

AN ACT

To amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to revise what constitutes part of the state highway system; to provide for the appropriation of funds to the Department of Transportation; to provide for notice in the disposition of property; to provide for the determination of market value of property acquired by the department; to provide for the procedure for the sale of property when the right of acquisition is not exercised; to provide for the implementation of the federal Public Transportation Safety Program; to provide for the reconstruction and relocation of outdoor advertising signs located upon property that has been acquired for public road purposes; to provide for standards for relocating such signs; to provide for standards of compensation by the Department of Transportation and local governments in instances when an outdoor advertising sign is located upon land acquired for public purposes; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for the operation of personal transportation vehicles in certain areas and under certain conditions; to provide for submission of electronic accident reports by law enforcement agencies; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, is amended by revising Code Section 32-4-20, relating to the composition of the state highway system, as follows:

"32-4-20.

The state highway system shall consist of an integrated network of arterials and of other public roads or bypasses serving as the major collectors therefor. No public road shall be designated as a part of the state highway system unless it meets at least one of the following requirements:

- (1) Serves trips of substantial length and duration indicative of regional, state-wide, or interstate importance;
 - (2) Connects adjoining county seats;
 - (3) Connects urban or regional areas with outlying areas, both intrastate and interstate;
- or
- (4) Serves as part of the principal collector network for the state-wide and interstate arterial public road system ."

SECTION 2.

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

"32-5-2.

All federal funds received by the state treasurer under Code Section 32-5-1 are continually appropriated to the department for the purpose specified in the grants of such funds except as such funds may be directed by the federal government to the State Road and Tollway Authority."

SECTION 3.

Said title is further amended by revising Code Section 32-7-4, relating to procedure for the disposition of property by the Department of Transportation, as follows:

"32-7-4.

(a)(1) In disposing of property, as authorized under Code Section 32-7-3, the department, a county, or a municipality, provided that such department, county, or municipality has held title to the property for no more than 30 years, shall notify the owner of such property at the time of its acquisition or, if the tract from which the department, a county, or a municipality acquired its property has been subsequently sold, shall notify the owner of abutting land holding title through the owner from whom the department, a county, or a municipality acquired its property. The notice shall be in writing delivered to the appropriate owner or by publication if his or her address is unknown; and he or she shall have the right to acquire, as provided in this subsection, the property with respect to which the notice is given. Publication, if necessary, shall be in a newspaper of general circulation in the county where the property is located. If, after a search of the available public records, the address of any interested party cannot be found, a record of the facts and reciting the steps taken to establish the address of any such person shall be placed in the department, county, or municipal records and shall be accepted in lieu of service of notice by mailing the same to the last known address of such person. After properly completing and documenting the search, the department, county, or municipality may dispose of the property in accordance with the provisions of subsection (b) of this Code section.

(2)(A) When an entire parcel acquired by the department, a county, or a municipality, or any interest therein, is being disposed of, it may be acquired under the right created in paragraph (1) of this subsection at such price as may be agreed upon, but in no event less than the price paid for its acquisition. When only remnants or portions of the

original acquisition are being disposed of, they may be acquired for the market value thereof at the time the department, county, or municipality decides the property is no longer needed. The department shall use a real estate appraiser with knowledge of the local real estate market who is licensed in Georgia to establish the fair market value of the property prior to listing such property.

(B) The provisions of subparagraph (A) of this paragraph notwithstanding, if the value of the property is \$75,000.00 or less as determined by department estimate, the department, county, or municipality may negotiate the sale.

(3) If the right of acquisition is not exercised within 30 days after due notice, the department, county, or municipality may proceed to sell such property as provided in subsection (b) of this Code section.

(4) When the department, county, or municipality in good faith and with reasonable diligence attempted to ascertain the identity of persons entitled to notice under this Code section and mailed such notice to the last known address of record of those persons or otherwise complied with the notification requirements of this Code section, the failure to in fact notify those persons entitled thereto shall not invalidate any subsequent disposition of property pursuant to this Code section.

(b)(1)(A) Unless a sale of the property is made pursuant to paragraph (2) or (3) of this subsection, such sale shall be made to the bidder submitting the highest of the sealed bids received after public advertisement for such bids for two weeks. If the highest of the sealed bids received is less than but within 15 percent of the established market value, the department may accept that bid and convey the property in accordance with the provisions of subsection (c) of this Code section. The department or the county or municipality shall have the right to reject any and all bids, in its discretion, to readvertise, or to abandon the sale.

