital project' has the same meaning as in 49 U.S.C.A. Section 5302(a)(1).

2079 (2) 'Construction' means the supervising, inspecting, actual building, and all expenses
 2080 incidental to the acquisition, actual building, or reconstruction of facilities and equipment
 2081 for use in mass transportation, including designing, engineering, locating, surveying,
 2082 mapping, and acquisition of rights of way.

2083 (3) 'Mass transportation' means all modes of transportation serving the general public
 2084 which are appropriate, in the judgment of the ~~department~~ authority, to transport people,
 2085 commodities, or freight by highways, rail, air, water, or other conveyance, exclusive of
 2086 wires and pipelines.

2087 (b) Subject to general appropriations for such purposes, the ~~department~~ authority may,
2088 alone or in cooperation with counties, municipalities, other authorities, state agencies, or
2089 private or public transit companies, plan, develop, supervise, support, own, lease, maintain,
2090 and operate mass transportation facilities or systems.

2091 (c)(1) The ~~department~~ authority may, when funds are available from the United States
2092 government for such purposes, provide assistance to the operators of mass transportation
2093 systems or to the owners of facilities used in connection therewith for the payment of
2094 operating expenses to improve or to continue such mass transportation service by
2095 operation, lease, contract, or otherwise.

2096 (2) The ~~department~~ authority may, when funds are available from the United States
2097 government for such purposes, participate in the acquisition, construction, and
2098 improvement of facilities and equipment, including capital projects, for use, by operation
2099 or lease or otherwise, in mass transportation service.

2100 (3) The ~~department's~~ authority's participation with state funds in those programs
2101 specified in paragraphs (1) and (2) of this subsection may be in either cash, products, or
2102 in-kind services. The ~~department's~~ authority's participation with state funds shall be
2103 limited to a maximum of 15 percent of the cost of the program. The remainder shall be
2104 provided from sources other than ~~department~~ authority funds or from revenues from the
2105 operation of public mass transportation systems.

2106 ~~(d) The department shall not enter into any contract with any private entity for the~~
2107 ~~purposes set out in subsections (b) and (c) of this Code section without the prior~~
2108 ~~concurrence of the State Transportation Board.~~

2109 ~~(e)~~(d) Funds appropriated to the ~~department~~ pursuant to Article III, Section IX, Paragraph
2110 VI(b) of the Constitution of Georgia may not be utilized for any of the purposes set out in
2111 this Code section.

2112 ~~(f)~~(e) In order to effectuate and enforce this Code section, the ~~department~~ authority is
2113 authorized to promulgate necessary rules and regulations and to prescribe conditions and
2114 procedures in order to assure compliance in carrying out the purposes of this Code section.

2115 ~~(g)~~(f) The ~~department~~ authority shall not be authorized, without the concurrence of the
2116 Metropolitan Atlanta Rapid Transit Authority, to receive federal financial assistance to
2117 provide mass transportation services or facilities that will duplicate those mass
2118 transportation services or facilities provided or to be provided by the Metropolitan Atlanta
2119 Rapid Transit Authority, within the City of Atlanta and Fulton and DeKalb counties, as a
2120 part of its rapid transit system, including the use of buses as well as a rail system, as that
2121 system is described in an engineering report, dated September 1971, prepared for the
2122 Metropolitan Atlanta Rapid Transit Authority by Parsons-Brinckerhoff-Tudor-Bechtel,
2123 general engineering consultants, and adopted as part of the Rapid Transit Contract and

2124 Assistance Agreement, dated September 1, 1971, between the Metropolitan Atlanta Rapid
2125 Transit Authority, the City of Atlanta, Fulton County, Georgia, and DeKalb County,
2126 Georgia.

2127 ~~32-9-6~~ 32-12-42.

2128 (a) The ~~department~~ authority is designated as the state agency to offer financial assistance,
2129 in the form of a rail service continuation payment, to enable rail service, for which ~~the~~
2130 ~~Interstate Commerce Commission~~ it has been determined a certificate of abandonment
2131 should be issued, to be continued.

2132 (b) The ~~department~~ authority is authorized to receive and administer federal financial
2133 assistance and to distribute, by contract or otherwise, such federal financial assistance,
2134 alone or together with state, local, or private funds available for such purposes, for the
2135 implementation of railroad assistance programs that are designed to provide for:

- 2136 (1) The cost of rail service continuation payments;
2137 (2) The cost of purchasing a line of railroad or other rail properties to maintain existing
2138 rail services or to provide for future rail services;
2139 (3) The cost of rehabilitating and improving rail properties on a line of railroad to the
2140 extent necessary to permit adequate and efficient rail service on such line; or
2141 (4) The cost of reducing the cost of the lost rail service in a manner less expensive than
2142 continuing rail service.

2143 Subject to general fund appropriations for these purposes, the ~~department~~ authority is
2144 authorized to ~~expend~~ allocate state funds to the extent necessary to pay the state's share of
2145 such payments.

2146 (c) The ~~department~~ authority shall provide to the Georgia Public Service Commission the
2147 pertinent information it may possess regarding a proposed abandonment of a railroad line
2148 and shall assist the Public Service Commission, as required, in developing the state's
2149 position on the abandonment. The Public Service Commission shall provide to the
2150 ~~department~~ authority the pertinent information it may possess concerning any railroad line
2151 for which abandonment has been requested in order to assist the ~~department~~ authority in
2152 preparing an economic and operational analysis of the line.

2153 (d) Should the ~~department~~ authority decide to implement a railroad assistance program in
2154 accordance with paragraph (4) of subsection (b) of this Code section, the Public Service
2155 Commission will use its best efforts, within the scope of its powers and responsibilities, to
2156 assist the ~~department~~ authority in implementing such a program.

2157 (e) The ~~department~~ authority is authorized to promulgate reasonable rules and regulations
2158 for the implementation and administration of this Code section.

2159 (f) The ~~department~~ authority shall not implement or propose to implement any railroad
2160 assistance program without the prior concurrence of the ~~State Transportation Board~~
2161 secretary of transportation.

2162 (g) Funds appropriated to the ~~department~~ pursuant to Article III, Section IX, Paragraph
2163 VI(b) of the Constitution of Georgia may not be utilized for any of the purposes set out in
2164 this Code section.

2165 ~~32-9-10~~ 32-12-43.

2166 (a) The purpose of this Code section is to implement Section 3029 of Public Law 102-240,
2167 the federal Intermodal Surface Transportation Efficiency Act of 1991, referred to in this
2168 Code section as the act.

2169 (b) For purposes of this Code section, the term 'system' means a public transportation
2170 system having vehicles operated on a fixed guideway on steel rails, the steel of the wheels
2171 of such vehicles coming directly into contact with such rails, but excluding such systems
2172 that are subject to regulation by the Federal Railroad Administration. In addition, a
2173 'system' shall include all other public transportation systems that, under regulations issued
2174 pursuant to subsection (e) of the act, are subject to the act.

2175 (c) The ~~department~~ authority is designated as the agency of this state responsible for
2176 implementation of the act.

2177 (d) Each system operating in this state shall adopt and carry out a safety program plan that
2178 provides for the following:

2179 (1) The plan shall establish safety requirements with respect to the design, manufacture,
2180 and construction of the equipment, structures, and fixtures of the system; the maintenance
2181 of equipment, structures, and fixtures; operating methods and procedures and the training
2182 of personnel; compliance with federal, state, and local laws and regulations applicable to
2183 the safety of persons and property; protection from fire and other casualties; and the
2184 security of passengers and employees and of property;

2185 (2) The plan shall provide for measures reasonably adequate to implement the
2186 requirements established pursuant to paragraph (1) of this subsection; and

2187 (3) The plan shall establish lines of authority, levels of responsibility and accountability,
2188 and methods of documentation adequate to ensure that it is implemented.

2189 (e) The ~~department~~ authority shall have the following powers and duties:

2190 (1) It shall review the safety program plan of each system and all revisions and
2191 amendments thereof and if it finds that the plan conforms to subsection (d) of this Code
2192 section shall approve it;

2193 (2) It shall monitor the implementation of each system's plan;

2194 (3) It shall have the power to require any system to revise or amend its safety program
 2195 plan as may be necessary in order to comply with any regulations issued pursuant to
 2196 subsection (e) of the act and any amendments or revisions thereof; and

2197 (4) It shall investigate hazardous conditions and accidents on each system and, as
 2198 appropriate, require that hazardous conditions be corrected or eliminated.

2199 (f) If any system fails to comply with an order of the ~~department~~ authority to correct or to
 2200 eliminate a hazardous condition, the ~~department~~ authority may apply for an order requiring
 2201 such system to show cause why it should not do so. Such application shall be made to the
 2202 superior court of the most populous county in which such system operates, as such
 2203 population is determined according to the United States decennial census of ~~1990~~ 2000 or
 2204 any future such census. If at the hearing upon such an order to show cause the court finds
 2205 that the condition that is the subject of the order in fact creates an unreasonable risk to the
 2206 safety of persons, property, or both, the court may order the system to comply with the
 2207 ~~department's~~ authority's order or to take such other corrective action as the court finds
 2208 appropriate.

2209 ~~32-9-11~~ 32-12-44.

2210 (a) As used in this Code section, the term:

2211 (1) 'Local government' means any county, municipality, or political subdivision of this
 2212 state, or any combination thereof.

2213 (2) 'Transit agency' means any public agency, public corporation, or public authority
 2214 existing under the laws of this state that is authorized by any general, special, or local law
 2215 to provide any type of transit services within any area of this state but shall not include
 2216 the Department of Transportation, the ~~Georgia Regional Transportation Authority~~ State
 2217 Transportation Authority, or the Georgia Rail Passenger Authority.

2218 (3) 'Transit facilities' means everything necessary and appropriate for the conveyance
 2219 and convenience of passengers who utilize transit services.

2220 (4) 'Transit services' means all modes of transportation serving the general public which
 2221 are appropriate to transport people and their personal effects by highway or other ground
 2222 conveyance but does not include rail conveyance.

2223 (b) Any transit agency may, by contract with any local government for any period not
 2224 exceeding 50 years, provide transit services or transit facilities for, to, or within that local
 2225 government or between that local government and any area in which such transit agency
 2226 provides transit services or transit facilities, except that if such services or facilities are to
 2227 be funded wholly or partially by fees, assessments, or taxes levied and collected within a
 2228 special district created pursuant to Article IX, Section II, Paragraph VI of the Constitution,
 2229 such contract may only become effective if it is approved by a majority of the qualified

voters voting in such local government in a special election which shall be called and conducted for that purpose by the election superintendent of such local government. Any services provided by a transit agency pursuant to a contract authorized by this subsection shall be conditioned upon such services being included in a plan for transit services adopted or approved by the governing authority of the county and by the governing authorities of any municipalities within which transit services are to be provided as provided in the plan.

(c) The purpose of this Code section is to facilitate the exercise of the power to provide public transportation services conferred by Article IX, Section II, Paragraph III of the Constitution. This Code section does not repeal any other law conferring the power to provide public transportation services or prescribing the manner in which such power is to be exercised. This Code section does not restrict the power of the Department of Transportation, the ~~Georgia Regional Transportation Authority~~ State Transportation Authority, or the Georgia Rail Passenger Authority to contract with any local government to provide transit services or transit facilities, including but not limited to rail transit services and facilities, pursuant to Article IX, Section III, Paragraph I of the Constitution.

~~32-10-76~~ 32-12-45.

(a) As used in this Code section, the term:

(1) 'Local government authority' and 'state' mean the same as under 49 U.S.C. Section 5302.

(2) 'Public-private streetcar project initiative' means a local or regional streetcar project which is proposed and advanced by a cooperative entity or sponsor that involves a combined public and private sector financing and development structure which includes not for profit entities.

