Rules and Regulations of the State of Georgia

Department 672 STATE DEPARTMENT OF TRANSPORTATION

Current through Rules and Regulations filed through November 2, 2022

Table of Contents

ADMINISTRATIVE HISTORY

Chapter 672-1. RULES OF GENERAL APPLICABILITY.

Rule 672-1-.01. Organization.

Rule 672-1-.02. General Definitions.

Rule 672-1-.03. Administrative Declaratory Rulings.

Rule 672-1-.04. Petition for Adoption of Rules.

Rule 672-1-.05. Contested Cases Under the Administrative Procedure Act.

Rule 672-1-.06. Special Permit Applicable in Emergency Situations.

Rule 672-1-.07. Contested Cases that May Arise Under the Georgia Rural Transportation Program.

Rule 672-1-.08. Special Permit for Mobile Homes.

Rule 672-1-.09. Repealed.

Chapter 672-2. PERMITS FOR VEHICLES OR LOADS OF EXCESS WEIGHT OR DIMENSION.

Rule 672-2-.01. Definitions.

Rule 672-2-.02. General Restrictions on Issuance of Permits.

Rule 672-2-.03. Conditions Attached to Issuance of Permits.

Rule 672-2-.04. Special Conditions Attached to Permits for Houses.

Rule 672-2-.05. Special Conditions attached to Permits for Manufactured Homes, Modular Units, & Portable Buildings.

Rule 672-2-.06. Pilot/Escort Vehicle Certification. Escorts of Permitted Vehicles or Loads.

Rule 672-2-.07. Marking of Oversize Vehicles or Loads.
Rule 672-2-.08. Application for Permits.
Rule 672-2-.09. Revocation, Suspension of, Denial for Application or Renewal of Permits.
Chapter 672-3. REPEALED (672-3-.01 thru 672-3-.03).
Rule 672-3-.01. Repealed.
Rule 672-3-.02. Repealed.
Rule 672-3-.03. Repealed.
Chapter 672-4. ENFORCEMENT OF THE PROVISIONS IN CODE SECTION 32-6-29, O.C.G.A. RELATING TO CRIMINAL VIOLATIONS.
Rule 672-4-.01. General.
Rule 672-4-.02. Designation of Enforcement Personnel.
Rule 672-4-.03. Powers and Procedures for Enforcement of Proper Securing of Loads.
Rule 672-4-.04. Powers and Procedures for Enforcement of Limits on Dimensions of Vehicles and Loads.
Rule 672-4-.05. Powers and Procedures for Enforcement of Fuel Tax and License Tag Laws.
Rule 672-4-.06. Powers and Procedures for Enforcement of Highway Obstruction Laws.
Rule 672-4-.07. Powers and Procedures for Use of Driver's License as Bail Bond.
Rule 672-4-.08. Safety Restrictions on Hauling Logs and Pulpwood on Public Roads.
Chapter 672-5. GOVERNING THE PREQUALIFICATION OF PROSPECTIVE BIDDERS.
Rule 672-5-.01. Purposes of Rules.
Rule 672-5-.02. Definitions.
Rule 672-5-.03. Forms.
Rule 672-5-.04. Application for Contractor Qualification.
Rule 672-5-.05. Specialty Items.
Rule 672-5-.06. Ability or Multiplying Factor for Prospective Bidders.
Rule 672-5-.07. Determination of Maximum Capacity Rating for Contractors.
Rule 672-5-.08. Appeals Procedure for Maximum Capacity Rating for Prospective Bidders.
Rule 672-5-.09. Bidding Authorization.
Rule 672-5-.10. Certification of Capacity.
Rule 672-5-.11. Application for Subcontractor Registration.
Rule 672-5-.12. Effect of Subcontracting on Contractor's Capacity.
Rule 672-5-.13. Joint Bids.
Rule 672-5-.14. False, Deceptive, or Fraudulent Statement(s) in Application or at Hearing.

Rule 672-5-.15. Suspension or Revocation of Certificate of Qualification or Certificate of Registration.
Rule 672-5-.16. Conduct in Bidding Department Contracts or Submitting Quotes to Bidders on Department Contracts.
Rule 672-5-.17. Reserved.
Chapter 672-6. GRANTING, RENEWAL, AND REVOCATION OF PERMITS FOR OUTDOOR ADVERTISING.
Rule 672-6-.01. Definitions.
Rule 672-6-.01A. Outdoor Advertising Permit Fees.
Rule 672-6-.02. Forms.
Rule 672-6-.03. Requirement of a Permit.
Rule 672-6-.04. Application for a Permit.
Rule 672-6-.05. Conditions for Issuance of Approved Permit.
Rule 672-6-.06. Revision of a Conforming Permit.
Rule 672-6-.07. Renewal, Initial Permit Extension and Transfer of Permits.
Rule 672-6-.08. Revocation or Expiration of a Permit.
Rule 672-6-.09. Appeals.
Rule 672-6-.10. Destruction of Property on the Rights-of-Way.
Rule 672-6-.11. Conversion of Permits.
Rule 672-6-.12. Reserved.
Chapter 672-7. REMOVAL OF UNAUTHORIZED OUTDOOR ADVERTISING.
Rule 672-7-.01. Definitions.
Rule 672-7-.02. Determination of Signs Erected or Maintained Without Authorization; Notification by Certified Mail.
Rule 672-7-.03. Initial Hearing.
Rule 672-7-.04. Legal Action.
Chapter 672-8. RULES AND REGULATIONS GOVERNING THE CONTROL OF JUNKYARDS.
Rule 672-8-.01. Definitions.
Rule 672-8-.02. Purpose.
Rule 672-8-.03. Policy.
Rule 672-8-.04. Measurement of Distance.
Rule 672-8-.05. Screening.
Rule 672-8-.06. Nonconforming Junkyards.
Rule 672-8-.07. Unlawful Junkyards.
Rule 672-8-.08. Screening Criteria.
Rule 672-8-.09. Junkyards Adjacent to Future Interstate and Primary Highways.
Chapter 672-9. RULES AND REGULATIONS FOR LICENSING OF CERTAIN OPEN-TO-THE-PUBLIC AIRPORTS.

Rule 672-9-.01. Definitions.
Rule 672-9-.02. Repealed and Reserved.
Rule 672-9-.03. Airports: Licensing Minimum Standards.
Rule 672-9-.04. Airport License Issuance/Renewal/Revocation; Cease and Desist Order.
Rule 672-9-.05. [Repealed].
Rule 672-9-.06. Construction or Establishment of Solid Waste Landfills Near Certain Public Airports.
Chapter 672-10. TRANSPORTATION OF HAZARDOUS MATERIALS.
Rule 672-10-.01. Definitions.
Rule 672-10-.02. Permit Requirements and Letters of Intent.
Rule 672-10-.03. General Restrictions on Issuance of Permits.
Rule 672-10-.04. General Conditions Applying to All Permits.
Rule 672-10-.05. Special Conditions Applying to Certain Movement.
Rule 672-10-.06. Letters of Intent, Applications, and Permit Fees.
Chapter 672-11. INSTALLATION, RELOCATION, AND MANAGEMENT OF UTILITIES ON PUBLIC RIGHTS-OF-WAY.
Rule 672-11-.01. Purposes of Chapter.
Rule 672-11-.02. Definitions.
Rule 672-11-.03. Issuance of Permits, Permit Fees, and Alternative Procedure for Assessing Fees for Non-Communication Utilities.
Rule 672-11-.04. Issuance of Permits, Permit Fees, and Alternative Procedure for Assessing Fees for Communication Utilities.
Chapter 672-12. GRANT PROGRAMS.
Rule 672-12-.01. Definitions.
Rule 672-12-.02. Federal Transit Administration (FTA) Section 3 Program.
Rule 672-12-.03. Federal Transit Administration (FTA) Section 8 Program.
Rule 672-12-.04. Federal Transit Administration (FTA) Section 9 Program.
Rule 672-12-.05. Federal Transit Administration (FTA) Section 18 Program.
Rule 672-12-.06. Local Rail Freight Assistance Program.
Rule 672-12-.07. Airport Development Program.
Rule 672-12-.08. Airport Operational Improvement Program.
Rule 672-12-.09. Airport Approach Aid Program.
Rule 672-12-.10. Transportation Enhancement Program.
Rule 672-12-.11. Local Road Assistance Program.
Rule 672-12-.12. County and City Contract Program.
Chapter 672-13. PETROLEUM PIPELINE CERTIFICATES.
Rule 672-13-.01. Definitions.