(B) Such public advertisement shall be inserted once a week in such newspapers or other publication, or both, as will ensure adequate publicity, the first insertion to be at least two weeks prior to the opening of bids, the second to follow one week after the first publication. Such advertisement shall include but not be limited to the following items:

- (i) A description sufficient to enable the public to identify the property;
- (ii) The time and place for submission and opening of sealed bids;
- (iii) The right of the department or the county or municipality to reject any one or all of the bids;
- (iv) All the conditions of sale; and
- (v) Such further information as the department or the county or municipality may deem advisable as in the public interest.

(2)(A) Such sale of property may be made by the department or a county or municipality by listing the property through a real estate broker licensed under Chapter 40 of Title 43 who has a place of business located in the county where the property is located or outside the county if no such business is located in the county where the property is located. Property shall be listed for a period of at least three months. Such property shall not be sold at less than its fair market value. The department shall use a real estate appraiser with knowledge of the local real estate market who is licensed in Georgia to establish the fair market value of the property prior to listing such property. All sales shall be approved by the commissioner on behalf of the department or shall be approved by the governing authority of the county or municipality at a regular meeting that shall be open to the public, and public comments shall be allowed at such meeting regarding such sale.

(B) Commencing at the time of the listing of the property as provided in subparagraph (A) of this paragraph, the department, county, or municipality shall provide for a notice to be inserted once a week for two weeks in the legal organ of the county indicating the names of real estate brokers listing the property for the political subdivision. The department, county, or municipality may advertise in magazines relating to the sale of real estate or similar publications.

(C) The department, county, or municipality shall have the right to reject any and all offers, in its discretion, and to sell such property pursuant to the provisions of paragraph (1) of this subsection.

(3)(A) Such sale of property may be made by the department, a county, or a municipality to the highest bidder at a public auction conducted by an auctioneer licensed under Chapter 6 of Title 43. Such property shall not be sold at less than its fair market value.

(B) The department, county, or municipality shall provide for a notice to be inserted once a week for the two weeks immediately preceding the auction in the legal organ of the county including, at a minimum, the following items:

- (i) A description sufficient to enable the public to identify the property;
- (ii) The time and place of the public auction;
- (iii) The right of the department or the county or municipality to reject any one or all of the bids;
- (iv) All the conditions of sale; and
- (v) Such further information as the department or the county or municipality may deem advisable as in the public interest.

The department, county, or municipality may advertise in magazines relating to the sale of real estate or similar publications.

(C) The department, county, or municipality shall have the right to reject any and all offers, in its discretion, and to sell such property pursuant to the provisions of paragraph (1) or (2) of this subsection.

(c) Any conveyance of property shall require the approval of the department, county, or municipality, by approval of the commissioner on behalf of the department and, in the case of a county or municipality, by resolution, to be recorded in the minutes of its meeting. If the department or the county or municipality approves a sale of property, the commissioner, chairperson, or presiding officer may execute a quitclaim deed conveying such property to the purchaser. All proceeds arising from such sales shall be paid into and constitute a part of the funds of the seller."

SECTION 4.

Said title is further amended in Code Section 32-9-10, relating to the implementation of the federal Intermodal Surface Transportation Efficiency Act of 1991, by revising subsection (a) and adding new subsections to read as follows:

"(a) The purpose of this Code section is to implement the federal Public Transportation Safety Program, 49 U.S.C. Section 5329, referred to in this Code section as the act."

"(g) Nothing in this Code section is intended to conflict with any provision of federal law; and, in case of such conflict, such portion of this Code section as may be in conflict with such federal law is declared of no effect to the extent of the conflict.

(h) The department is authorized to take the necessary steps to secure the full benefit of the federal-aid program and meet any contingencies not provided for in this Code section, abiding at all times by a fundamental purpose to perform all acts which are necessary, proper, or incidental to the efficient and safe operation and development of the department and the state highway system and of other modes and systems of transportation."

SECTION 5.

Said title is further amended by adding a new Code section to read as follows:

"32-3-3.1.

(a) When rights of way or real property or interests therein are acquired by a state agency, county, or municipality for public road purposes and an outdoor advertising sign permitted by the state in accordance with Part 2 of Article 3 of Chapter 6 of this title and a local county or municipal ordinance, which has not lapsed and is in good standing, is located upon such property, the outdoor advertising sign may be relocated or reconstructed and relocated through agreement of the owner of the property and owner of the outdoor advertising sign, if such owners do not refer to the same person, so long as the new location:

- (1) Is within 250 feet of its original location, provided that the new location meets the requirements for an outdoor advertising sign provided in Part 2 of Article 3 of Chapter 6 of this title;
 - (2) Is available to the owner of the outdoor advertising sign and is comparable to the original location, as agreed upon by the owner of the outdoor advertising sign and the department;
 - (3) Does not result in a violation of federal or state law; and
 - (4) Is within zoned commercial or industrial areas or unzoned commercial or industrial areas as defined in Code Section 32-6-71.
- (b) An outdoor advertising sign relocated as provided for in subsection (a) of this Code section may be adjusted in height or angle or both in order to restore the visibility of the sign to the same or a comparable visibility which existed prior to acquisition by a state agency, county, or municipality, provided that the height of such relocated sign shall not exceed the greater of the height of the existing sign or 75 feet, as measured from the base of the sign or the crown of the adjacent roadway to which the sign is permitted, whichever is greater.
- (c) For any federal aid project or any project financed in whole or in part with federal funds, the actual costs of relocation or reconstruction and relocation of an outdoor advertising sign relocated as provided for in subsection (a) of this Code section shall be paid by the department. For any project not financed in whole or in part with federal funds, the actual costs of relocation or reconstruction and relocation shall be paid by the owner of the outdoor advertising sign.
- (d) If no relocation site that meets the requirements of paragraphs (1) through (4) of subsection (a) of this Code section exists, just and adequate compensation shall be paid by the department to the owner of the outdoor advertising sign.
- (e) If a sign is eligible to be relocated as provided for in subsection (a) of this Code section but such new location would result in a conflict with local ordinances in the city or county of applicable jurisdiction and no variance or other exception is granted to allow relocation as requested by the owner of the outdoor advertising sign, just and adequate compensation shall be paid by the local governing authority to the owner of the outdoor advertising sign. However, no compensation resulting from the denial of a variance or exception by a local governing authority for an outdoor advertising sign eligible for relocation under this Code section shall be paid either directly or indirectly by the department."

SECTION 6.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is

amended in Code Section 40-6-331, relating to designation of PTV paths, licensing requirements and operating standards of PTVs, local immunity, signage, and street crossing, by adding a new subsection to read as follows:

"(e)(1) Regardless of whether a local ordinance has been approved regarding the use of PTVs, delivery personnel for a commercial delivery company which has at least 10,000 persons employed in this state may operate PTVs within a residential subdivision with speed limits of 25 miles per hour or less, provided that any PTV utilized by a commercial delivery company shall:

(A) Include the equipment required in subsection (a) of Code Section 40-6-330.1;

(B) Be marked in a conspicuous manner with the name of the commercial delivery company;

(C) Be operated by a person with a valid driver's license; and

(D) Be utilized only for the delivery of envelopes and packages with a maximum size of 130 inches for the combined length and girth and with a weight no greater than 150 pounds per package.

(2) Any commercial delivery company utilizing PTVs under this subsection shall remit a \$50.00 fee every five years to each local authority where a PTV is operated along with a signed statement that such commercial delivery company operates PTVs within the jurisdiction of such local authority.

(3) Notwithstanding any other provision of law to the contrary, any person operating a PTV under this subsection shall be granted all the rights and shall be subject to all the duties applicable to a driver of any other vehicle under this chapter; provided, however that subsection (b) of Code Section 40-6-315 shall not be applicable to the operator of a PTV under this subsection.

(4) Any PTV authorized to operate pursuant to this subsection shall not pull multiple trailers. Such PTVs shall be limited to pulling one trailer or cargo platform and be limited to hauling weight no greater than the carrying capacity of the PTV as determined by the manufacturer."

SECTION 7.

Said title is further amended by revising Code Section 40-9-31, relating to the submission of accident reports to the Department of Driver Services and the Department of Transportation, as follows:

"40-9-31.

Each state and local law enforcement agency shall submit to the Department of Transportation the original document of any accident report prepared by such law enforcement agency or submitted to such agency by a member of the public. If the

Department of Driver Services receives a claim requesting determination of security, the Department of Transportation shall provide a copy or an electronic copy of any relevant accident reports to the Department of Driver Services. Any law enforcement agency may transmit the information contained on the accident report form by electronic means, provided that the Department of Transportation has first given approval to the reporting agency for the electronic reporting method utilized. The law enforcement agency shall retain a copy of each accident report. Any law enforcement agency that transmits the data by electronic means must transmit the data using a nonproprietary interchangeable electronic format and reporting method. For purposes of this Code section, the term 'nonproprietary' shall include commonly used report formats. All such reports shall be submitted to the Department of Transportation within 14 days when electronically submitted and when not electronically submitted not more than 15 days following the end of the month in which such report was prepared or received by such law enforcement agency. The Department of Transportation is authorized to engage the services of a third party in fulfilling its responsibilities under this Code section."

SECTION 8.

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