(3) 'Streetcar' includes, but is not limited to, a rail transit vehicle, including a modern, antique, or reproduction vehicle, that is designed to fit the scale and traffic patterns of the neighborhoods through which it travels and operates at lower speeds generally in existing rights of way through mixed traffic, with frequent stops.

(b) The authority shall establish and implement a five-year grant program to provide assistance to local governmental authorities as well as a public-private streetcar project initiative for the capital, technical, and start-up costs of development and expansion of streetcar transportation and attendant economic and community development opportunities. The five-year grant program shall begin when funding becomes available for such purposes. The five-year grant program may be renewed at the end of each five-year period, consistent with the provisions of this Code section.

2265 (c) The authority ~~will~~ shall work closely with the formation of a pilot program and ~~will~~
2266 shall provide a state-level flow through point for any available federal funding or other
2267 forms of financial and development sources and assistance for local, regional, and
2268 public-private streetcar ~~projects~~ project initiatives. Any funding through bonds for such
2269 pilot and grant program shall be administered by the authority.

2270 (d) The authority shall consider the following factors in its selection of ~~projects~~
2271 public-private streetcar project initiatives that will be implemented by this pilot program:

- 2272 (1) The project is ripe for development, construction, and operation;
- 2273 (2) The project application demonstrates strong local and private sector financial
2274 participation in the project;
- 2275 (3) The project will foster redevelopment opportunities adjacent to the streetcar line for
2276 which assistance is being sought;
- 2277 (4) The project includes the financial participation of the private owners of real property
2278 abutting the streetcar line, with the exception of owner occupied residential properties,
2279 for some of the capital costs of the project;
- 2280 (5) The project application demonstrates that development or redevelopment agreements
2281 are in place with respect to the project and land planning policies complimentary to the
2282 project have been adopted for land in close proximity to the streetcar line, including the
2283 availability of property zoned to accommodate mixed use development adjacent to the
2284 streetcar line;
- 2285 (6) The project application demonstrates either how redeveloping or new neighborhoods
2286 on vacant or underutilized land will be connected by the project to each other or to major
2287 attractors in the central city where the project will be carried out or how circulator or
2288 connector lines under the project will connect developed neighborhoods with one another
2289 or with the business district in the central city;
- 2290 (7) The project has demonstrated desirable levels of local financial and linking resources
2291 commitment; and
- 2292 (8) The project may include, and is encouraged to include, a public-private streetcar
2293 project initiative and organizational structure or sponsor.

2294 (e) The authority ~~will~~ shall coordinate with all appropriate metropolitan, regional, and
2295 municipal planning and development agencies where projects may be pursued and will
2296 coordinate with ~~the Georgia Regional Transportation Authority and~~ appropriate local
2297 transit agencies in the development, funding, and implementation of various public-private
2298 streetcar projects project initiatives.

2299 (f) In order to receive grant assistance under this Code section, a sponsor of a
2300 public-private streetcar project initiative must submit to the authority an application that
2301 includes a detailed operating plan for the streetcar line for which such assistance is being

sought, including the frequency of service, hours of operation, stop locations, and demonstration of the financial capacity of the sponsor to operate the streetcar line.

(g) A public-private streetcar project initiative for which grant assistance may be provided under this Code section may include streetscaping, signalization modifications, and other modifications to the road system or other public rights of way on which the project is to be carried out; acquisition of streetcars; and project construction, design, and engineering.

~~32-10-77~~ 32-12-46.

No funding by issuing bonds, any other state funds, or federal funds administered by the ~~Department of Transportation~~ department or the authority shall be allowed for public-private streetcar projects project initiatives by any state entity or other authority, including, but not limited to, the ~~Department of Transportation or the State Road and Tollway Authority~~, department or authority or any other subsidiary of the state, without specific prior approval by passage of a general Act by the General Assembly.

Part 5

~~32-11-1~~ 32-12-50.

The interstate rail passenger network compact is ratified, enacted, and entered into by the State of Georgia with all other states joining the compact in the form substantially as this chapter part.

~~32-11-2~~ 32-12-51.

It is the policy of the states party to this compact to cooperate and share the administrative and financial responsibilities concerning the planning of an interstate rail passenger network system connecting major cities in Illinois, Indiana, Kentucky, Tennessee, Georgia, and Florida. The participating states agree that a rail passenger system would provide a beneficial service and would be enhanced if operated across state lines.

~~32-11-3~~ 32-12-52.

(a) The states of Illinois, Indiana, Kentucky, Tennessee, Georgia, and Florida (referred to in this chapter part as 'participating states') agree, upon adoption of this compact by the respective states, to jointly conduct and participate in a rail passenger network financial and economic impact study. The study must do the following:

(1) Carry forward research previously performed by the national railroad passenger corporation (Amtrak) (report issued December 1990) for purposes of evaluating a representative service schedule, train running times, and associated costs.

2334 (2) Include consideration of the following:

2335 (A) The purchase of railroad equipment by a participating state and the lease of the
2336 railroad equipment to Amtrak.

2337 (B) The recommendation that a member of the council serve on the Amtrak board of
2338 directors.

2339 (C) The periodic review of projected passenger traffic estimates.

2340 (D) Any other matter related to the financial and economic impact of a rail passenger
2341 network between the cities of Chicago, Illinois, and Jacksonville, Florida.

2342 (b) Information and data collected during the study under subsection (a) of this Code
2343 section that is requested by a participating state or a consulting firm representing a
2344 participating state or the compact may be made available to the state or firm. However, the
2345 information may not include matters not of public record or of a nature considered to be
2346 privileged and confidential unless the state providing the information agrees to waive the
2347 confidentiality.

2348 ~~32-11-4.~~ 32-12-53.

2349 The participating states agree to do the following:

2350 (1) Make available to each other and to a consulting firm representing a participating
2351 state or the compact assistance that is available, including personnel, equipment, office
2352 space, machinery, computers, engineering, and technical advice and services.

2353 (2) Provide financial assistance for the implementation of the feasibility study that is
2354 available.

2355 ~~32-11-5.~~ 32-12-54.

2356 The interstate rail passenger advisory council (referred to in this compact as the 'council')
2357 is created. The membership of the council consists of three individuals from each
2358 participating state. The Governor, President of the Senate, and Speaker of the House of
2359 Representatives shall each appoint one member of the council.

2360 ~~32-11-6.~~ 32-12-55.

2361 The council shall do the following:

2362 (1) Meet within 30 days after ratification of this agreement by at least two participating
2363 states.

2364 (2) Establish rules for the conduct of the council's business, including the payment of the
2365 reasonable and necessary travel expenses of council members.

2366 (3) Coordinate all aspects of the rail passenger financial and economic impact study
2367 under Code Section ~~32-11-3~~ 32-12-52.

2368 (4) Contract with persons, including institutions of higher education, for performance of
 2369 any part of the study under Code Section ~~32-11-3~~ 32-12-52.

2370 (5) Upon approval of the study, negotiate the proportionate share that each state will
 2371 contribute toward the implementation and management of the proposed restoration of the
 2372 interstate rail passenger system.

2373 (6) Make recommendations to each participating state legislature concerning the results
 2374 of the study required by this ~~chapter~~ part.

2375 ~~32-11-7.~~ 32-12-56.

2376 This compact becomes effective upon the adoption of the compact into law by at least two
 2377 of the participating states. Thereafter, the compact becomes effective for another
 2378 participating state upon the enactment of the compact by the state.

2379 ~~32-11-8.~~ 32-12-57.

2380 This compact continues in force with respect to a participating state and remains binding
 2381 upon the state until six months after the state has given notice to each other participating
 2382 state of the repeal of this ~~chapter~~ part. The transfer of these provisions from Chapter 11 of
 2383 this title to Chapter 12 of this title does not constitute a repeal for purposes of this Code
 2384 section. The withdrawal may not be construed to relieve a participating state from an
 2385 obligation incurred before the end of the state's participation in the compact.

2386 ~~32-11-9.~~ 32-12-58.

2387 (a) This compact shall be liberally construed to effectuate the compact's purposes.

2388 (b) The provisions of this compact are severable. If:

2389 (1) A phrase, clause, sentence, or provision of this compact is declared to be contrary to
 2390 the Constitution of a participating state or of the United States; or

2391 (2) The applicability of this compact to a government, an agency, a person, or a
 2392 circumstance is held invalid,

2393 the validity of the remainder of this compact and the compact's applicability to any
 2394 government, agency, person, or circumstance is not affected.

2395 (c) If this compact is held contrary to the Constitution of a participating state, the compact
 2396 remains in effect for the remaining participating states and in effect for the state affected
 2397 for all severable matters.

Part 6

~~32-10-64.~~ 32-12-60.

(a) For the purpose of earning sufficient revenue to make possible, in conjunction with other funds available to the authority, the financing of the construction or acquisition of projects of the authority with revenue bonds, the authority is authorized and empowered to collect tolls on each and every project which it shall cause to be constructed or acquired. It is found, determined, and declared that the necessities of revenue bond financing are such that the authority's toll earnings on each project or projects, in conjunction with other funds available to the authority, must exceed the actual maintenance, repair, and normal reserve requirements of such projects, together with monthly or yearly sums needed for the sinking fund payments upon the principal and interest obligations of financing such project or projects; however, within the framework of these legitimate necessities of the authority and subject to all bond resolutions, trust indentures, and all other contractual obligations of the authority, the authority is charged with the duty of the operation of all toll projects in the aggregate at the most reasonable possible level of toll charges; and, furthermore, the authority is charged with the responsibility of a reasonable and equitable adjustment of such toll charges as between the various classes of users of any given project.

(b) In the exercise of the authority's toll powers, the authority is authorized to exercise so much of the police powers of the state as shall be necessary to maintain the peace and accomplish the orderly handling of the traffic and the collection of tolls on all toll projects operated by the authority; and the authority shall prescribe such rules and regulations for the method of taking tolls and the employment and conduct of toll takers and other operating employees as the authority, in its discretion, may deem necessary.

(c)(1) No motor vehicle shall be driven or towed through a toll collection facility, where appropriate signs have been erected to notify traffic that it is subject to the payment of tolls beyond such sign, without payment of the proper toll. In the event of nonpayment of the proper toll, as evidenced by video or electronic recording, the registered owner of such vehicle shall be liable to make prompt payment to the authority of the proper toll and an administrative fee of \$25.00 per violation to recover the cost of collecting the toll. The authority or its authorized agent shall provide notice to the registered owner of a vehicle, and a reasonable time to respond to such notice, of the authority's finding of a violation of this subsection. Upon failure of the registered owner of a vehicle to pay the proper toll and administrative fee to the authority after notice thereof and within the time designated in such notice, the authority may proceed to seek collection of the proper toll and the administrative fee as debts owing to the authority, in such manner as the authority deems appropriate and as permitted under law. If the authority finds multiple failures by

a registered owner of a vehicle to pay the proper toll and administrative fee after notice thereof and within the time designated in such notice, the authority may refer the matter to the Office of State Administrative Hearings. The scope of any hearing held by the Office of State Administrative Hearings shall be limited to consideration of evidence relevant to a determination of whether the registered owner has failed to pay, after notice thereof and within the time designated in such notice, the proper toll and administrative fee. The only affirmative defense that may be presented by the registered owner of a vehicle at such a hearing is theft of the vehicle, as evidenced by presentation at the hearing of a copy of a police report showing that the vehicle has been reported to the police as stolen prior to the time of the alleged violation. A determination by the Office of State Administrative Hearings of multiple failures to pay by a registered owner of a vehicle shall subject such registered owner to imposition of, in addition to any unpaid tolls and administrative fees, a civil monetary penalty payable to the authority of not more than \$70.00 per violation. Upon failure by a registered owner to pay to the authority, within 30 days of the date of notice thereof, the amount determined by the Office of State Administrative Hearings as due and payable for multiple violations of this subsection, the motor vehicle registration of such registered owner shall be immediately suspended by operation of law. The authority shall give notice to the Department of Revenue of such suspension. Such suspension shall continue until the proper toll, administrative fee, and civil monetary penalty as have been determined by the Office of State Administrative Hearings are paid to the authority. Actions taken by the authority under this subsection shall be made in accordance with policies and procedures approved by the members of the authority.