Rule 672-13-.02. The Exercise of Eminent Domain for the Construction of a Petroleum Pipeline.
Rule 672-13-.03. Applications for Certificates of Public Convenience and Necessity.
Rule 672-13-.04. Additional Information to be Supplied.
Rule 672-13-.05. Notice of Application and Proposed Route.
Rule 672-13-.06. Public Meetings on the Application.
Rule 672-13-.07. Approval or Denial of Application.
Rule 672-13-.08. Review of the Commissioner's Decision.
Rule 672-13-.09. Notice to Landowner Prior to Initiating Eminent Domain Proceedings.
Chapter 672-14. GRANTING, RENEWAL, AND REVOCATION OF VEGETATION MANAGEMENT PERMITS FOR OUTDOOR ADVERTISING.
Rule 672-14-.01. Purpose of Regulations.
Rule 672-14-.02. Definitions.
Rule 672-14-.03. Application for a Vegetation Management Permit.
Rule 672-14-.04. Requirements for Issuance of Approved Vegetation Management Permit.
Rule 672-14-.05. Conditions Governing a Vegetation Management Permit.
Rule 672-14-.06. Fees and Renewal of a Vegetation Management Permit.
Rule 672-14-.07. Invalid or Revocation of a Vegetation Management Permit.
Rule 672-14-.08. Failure to Comply with Guidelines - Unauthorized Cutting, Trimming or Removal of Vegetation.
Rule 672-14-.09. Safety.
Rule 672-14-.10. Hearings and Appeals.
Chapter 672-16. CRITERIA FOR ELIMINATION OF HIGHWAY-RAIL GRADE CROSSINGS.
Rule 672-16-.01. Definitions.
Rule 672-16-.02. General.
Rule 672-16-.03. Procedural Steps.
Rule 672-16-.04. Determination of Safety.
Rule 672-16-.05. Appeal Process.
Chapter 672-17. GOVERNING PUBLIC-PRIVATE PARTNERSHIPS.
Rule 672-17-.01. Statement of Policy.
Rule 672-17-.02. Definitions.
Rule 672-17-.03. Guidelines.
Rule 672-17-.04. Solicitation Process.
Rule 672-17-.05. Conduct Governing Solicitations.
Rule 672-17-.06. General Rules for Public-Private Partnerships.
Rule 672-17-.07. Protests.

Chapter 672-18. GOVERNING THE DESIGN-BUILD PROCEDURES.
Rule 672-18-.01. Purpose of Regulations.
Rule 672-18-.02. Definitions.
Rule 672-18-.03. Prequalification Requirements.
Rule 672-18-.04. Public Advertisement Procedures.
Rule 672-18-.05. Repealed and Reserved.
Rule 672-18-.06. Request for Qualification Requirements.
Rule 672-18-.07. Request for Proposal Requirements.
Rule 672-18-.08. Criteria for Evaluating Technical Information and Project Costs.
Rule 672-18-.09. Criteria for Selection and Award Process.
Rule 672-18-.10. Repealed and Reserved.
Rule 672-18-.11. Criteria for Providing a Stipend Fee.
Rule 672-18-.12. Criteria for Resolution of Contact Issues.
Rule 672-18-.13. Fiscal Year Summary Report of Design-Build.
Chapter 672-19. GOVERNING UTILITIES MEDIATION PROCESS.
Rule 672-19-.01. Purpose.
Rule 672-19-.02. Applicability of Rules.
Rule 672-19-.03. Definitions.
Rule 672-19-.04. Escalation Process - Duties and Responsibilities.
Rule 672-19-.05. Mediation Board.
Rule 672-19-.06. Mediation Board Procedures.
Chapter 672-20. PERMITTING AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES IN SCHOOL ZONES.
Rule 672-20-.01. Purpose of Rules.
Rule 672-20-.02. Definitions.
Rule 672-20-.03. Permit Requirements.
Rule 672-20-.04. Review by the Department and Determination of Need.
Rule 672-20-.05. Permit Holder Requirements.
Rule 672-20-.06. Changes to and Cancellation of the Automated Traffic Enforcement Safety Device Permit.
Chapter 672-21. BID PROTEST PROCEDURES FOR CERTAIN CONSTRUCTION PROJECTS.
Rule 672-21-.01. Definitions.
Rule 672-21-.02. Eligibility for Filing Bid Protest.
Rule 672-21-.03. Filing of Bid Protest.
Rule 672-21-.04. Withholding of Award.
Rule 672-21-.05. Department Review and Determination.
Chapter 672-22. GOVERNING ALTERNATIVE CONTRACTING METHODS.
Rule 672-22-.01. Statement of Policy and Purpose of Rules & Regulations.

Rule 672-22-.02. Definitions.
Rule 672-22-.03. General Rules for ACM Agreements.
Rule 672-22-.04. CM/GC Procurement Process.
Rule 672-22-.05. Rules Governing Construction Management Agreements.
Rule 672-22-.06. Rules Governing Predevelopment Agreements.
Rule 672-22-.07. Rules Governing Comprehensive Development Agreements.
Rule 672-22-.08. Size and Frequency Limitations for ACMs.
Rule 672-22-.09. Reporting ACM Contracting Activity.

ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Note: Emergency Rules are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Chapter 672-1 entitled "Rules of General Applicability" has been adopted. Filed August 9, 1973; effective August 29, 1973.

Chapter 672-2 entitled "Permits for Vehicles or Loads of Excess Weight and Dimension" has been adopted. Filed August 9, 1973; effective August 29, 1973.

Chapter 672-3 entitled "Enforcement of Overweight Provisions of Article VIII of Chapter 95A-9, Georgia Code" has been adopted. Filed August 9, 1973; effective August 29, 1973.

Chapter 672-4 entitled "Enforcement of the Provisions of Georgia Code Title 95A Relating to the Improper Securing of Loads on Vehicles, the Sizes of Vehicles and Loads, and the Inspection of Vehicles for Violation of Fuel Tax and License Tag Laws" has been adopted. Filed August 9, 1973; effective August 29, 1973.

Chapter 672-5 entitled "Rules and Regulations Governing the Prequalification and Classification of Prospective Bidders" has been adopted. Filed August 9, 1973; effective August 29, 1973.

Rules 672-1-.02, .05, 672-2-.06 and 672-3-.01 have been amended. Filed July 15, 1974; effective August 4, 1974.

Rules 672-3-.02 and 672-3-.03 have been repealed and new Rules adopted. Filed July 15, 1974; effective August 4, 1974.

Chapter 672-6 entitled "Rules and Regulations Governing the Granting, Renewal, and Revocation of Permits for Outdoor Advertising" has been adopted.

Chapter 672-7 entitled "Rules and Regulations Governing the Removal of Unauthorized Outdoor Advertising" has been adopted. Filed December 2, 1976; effective December 22, 1976.

Rules 672-5-.02, .04, .05 have been amended. Rules 672-5-.11, .12, and .15 have been repealed and new Rules adopted. Filed December 22, 1976; effective January 11, 1977.

Emergency Rule 672-2-0.1, entitled "Permits for Vehicles or Loads of Excess Weight or Dimension," relating to provision for procedures to route mobile homes, modular homes, and sectional houses from 120 inches through 144 inches in width, moving with authority of an annual permit issued between June 1 and June 15, 1977, was filed and effective on May 18, 1977, to remain in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Emergency Rule 672-2-0.2, entitled "Permits for Vehicles or Loads of Excess Weight or Dimension," relating to provision for procedures to regulate the movement of modular homes, sectional homes and portable buildings with a width up to and including 144 inches and to regulate the movement of mobile homes with a width up to and including 168 inches, was filed and effective on July 1, 1977, to remain in effect for 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency. (This Emergency Rule will not be published; copies may be obtained from the Agency.)

Rule 672-1-.05 has been amended. Rule 672-1-.06 has been adopted. Filed August 10, 1977; effective August 30, 1977.

Rules 672-6-.03, .05, .07, .08 have been amended. Rule 672-6-.04 has been repealed and a new Rule adopted. Filed December 4, 1986; effective December 24, 1986.

Rules 672-8-.07(1) and 672-9-.01(n) have been amended. Filed June 24, 1987; effective July 14, 1987.

Rule 672-1-.05 has been amended. Filed July 24, 1987; effective August 13, 1987.

Rules 672-7-.01 to .04 have been amended. Filed June 24, 1988; effective July 14, 1988.

Rules 672-2-.02 and 672-6-.04 have been repealed and new Rules adopted. Rule 672-4-.08 has been adopted. Rules 672-6-.03, .05, .07, .08 have been amended. Filed July 15, 1988; effective August 4, 1988.

Rules 672-6-.01, .03, .05, .06, .07, .08, .10, .11 have been amended. Filed September 15, 1988; effective October 5, 1988.

Rule 672-1-.09 has been repealed. Rule 672-3-.02 has been amended. Filed October 14, 1988; effective November 3, 1988.

Rule 672-3-.01 has been repealed and a new Rule adopted. Rules 672-3-.02, .03, 672-4-.02, .03, .04, .05, .06 have been amended. Filed November 4, 1988; effective November 24, 1988.

Rule 672-2-.06 has been repealed and a new Rule adopted. Filed June 16, 1989; effective July 6, 1989.

Rule 672-2-.04 has been amended. Filed June 10, 1992; effective July 1, 1992, as specified by the Agency.

Grant Chapter 672-12 entitled "Grant Program" submitted March 22, 1994.

Chapter 672-2 has been amended. Filed May 24, 1994; effective June 13, 1994.

Chapter 672-13 entitled "Petroleum Pipeline Certificates" has been adopted. Filed June 3, 1996; effective June 23, 1996.

Rules 672-2-.01 to .04, .06, .08, .09 have been amended. Filed July 23, 1996; effective August 12, 1996.

Chapter 672-2 has been amended. Filed June 2, 1998; effective June 22, 1988.

Chapter 672-14 entitled "Granting, Renewal and Revocation of Vegetation Management Permits for Outdoor Advertising" adopted. Filed November 20, 1998; effective December 10, 1998.

Rules 672-2-.01 to .09 and 672-6-.05 have been amended. Filed August 23, 1999; effective September 12, 1999.

Chapter 672-5 has been repealed and a new Chapter adopted. Filed October 23, 2000; effective November 12, 2000.

Rules 672-2-.01 to .09 have been amended. Filed October 23, 2001; effective November 12, 2001.