(2) The registered owner of a vehicle which is observed being driven or towed through a toll collection facility without payment of the proper toll may avoid liability under this subsection by presenting to the authority a copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation.

(3) For purposes of this subsection, for any vehicle which is registered to an entity other than a natural person, the term 'registered owner' shall be deemed to refer to the natural person who is the operator of such motor vehicle at the time of the violation of this subsection, but only if the entity to which the vehicle is registered has supplied to the authority, within 60 days following notice from the authority or its authorized agent, information in the possession of such entity which is sufficient to identify and give notice to the natural person who was the operator of the motor vehicle at the time of the violation of this subsection.

(d) Any person who shall use or attempt to use any currency or coins other than legal tender of the United States of America or tokens issued by the authority or who shall use

2471 or attempt to use any electronic device or equipment not authorized by the authority in lieu
2472 of or to avoid payment of a toll shall be guilty of a misdemeanor.

2473 (e) Any person, except an authorized agent or employee of the authority, who removes any
2474 coin from the pavement or ground surface within 15 feet of a toll collection booth or toll
2475 collection machine, except to retrieve coins the person dropped while attempting payment
2476 of that person's toll, shall be guilty of a misdemeanor.

2477 (f) Any person who enters without authorization or who willfully, maliciously, and
2478 forcibly breaks into any mechanical or electronic toll collection device of the authority or
2479 appurtenance thereto shall be guilty of a misdemeanor.

2480 (g) Any law enforcement officer shall have the authority to issue citations for toll evasions
2481 if such officer is a witness to any of the following violations:

2482 (1) A person forcibly or fraudulently passes a toll collection device without payment or
2483 refuses to pay, evades, or attempts to evade the payment of such tolls;

2484 (2) A person turns, or attempts to turn, a vehicle around on a bridge, approach, or toll
2485 plaza where signs have been erected forbidding such turning; or

2486 (3) A person refuses to pass through the toll collection facility after having come within
2487 the area where signs have been erected notifying traffic that it is entering the area where
2488 a toll is collectable or where vehicles may not turn around and where vehicles are
2489 required to pass through the toll gates for the purposes of collecting tolls.

2490 (h) The authority may in its discretion use such technology, including but not limited to
2491 automatic vehicle license tag identification photography and video surveillance, either by
2492 electronic imaging or photographic copy, that it deems necessary to aid in the collection
2493 of tolls and enforcement of toll violations. Such technology shall not be used to produce
2494 any photograph, microphotograph, electronic image, or videotape showing the identity of
2495 any person in a motor vehicle except that such technology may be utilized for general
2496 surveillance of a toll collection facility for the security of toll collection facility employees.

2497 (i) State and local law enforcement entities are authorized to enter into traffic and toll
2498 enforcement agreements with the authority. Any funds received by a state law enforcement
2499 entity pursuant to such toll enforcement agreement shall be subject to annual appropriations
2500 by the General Assembly to such law enforcement entity for the purpose of performing its
2501 duties pursuant to such agreement.

2502 ~~32-10-65~~ 32-12-61.

2503 The authority is authorized to fix, revise, charge, and collect tolls for the use of each toll
2504 project. Such tolls shall be so fixed and adjusted as to carry out and perform the terms and
2505 provisions of any resolution, trust indenture, or contract with or for the benefit of
2506 bondholders or other private entity or concessionaire; and such tolls shall not be subject to

2507 supervision or regulation by any other commission, board, bureau, or agency of the state.
 2508 The use and disposition of tolls and revenues shall be subject to the provisions of the
 2509 resolution or contract authorizing the issuance of such bonds or of the trust indenture
 2510 securing the same, if there are any.

2511 ~~32-10-71~~ 32-12-62.

2512 (a) In addition to the powers provided to the authority pursuant to this chapter, the ~~The~~
 2513 authority is explicitly authorized and empowered to acquire, maintain, repair, improve, and
 2514 operate a tollway project whose status at the time of acquisition is a toll facility or which
 2515 was operated as a toll facility at some point in its existence. For the purpose of earning
 2516 sufficient revenue to make possible the maintenance, repair, and improvement of the
 2517 acquired project, the authority is authorized to collect tolls on ~~each and every project it~~
 2518 acquires any acquired project meeting the requirements of this subsection.

2519 (b) When an existing state tollway facility has been acquired from a local government by
 2520 the authority or the department, and the state tollway facility provides access to an island
 2521 with public beaches that are in need of maintenance, repair, or restoration, the ~~State Road~~
 2522 ~~and Tollway Authority~~ authority may assist the local government in the collection of a
 2523 parking fee for each vehicle entering the island. The local government is authorized to set
 2524 a fee on roads, streets, and parking facilities owned by the local government for such
 2525 purposes and may contract with the authority to collect the fee. The department is
 2526 authorized to assist the authority in the collection of the fee. The local government shall
 2527 reimburse the department and the authority for any costs associated with executing the
 2528 terms of the contract.

2529 (c) When a state highway provides access to an island with public beaches that are in need
 2530 of maintenance, repair, or restoration, the ~~Department of Transportation~~ authority may, if
 2531 consistent with federal law and regulations, authorize the local government to set and
 2532 collect a parking fee for the purpose of providing funding for such maintenance, repair, or
 2533 restoration. ~~The department is authorized to allow the~~ authority to may collect such
 2534 parking fee on the state highway system, provided that the collection point shall lie within
 2535 the corporate limits of the local government setting the parking fee. The authority is
 2536 authorized to contract with the local government for the collection of the fee. The local
 2537 government shall reimburse the authority for any costs associated with executing the terms
 2538 of the contract.

Part 7

~~50-32-10~~ 32-12-70.

(a)(1) This part shall operate uniformly throughout the state in relation to air quality standards. Code Sections 32-12-70 through 32-12-74 shall only be applied to air quality standards in the geographic areas designated in this Code section.

(2)(A) The initial jurisdiction of the authority for air quality standards purposes shall encompass the territory of every county which was designated by the United States Environmental Protection Agency (USEPA) in the *Code of Federal Regulations* as of December 31, 1998, as a county included in whole or in part within a nonattainment area under the Clean Air Act and which the authority designates, through regulation, as a county having excess levels of ozone, carbon monoxide, or particulate matter.

(B) The jurisdiction of the authority for air quality standards purposes shall also encompass the territory of every county designated by the USEPA in the *Code of Federal Regulations* after December 31, 1998, as a county included in whole or in part within a nonattainment area under the Clean Air Act and which the authority designates, through regulation, as a county having excess levels of ozone, carbon monoxide, or particulate matter, provided that the jurisdictional area encompassed under this subparagraph shall be contiguous with the jurisdictional area encompassed under subparagraph (A) of this paragraph.

(b)(1) Every six months, beginning on December 31, 1998, the director of the Environmental Protection Division shall report and certify to the authority and the Governor, pursuant to criteria established by that division, counties which are reasonably expected to become nonattainment areas under the Clean Air Act within seven years from the date of such report and certification. Within the geographic territory of any county so designated, the authority shall provide, by resolution or regulation, that the funding, planning, design, construction, contracting, leasing, and other related facilities of the authority shall be made available to county and local governments for the purpose of planning, designing, constructing, operating, and maintaining land public transportation systems and other land transportation projects, public transit projects, air quality installations, and all facilities necessary and beneficial thereto, and for the purpose of designing and implementing designated metropolitan planning organizations' land transportation plans and transportation improvement programs, on such terms and conditions as may be agreed to between the authority and such county or local governments.

(2) By resolution of the county governing authority, the special district created by this part encompassing the territory of any county reported and certified pursuant to paragraph

2575 (1) of this subsection may be activated for the purposes of this part, or such county may
2576 be brought within the jurisdiction of the authority by resolution of the governing
2577 authority.

2578 (3) The jurisdiction of the authority for air quality standards purposes shall be extended
2579 to the territory of any county the territory of which is not contiguous with the jurisdiction
2580 established by subsection (a) of this Code section which is designated by the USEPA in
2581 the *Code of Federal Regulations* as a county included in whole or in part within a
2582 nonattainment area under the Clean Air Act and which the authority designates, through
2583 regulation, as a county having excess levels of ozone, carbon monoxide, or particulate
2584 matter.

2585 (c) Upon acquiring jurisdiction over the territory of any county for air quality purposes,
2586 the authority's jurisdiction over such territory shall continue until 20 years have elapsed
2587 since the later of the date such county was redesignated by the USEPA as in attainment
2588 under the Clean Air Act or such designation by the USEPA is no longer made.

2589 (d)(1) Upon the lapse of the authority's jurisdiction over a geographic area for air quality
2590 purposes pursuant to the provisions of this Code section, the authority shall have the
2591 power to enter into such contracts, lease agreements, and other instruments necessary or
2592 convenient to manage and dispose of real property and facilities owned or operated by
2593 the authority within such geographic area, and shall dispose of all such property not more
2594 than five years after the lapse of such jurisdiction but shall retain jurisdiction for the
2595 purpose of operating and managing such property and facilities until their final
2596 disposition.

2597 (2) The provisions of this subsection shall be implemented consistent with the terms of
2598 such contracts, lease agreements, or other instruments or agreements as may be necessary
2599 or required to protect federal interests in assets purchased, leased, or constructed utilizing
2600 federal funding in whole or in part, and the authority is empowered to enter into such
2601 contracts, lease agreements, or other instruments or agreements with appropriate federal
2602 agencies or other representatives or instrumentalities of the federal government from time
2603 to time as necessary to achieve the purposes of this part and the protection of federal
2604 interests.

2605 (e) Except for the purpose of reviewing proposed regional transportation plans and
2606 transportation improvement programs prepared by metropolitan planning organizations in
2607 accordance with requirements specifically placed upon the Governor by federal law, the
2608 jurisdiction of the authority shall not extend to the territory and facilities of any airport as
2609 defined in Code Section 6-3-20.1 and which is certified under 14 C.F.R. Part 139. In no
2610 event shall the authority have jurisdiction to design, construct, repair, improve, expand,
2611 own, maintain, or operate any such airport or any facilities of such airport.

32-12-71.

Pursuant to the authority granted by Article IX, Section II, Paragraph VI of the Constitution of this state, there are created within this state 159 special districts. One such district shall exist within the geographic boundaries of each county, and the territory of each district shall include all of the territory within its respective county. Any special district within a county within the geographic area over which the authority has jurisdiction for air quality purposes shall be deemed activated for purposes of this part.

32-12-72.

(a) The Governor may delegate to the authority, by executive order, his or her powers under applicable federal transportation planning and air quality laws and regulations, including without limitation the power to resolve revision disputes between metropolitan planning organizations and the authority under 40 C.F.R. Section 93.105, the power to approve state-wide transportation improvement programs under 23 U.S.C. Section 134 and 23 C.F.R. Sections 450.312(b), 450.324(b), and 450.328(a), and the power of approval and responsibilities for public involvement under 23 C.F.R. Section 450.216(a).

(b) In exercising the authority's powers concerning proposed state-wide transportation plans and transportation improvement programs prepared by metropolitan planning organizations wholly or partly within the geographic area over which the authority has jurisdiction for air quality purposes pursuant to this part:

(1) Transportation plans and transportation improvement programs subject to the authority's review powers shall be approved by the affirmative vote of a majority of the authority to a motion made for that purpose;

(2) The authority may request modification of such a plan or program and approve such proposal for modification of a plan or program by the affirmative vote of a majority of the authority to a motion made for that purpose;

(3) The authority may set a date certain as a deadline for submission of any such plan or program to the authority for review; and

(4) If any such plan or program is not timely submitted for review in compliance with a deadline set by the authority, the authority may exercise its power to disapprove such plan or program upon the affirmative vote of a majority of the authority to a motion made for that purpose.

(c) The authority shall formulate measurable targets for air quality improvements and standards within the geographic area over which the authority has jurisdiction for air quality purposes pursuant to this part and annually shall report such targets to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives,

2647 together with an assessment of progress toward achieving such targets and projected
2648 measures and timetables for achieving such targets.

2649 32-12-73.

2650 In any case where a development of regional impact, as determined by the Department of
2651 Community Affairs pursuant to Article 1 of Chapter 8 of Title 50, is planned within the
2652 geographic area over which the authority has jurisdiction for air quality purposes which
2653 requires the expenditure of state or federal funds by the state or any political subdivision,
2654 agency, other authority, or instrumentality thereof to create land transportation services or
2655 access to such development, any expenditure of such funds shall be prohibited unless and
2656 until the plan for such development and such expenditures is reviewed and approved by the
2657 authority. The decision of the authority to allow or disallow the expenditure of such funds
2658 shall be final and nonreviewable, except that such decision shall be reversed where a
2659 resolution for such purpose is passed by vote of three-fourths of the authorized membership
2660 of the county commission of the county in which the development of regional impact is
2661 planned or, if such development is within a municipality, by vote of three-fourths of the
2662 authorized membership of the city council.

2663 32-12-74.

2664 (a) In furtherance of the purposes of the authority, no project of the Georgia Rail Passenger
2665 Authority created by Article 9 of Chapter 9 of Title 46 shall be commenced after July 1,
2666 2009, unless such project is approved by the affirmative vote of a majority of the authority
2667 pursuant to a motion made for that purpose; provided, however, that where such project is
2668 an approved transportation control measure pursuant to an approved state implementation
2669 plan, such project may proceed consistent with applicable federal law and regulation.

2670 (b) From time to time, by the affirmative vote of a majority of the authority, the authority
2671 may direct the Georgia Environmental Facilities Authority to issue revenue bonds, bonds,
2672 notes, loans, credit agreements, or other obligations or facilities to finance, in whole or in
2673 part, any project or the cost of any project of the authority wholly or partly within the
2674 geographic area over which the authority has jurisdiction for air quality purposes, by means
2675 of a loan, extension of credit, or grant from the Georgia Environmental Facilities Authority
2676 to the authority, on such terms or conditions as shall be concluded between the two
2677 authorities.

2678 (c) The Georgia Environmental Facilities Authority shall be subordinate to the authority
2679 in all respects, with respect to authority projects, within the geographic area over which the
2680 authority has jurisdiction for air quality purposes; and, in the event of any conflict with the
2681 provisions of Chapter 23 of Title 50, the provisions of this part shall prevail in all respects.

2682 It is expressly provided, however, that nothing in this Code section and nothing in this part
 2683 shall be construed to permit in any manner the alteration, elimination, or impairment of any
 2684 term, provision, covenant, or obligation imposed on any state authority, including but not
 2685 limited to the Georgia Environmental Facilities Authority or the Georgia Rail Passenger
 2686 Authority, for the benefit of any owner or holder of any bond, note, or other obligation of
 2687 any such authority.

2688 ARTICLE 2

2689 ~~32-10-90~~ 32-12-80.

2690 The authority shall have the power and is authorized, at one time or from time to time, to
 2691 provide by resolution for the issuance of negotiable revenue bonds of the authority for the
 2692 purpose of paying all or any part of the cost, as defined in paragraph ~~(4)~~(5) of Code Section
 2693 ~~32-10-60~~ 32-12-2, of any one or a combination of projects. The principal and interest of
 2694 such revenue bonds shall be payable from and may be secured by a pledge of tolls and
 2695 other revenues of all or any part of the project financed in whole or in part with the
 2696 proceeds of such issue or with the proceeds of bonds refunded or to be refunded by such
 2697 issue or by a pledge of any other revenues of the authority that are legally available for
 2698 such purpose. The bonds of each issue shall be dated, shall bear interest as provided for
 2699 in Code Section ~~32-10-91~~ 32-12-82, shall mature not later than 40 years from the date of
 2700 issue, shall be payable in such media of payments as to both principal and interest as may
 2701 be determined by the authority, and may be made redeemable before maturity, at the option
 2702 of the authority, at such price or prices and under such terms and conditions as may be
 2703 fixed by the authority in the resolution providing for the issuance of the bonds.

2704 ~~32-10-90.1~~ 32-12-81.

2705 ~~(a) As used in this Code section, the~~ The term 'grant anticipation revenue vehicle' or
 2706 'garvee bond' means any bond issued by the authority which is an eligible debt financing
 2707 instrument within the scope of 23 U.S.C. Section 122 or which is otherwise to be repaid
 2708 or reimbursed in whole or in part, directly or indirectly, from federal funds. If cost
 2709 effective as determined by the authority, garvee bonds shall be insured.

2710 ~~(b) With respect to garvee bonds and projects financed by garvee bonds, the provisions~~
 2711 ~~and limitations of this Code section shall control over any other conflicting provisions of~~
 2712 ~~this article, it being the intention of the General Assembly that grant anticipation revenue~~
 2713 ~~vehicles and projects funded thereby be fully subject to the terms expressed in this Code~~
 2714 ~~section.~~

2715 ~~(c) For the purpose of issuance and use of the proceeds of garvee bonds, the authority and~~
 2716 ~~the department shall give priority, as far as reasonably practicable in the judgment of the~~
 2717 ~~department, to the completion of those portions of the Developmental Highway System as~~
 2718 ~~set out in paragraphs (1) through (13) and paragraphs (15) and (16) of subsection (a) of~~
 2719 ~~Code Section 32-4-22 and such further paragraphs as may be added to such subsection~~
 2720 ~~from time to time, with due regard to the timely and economical completion of the portion~~
 2721 ~~set out in paragraph (14) thereof.~~

2722 ~~(d) Any project the cost of which is paid from the proceeds of garvee bonds shall be,~~
 2723 ~~pursuant to a contract or agreement between the authority and the department, planned,~~
 2724 ~~designed, and constructed by the Department of Transportation or a contractor contracting~~
 2725 ~~with the Department of Transportation.~~

2726 ~~(e) If during any state fiscal year the amount of federal reimbursement available to the~~
 2727 ~~State of Georgia under 23 U.S.C. Section 122 is or will be reduced below 90 percent of the~~
 2728 ~~amount available during Fiscal Year 2000-2001, the authority shall not thereafter issue any~~
 2729 ~~garvee bond.~~

2730 ~~(f) If cost effective as determined by the authority, garvee bonds shall be insured.~~

2731 ~~32-10-91~~ 32-12-82.

2732 The authority may authorize by resolution the following: the obtaining of loans; the
 2733 issuance and sale of notes; and the issuance and sale of bonds. The foregoing obligations
 2734 may be offered at public or private sale in such manner and for such interest rate and at
 2735 such price as the authority may determine to be in the best interests of the authority and the
 2736 state, provided that any offering is subject to the review and approval of the Georgia State
 2737 Financing and Investment Commission pursuant to the provisions of Article 2 of Chapter
 2738 17 of Title 50.

2739 ~~32-10-92~~ 32-12-83.

2740 Bonds issued by the authority shall be authorized by resolution of the authority, be in such
 2741 denominations, bear such date or dates, and mature at such time or times within 40 years
 2742 from the issuance thereof as the authority determines to be appropriate. Such bonds shall
 2743 be subject to such terms of redemption, bear interest at such rate or rates payable at such
 2744 times, be in registered form or book-entry form through a securities depository, or both, as
 2745 to principal or interest or both principal and interest, carry such registration privileges, be
 2746 executed in such manner, be payable in such medium of payment at such place or places,
 2747 and be subject to such terms and conditions as such resolution of the authority may
 2748 provide; provided, however, in lieu of specifying the rate or rates of interest which the
 2749 bonds to be issued by an authority are to bear, the resolution of the authority may provide

2750 that the bonds when issued will bear interest at a rate not exceeding a maximum per annum
2751 rate of interest which may be fixed or may fluctuate or otherwise change from time to time
2752 as specified in the resolution or may state that, in the event the bonds are to bear different
2753 rates of interest for different maturity dates, none of such rates will exceed the maximum
2754 rate, which rate may be fixed or may fluctuate or otherwise change from time to time, as
2755 specified. Bonds may be sold at public or private sale for such price or prices as the
2756 authority shall determine.

2757 ~~32-10-93~~ 32-12-84.

2758 All bonds issued by the authority shall be executed in the name of the authority by the
2759 chairperson and the secretary of ~~the authority~~ transportation and shall be sealed with the
2760 official seal of the authority or a facsimile thereof. The facsimile signatures of the
2761 chairperson and the secretary of ~~the authority~~ transportation may be imprinted thereon in
2762 lieu of the manual signatures of such officers if the authority so directs in the resolution
2763 authorizing such bonds or otherwise. In case any officer whose manual or facsimile
2764 signature shall appear on any bonds shall cease to be such officer before the delivery of
2765 such bonds, such signature shall nevertheless be valid and sufficient for all purposes the
2766 same as if he or she had remained in office until such delivery.

2767 ~~32-10-94~~ 32-12-85.

2768 All revenue bonds issued under this article shall have and are declared to have all the
2769 qualities and incidents of negotiable instruments under the negotiable instruments law of
2770 the state. Such bonds, their transfer, and the income therefrom shall be exempt from all
2771 taxation in this state.

2772 ~~32-10-95~~ 32-12-86.

2773 The proceeds of the bonds shall be used solely for the payment of the cost of the project
2774 or combined projects and shall be disbursed upon requisition or order of the ~~chairman~~
2775 chairperson of the authority or its duly bonded agents under such restrictions, if any, as the
2776 resolution authorizing the issuance of the bonds or the trust indenture may provide. If the
2777 proceeds of such bonds, by error of calculation or otherwise, shall be less than the cost of
2778 the project or combined projects, unless otherwise provided in the resolution authorizing
2779 the issuance of the bonds or in the trust indenture, additional bonds may in like manner be
2780 issued to provide the amount of such deficit, which bonds, unless otherwise provided in the
2781 resolution authorizing the issuance of the bonds or in the trust indenture, shall be deemed
2782 to be of the same issue and shall be entitled to payment from the same fund without
2783 preference or priority of the bonds first issued for the same purpose. If the proceeds of the

2784 bonds of any issue shall exceed the amount required for the purpose for which such bonds
2785 are issued, all surplus shall be paid into the sinking fund provided for the payment of
2786 principal and interest of such bonds.

2787 ~~32-10-96~~ 32-12-87.

2788 Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue
2789 interim receipts, interim certificates, or temporary bonds, with or without coupons
2790 exchangeable for definitive bonds upon the issuance of the latter.

2791 ~~32-10-97~~ 32-12-88.

2792 The authority may also provide for the replacement of any bond which becomes mutilated
2793 or which is destroyed or lost.

2794 ~~32-10-98~~ 32-12-89.

2795 Resolutions for the issuance of revenue bonds may be adopted without any other
2796 proceedings or the happening of any other conditions or things than those proceedings,
2797 conditions, and things which are specified or required by this article. In the discretion of
2798 the authority, revenue bonds of a single issue may be issued for the purpose of paying the
2799 cost of any one or more, including a combination of, projects at any one location or any
2800 number of locations. Any resolution providing for the issuance of revenue bonds under this
2801 article shall become effective immediately upon its passage and need not be published or
2802 posted; and any such resolution may be passed at any regular or special or adjourned
2803 meeting of the authority by a majority of its members.