Chapter 672-3 has been repealed. Filed June 19, 2003; effective July 9, 2003.

Chapter 672-16 entitled "Criteria for Elimination of Highway-Rail Grade Crossings" has been adopted. Filed November 13, 2003; effective December 3, 2003.

Chapter 672-17 entitled "Governing the Public-Private Transportation Initiatives" has been adopted. Filed December 12, 2003; effective January 1, 2004.

Chapter 672-14 has been repealed and a new Chapter adopted. Filed May 5, 2004; effective May 25, 2004.

Rules 672-5-.04, .10, and .11 have been amended. Filed July 9, 2004; effective July 29, 2004.

Rule 672-9-.05 has been adopted. Filed December 17, 2004; effective January 6, 2005.

Chapters 672-6 and 672-7 have been repealed and new Chapters adopted. Filed February 22, 2005; effective March 14, 2005.

Chapter 672-17 has been repealed and a new Chapter adopted. Filed July 22, 2005; effective August 11, 2005.

Chapter 672-18 entitled "Governing the Design-Build Procedures" adopted. Filed September 22, 2006; effective October 12, 2006.

Rules 672-5-.02, .07, and .11 have been amended. Rules 672-5-.15 and .16 have been repealed and new Rules adopted. Rule 672-5-.17 has been repealed and the rule reserved. Filed November 20, 2006; effective December 10, 2006.

Chapter 672-19 entitled "Governing Utilities Mediation Process" has been adopted. Filed December 18, 2007; effective January 7, 2008.

Rules 672-5-.04 and .11 have been amended. Filed December 11, 2008; effective December 31, 2008.

Chapter 672-17 has been repealed and a new Chapter adopted. Filed January 25, 2010; effective February 14, 2010.

Rules 672-17-.01, .03, and .04 have been repealed and new Rules adopted. Filed April 21, 2010; effective May 11, 2010.

Chapter 672-2 amended. F. Oct. 19, 2011; eff. Nov. 8, 2011.

Rules 672-6-.01, 672-6-.03, 672-6-.04, 672-6-.05, 672-6-.06, 672-6-.07, 672-6-.08, 672-6-.09, 672-6-.10, 672-6-.11, 672-7-.01, 672-7-.02, 672-7-.03, 672-7-.04, 672-14-01, 672-14-.02, 672-14-.03, 672-14-.05, 672-14-.06, 672-14-.07, 672-14-.08, 672-14-.09 amended. F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-6-.01 A adopted. F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-2-.01 amended. F. Sep. 26, 2012; eff. Oct. 16, 2012.

Rule 672-9-.01 amended. Rule 672-9-.02 repealed and Rule number reserved. Rules 672- 9-.03, 672-9-.04, 672-9-.05 repealed and new Rules adopted. Rule 672-9-.06 adopted. F. Jul. 12, 2013; eff. Aug. 1, 2013.

Rules 672-18-.01 to 672-18-.04, 672-18-.06 to 672-18-.09, 672-18-.11 to 672-18-.13 amended. Rules 672-18-.05, 672-18-.10 repealed and Rule number reserved. F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rules 672-2-.03, .08 amended. F. July 21, 2017; eff. Aug. 10, 2017.

Chapter 672-5, Rules 672-13-.01 to .08 amended. Rule 672-13-.09 adopted. F. May 1, 2018; eff. May 21, 2018.

Chapter 672-20 entitled "Permitting Automated Traffic Enforcement Safety Devices In School Zones" adopted. F. Sep. 27, 2018; eff. Oct. 17, 2018.

Chapter 672-21 entitled "Bid Protest Procedures for Certain Construction Projects" adopted. F. Nov. 19, 2020; eff. Dec. 9, 2020.

Rules 672-20-.03, .04 amended. F. Nov. 24, 2020; eff. Dec. 14, 2020.

Chapter 672-11 amended, Chapter title changed to "Installation, Relocation, and Management of Utilities on Public Rights-of-Way." F. Aug. 24, 2021; eff. Sep. 13, 2021.

Rule 672-11-.04 amended. F. Oct. 22, 2021; eff. Nov. 11, 2021.

Rules 672-9-.01, .03, .04 amended; Rule 672-9-.05 repealed. F. Dec. 14, 2021; eff. Jan. 3, 2022.

Chapter 672-22 entitled "Governing Alternative Contracting" adopted. Jan. 20, 2022; eff. Feb. 9, 2022.

Chapter 672-1. RULES OF GENERAL APPLICABILITY.

Rule 672-1-.01. Organization.

(1) The divisions within the Department of Transportation shall be those deemed by the Commissioner of the Department of Transportation to be necessary and proper for the efficient operation of the Department.

(2) The mailing address and location of the State Department of Transportation is the State Highway Building, No. 2 Capitol Square, Atlanta, Georgia 30334.

(3) All legal notices and all notices and correspondence respecting administrative proceedings should be directed to the Department of Transportation.

Cite as Ga. Comp. R. & Regs. R. 672-1-.01
Authority: Ga. Code Secs. 95A-301, 95A-305, 95A-309(b)(1).
History. Original Rule entitled "Organization" was filed on August 9, 1973; effective August 29, 1973.

Rule 672-1-.02. General Definitions.

The following definitions shall apply generally to all rules and regulations of the Department of Transportation.

(a) "Board" shall mean the State Transportation Board of the State of Georgia.

(b) "Department" shall mean the Department of Transportation of the State of Georgia.

(c) "Commissioner" shall mean the Commissioner of the Department of Transportation of the State of Georgia.

(d) "Hearing" shall mean a right of the Department and of parties affected by any action of the Department to present, either formally or informally, relevant information, testimony, documents, evidence and argument as to why such action should or should not be taken.

(e) "Hearing Examiner" or "Hearing Officer" or "Reviewing Officer" shall mean an officer or employee of the Department or other person so designated by the Commissioner who shall be employed or appointed by the Department for this purpose as needed and shall be authorized to exercise such powers as are given such persons by statute or rule, except that in contested cases relating to bidder prequalification arising under the provisions of Chapter 672-5, Rules of the State Department of Transportation,"Hearing Examiner" or "Hearing Officer" or "Reviewing Officer" shall mean the Board of Review as defined in Rule 672-5-.02(a), Rules of the State Department of Transportation.

(f) Department or agency review shall mean a Department review of the initial determination of the hearing examiner or hearing officer designated by the Commissioner to conduct the hearing as authorized in Rule 672-1-.05(e), and shall be conducted in the manner prescribed in Rule 672-1-.05(f) and (g).

Cite as Ga. Comp. R. & Regs. R. 672-1-.02
Authority: Ga. L. 1965, pp. 283, 291 (Ga. Code Ann. Sec. 3A-114(a)(5)); Ga. L. 1973, p. 947; (Ga. Code Ann., Secs. 95A-104 and 95A-303); Ga. L. 1964, p. 338, as amended (Ga. Code Ann. Ch. 3A).
History. Original Rule entitled "General Definitions" was filed on August 9, 1973; effective August 29, 1973.
Amended: Filed July 15, 1974; effective August 4, 1974.

Rule 672-1-.03. Administrative Declaratory Rulings.

(1) Availability of declaratory ruling. Any person whose legal rights will be interfered with or impaired by the application of any statutory provision or any rule or order of the Department may petition the Department and request a declaratory ruling thereon. The Department will not render advisory opinions, resolve questions which have become moot or are abstract or hypothetical, or otherwise act hereunder except with respect to such actual controversies or other cases upon which a superior court would be required to act under the Georgia declaratory judgment statutes as construed by the appellate courts of Georgia.

(2) Form of petition. Each such petition shall be filed with the Department in writing and shall state:

(a) The name and post office address of the petitioner;

(b) The full text of the statute, rule, or order upon which a ruling is requested;

(c) A paragraphed statement of all pertinent and existing facts necessary to a determination of the applicability of the quoted statute or rule;

(d) The petitioner's contention, if any, as to the aforesaid applicability with citations of legal authorities, if any, which authorize, support or require a decision in accordance therewith;

(e) A statement setting forth in detail the petitioner's interest in the matter and why and how the petitioner is uncertain or insecure with respect to his rights. The petition shall be verified under oath by, or in proper behalf of, the petitioner.

(3) Proceedings on petition. If the Department shall determine that a decision can be rendered on the face of the petition without further proceedings, the Department shall render a summary decision thereon. Otherwise, parties shall be notified and the matter shall be heard in an informal hearing.

(4) Informal request for interpretation and rulings. The provisions of this Rule shall not be construed to preclude:

(a) Any person from requesting the Department to interpret or otherwise rule upon the applicability of any pertinent statute or rule informally by personal appearance before the Department, by letter or by telegram to the Department or any officer or member thereof; or

(b) The Department from acting upon any such request as and when it deems appropriate or from issuing any interpretative ruling without petition therefor.

(5) Any request presented in any manner other than in accordance with the provisions of Rules 672-1-.01(2),(3) and 672-1-.03(2) above shall not be deemed to be filed as a Petition for Declaratory Ruling but shall be deemed an informal request for interpretation or ruling and shall be acted on as such.

Cite as Ga. Comp. R. & Regs. R. 672-1-.03
Authority: Ga. L. 1964, pp. 338, 347, as amended; Ga. L. 1965, pp. 283, 288 (Ga. Code Ann. Sec. 3A-112); Ga. Code Sec. 95A-103. Effective August 29, 1973.
History. Original Rule was filed on August 9, 1973; effective August 29, 1973.