2804 ~~32-10-99~~ 32-12-90.

2805 Revenue bonds issued under this article shall not be deemed to constitute a debt of the State
2806 of Georgia or a pledge of the faith and credit of the state, but such bonds shall be payable
2807 from the revenues and funds of the authority as provided for in the resolutions or trust
2808 indentures authorizing or securing such bond issues; and the issuance of such revenue
2809 bonds shall not directly, indirectly, or contingently obligate the state to levy or to pledge
2810 any form of taxation whatsoever therefor or to make any appropriation for the payment
2811 thereof; and all such bonds shall contain recitals on their face covering substantially the
2812 foregoing provisions of this Code section.

2813 ~~32-10-100~~ 32-12-91.

2814 (a) In the discretion of the authority, any issue of such revenue bonds may be secured by
2815 a trust indenture by and between the authority and a corporate trustee, which may be any

2816 trust company or bank having the powers of a trust company, inside or outside of the state.
2817 Such trust indenture may pledge or assign tolls, revenues, and earnings to be received by
2818 the authority.

2819 (b) Either the resolution providing for the issuance of revenue bonds or such trust
2820 indenture may contain provisions for protecting and enforcing the rights and remedies of
2821 the bondholder, including the right of the appointment of a receiver upon default in the
2822 payment of any principal or interest obligation and the right of any receiver or indenture
2823 trustee to enforce collection of tolls, revenues, or other charges for the use of the project
2824 or projects, necessary to pay all costs of operation, all reserves provided for, the principal
2825 and interest on all bonds in the given issue, all cost of collection, and all other costs
2826 reasonably necessary to accomplish the collection of such sums, in the event of any default
2827 by the authority.

2828 (c) Such resolution or trust indenture may include covenants setting forth the duties of the
2829 authority in relation to the acquisition of property; the construction of the project; the
2830 custody, safeguarding, and application of all moneys; and the operation and maintenance
2831 of the project or projects; and may also provide that any project shall be constructed and
2832 paid for under the supervision of ~~department~~ engineers or others satisfactory to the original
2833 purchasers of the bonds issued for such project or projects. Such resolution or trust
2834 indenture may also require that the security given by contractors and by any depository of
2835 the proceeds of the bonds or revenues or other moneys be satisfactory to such purchasers
2836 and may also contain provisions concerning the conditions, if any, upon which additional
2837 revenue bonds may be issued.

2838 (d) It shall be lawful for any bank or trust company incorporated under the laws of this
2839 state to act as such depository and to furnish such indemnifying bonds or pledge such
2840 securities as may be required by the authority. Such indenture may set forth the rights and
2841 remedies of the bondholders and of the trustee and may restrict the individual right of
2842 action of bondholders as is customary in trust indentures securing bonds and debentures
2843 of corporations.

2844 (e) In addition to the foregoing, such trust indenture may contain such other provisions as
2845 the authority may deem reasonable and proper for the security of the bondholders. All
2846 expenses incurred in carrying out such trust indenture may be treated as a part of the cost
2847 of maintenance, operation, and repair of the project affected by such indenture.

2848 ~~32-10-101~~ 32-12-92.

2849 The authority shall, in the resolution providing for issuance of revenue bonds or in the trust
2850 indenture, provide for the payment of the proceeds of the sale of the bonds to any officer
2851 or person who or any agency, bank, or trust company which shall act as trustee of such

2852 funds and shall hold and apply such funds as provided in this article, subject to such
2853 regulations as this article and such resolution or trust indenture may provide.

2854 ~~32-10-102~~ 32-12-93.

2855 (a) The revenues, tolls, and earnings derived from any particular project or projects and
2856 all or any part of the revenues, tolls, and earnings received by the authority, regardless of
2857 whether or not such tolls, earnings, and revenues were produced by a particular project for
2858 which bonds have been issued, unless otherwise pledged or allocated, may be pledged by
2859 the authority to the payment of the principal and interest obligations of any revenue bond
2860 issues of the authority. All funds so pledged, from whatever source received, which may
2861 include funds received from one or more of all sources of the authority's income, shall be
2862 set aside at regular intervals, as may be provided in the resolutions or trust indentures, into
2863 sinking funds which shall be pledged to and charged with the payment of (1) the interest
2864 upon such revenue bonds as such interest shall fall due, (2) the principal of the bonds as the
2865 same shall mature, (3) the necessary charges of paying agents for paying principal and
2866 interest, and (4) any premium required upon bonds retired by call or purchase as may be
2867 provided in the resolutions or trust indentures.

2868 (b) The use and disposition of such sinking funds shall be subject to such regulations as
2869 may be provided in the resolutions authorizing the issuance of the revenue bonds or in the
2870 trust indentures; but, except as may otherwise be provided in such resolutions or trust
2871 indentures, such sinking funds, individually, shall be funds for the benefit of all revenue
2872 bonds of the given issue for which they are created without distinction or priority of one
2873 over another. Subject to the resolution or trust indenture of any given bond issue, any
2874 moneys in such sinking funds, after all bonds and the interest thereon for which such
2875 sinking funds were pledged have been paid, may be paid into the authority fund provided
2876 for in Code Section ~~32-10-72~~ 32-12-11.

2877 ~~32-10-103~~ 32-12-94.

2878 Any holders of revenue bonds issued under this article or any of the coupons appertaining
2879 thereto, any duly appointed receiver of such bonds or coupons, and any indenture trustee
2880 for bondholders, except to the extent the rights given in this Code section may be restricted
2881 by resolution passed before the issuance of the bonds or by the trust indenture, may, either
2882 at law or in equity, by action, mandamus, or other proceedings, protect and enforce any and
2883 all rights under the laws of Georgia or granted in this Code section or under such resolution
2884 or trust indentures and may enforce and compel performance of all duties required by this
2885 article or by such resolution or trust indenture to be performed by the authority or any
2886 officer thereof, including the fixing, charging, and collection of revenues, tolls, and other

2887 charges for the use of the project or projects. No holder of any such bond or receiver or
2888 indenture trustee thereof shall have the right to compel any exercise of the taxing power
2889 of the state to pay any such bond or the interest thereon or to enforce the payment thereof
2890 against any property of the state; nor shall any such bond constitute a charge, lien, or
2891 encumbrance, legal or equitable, upon any property of the state.

2892 ~~32-10-104~~ 32-12-95.

2893 The authority is authorized, subject to any prior resolution or trust indenture, to provide by
2894 resolution for the issuance of revenue refunding bonds of the authority for the purpose of
2895 refunding any revenue bonds issued under this article and then outstanding, together with
2896 accrued interest thereon. The issuance of such revenue refunding bonds, the maturities and
2897 all other details thereof, the rights of the holders thereof, and the duties of the authority in
2898 respect to the same shall be governed by this article insofar as the same may be applicable.

2899 ~~32-10-105~~ 32-12-96.

2900 The bonds authorized in paragraph (8) of Code Section ~~32-10-63~~ 32-12-60 and in Code
2901 Section ~~32-10-90~~ 32-12-80 are deemed securities in which (1) all public officers and bodies
2902 of this state and all municipalities and all municipal subdivisions, (2) all insurance
2903 companies and associations and other persons carrying on an insurance business, (3) all
2904 banks, bankers, trust companies, savings banks and savings associations, including savings
2905 and loan associations, building and loan associations, investment companies, and other
2906 persons carrying on a banking business, (4) all administrators, guardians, executors,
2907 trustees, and other fiduciaries, and (5) all other persons whatsoever who are now or may
2908 hereafter be authorized to invest in bonds or other obligations of the state may properly and
2909 legally invest funds, including capital in their control or belonging to them. The bonds are
2910 also deemed securities which may be deposited with and shall be received by all public
2911 officers and bodies of this state and all municipalities and municipal subdivisions for any
2912 purpose for which the deposit of the bonds or other obligations of this state is now or may
2913 hereafter be authorized.

2914 ~~32-10-106~~ 32-12-97.

2915 While any of the bonds issued by the authority remain outstanding, the powers, duties, or
2916 existence of the authority or of its officers, employees, or agents shall not be diminished
2917 or impaired in any manner that will affect adversely the interests and rights of the holders
2918 of such bonds.

2919 ~~32-10-107~~ 32-12-98.

2920 Bonds of the authority shall be confirmed and validated in accordance with Article 3 of
 2921 Chapter 82 of Title 36, the 'Revenue Bond Law.' The bonds, when validated, and the
 2922 judgment of validation shall be final and conclusive with respect to such bonds and against
 2923 the authority issuing the same.

2924 ~~32-10-108~~ 32-12-99.

2925 Upon payment in full of all bonds and the interest thereon and obligations of every nature
 2926 whatsoever for the payment of which the revenues of any given project or projects have
 2927 been pledged, in whole or in part, either originally or subsequently, either primarily or
 2928 secondarily, directly or indirectly or otherwise, or upon the setting aside in trust, for the
 2929 benefit of bondholders or other obligees, of a sufficient amount for the payment of all such
 2930 bonds and other obligations and the interest thereon to the maturity thereof, such project
 2931 or projects, if deemed by the ~~department~~ authority to be in a safe and satisfactory condition
 2932 of repair and traffic capacity, may become part of the state highway system and thereafter
 2933 shall be maintained by the ~~department~~ authority free of tolls. In the event such project or
 2934 projects to be transferred are not in good condition, ~~in the judgment of the department, the~~
 2935 ~~department shall be charged with the duty of immediately advising the authority in writing~~
 2936 ~~what will be necessary to accomplish such safe and satisfactory condition of repair and~~
 2937 ~~traffic capacity, and the authority thereafter~~ shall apply sufficient revenue from such
 2938 project or projects to the accomplishment of such safe condition of repair and traffic
 2939 capacity; and, upon its accomplishment, such project or projects shall become toll free as
 2940 provided in this Code section. ~~Upon the fulfillment of all conditions necessary to the~~
 2941 ~~cessation of tolls upon any such project, the authority shall convey by deed all right, title,~~
 2942 ~~and interest in and to such project to the department for and in consideration of \$1.00,~~
 2943 ~~which the treasurer of the department is authorized to pay from any department funds~~
 2944 ~~available to him for any department expenditure.~~

2945 ~~32-10-109~~ 32-12-100.

2946 It is found, determined, and declared that the creation of the authority and the carrying out
 2947 of its corporate purpose are in all respects for the benefit of the people of this state and that
 2948 the authority is an institution of purely public charity and will be performing an essential
 2949 governmental function in the exercise of the power conferred upon it by this article; and
 2950 this state covenants with the holders of the bonds that the authority shall not be required
 2951 to pay any taxes or assessments upon any of the property acquired or leased by it or under
 2952 its jurisdiction, control, possession, or supervision or upon its activities in the operation or
 2953 maintenance of the projects erected by it or upon any fees, tolls, or other charges for the

2954 use of such projects or upon other income received by the authority. The bonds of the
 2955 authority, their transfer, and the income therefrom shall at all times be exempt from
 2956 taxation within this state.

2957 ~~32-10-110~~ 32-12-101.

2958 Any action to protect or enforce any rights under this article and any action pertaining to
 2959 validation of any bonds issued under this article brought in the courts of this state shall be
 2960 brought in the Superior Court of Fulton County, which shall have exclusive original
 2961 jurisdiction of such actions.

2962 ARTICLE 3

2963 ~~32-10-120~~ 32-12-110.

2964 This ~~part~~ article shall be known and may be cited as the 'Georgia Transportation
 2965 Infrastructure Bank Act.'

2966 ~~32-10-121~~ 32-12-111.

2967 (a) There shall be created within the State ~~Road and Tollway~~ Transportation Authority an
 2968 instrumentality of the state to be known as the Georgia Transportation Infrastructure Bank.

2969 (b) The bank shall be governed by the ~~board of the State Road and Tollway~~ Transportation
 2970 Authority as provided in this ~~chapter~~ article.

2971 (c) The corporate purpose of the bank is to assist in financing qualified projects by
 2972 providing loans and other financial assistance to government units for constructing and
 2973 improving highway and transportation facilities necessary for public purposes, including
 2974 economic development. The exercise by the bank of a power conferred in this ~~part~~ article
 2975 is an essential public function.

2976 (d) The bank shall establish and maintain at least the four following accounts ~~in the~~
 2977 ~~authority fund~~:

- 2978 (1) State and local roadway account;
- 2979 (2) State and local nonroadway account;
- 2980 (3) Federal roadway account; and
- 2981 (4) Federal nonroadway account.

2982 ~~32-10-122~~ 32-12-112.

2983 As used in this ~~part~~ article, the term:

2984 (1) 'Authority' means the State Transportation Authority.

2985 ~~(1)~~ (2) 'Bank' means the Georgia Transportation Infrastructure Bank.

- 2986 (2) ~~'Board' means the board of the State Road and Tollway Authority.~~
- 2987 (3) 'Department of Transportation' means the Georgia Department of Transportation and
2988 its successors.
- 2989 (4) 'Eligible costs' means, as applied to a qualified project to be financed from the federal
2990 roadway account, the costs that are permitted under applicable federal laws, requirements,
2991 procedures, and guidelines in regard to establishing, operating, and providing assistance
2992 from the bank. As applied to a qualified project to be financed from the state and local
2993 roadway account, these costs include the costs of preliminary engineering, traffic and
2994 revenue studies, environmental studies, right of way acquisition, legal and financial
2995 services associated with the development of the qualified project, construction,
2996 construction management, facilities, and other costs necessary for the qualified project.
2997 As applied to any qualified project to be financed from the federal nonroadway account,
2998 these costs include the costs of preliminary engineering, traffic and revenue studies,
2999 environmental studies, right of way acquisition, legal and financial services associated
3000 with the development of the qualified project, construction, construction management,
3001 equipment, facilities, and other nonoperating costs necessary for the qualified project.
3002 As applied to any qualified project to be financed from the state and local nonroadway
3003 account, these costs include the costs of preliminary engineering, traffic and revenue
3004 studies, environmental studies, right of way acquisition, legal and financial services
3005 associated with the development of the qualified project, construction, construction
3006 management, equipment, facilities, and other nonoperating costs necessary for the
3007 qualified project.
- 3008 (5) 'Eligible project' means a highway, including bridges, air transport and airport
3009 facilities, and rail, or transit or bicycle facility project which provides public benefits by
3010 either enhancing mobility and safety, promoting economic development, or increasing
3011 the quality of life and general welfare of the public. The term 'eligible project' also
3012 includes mass transit systems including, but not limited to, monorail and monobeam mass
3013 transit systems. There may be included as part of any such project all improvements
3014 necessary to the full utilization thereof, including site preparation, roads and streets,
3015 sidewalks, water supply, outdoor lighting, belt line railroad sidings and lead tracks,
3016 bridges, causeways, terminals for railroad, automotive, and air transportation,
3017 transportation facilities incidental to the project, and the dredging and improving of
3018 harbors and waterways, none of which foregoing descriptive words shall be construed to
3019 constitute a limitation.
- 3020 (6) 'Federal accounts' means, collectively, the separate accounts for federal roadway
3021 funds and federal nonroadway funds.

- 3022 (7) 'Financing agreement' means any agreement entered into between the bank and a
3023 qualified borrower pertaining to a loan or other financial assistance. This agreement may
3024 contain, in addition to financial terms, provisions relating to the regulation and
3025 supervision of a qualified project, or other provisions as the ~~board~~ authority may
3026 determine. The term 'financing agreement' includes, without limitation, a loan agreement,
3027 trust indenture, security agreement, reimbursement agreement, guarantee agreement,
3028 bond or note, ordinance or resolution, or similar instrument.
- 3029 (8) 'Government unit' means a municipal corporation, county, community improvement
3030 district, or any public operator of transit, including combinations of two or more of these
3031 entities, acting jointly to construct, own, or operate a qualified project, or any other state
3032 authority, board, commission, agency, or department which may construct, own, or
3033 operate a qualified project.
- 3034 (9) 'Loan' means an obligation subject to repayment which is provided by the bank to a
3035 qualified borrower for all or a part of the eligible costs of a qualified project. A loan may
3036 be disbursed in anticipation of reimbursement for or direct payment of the eligible costs
3037 of a qualified project.
- 3038 (10) 'Loan obligation' means a bond, note, or other evidence of an obligation issued by
3039 a qualified borrower.
- 3040 (11) 'Other financial assistance' includes, but shall not be limited to, grants,
3041 contributions, credit enhancement, capital or debt reserves for bonds or debt instrument
3042 financing, interest rate subsidies, provision of letters of credit and credit instruments,
3043 provision of bond or other debt financing instrument security, and other lawful forms of
3044 financing and methods of leveraging funds that are approved by the ~~board~~ authority, and,
3045 in the case of federal funds, as allowed by federal law.
- 3046 (12) 'Project revenues' or 'revenues' means all rates, rents, fees, assessments, charges, and
3047 other receipts derived or to be derived by a qualified borrower from a qualified project
3048 or made available from a special source, and, as provided in the applicable financing
3049 agreement, derived from any system of which the qualified project is a part or from any
3050 other revenue producing facility under the ownership or control of the qualified borrower
3051 including, without limitation, proceeds of grants, gifts, appropriations and loans,
3052 including the proceeds of loans made by the bank, investment earnings, reserves for
3053 capital and current expenses, proceeds of insurance or condemnation and proceeds from
3054 the sale or other disposition of property and from any other special source as may be
3055 provided by the qualified borrower.
- 3056 (13) 'Qualified borrower' means any government unit authorized to construct, operate,
3057 or own a qualified project.

3058 (14) 'Qualified project' means an eligible project which has been selected by the bank to
 3059 receive a loan or other financial assistance from the bank to defray an eligible cost.

3060 (15) 'State and local accounts' means, collectively, the separate accounts for state and
 3061 local roadway funds and state and local nonroadway funds.

3062 ~~32-10-123.~~ 32-12-113.

3063 In administering the affairs of the bank, the ~~board~~ authority may exercise any or all of the
 3064 powers granted to the authority under ~~Parts 1 and 2 of this article~~ this chapter, as well as
 3065 the powers granted in this ~~part~~ article. Without limiting the generality of the foregoing, the
 3066 ~~board~~ authority is specifically authorized to issue bonds for the purposes of the bank, in the
 3067 same general manner provided in ~~Part 2 of this article~~ Article 2 of this chapter.

3068 ~~32-10-124.~~ 32-12-114.

3069 (a) In addition to the powers contained elsewhere in this ~~article~~ chapter, the ~~board~~
 3070 authority has all power necessary, useful, or appropriate to fund, operate, and administer
 3071 the bank, and to perform its other functions including, but not limited to, the power to:

3072 (1) Have perpetual succession;

3073 (2) Adopt, promulgate, amend, and repeal bylaws, not inconsistent with provisions in
 3074 this ~~part~~ article for the administration of the bank's affairs and the implementation of its
 3075 functions, including the right of the ~~board~~ authority to select qualifying projects and to
 3076 provide loans and other financial assistance;

3077 (3) Sue and be sued in the name of the bank;

3078 (4) Have a seal and alter it at its pleasure, although the failure to affix the seal does not
 3079 affect the validity of an instrument executed on behalf of the bank;

3080 (5) Make loans to qualified borrowers to finance the eligible costs of qualified projects
 3081 and to acquire, hold, and sell loan obligations at prices and in a manner as the ~~board~~
 3082 authority determines advisable;

3083 (6) Provide qualified borrowers with other financial assistance necessary to defray
 3084 eligible costs of a qualified project;

3085 (7) Enter into contracts, arrangements, and agreements with qualified borrowers and
 3086 other persons and execute and deliver all financing agreements and other instruments
 3087 necessary or convenient to the exercise of the powers granted in this ~~part~~ article;

3088 (8) Enter into agreements with a department, agency, or instrumentality of the United
 3089 States or of this state or another state for the purpose of providing for the financing of
 3090 qualified projects;

3091 (9) Establish:

- 3092 (A) Policies and procedures for the making and administering of loans and other
3093 financial assistance; and
- 3094 (B) Fiscal controls and accounting procedures to ensure proper accounting and
3095 reporting by the bank and government units;
- 3096 (10) Acquire by purchase, lease, donation, or other lawful means and sell, convey,
3097 pledge, lease, exchange, transfer, and dispose of all or any part of its properties and assets
3098 of every kind and character or any interest in it to further the public purpose of the bank;
- 3099 (11) Procure insurance, guarantees, letters of credit, and other forms of collateral or
3100 security or credit support from any public or private entity or instrumentality of the
3101 United States for the payment of any bonds issued by it, including the power to pay
3102 premiums or fees on any insurance, guarantees, letters of credit, and other forms of
3103 collateral or security or credit support;
- 3104 (12) Collect or authorize the trustee under any trust indenture securing any bonds to
3105 collect amounts due under any loan obligations owned by it, including taking the action
3106 required to obtain payment of any sums in default;
- 3107 (13) Unless restricted under any agreement with holders of bonds, consent to any
3108 modification with respect to the rate of interest, time, and payment of any installment of
3109 principal or interest, or any other term of any loan obligations owned by it;
- 3110 (14) Borrow money through the issuance of bonds and other forms of indebtedness as
3111 provided in ~~this article~~ Article 2 of this chapter;
- 3112 (15) Expend funds to obtain accounting, management, legal, financial consulting, and
3113 other professional services necessary to the operations of the bank;
- 3114 (16) Expend funds credited to the bank as the ~~board~~ authority determines necessary for
3115 the costs of administering the operations of the bank;
- 3116 (17) Establish advisory committees as the ~~board~~ authority determines appropriate, which
3117 may include individuals from the private sector with banking and financial expertise;
3118 ~~including the requirement that the bank shall consult with the Department of~~
3119 ~~Transportation for the purpose of implementing the project accounting procedures~~
3120 ~~required by subparagraph (a)(9)(B) of Code Section 32-10-124;~~
- 3121 (18) Procure insurance against losses in connection with its property, assets, or activities
3122 including insurance against liability for its acts or the acts of its employees or agents or
3123 to establish cash reserves to enable it to act as a self-insurer against any and all such
3124 losses;
- 3125 (19) Collect fees and charges in connection with its loans or other financial assistance;
- 3126 (20) Apply for, receive, and accept from any source, aid, grants, or contributions of
3127 money, property, labor, or other things of value to be used to carry out the purposes of

3128 this ~~part~~ article subject to the conditions upon which the aid, grants, or contributions are
 3129 made;

3130 (21) Enter into contracts or agreements for the servicing and processing of financial
 3131 agreements;

3132 (22) Accept and hold, with or without payment of interest, funds deposited with the bank
 3133 by government units and private entities; and

3134 (23) Do all other things necessary or convenient to exercise powers granted or
 3135 reasonably implied by this ~~part~~ article.