Rule 672-1-.04. Petition for Adoption of Rules.

(1) Form of petition. Each petition for adoption of rules made pursuant to the Georgia Administrative Procedure Act shall be filed with the Department in writing and shall state:

(a) The name and post office address of the petitioner;

(b) The full text of the rule requested to be amended or repealed, or the full text of the rule desired to be promulgated;

(c) A paragraphed statement of the reason such rule should be amended, repealed or promulgated, including a statement of all pertinent existing facts as to petitioner's interest in the matter;

(d) Citations of legal authorities, if any, which authorize, support or require the action requested by petitioner. The petition should be verified under oath, or in proper behalf of, the petitioner.

(2) Proceeding on petition. Upon receipt of the petition, the Commissioner or the Deputy Commissioner, and the Board if the rule involves its policy-making function, shall decide upon the action to be taken. Within thirty (30) days after receipt of the petition, the Department shall inform the petitioner by mail of the decision reached, and shall either decline to take the action requested, stating its reasons for so declining, or shall initiate

rule-making or rule-changing proceedings in accordance with the Georgia Administrative Procedure Act.

Cite as Ga. Comp. R. & Regs. R. 672-1-.04
Authority: Ga. L. 1964. pp. 338. 346 (Ga. Code Ann., Sec. 3A-109); Ga. Code. Secs. 95A-303, 95A-307, 95A 309(a), 95A-310(a). Effective August 29, 1973.
History. Original Rule was filed on August 9, 1973; effective August 29, 1973.

Rule 672-1-.05. Contested Cases Under the Administrative Procedure Act.

The hearing and appeal procedures provided for in the Georgia Administrative Procedure Act shall be followed in cases which are directed by statute to be conducted pursuant to the Administrative Procedure Act and in cases where no procedure is specified by law. Contested cases, including appeals to the Commissioner demanding return of monies collected under the provisions of Code Section 32-6-27, O.C.G.A., heard pursuant to the Georgia Administrative Procedure Act shall be conducted in accordance with the procedures provided therein and the following procedures:

(a) Initiating a contested case. Any person who is legally entitled to contest a ruling or order of the Department may do so by filing with the Department a request for hearing which shall contain the following:

1. A title which indicates the nature of the proceedings;
2. The complete name and address of the party filing the request;
3. The name and address of all other interested parties;
4. A clear and concise statement of the facts upon which the contested case arises;
5. A prayer setting forth the relief sought; and
6. If the party filing the request is represented by counsel, the name and address of counsel.

(b) Limitation on right to a hearing.

1. The Department will grant hearings as a matter of right only upon timely receipt of a request therefor as described in (a) above, but may, in its discretion, allow extensions of time and amendment of requests for good cause shown, except where an extension of time for a request for a hearing is not permitted by law.
2. Limitation on right to a hearing in cases involving over weight vehicle enforcement statutes. The Department will grant an agency review as a matter of right only upon a timely receipt of a request as prescribed in Georgia Laws 1974, p. 1422, but may,

in its discretion, allow extensions of time and amendments of request for good cause shown except where an extension of time for a request for a hearing is not permitted by law.

(c) Responses to requests for hearing. The Department will respond to all requests for hearings with a notice scheduling a hearing or with an order denying the request for hearing and stating the reasons for a denial.

(d) Motions. Any application to the Department to enter any order or take any action after the filing of a request for hearing shall be by motion which, unless made during a hearing, shall be made in writing, shall state specifically the grounds therefor, and shall set forth the action or order sought. No motion shall be ruled upon except when the case in chief is ruled upon unless the moving party specifically requests a ruling at some other time and the agency deems such ruling appropriate.

(e) Hearings. Hearings in all contested cases shall be conducted before a hearing officer appointed by the Department. Upon conclusion of a hearing, the hearing officer shall prepare an initial decision, a copy of which shall be mailed to the party requesting the hearing. Such a decision on bidder prequalification will be mailed no later than ten (10) days after the hearing.

(f) Practice on agency review. The practice and proceedings for securing agency review of an initial decision of a hearing officer shall be as follows:

1. Requests for agency review shall be submitted in writing to the Department within thirty days from the date of the initial decision. No review shall be held if requested thereafter except where events uncontrollable by the aggrieved party are shown to have prevented a timely request. In this regard, the decision of the agency shall be final.

2. A party desiring agency review may submit to the agency written arguments, briefs and motions within the same limitations as prescribed for a request for an agency hearing. On agency review, both parties shall be allowed to present oral arguments if requested by either party.

3. The agency decision on agency review shall be based solely on the record developed before the hearing officer and such arguments, briefs, and motions as have been submitted in accordance with subsection (f)2. above. No new evidence will be received by the agency in any form.

4. If the party requesting agency review desires that the agency consider matters which are not part of the record, the agency should be requested to remand the matter of the hearing officer for receipt of such additional evidence. Remands for the purpose of receiving additional evidence will be granted only if deemed by the agency to be justified upon a showing that the evidence was not available at the

time of the hearing, through no fault of the party requesting the remand, and could not have been made available by the exercise of reasonable diligence.

(g) Conduct of agency review.

1. Agency review shall be conducted by the Commissioner, or either the Deputy Commissioner or the State Highway Engineer upon designation by the Commissioner, in all cases which do not require an exercise of the policy-making functions of the Department. All cases which do require an exercise of the policy-making functions of the Department shall be reviewed by the Board.

2. The Commissioner may, if he determines that conduct of agency review in any case may involve exercise of a policy-making function, refer such case to the Board for agency review.

3. The Agency may dispose of the case in any of the following ways:

   (i) Affirm the initial decision of the hearing officer and adopt his findings and conclusions as is deemed appropriate;

   (ii) Adopt a new decision based on the record;

   (iii) Remand the case to the hearing officer for such further proceedings as the Agency may order; or

   (iv) Reverse the hearing officer's decision and enter such order in the case as is deemed appropriate.

(h) Rehearings. Motion to reconsider an agency decision or ruling must be received at Department of Transportation Headquarters within ten (10) days after the decision or ruling is rendered.

Cite as Ga. Comp. R. & Regs. R. 672-1-.05
Authority: Sec. 32-6-27(c), O.C.G.A.; Sec. 32-2-2(b), O.C.G.A. (Ga. L. 1973, pp. 947, 982); Sec. 50-13-4, O.C.G.A.
History. Original Rule entitled "Contested Cases Under the Administrative Procedure Act" was filed on August 9, 1973; effective August 29, 1973.
Amended: Filed July 15, 1974; effective August 4, 1974.
Amended: Filed August 10, 1977; effective August 30, 1977.
Amended: Filed September 30, 1979; effective October 10, 1979.
Amended: Emergency Rule 672-1-0.18 was filed on January 25, 1983; effective January 20, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding the Emergency Rule, as specified by the Agency (Said Emergency Rule repealed subparagraph 672-1-.05(g)1. and adopted a new subparagraph 672-1-0.18-.05(g) 1.
Amended: Emergency Rule 672-1-0.18 repealed and permanent subparagraph (g)1. adopted. Filed March 28, 1983; effective April 17, 1983.
Amended: Filed July 24, 1987; effective August 13, 1987.

Rule 672-1-.06. Special Permit Applicable in Emergency Situations.

Upon application, and sufficient cause being shown, the Commissioner may issue an emergency permit, from which he may exclude, as he deems necessary and appropriate, certain conditions otherwise applicable to overweight and overdimensional permits as outlined in Chapters 672-2, 672-3, and 672-4 of these Rules and Regulations. Such emergency permit may be issued only where the anticipated movement for which a permit is necessary is required by a governmental agency or a public utility in an effort to alleviate hardship and suffering in situations where an emergency or disaster exists.

Cite as Ga. Comp. R. & Regs. R. 672-1-.06
Authority: Ga. L. 1973, pp. 947. 1100, as amended (Ga. Code of Public Transportation, § 95A-961); Ga. L. 1973, pp. 947, 982 (Ga. Code of Public Transportation § 95A-303).
History. Original Rule entitled "Special Permit Applicable in Emergency Situations" was filed on August 10, 1977; effective August 30, 1977.
Amended: Rule repealed and a new Rule of the same title adopted. Filed September 6, 1978; effective September 26, 1978.
Amended: Emergency Rule 672-1-0.7-.06 was filed on June 22, 1979; effective June 21, 1979, the date of adoption, to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. Said Emergency Rule repealed Rule 672-1-.06 and adopted Rule 672-1-0.7-.06 of the same title.
Amended: Emergency Rule 672-1-0.7-.06 repealed and permanent Rule of the same title adopted. Filed September 20, 1979; effective October 10, 1979.

Rule 672-1-.07. Contested Cases that May Arise Under the Georgia Rural Transportation Program.

All contested cases arising from a decision made by the Department under the Georgia Rural Transportation Program shall be handled in accordance with the practices and procedures set forth in Rule 672-1-.05, Rules of the Georgia Department of Transportation.

Cite as Ga. Comp. R. & Regs. R. 672-1-.07
Authority: Ga. L. 1973, pp. 947, 982 (Ga. Code of Public Transportation, § 95A-303); Ga. L. 1977, pp. 817, 821 (Ga. Code of Public Transportation, § 95A-1301(d)).
History. Original Rule entitled "Contested Cases that May Arise Under the Georgia Rural Transportation Program," was filed on April 20, 1979 as Emergency Rule 672-1-0.5-.07, effective on date of filing and to remain in effect for a period of 120 days or until the adoption of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Emergency Rule repealed and permanent Rule of the same title adopted. Filed July 3, 1979; effective July 23, 1979.