3136 (b) The bank shall not be authorized or empowered to be or to constitute a bank or trust
 3137 company within the jurisdiction or under the control of this state or an agency of it or the
 3138 Comptroller of the Currency or the Treasury Department of the United States, or a bank,
 3139 banker, or dealer in securities within the meaning of, or subject to the provisions of, any
 3140 securities, securities exchange, or securities dealers' law of the United States or of this state.
 3141 The use of the word 'bank' in the 'Georgia Transportation Infrastructure Bank' is required
 3142 by federal law. For the express purposes of this ~~part~~ article, the use of the word 'bank' in
 3143 the 'Georgia Transportation Infrastructure Bank Act' does not violate Code Section
 3144 7-1-243. In addition, all deposits taken by the Georgia Transportation Infrastructure Bank
 3145 shall contain a notice stating that the deposits are not insured by the Federal Deposit
 3146 Insurance Corporation.

3147 ~~32-10-125; 32-12-115.~~

3148 (a) The following sources may be used to capitalize the bank and for the bank to carry out
 3149 its purposes:

3150 (1) Appropriations by the General Assembly;

3151 (2) Federal funds available to the state, ~~as approved by the Department of~~
 3152 ~~Transportation;~~

3153 (3) Contributions, donations, and deposits from government units, private entities, and
 3154 any other source as may become available to the bank;

3155 (4) All moneys paid or credited to the bank, by contract or otherwise, payments of
 3156 principal and interest on loans or other financial assistance made from the bank, and
 3157 interest earnings which may accrue from the investment or reinvestment of the bank's
 3158 moneys;

3159 (5) Proceeds from the issuance of bonds as provided in this ~~part~~ chapter; and

3160 (6) Other lawful sources not already dedicated for another purpose as determined
 3161 appropriate by the ~~board~~ authority.

3162 (b) Without limiting the provisions of subsection (a) of this Code section, it shall be
 3163 specifically provided that any local government may use the proceeds of any local funds

3164 which may be hereafter made available by law for the purposes of this ~~part~~ article,
3165 including without limitation the funding of eligible projects and contributions, donations,
3166 and deposits to the bank.

3167 ~~32-10-126.~~ 32-12-116.

3168 (a) Earnings on balances in the federal accounts must be credited and invested according
3169 to federal law. Earnings on state and local accounts must be credited to the state and local
3170 roadway account or state and local nonroadway account that generates the earnings. The
3171 bank may establish accounts and subaccounts within the state and local accounts and
3172 federal accounts as considered desirable to effectuate the purposes of this ~~part~~ article, or
3173 to meet the requirements of any state or federal programs.

3174 (b) For necessary and convenient administration of the bank, the ~~board~~ authority shall
3175 establish federal and state and local accounts and subaccounts within the bank necessary
3176 to meet any applicable federal law requirements or as the bank shall determine necessary
3177 or desirable in order to implement the provisions of this ~~part~~ article.

3178 (c) The bank shall comply with all applicable federal laws and regulations prohibiting the
3179 commingling of certain federal funds deposited in the bank.

3180 ~~32-10-127.~~ 32-12-117.

3181 (a) The bank may provide loans and other financial assistance to a government unit to pay
3182 for all or part of the eligible costs of a qualified project. The term of the loan or other
3183 financial assistance shall not exceed the useful life of the project. The bank may require
3184 the government unit to enter into a financing agreement in connection with its loan
3185 obligation or other financial assistance. The ~~board~~ authority shall determine the form and
3186 content of loan applications, financing agreements, and loan obligations including the term
3187 and rate or rates of interest on a financing agreement. The terms and conditions of a loan
3188 or other financial assistance from federal accounts shall comply with applicable federal
3189 requirements.

3190 (b) The ~~board~~ authority shall determine which projects are eligible projects and then select
3191 from among the eligible projects qualified projects. Preference may be given to eligible
3192 projects which have local financial support.

3193 ~~32-10-128.~~ 32-12-118.

3194 (a) Qualified borrowers are authorized to obtain loans or other financial assistance from
3195 the bank through financing agreements. Qualified borrowers entering into financing
3196 agreements and issuing loan obligations to the bank may perform any acts, take any action,
3197 adopt any proceedings, and make and carry out any contracts or agreements with the bank

3198 as may be agreed to by the bank and any qualified borrower for the carrying out of the
3199 purposes contemplated by this part article.

3200 (b) In addition to the authorizations contained in this part article, all other statutes or
3201 provisions permitting government units to borrow money and issue obligations, including,
3202 but not limited to Article 3 of Chapter 82 of Title 36, the 'Revenue Bond Law,' may be
3203 utilized by any government unit in obtaining a loan or other financial assistance from the
3204 bank to the extent determined necessary or useful by the government unit in connection
3205 with any financing agreement and the issuance, securing, or sale of loan obligations to the
3206 bank.

3207 (c) A qualified borrower may receive, apply, pledge, assign, and grant security interests
3208 in project revenues to secure its obligations as provided in this part article. A qualified
3209 borrower may fix, revise, charge, and collect fees, rates, rents, assessments, and other
3210 charges of general or special application for the operation or services of a qualified project,
3211 the system of which it is a part, and any other revenue producing facilities from which the
3212 qualified borrower derives project revenues to meet its obligations under a financing
3213 agreement or to provide for the construction and improving of a qualified project.

3214 ~~32-10-129:~~ 32-12-119.

3215 The bank is performing an essential governmental function in the exercise of the powers
3216 conferred upon it and shall not be required to pay taxes or assessments upon property or
3217 upon its operations or the income therefrom, or taxes or assessments upon property or loan
3218 obligations acquired or used by the bank or upon the income therefrom.

3219 ~~32-10-130:~~ 32-12-120.

3220 (a) If a government unit fails to collect and remit in full all amounts due to the bank on the
3221 date these amounts are due under the terms of any note or other obligation of the
3222 government unit, the bank shall notify the appropriate state officials who shall withhold all
3223 or a portion of the funds of the state and all funds administered by the state and its
3224 agencies, boards, and instrumentalities allotted or appropriated to the government unit and
3225 apply an amount necessary to the payment of the amount due.

3226 (b) Nothing contained in this Code section mandates the withholding of funds allocated
3227 to a government unit which would violate contracts to which the state is a party, the
3228 requirements of federal law imposed on the state, or judgments of a court binding on the
3229 state.

3230 ~~32-10-131.~~ 32-12-121.

3231 Neither the ~~board~~ authority nor any officer, employee, or committee of the bank acting on
3232 behalf of it, while acting within the scope of this authority, is subject to any liability
3233 resulting from carrying out any of the powers given in this ~~part~~ article.

3234 ~~32-10-132.~~ 32-12-122.

3235 Notice, proceeding, or publication, except those required in this ~~part~~ article, shall not be
3236 necessary to the performance of any act authorized in this ~~part~~ article nor shall any act of
3237 the bank be subject to any referendum.

3238 ~~32-10-133.~~ 32-12-123.

3239 Following the close of each state fiscal year, the bank shall submit an annual report of its
3240 activities for the preceding year to the Governor, the Lieutenant Governor, and the Speaker
3241 of the House of Representatives and make such report available to the General Assembly.
3242 The bank also shall submit an annual report to the appropriate federal agency in accordance
3243 with requirements of any federal program."

3244 **PART IV**

3245 **Miscellaneous Provisions; Cross-References**

3246 **SECTION 4-1.**

3247 The following Code sections of the Official Code of Georgia Annotated are amended by
3248 replacing "Georgia Regional Transportation Authority," or "State Road and Tollway
3249 Authority" wherever any such term occurs with "State Transportation Authority":

3250 (1) Code Section 12-7-7.1, relating to preparation of erosion and sediment control plans;

3251 (2) Code Section 12-7-17, relating to exemptions from provisions as to erosion and
3252 sediment control;

3253 (3) Code Section 35-2-101, relating to jurisdiction of the Motor Carrier Compliance
3254 Division of the Department of Public Safety;

3255 (4) Code Section 36-60-21, relating to contracts by local governments with private
3256 companies to operate toll roads;

3257 (5) Code Section 40-6-54, relating to designation of certain lanes by the Department of
3258 Transportation;

3259 (6) Code Section 40-16-2, relating to the Department of Driver Services;

3260 (7) Code Section 45-15-13, relating to the Attorney General representing certain state
3261 authorities;

- 3262 (8) Code Section 48-7-40.19, relating to a tax credit for diesel particulate emission
 3263 reduction equipment;
- 3264 (9) Code Section 50-17-21, relating to definitions relative to state financing and
 3265 investment;
- 3266 (10) Code Section 50-17-22, relating to the State Financing and Investment Commission;
 3267 and
- 3268 (11) Code Section 50-18-72, relating to the disclosure of public records.

3269 SECTION 4-2.

- 3270 The following Code section of the Official Code of Georgia Annotated is amended by
 3271 replacing "State Transportation Board" wherever such term occurs with "State Transportation
 3272 Authority":
- 3273 (1) Code Section 46-9-272, relating to definitions relative to the Georgia Rail Passenger
 3274 Authority.

3275 SECTION 4-3.

- 3276 The following Code sections of the Official Code of Georgia Annotated are amended by
 3277 replacing "State Transportation Board" wherever such term occurs with "Department of
 3278 Transportation":
- 3279 (1) Code Section 6-1-1, relating to the powers and duties of the Department of
 3280 Transportation over aviation and aviation facilities;
- 3281 (2) Code Section 6-3-1, relating to construction and maintenance of air facilities by the
 3282 Department of Transportation;
- 3283 (3) Code Section 22-3-42, relating to condemnation of roads or highways; and
- 3284 (4) Code Section 46-3-201, relating to electric membership corporations.

3285 SECTION 4-4.

- 3286 Code Section 12-3-198 of the Official Code of Georgia Annotated, relating to the location
 3287 and relocation of highways, streets and bridges in connection with Stone Mountain Park, is
 3288 amended by revising subsections (a) and (c) as follows:
- 3289 "(a) ~~The State Transportation Board~~ Upon approval of the State Transportation Authority,
 3290 the Department of Transportation is authorized to make such studies and estimates in
 3291 connection with the location and relocation of highways, roads, streets, and rights of way
 3292 in connection with the project, whether within or ~~without~~ outside the project area, as may
 3293 be necessary to the relocation of any roads, streets, or highways within the property of the
 3294 association. The ~~board~~ department shall, at ~~the~~ its own expense ~~of the Department of~~

3295 ~~Transportation~~, relocate such roads, streets, and highways so as to conform to the plan of
 3296 the association for the development and improvement of the project."
 3297 "~~(c) The State Transportation Board or its successors, and the~~ Upon approval of the State
 3298 Transportation Authority, the Department of Transportation ~~are~~ is empowered to acquire,
 3299 in any manner permitted by law, real property, any interest therein, or rights of way for the
 3300 location and relocation of highways and roads located in proximity to the project. The
 3301 ~~board and the department~~ are is authorized to expend any available funds for the purpose
 3302 of such locating and relocating and for constructing, improving, and maintaining any such
 3303 highways and roads; and the cost of any such undertaking shall be deemed a proper and
 3304 legitimate expense of ~~such board or~~ the department."

3305 SECTION 4-5.

3306 Code Section 12-3-319 of the Official Code of Georgia Annotated, relating to the location
 3307 and relocation of highways, streets and bridges in connection with Lake Lanier Islands, is
 3308 amended by revising subsections (a) and (c) as follows:

3309 "~~(a) The State Transportation Board, or its successors, and the~~ Upon approval of the State
 3310 Transportation Authority, the Department of Transportation ~~are~~ is authorized to make such
 3311 studies and estimates in connection with the location and relocation of highways, roads,
 3312 streets, and rights of way in connection with the islands, whether within or ~~without~~ outside
 3313 the islands, as may be necessary to the location or relocation of any roads, streets, or
 3314 highways within or ~~without~~ outside the islands. The ~~board and the~~ department may, at ~~the~~
 3315 its own expense ~~of the department~~, locate or relocate such roads, streets, and highways so
 3316 as to conform to the plan of the authority for the development and improvement of the
 3317 islands."