Rule 672-1-.08. Special Permit for Mobile Homes.

Upon application, and sufficient cause being shown, the Commissioner may issue a special permit, for mobile homes traveling the public roads of this State, which would allow a mobile home in excess of twelve feet wide up to and including fourteen feet wide to have a total overall

combination length of 95 feet, to include a towing vehicle no smaller than a 15 foot mobile home toter.

Cite as Ga. Comp. R. & Regs. R. 672-1-.08
Authority: § 32-6-28(7) O.C.G.A. (Ga. L. 1973, pp. 947-1100, as amended, particularly by Ga. L. 1979, p. 439); § 32-3-2(b) O.C.G.A. (Ga. L. 1973, pp. 947, 982); § 50-13-4 O.C.G.A.
History. Original Rule entitled "Special Permit for Mobile Homes" was filed as Emergency Rule 672-1-0.19-.08 on March 22, 1983, effective March 17, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding said Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 672-1-0.19-.08 repealed and permanent Rule of the same title adopted Filed June 23, 1983; effective July 13, 1983.

Rule 672-1-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 672-1-.09
Authority: § (2)(B) of Code § 32-6-26 (Ga. L. 1983, pp. 1798, 1803); § 32-2-2-(b) O.C.G.A. (Ga. L. 1973, pp. 947, 982).
History. Original Rule entitled "Special Permit Authorized by Act No. 558 of 1983 General Assembly," was filed on April 27, 1983, as Emergency Rule 672-1-0.20-.09; effective April 21, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding their Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 672-1-0.20-.09 repealed and Emergency Rule 672-1-0.21-.09, of the same title, adopted. Filed July 6, 1983; effective July 5, 1983, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency.
Amended: Emergency Rule 672-1-0.21-.09 repealed and a permanent Rule of the same title adopted. Filed September 26, 1983; effective October 16, 1983.
Amended: Rule repealed. Filed October 14, 1988; effective November 3, 1988.

Chapter 672-2. PERMITS FOR VEHICLES OR LOADS OF EXCESS WEIGHT OR DIMENSION.

Rule 672-2-.01. Definitions.

:

The following words when used in Chapter 672-2 shall have the following meanings:

(a) Non-divisible load or vehicle: Non-divisible loads or vehicles will have the same meaning, unless otherwise exempted, as listed in the current edition of the Code of Federal Regulations (CFR) 23, Part 658.5 titled definitions or Georgia Code 32-6-28. No load or vehicle shall be issued a permit whose weight, width, length or height can be readily dismantled or separated.

(b) Continuous Movement: Allows a permitted load or vehicle of legal overall dimensions with a gross weight of less than 125,000 pounds to travel twenty four (24) hours per day, seven days per week. However, no oversize or overweight load movement is allowed during inclement weather and holidays as defined in Department. Rule 672-2-.03(c).

(c) Containerized Freight: A sealed container with an origin or destination being a port used for international trading. The driver must be prepared to show an international bill of lading. A 40' box container is allowed a gross vehicle weight of 100,000 pounds on a five (5) axle tractor/trailer combination. A 20' box container is allowed 80,000 pounds with a tandem weight of 44,000 pounds. A 20' box container transported on a 40' center mount or center-mount triaxle trailer is allowed a vehicle gross weight of 100,000 pounds on a five (5) or more axle tractor/trailer.

(d) Emergency Towing: When a tractor/trailer combination becomes disabled, an authorized permitted wrecker may transport the disabled tractor/trailerto a repair facility or a safe location to dismantle the tractor/trailer. If the closest location is a weigh station or rest area, transporters are authorized to leave dismantled tractor-trailers, at that location however, they must be moved within a twenty-four (24) hour period or be moved at the owners expense. No State Agency shall be responsible for any damages to tractor-trailers left on State property.

(d)

(1) Incident Management: for companies certified and registered under the Towing and Recovery Incentive Program (TRIP) to reduce the impact of major incidents in Metro Atlanta by clearing vehicle incidents in 90 minutes or less, if the dimensions and weights of towing vehicles exceed legal limits, they will be required to obtain a permit for specialized equipment but may exceed axle or gross weight while participating in clearing major incidents in the Metro area.

(e) House: A residential dwelling or building in excess of sixteen (16) feet wide designed to be built as one unit. Said unit also must be designed and constructed in such a way that it is not easily disassemble (23 CFR 658.5) nor intended for transport on its own chassis.

(f) Manufactured Home: A residential dwelling or building transportable in one or more sections which in the traveling mode has a box width of eight (8) feet or more and a box length of forty (40) feet or more with the total box width of all section(s) being no more than sixteen (16) feet and is designed to be transported on its own chassis.

(g) Modular Unit: A residential or commercial dwelling or building transportable in one or more sections, which in the traveling mode has a box width of eight (8) feet or more and a box length of forty (40) feet or more with all sections being no more than sixteen (16) feet in width. On-frame modular units are designed to be transported on its own chassis. Off-frame modular units are designed to be transported on a commercial trailer and off loaded with a crane and placed on a foundation. When hauling more than one section as defined in O.C.G.A. 32-6-28(1)(B) the overall length cannot exceed 80 feet including the hitch.

(h) Modular Unit Transporter: must meet all Federal Motor Carrier Safety Administration (FMCSA) and State safety requirements, rules, regulations and include proper vehicle registration and the proper vehicle tag; at a minimum it must be constructed of 12" I-beams doubled & fabricated together; all axles must have brakes; wood floor joist of each modular section must be securely attached to the beam with lag bolts & washers or lag bolts, washers and cable winches; overall length shall not exceed 80' including the hitch.

(i) Single Trip Permit: A single trip permit may only be used once for movement during the times specified by such permit and must provide: a description of the load being transported, name of the transporter, point of origin and final destination.

(j) Multi-trip permit: As defined in O.C.G.A. 32-6-28(b)(4), the commissioner may issue a multitrip permit to any vehicle or load allowed by federal law. A multitrip permit authorizes the permitted load to return to its original destination on the same permit, if done so within ten (10) days, with the same vehicle configuration, and following the same route, unless otherwise specified by the Department. A multitrip permit authorizes unlimited permitted loads on the same permit, if done so within the allowable ten days, with the same vehicle configuration, and following the same route.

(k) Superload: A non-divisible load exceeding a width or height of 16' and/or a gross vehicle weight exceeding 150,001 pounds up to a gross vehicle weight of 180,000 pounds. Axle weights and spacing are not required for superloads with dimensions only. However, once the gross vehicle weight exceeds 150,000 pounds, axle weights and spacings are required.

(l) Superload Plus: A non-divisible load exceeding a gross vehicle weight of 180,000 pounds; requires axle weights and spacings for a complete bridge analysis. Axle weights shall not exceed those axle weight limitations specified on the permit. In addition, all axle spacings must be accurate or longer than the axle spacings specified on the permit. Axle spacings which are less than those specified on the permit shall cause the permit to become void. Should this permit become void the overweight citation shall be based on all excess weight greater than 150,000 GVW, not the legal weight of 80,000 GVW.

(m) Annual Permit: Standard Annual permits are for specific types of loads with a maximum width of 12', height up to 14'6", length of 100 feet, and GVW of 100,000 pounds on a five (5) axle tractor-trailer combination. Annual Plus Permits are for specific types of loads but the width may be a maximum of fourteen (14) feet wide from the base of the load to a point ten (10) feet above the pavement and a width of fourteen feet and eight inches (14'8") for the upper portion of the load, a height of 14'6" a length of 100 feet and a GVW of 100,000 pounds, on a five (5) axle tractor-trailer combination and can only be moved on the interstate and limited access routes.

(n) Annual Commercial Wrecker Emergency Tow Permit: Annual Commercial Wrecker Emergency Tow Permits are for towing disabled, damaged, or wrecked commercial vehicles with a maximum width of 12', height up to 14'6", length of 125', and GVW of 100,000 pounds, even though such wrecker or its load exceeds the maximum limits

specified in Code Section 32-6-28(b), O.C.G.A. An annual commercial wrecker emergency tow permit shall not authorize the operation of a vehicle:

(A) Whose single axle weight exceeds 21,000 pounds;

(B) Whose load on any tandem axle exceeds 40,000 pounds; or

(C) Whose total length exceeds 125 feet.

o) Transport Vehicle: A term used to define a vehicle which is designed specifically for the purpose of transporting manufactured homes, sectional houses, or portable buildings.

(p) Amber warning light: A flashing or revolving light at least eight (8) inches in diameter, with a minimum candlepower of 35,000 lumens or equivalent, four (4) inch strobe light and shall flash so as to be visible from a distance of not less than one quarter mile. In lieu of the amber warning light also acceptable is a light-emitting diode (LED) light equipped with a multidirectional type lens, and shall flash at a rate of at least 60 flashes per minute and shall be plainly visible from a distance of at least 500 feet from the rear and sides at a radius of 180 degrees any time day or night.

(q) Certified Pilot/Escort Vehicle Driver: A certified pilot/escort vehicle driver shall be appropriately certified as required in Code Section 32-6-28(a)(8), O.C.G.A, and in Rule 672-2-.06 when operating in the state of Georgia.

(r) Police Escort: A police escort vehicle shall be an automobile with markings identifying its law enforcement jurisdiction and shall be equipped with a flashing or revolving blue light as defined in Code Sections 40-8-91 and 40-8-92, O.C.G.A. Carrier is responsible for providing two-way communication, in good working order, so that the driver of the permitted load, the civilian escorts (when required) and the police escorts will all have constant contact while escorting the oversized load.

Cite as Ga. Comp. R. & Regs. R. 672-2-.01
Authority: O.C.G.A. Secs. 32-2-2, 32-6-28, 32-6-90, 50-13-4.
History. Original Rule entitled "Definitions" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Amended: ER. 672-2-0.1-.01 adopted. F. and eff. May 18, 1977, the date of adoption.
Amended: ER. 672-2-0.2-.01 adopted. F. and eff. July 1, 1977, the date of adoption.
Amended: Permanent Rule adopted superseding ERs. 672-2-0.1-.01 and 675-2-0.2-.01. F. Aug. 10, 1977; eff. Aug. 30, 1977.
Amended: F. Sept. 6, 1978; eff. Sept. 26, 1978.
Amended: ER. 672-2-0.8-.01 adopted. F. June 22, 1979; eff. June 21, 1979, the date of adoption.
Amended: Permanent Rule adopted. F. Sept. 20, 1979; eff. Oct. 10, 1979.
Amended: F. Aug. 11, 1986; eff. Aug. 31, 1986.
Amended: F. May 24, 1994; eff. June 13, 1994.
Amended: F. July 23, 1996; eff. August 12, 1996.
Amended: F. June 2, 1998; eff. June 22, 1998.
Amended: F. Aug. 23, 1999; eff. Sept. 12, 1999.
Amended: F. Oct. 23, 2001; eff. Nov. 12, 2001.
Amended: F. Oct. 19, 2011; eff. Nov. 8, 2011.

Amended: F. Sep. 26, 2012; eff. Oct. 16, 2012.

Rule 672-2-.02. General Restrictions on Issuance of Permits.

(1) No Permit shall be issued if the issuance of the permit in any way jeopardizes federal funds appropriated to this State under the provisions of Title 23 of the U.S. Code.

(2) No single trip permit shall be valid in excess of ten (10) allowable travel days unless extension is granted by the Department. The validity of a single trip permit shall expire ten (10) days after its issuance.

(3) No permit shall be issued for off-the-road equipment which exceeds 25,000 pounds on any one axle. Off-the-road equipment with axle loads of not more than 25,000 pounds nor less than 20,340 pounds will be routed by the Oversize Permit Unit and limited to a ten (10) mile radius from the point where the trip originated.

(4) No permit shall be valid for travel into or through the area bounded by Interstate 285 which is the bypass around the City of Atlanta unless the vehicle is making a pickup or delivery within the area. The driver must be prepared to show proof of such pickup or delivery. In addition, a permit issued for the movement of a vehicle or load shall not be valid within that area between the hours of 7 a.m. and 9 a.m. and 3 p.m. and 6 p.m. Monday through Friday. Parking on the Interstate and Limited Access Highway Right-of-Way will not be permissible for permitted vehicles which are waiting for the authorized times of entry. The Department may at its discretion, limit travel in major cities as shown on the permit; or at the written request of local jurisdictions.

(5) The Department may sell any type of annual permit on a prorated basis to create a stagger for the renewal date.

Cite as Ga. Comp. R. & Regs. R. 672-2-.02
Authority: O.C.G.A. Secs. 32-2-2, 32-6-28, 32-6-90, 50-13-4.
History. Original Rule entitled "General Restrictions on Issuance of Permits" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Amended: ER. 672-2-0.2-.02 adopted. F. and eff. July 1, 1977, the date of adoption.
Amended: Permanent Rule adopted. F. Aug. 10, 1977; eff. Aug. 30, 1977.
Amended: F. Sept. 6, 1978; eff. Sept. 26, 1978.
Amended: F. Aug. 11, 1986; eff. Aug. 31, 1986.
Repealed: New Rule of same title adopted. F. July 15, 1988; eff. August 4, 1988.
Amended: F. May 24, 1994; eff. June 13, 1994.
Amended: F. July 23, 1996; eff. August 12, 1996.
Amended: F. June 2, 1998; eff. June 22, 1998.
Amended: F. Aug. 23, 1999; eff. Sept. 12, 1999.
Amended: F. Oct. 23, 2001; eff. Nov. 12, 2001.
Amended: F. Oct. 19, 2011; eff. Nov. 8, 2011.

Rule 672-2-.03. Conditions Attached to Issuance of Permits.

In addition to compliance with any other conditions imposed on the issuance of a particular permit, any person receiving a permit from the Department thereby certifies that said person will comply or has complied (as applicable herein) with the following conditions governing the operation of permitted vehicles or loads. When intentional or due to gross negligence a violation of any of the following conditions is unlawful and punishable as a misdemeanor and may be considered as evidence supporting action to suspend or revoke or deny a permit;

(a) Federal and state laws and regulations. Said person will comply or has complied with the applicable laws and regulations of the United States and the State of Georgia, including but not limited to those of the Georgia Department of Revenue, Federal Motor Carrier Safety Administration, U.S. Interstate Commerce Commission, Georgia Department of Public Safety, and Title 32, Official Code of Georgia Annotated.

(b) A driver's signature or acceptance of the electronic attest statement signifies acknowledgement of understanding of all requirements listed on the permit. The signed permit must be in the vehicle transporting the load and shall be available at all times for inspection by proper authorities.

(c) Unless otherwise shown on the permit or further limited by specific rules hereinafter provided, said person will insure that the movement of a permitted vehicle or load will take place only from thirty (30) minutes after sunrise to thirty (30) minutes before sunset Eastern Standard Time or Eastern Daylight Savings Time, whichever is in effect for the period of the year during which the movement occurs. Permitted loads for weight up to 125,000 pounds without any dimensions exceeding legal limits, may have continuous movement, except that no permitted vehicle or load will be moved during foggy weather, or during snow or icy conditions, or during the dates specified and posted by the Oversized Permit Unit. Permitted loads in excess of twelve (12) feet wide shall not travel when visibility is less than six hundred (600) feet or when the ground wind exceeds twenty-five (25) miles per hour. When such conditions exist, the driver shall proceed to the first area where the load can be safely removed from the roadway.

(d) Route of Travel. Said person will not operate the permitted load or vehicle over any public road in the State other than those described or allowed on the permit. However, all permitted loads must comply with the load limitations posted at any bridge on any public road in the State. Single trip permit movements must follow the specific routing instructions listed on the permit. Unless there is a detour, then the load must comply with the routes identified for that detour.

(e) Persons/Companies obtaining permits are required to maintain the following liability coverage for the duration of the permit as required in Code Section 32-6-28(a)(9), O.C.G.A. For permitted loads whose GVW is less than or equal to 10,000 pounds: Bodily Injury Liability in the amount of $50,000 limit for injury or death per person as a result of any one occurrence, Property Damage Liability in the amount of $50,000 limit for damage to property of others in any one occurrence. Insurance requirements for Commercial Motor Carriers whose GVW is greater than or equal to 10,001 pounds shall maintain the following coverage $1,000,000.00 minimum Property Damage to others in

any one occurrence, $300,000.00 minimum for Bodily Injury for each person and $1,000,000.00 Multiple Persons injured per occurrence. Prior to receiving a permit, the person/company receiving a permit shall furnish the Department a copy of their insurance certificate. Nothing contained herein shall be construed so as to make the Department liable for any damage to public roads or bridges or to persons or private property caused by a permitted load or vehicle, or its escort vehicle. The person/company receiving the permit thereby promises to hold the Department harmless for such claims and to recompense the Department or a political subdivision for any expenditures made by the Department or political subdivision to repair damage caused by the permitted vehicle or load to a public road of the State Highway System or of a county road system or of a municipal street system, as applicable.

(g) Leased vehicles. The operator of a leased vehicle must carry on their person written proof of the identity of the lessee. Any owner/operator who the department has placed under suspension from ordering permits may not lease their vehicles to other companies with the purpose of transporting oversized loads in order to circumvent the suspension until the suspension period has expired, and all damages and claims have been paid to the State.

(h) Single trip permit. Said person will not allow the single trip permit to be used other than for the movement by the particular vehicle which is indicated on the permit.

(i) Any person or company that receives an annual permit from the Department agrees not to allow the permit to be used by any vehicle which is not owned by such person or company. Code Section 32-6-28(a)(2), O.C.G.A., which provides that annual permits may be interchanged from vehicle to vehicle shall only apply between those vehicles that are owned by the same person, firm, or corporation. For the purposes of this provision, a vehicle leased to a person or company shall be considered as owned by the person or company leasing said vehicle; but the operator of the vehicle must show proof of the lease agreement before the permit can be considered as valid by the enforcement personnel. Code Section 32-6-28(a)(3), O.C.G.A., further provides that every such permit shall be carried in the vehicle or combination of vehicles to which it refers. This shall mean that a photostatic copy of the permit will not be acceptable. The purpose of this requirement is to prevent the use of a permit by more than one vehicle at the same time.

(j) In addition to complying with all applicable Federal and State Laws and regulations, the person/company receiving the permit shall also comply with applicable County and Municipal ordinances when traveling off the State Highway System.

(k) In addition, a person/company accepting a permit for the movement of a permitted load with a width in excess of fourteen feet eight (14'8") inches agrees that they have complied with the following conditions:

1. Movement will not be made on routes with bridges of less than 28' lateral clearance without a vehicle front escort.

2. During the movement of all permitted loads, it is required that all warning lights on the truck, transport vehicle, any required vehicle/police escorts, and unit shall be operating.