3318 "~~(c) The State Transportation Board, or its successors, and the~~ Upon approval of the State
 3319 Transportation Authority, the Department of Transportation ~~are~~ is empowered to acquire,
 3320 in any manner now permitted by law, real property, any interest therein, or rights of way
 3321 for the location and relocation of highways and roads located in proximity to the islands
 3322 and ~~are~~ is authorized and empowered to expend any funds available to ~~such board or such~~
 3323 the department for the purpose of such locating and relocating, and for constructing,
 3324 improving, and maintaining any such highways and roads. The cost of any such
 3325 undertaking shall be deemed a proper and legitimate expense of ~~such board or such~~ the
 3326 department."

SECTION 4-6.

Code Section 12-9-55 of the Official Code of Georgia Annotated, relating to registration of motor vehicles by counties without proof of inspection, is amended by revising subsection (i) as follows:

"(i) If it is determined that any county has registered responsible motor vehicles without receiving proof from the owners that the responsible motor vehicles satisfy all applicable requirements of Code Sections 12-9-45 and 12-9-48, the director shall notify the ~~commissioner~~ secretary of transportation that such an unlawful act has occurred. Upon such notification, the State Transportation ~~Board~~ Authority may at its discretion withhold ~~Department of Transportation~~ funding assistance from any such county."

SECTION 4-7.

Code Section 35-2-33 of the Official Code of Georgia Annotated, relating to duties of the Georgia State Patrol, is amended by revising paragraph (1) of subsection (a) as follows:

"(1) To enforce the laws of this state relating to the use, ownership, control, licensing, and registration of motor vehicles and Code Sections ~~32-9-4~~ 32-12-15 and 40-6-54, relating to designation of restricted travel lanes;"

SECTION 4-8.

Code Section 35-2-101 of the Official Code of Georgia Annotated, relating to jurisdiction, duties, and powers of the Motor Carrier Compliance Division of the Department of Public Safety, is amended by revising paragraph (8) of subsection (b) as follows:

"(8) Enforcement of Code Sections ~~32-9-4~~ 32-12-15 and 40-6-54, relating to designation of restricted travel lanes;"

SECTION 4-9.

Code Section 40-2-76 of the Official Code of Georgia Annotated, relating to license plates for vehicles using alternative fuel, is amended by revising subsection (b) as follows:

"(b) Subject to subsection (d) of this Code section, the commissioner shall design a special license plate to be issued for alternative fueled vehicles, which license plate shall be similar in design to the license plate issued to all other residents of the state except that the commissioner shall place a distinctive logo or emblem immediately to the left of the letters and numbers on the license plate which shall distinguish the vehicle as an alternative fueled vehicle eligible to travel in travel lanes designated for such vehicles under paragraph (4) of subsection (a) of Code Section ~~32-9-4~~ 32-12-15. The words 'alternative fueled vehicle' shall be imprinted on such special license plate in lieu of the county name decal."

SECTION 4-10.

Code Section 40-2-135.1, relating to suspension of offender's motor vehicle registration for multiple violations of toll provisions, is amended by revising said Code section as follows:

"40-2-135.1.

As provided in subsection (c) of Code Section ~~32-10-64~~ 32-12-60, the motor vehicle registration of any owner who has failed to pay, within 30 days of the date of notice thereof, the amount determined by the Office of State Administrative Hearings as due and payable for one or more violations of such subsection, shall be immediately suspended by operation of law."

SECTION 4-11.

Code Section 40-6-50 of the Official Code of Georgia Annotated, relating to driving on divided highways, controlled-access roadways, and emergency lanes, is amended by revising subsection (d) as follows:

"(d) Nothing in this Code section shall prohibit the use of a FlexAuto lane in the manner permitted under Code Section ~~32-9-4.1~~ 32-12-16."

SECTION 4-12.

Code Section 40-6-54 of the Official Code of Georgia Annotated, relating to the designation of travel lanes for the exclusive use of certain vehicles, is amended by revising subsections (a) and (b) as follows:

"(a) The Department of Transportation, with the approval of the State Transportation Authority, may designate travel lanes on any road in the state highway system for the exclusive use of certain vehicles, as provided in Code Section ~~32-9-4~~ 32-12-15; provided, however, that where such designation has been made, the road shall be appropriately marked with signs or other roadway markers or markings to inform the traveling public of the restrictions imposed.

(b) Any person who violates subsection (b) of Code Section ~~32-9-4~~ 32-12-15 shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine:

(1) Not to exceed \$75.00 for the first such offense;

(2) Not to exceed \$100.00 for the second such offense;

(3) Not to exceed \$150.00 for the third such offense; and

(4) Not to exceed \$150.00 plus one point on such person's driver's license as provided for under Code Section 40-5-57 for the fourth or subsequent offense."

SECTION 4-13.

Code Section 40-16-2 of the Official Code of Georgia Annotated, relating to the primary responsibilities of the Department of Driver Services, is amended by revising paragraph (10) of subsection (b) as follows:

"(10) Enforcement of Code Sections ~~32-9-4~~ 32-12-15 and 40-6-54, relating to designation of restricted travel lanes is transferred to the Department of Public Safety;"

SECTION 4-14.

Code Section 45-12-170 of the Official Code of Georgia Annotated, relating to the Office of Planning and Budget to perform planning and development function, powers and duties generally, and recommendations of planned communities for state development assistance, is amended by revising subsection (d) as follows:

"(d) The Office of Planning and Budget shall recommend for certification for state development assistance all planned communities which meet the requirements of subsection (c) of this Code section. Such recommendations shall be made to the secretary of transportation and the chairmen of the State Transportation Board, ~~chairpersons of the~~ State Board of Education, the Board of Natural Resources, and the Board of Community Affairs. If a majority of said ~~chairmen~~ officials approve any recommendation, the Governor shall be authorized to certify such planned community as eligible for state development assistance."

SECTION 4-15.

Code Section 45-12-203 of the Official Code of Georgia Annotated, relating to membership on the Governor's Development Council, is amended by revising subsections (a) and (b) as follows:

"(a) The members of the ~~board of directors of the Georgia Regional Transportation Authority~~ State Transportation Authority provided by ~~Code Section 50-32-4~~ Chapter 12 of Title 32, upon their initial appointment and thereafter, shall constitute the membership of the council. Membership on that authority or the council shall not constitute an appointment to an office of honor or trust for purposes of subsection (a) of Code Section 50-32-4.

(b) The chair of the ~~Georgia Regional Transportation Authority~~ State Transportation Authority shall serve as the chair of the council."

SECTION 4-16.

Code Section 50-17-23 of the Official Code of Georgia Annotated, relating to general obligation and guaranteed revenue debts, sinking and common reserve funds, appropriations,

investments, and taxation to pay debt service requirements, is amended by revising the introductory language of subsection (a) as follows:

"(a) *General obligation debt.* General obligation debt may not be incurred until the General Assembly has enacted legislation stating the purposes, in general or specific terms, for which such issue of debt is to be incurred, specifying the maximum principal amount of the issue, and appropriating an amount at least sufficient to pay the highest annual debt service requirements for the issue. Appropriations made in each fiscal year, as provided in this subsection, for debt service purposes shall not lapse for any reason and shall continue in effect until the debt for which such appropriation was authorized shall have been incurred; but the General Assembly may repeal any such appropriation at any time prior to the incurring of such debt. Following the incurring of debt in any fiscal year for any purpose for which an appropriation has been made, there shall be deposited in the sinking fund provided for in paragraph (1) of this subsection an amount equal to the highest annual debt service requirements for such debt coming due in any succeeding fiscal year. On or prior to the end of such fiscal year, the commission shall certify to the fiscal officer of the state the amount of the appropriation for any purpose which has been transferred to the sinking fund and the amount of the anticipated highest annual debt service requirement of debt authorized to be issued in such fiscal year for any purpose by resolution of the commission but which actually will be incurred in the next succeeding fiscal year. The remaining appropriation for any purpose, after deducting the aggregate amounts described in the preceding sentence, shall lapse, except that any such amount attributable to an appropriation to general obligation debt for the construction and improvement of public roads and bridges shall not lapse but shall be ~~paid to the Department of Transportation~~ disbursed to the State Public Transportation Fund. The General Assembly may provide in an appropriation of highest annual debt service requirements that if the commission determines not to incur the debt so authorized, the commission may expend the appropriation as capital outlay for the purposes specified in the appropriation. The appropriation as capital outlay shall lapse at the end of the fiscal year of the appropriation unless committed as provided by law. The appropriation as highest annual debt service shall expire as authorization for debt when the funds are committed as capital outlay but shall otherwise lapse as provided by law."

SECTION 4-17.

Code Section 50-17-25, relating to incurring public debt by resolution, sale of evidences of indebtedness, form of obligations, validation of bonds, civil claims and actions, is amended by revising subsection (b) to add a new paragraph to read as follows:

3461 "(4) A resolution authorizing general obligation debt to acquire, construct, develop,
3462 extend, enlarge, or improve highways or other public transportation projects must be
3463 preceded by a resolution of the State Transportation Agency approving the issuance under
3464 the allocations, guidelines, and policies of the State Transportation Authority."

3465 **SECTION 4-18.**

3466 Code Section 50-23-4 of the Official Code of Georgia Annotated, relating to definitions
3467 relative to the Environmental Facilities Authority, is amended by revising subparagraph (B)
3468 of paragraph (12) as follows:

3469 "(B) Projects authorized by the ~~Georgia Regional Transportation Authority created by~~
3470 ~~Chapter 32 of this title as defined in such chapter~~ State Transportation Authority, where
3471 the authority has been directed to issue revenue bonds, bonds, notes, or other
3472 obligations to finance such project or the cost of a project in whole or in part, provided
3473 that the authority's power with respect to such projects authorized by the ~~Georgia~~
3474 ~~Regional Transportation Authority~~ State Transportation Authority shall be limited to
3475 providing such financing and related matters as authorized by the ~~Georgia Regional~~
3476 ~~Transportation Authority~~ State Transportation Authority."

3477 **SECTION 4-19.**

3478 Code Section 52-3-5 of the Official Code of Georgia Annotated, relating to the exercise of
3479 the power of eminent domain along the intracoastal waterway, is amended by revising said
3480 Code section as follows:

3481 "52-3-5.

3482 If for any reason the Department of Transportation is unable to secure any such property
3483 or rights required by the United States government for the construction and maintenance
3484 of the intracoastal waterway from the Savannah River to Cumberland Sound by voluntary
3485 agreement with the owner or owners thereof on terms and conditions satisfactory to it, the
3486 department is vested with the power to condemn the same and in so doing to employ the
3487 way, means, method, and procedure of Chapter 2 of Title 22 and Article 6 of Chapter 3 of
3488 Title 22, relating to the acquisition of property by condemnation on the part of the State of
3489 Georgia and of the United States; and in all instances any general and specific benefits to
3490 the owner or owners of such property or lands shall be offset against any damages to such
3491 property or lands. When the easement or property is thus acquired, a deed shall be
3492 executed conveying it to the United States. All easements granted under the authority of
3493 this Code section shall be approved by the ~~State Transportation Board~~ State Transportation
3494 Authority and shall be executed by the commissioner of transportation."

PART V

Provisions Repealing the Georgia Regional Transportation Authority

SECTION 5-1.

Chapter 32 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia Regional Transportation Authority, is repealed in its entirety and designated as reserved.

PART VI

Effective Date; Repealer

SECTION 6-1.

This Act shall become effective on July 1, 2009, except for Chapter 11A of Title 32 and Code Section 32-12-5 of the Official Code of Georgia Annotated, as enacted by this Act, which shall become effective upon the Governor's signature.

SECTION 6-2.

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