3. Movement will comply with all other laws, rules and regulations in reference to such moves.

(l) If a Superload plus permit becomes invalid, the overweight citation assessment shall be assessed at 125% as identified in O.C.G.A. 32-6-27(2) for all excess weight greater than 150,000 pounds, and the company/driver must obtain a new permit prior to travel.

Cite as Ga. Comp. R. & Regs. R. 672-2-.03
Authority: O.C.G.A. §§ 32-2-2, 32-6-28, 32-6-90, 50-13-4.
History. Original Rule entitled "Conditions Attached to Issuance of Permits" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Amended: ER. 672-2-0.2-.03 adopted. F. and eff. July 1, 1977, the date of adoption.
Amended: Permanent Rule adopted. F. Aug. 10, 1977; eff. Aug. 30, 1977.
Amended: F. Aug. 11, 1986; eff. Aug. 31, 1986.
Amended: F. May 24, 1994; eff. June 13, 1994.
Amended: F. July 23, 1996; eff. August 12, 1996.
Amended: F. June 2, 1998; eff. June 22, 1998.
Amended: F. Aug. 23, 1999; eff. Sept. 12, 1999.
Amended: F. Oct. 23, 2001; eff. Nov. 12, 2001.
Amended: F. Oct. 19, 2011; eff. Nov. 8, 2011.
Amended: F. July 21, 2017; eff. August 10, 2017.

Rule 672-2-.04. Special Conditions Attached to Permits for Houses.

(1) Houses. In addition to the conditions set forth in Rule 672-2-.03,"Conditions Attached to the Issuance of Permits," a person receiving a permit for the movement of a house certifies that said person will or has complied, as applicable, with the following conditions:

(a) Said person will use the following minimum equipment for moving the house: a tandem truck, capable of jacking the house up for a vertical clearance of no less than four (4) feet; one set of tandem dollies in good condition: a wench truck to remove signs & mail boxes: and one extra skidder or wrecker in good condition and capable of moving the whole load in case of a breakdown;

(b) Said person has measured the house and has, prior to applying for the permit, checked the route stated in the application for permit to insure obstacle clearance and necessary places periodically to pull off the road for the purpose of preventing unnecessary traffic congestion;

(c) All internal and external masonry must be removed before moving a house.

(d) All mail boxes, highway signs, and other movable obstacles shall be removed as the house approaches such an obstacle and shall be re-erected immediately in equal or better condition after the house passes such obstacle;

(e) The movement of the house will be confined to the route stated on the permit, and will not exceed any straight line distance of one hundred and fifty miles (150) miles between origin and destination;

(f) A house may be moved Monday through Saturday between the hours of 9:00 a.m. and 3:00 p.m., except in counties which require moves to be made after 12:00 midnight and before 5:00 a.m. and unless otherwise designated on the permit. Application for the movement of a house shall be made at least 72 hours prior to the time of movement with the prior approval of the local utilities affected. Exceptions to the times for house movements will be considered if the hauler provides a written request from all local governments or police/sheriff offices along the proposed route(s);

(g) A National Joint Utility Notification System (NJUNS) approval is required on all loads with a height of 18' or higher prior to the issuance of the permit.

Cite as Ga. Comp. R. & Regs. R. 672-2-.04
Authority: O.C.G.A. Secs. 32-2-2, 32-6-28, 32-6-90, 50-13-4.
History. Original Rule entitled "Special Conditions Attached to Certain Permits" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Amended: ER. 672-2-0.1-.04 adopted. F. and eff. May 18, 1977, the date of adoption.
Amended: ER. 672-2-0.2-.04 adopted. F. and eff. July 1, 1977, the date of adoption.
Amended: Permanent Rule adopted. F. Aug. 10, 1977; eff. Aug. 30, 1977.
Amended: ER. 672-2-0.3-.04 adopted. F. and eff. May 30, 1978, the date of adoption.
Amended: F. Sept. 6, 1978; eff. Sept. 26, 1978.
Amended: ER. 672-2-0.8-.04 adopted. F. June 22, 1979; eff. June 21, 1979, the date of adoption.
Amended: Permanent Rule adopted. F. Sept. 20, 1979; eff. Oct. 10, 1979.
Amended: ER. 672-2-0.11-.04 adopted. F. Apr. 21, 1980; eff. Apr. 17, 1980, the date of adoption.
Amended: Permanent Rule adopted. F. July 24, 1980; eff. August 13, 1980.
Amended: F. Feb. 1, 1984; eff. Feb. 21, 1984.
Amended: F. Oct. 11, 1984; eff. Oct. 31, 1984.
Amended: F. Aug. 11, 1986; eff. Aug. 31, 1986.
Amended: F. June 10, 1992; eff. July 1, 1992, as specified by the Agency.
Amended: F. May 24, 1994; eff. June 13, 1994.
Amended: F. July 23, 1996; eff. August 12, 1996.
Amended: F. June 2, 1998; eff. June 22, 1998.
Amended: Rule retitled "Special Conditions Attached to Permits for Houses, Modular Buildings and Manufactured Homes." F. Aug. 23, 1999; eff. Sept. 12, 1999.
Amended: F. Oct. 23, 2001; eff. Nov. 12, 2001.
Amended: F. Oct. 19, 2011; eff. Nov. 8, 2011.

Rule 672-2-.05. Special Conditions attached to Permits for Manufactured Homes, Modular Units, & Portable Buildings.

(1) Manufactured Homes, Modular Units, or Portable Buildings in excess of ten (10) feet wide. In addition to the conditions set forth in Rule 672-2-.03, Conditions Attached to the Issuance of Permits, a person by accepting a permit for the movement of a manufactured home, modular units, sectional house, or portable building in excess of ten (10) feet wide up to a maximum of sixteen (16) feet wide, agrees that the person will or has complied or understands as applicable, the following conditions:

(a) Manufactured Homes, Modular Units, or Portable Buildings shall be limited to a length of eighty (80) feet, including the hitch.

(b) Manufactured Homes, Modular Homes, or Portable Buildings in excess of twelve (12) feet wide, must be towed using a towing vehicle no smaller than a fifteen (15) foot transport vehicle and must be equipped with operating brakes on at least one-half of the axles. If unit has three (3) axles, at least two (2) axles must be equipped with functioning brakes.

(c) All necessary safety precautions shall be employed in crossing narrow bridges, including flagging other traffic to permit safe crossing.

Cite as Ga. Comp. R. & Regs. R. 672-2-.05
Authority: O.C.G.A. Secs. 32-2-2, 32-6-28, 32-6-90, 50-13-4.
History. Original Rule entitled "Restrictions on the Use of the National System of Interstate and Defense Highways" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Amended: F. May 24, 1994; eff. June 13, 1994.
Amended: F. June 2, 1998; eff. June 22, 1998.
Amended: F. Aug. 23, 1999; eff. Sept. 12, 1999.
Amended: F. Oct. 23, 2001; eff. Nov. 12, 2001.
Amended: F. Oct. 19, 2011; eff. Nov. 8, 2011.

Rule 672-2-.06. Pilot/Escort Vehicle Certification. Escorts of Permitted Vehicles or Loads.

Person's or Companies being used as certified pilot/vehicle escorts shall meet the minimum requirements in O.C.G.A. 32-6-28(a)(8).

Any driver operating a vehicle escorting an oversize/overweight load shall meet the training requirements and the certification program by the Department. This certification may provide for reciprocity with other states having a similar pre-approved vehicle escort certification program. Certification credentials for the driver of an escort vehicle shall be carried in the vehicle and be readily available for inspection by law enforcement personnel or an authorized employee of the Department.

(1) Equipment: An escort vehicle shall be an automobile or pickup truck and shall be equipped with a revolving or flashing amber warning light located on top of the vehicle. The operator shall have obtained a permit from the appropriate state agency for the use of

the light as required by the provisions of Code Sections 40-8-92, 40-8-93 and 40-8-95, O.C.G.A. Escort vehicles and the vehicle transporting the permitted load will also be equipped with two-way communication, in good working order, so that the drivers will have constant communication with each other as well as communication with GDOT TMC Operators and enforcement personnel, if required, and any other escorts of the same load. The rear escort vehicle driver will advise the driver of the load and the front escort, when applicable, as to the traffic conditions behind the movement. When there are four or more vehicles behind the permitted load, the escort vehicles and the permitted load shall pull over and allow the traffic to pass.

(2) Signs:

(a) On all loads over legal width, or height, or length, a sign containing the wording "OVERSIZED LOAD" shall be mounted on the front of the escort vehicle (for a front escort) and to the rear of the escort vehicle (for a rear escort). The letters shall be black on an orange or yellow backboard and shall be at least eight (8) inches high and four (4) inches wide. The backboard shall be at least one (1) foot high and six (6) feet wide.

(3) When Required:

(a) As a condition of the issuance of a permit, the Department when it deems necessary in the interest of public safety in any case, may require the use of a front or rear escort, or both.

(b) It shall be an unlawful act punishable as a misdemeanor for any person to operate upon a public road of the State any equipment exempted from permit requirements by the provisions of Code Section 32-6-25, O.C.G.A., when such exempted equipment is wider than one lane of such public road and the operator of such exempted equipment has not provided both front and rear escorts thereof.

(c) Otherwise the following escort requirements shall apply:

1. LENGTH

(i) For any permitted load whose length exceeds 75' but is less than or equal to 100', a Rear Escort/Amber Light is required.

(ii) For any permitted load whose length exceeds 100' but is less than or equal to 125', a Vehicle Rear Escort is required.

(iii) For any permitted load whose length is greater than 125', a Vehicle Front and Vehicle Rear Escort is required.

2. HEIGHT

(i) For any permitted load whose height is fifteen feet six inches (15' 6") or greater, a Vehicle Front Escort with a Height Sensor is required unless the hauler has a valid trip approval ticket from NJUNS (National Joint Utilities Notification Service).

3. WIDTH

(i) For any permitted load whose width exceeds twelve feet (12') but is less than or equal to fourteen feet eight inches (14'8"), a Vehicle Front Escort and a Rear Escort/Amber Lights is required for travel on a two (2) lane road. A Vehicle Rear Escort only is required for the same permitted load to travel on a four (4) lane road. For travel upon a Limited Access Highway, a Rear Escort/Amber Lights only are required.

(ii) For any permitted load whose width exceeds fourteen feet eight inches (14'8") up to and including sixteen feet (16'), a Vehicle Front Escort and a Vehicle Rear Escort is required for movement upon a two (2) lane highway. A Vehicle Rear Escort only is required for movement of the same permitted load on a four (4) or more lane road or a Limited Access Highway.

(iii) For permitted loads whose width exceeds sixteen feet (16') wide or for loads not defined above, the Department shall determine escort requirements on a case by case basis and may require a vehicle Police Escort with operating blue lights displaying their jurisdiction.

Cite as Ga. Comp. R. & Regs. R. 672-2-.06
Authority: O.C.G.A. Secs. 32-2-2, 32-6-28, 32-6-90, 50-13-4.
History. Original Rule entitled "Escorts of Permitted Vehicles or Loads" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Amended: F. July 15, 1974; eff. August 4, 1974.
Amended: ER. 672-2-0.2-.06 adopted. F. and eff. July 1, 1977, the date of adoption.
Amended: Permanent Rule adopted. F. Aug. 10, 1977; eff. Aug. 30, 1977.
Amended: F. Sept. 6, 1978; eff. Sept. 26, 1978.
Amended: ER. 672-2-0.8-.06 adopted. F. June 22, 1979; eff. June 21, 1979, the date of adoption.
Amended: Permanent Rule adopted. F. Sept. 20, 1979; eff. Oct. 10, 1979.
Amended: ER. 672-2-0.11-.06 adopted. F. Apr. 21, 1980; eff. Apr. 17, 1980, the date of adoption.
Amended: Permanent Rule adopted. F. July 24, 1980; eff. August 13, 1980.
Amended: F. Aug. 11, 1986; eff. Aug. 31, 1986.
Repealed: New Rule of same title adopted. F. June 16, 1989; eff. July 6, 1989.
Amended: F. May 24, 1994; eff. June 13, 1994.
Amended: F. July 23, 1996; eff. August 12, 1996.
Amended: F. June 2, 1998; eff. June 22, 1998.
Amended: F. Aug. 23, 1999; eff. Sept. 12, 1999.
Amended: F. Oct. 23, 2001; eff. Nov. 12, 2001.

Amended: F. Oct. 19, 2011; eff. Nov. 8, 2011.

Rule 672-2-.07. Marking of Oversize Vehicles or Loads.

A sign of the same type required for an escort vehicle under the provisions of Rule 672-2-.06(2) shall be mounted on both the front of the vehicle and rear of the vehicle or load over eight feet six inches (8'6") wide, thirteen feet six inches (13'6") high and one hundred (100) feet in length. Such signs shall be removed when an oversize load is no longer being transported by a vehicle that exceeds the legal dimensions. In addition, a square red flag, eighteen inches (18") on a side, shall be displayed at the corners of both sides of such overwidth vehicle or load, at both the front and rear thereof. Loads exempt from obtaining permits as defined in Code Section 32-6-25 and 32-6-25.1 are required to be marked as described in this section.

Cite as Ga. Comp. R. & Regs. R. 672-2-.07
Authority: O.C.G.A. Secs. 32-2-2, 32-6-28, 32-6-90, 50-13-4.
History. Original Rule entitled "Marking of Oversize Vehicles or Loads" adopted. F. August 9, 1973: eff. August 29, 1973.
Amended: F. May 24, 1994; eff. June 13, 1994.
Amended: F. June 2, 1998; eff. June 22, 1998.
Amended: F. Aug. 23, 1999; eff. Sept. 12, 1999.
Amended: F. Oct. 23, 2001; eff. Nov. 12, 2001.
Amended: F. Oct. 19, 2011; eff. Nov. 8, 2011.

Rule 672-2-.08. Application for Permits.

(1) Requested through Oversize Permit Unit.

(2) Procedure:

(a) An application for a single trip permit may be made by telephone, by letter, by email, by facsimile transmission, electronically through our web based program or in person, giving the applicable information required. The permit fee shall be transmitted to the Oversize Permit Unit, prior to the issuance of the permit. Such payment may be made by credit card, company check, money order, or by a certified or cashier's check as directed by the prescribed application form. A personal check will not be accepted.

(b) The Oversize Permit Unit may use any of the following methods to transmit a single trip permit to an applicant: internet, e-mail, self-issue, facsimile transmission, mail, permit sending company, presentation in person.

(c) Annual Permit. An application for an annual permit shall be made on the prescribed application form. Upon approval of the application and payment of the required fee, the Oversize Permit Unit shall issue the permit by mail or present it

to the applicant, as requested by the applicant. The manner of payment for annual permit fees shall be as prescribed for single trip permit fees.

Cite as Ga. Comp. R. & Regs. R. 672-2-.08
Authority: O.C.G.A. §§ 32-2-2, 32-6-28, 32-6-90, 50-13-4.
History. Original Rule entitled "Application for Permits" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Amended: ER. 672-2-0.2-.08 adopted. F. and eff. July 1, 1977, the date of adoption.
Amended: Permanent Rule adopted. F. Aug. 10, 1977; eff. Aug. 30, 1977.
Amended: F. May 24, 1994; eff. June 13, 1994.
Amended: F. July 23, 1996; eff. August 12, 1996.
Amended: F. June 2, 1998; eff. June 22, 1998.
Amended: F. Aug. 23, 1999; eff. Sept. 12, 1999.
Amended: F. Oct. 23, 2001; eff. Nov. 12, 2001.
Amended: F. Oct. 19, 2011; eff. Nov. 8, 2011.
Amended: F. July 21, 2017; eff. August 10, 2017.

Rule 672-2-.09. Revocation, Suspension of, Denial for Application or Renewal of Permits.

(1) Authority to revoke, suspend, or deny permits. The Oversize Permit Unit, State Department of Transportation, is hereby designated by the Commissioner of said Department as the official authorized to refuse, cancel, suspend or revoke the permit requested by an applicant or issued to a person/company.

(2) Reasons for justifying revocation, suspension, or denial of permit. Permits may be revoked, suspended, or denied for just cause, including but not limited to any one of the following reasons:

(a) Repeated past violations by the person/company or applicant, of a relatively minor nature;

(b) A single, but aggravated violation including, but not limited to, damage to public or private property, violations of safety requirements for police escorts, escort vehicles and lights, hours and days of operation, insurance requirements, reduced visibility, snow or ice conditions, braking axles, oversize load signs and willful deviation from the routes specified on a permit or allowed by a permit.

(c) A material misrepresentation made by the applicant for the intent of alteration of any original permit produced by the Department, by adding, deleting or changing any character, word, number, field or entry. Items added by routine fax transmission, such as company name, date and time shall not be considered as alterations.

(d) Failure to make payment in full for any fee assessments or taxes owed to the State of Georgia; or

(e) Any actions by the applicant or company that displays a total disregard for the safety of the traveling public or damages caused to state and or private property including but not limited to public roads, bridges, signs & traffic signals.

(3) Penalties for violations of this subsection are:

(1) first offense within a two-year period, 90 days suspension;

(2) second offense within a two-year period, 180 days suspension;

(3) third offense within a two-year period, 1 year suspension. Before the suspension for permits becomes final, the person who requested the permit shall have the right to an administrative hearing under the Georgia Administrative Procedure Act and Rule 672-1-.05 of the Rules of the State Department of Transportation. In the event of a hearing request, the suspension of the permit shall become effective as of the date of the order which finally disposes of the administrative review.

(4) Appeal from revocation, suspension, denial of application, or renewal of permit. The procedure for appealing an adverse action by the Oversize Permit Unit is governed by Chapter 672-1, Rules of the State Department of Transportation.

Cite as Ga. Comp. R. & Regs. R. 672-2-.09
Authority: O.C.G.A. Sec. 32-2-2, 32-6-28, 32-6-90, 50-13-4.
History. Original Rule entitled "Revocation, Suspension of, Denial for Application or Renewal of Permits" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Amended: ER. 672-2-0.2-.09 adopted. F. and eff. July 1, 1977, the date of adoption.
Amended: Permanent Rule adopted. F. Aug. 10, 1977; eff. Aug. 30, 1977.
Amended: F. Sept. 6, 1978; eff. Sept. 26, 1978.
Amended: F. July 24, 1980; eff. August 13, 1980.
Amended: F. Aug. 11, 1986; eff. Aug. 31, 1986.
Amended: F. May 24, 1994; eff. June 13, 1994.
Amended: F. July 23, 1996; eff. August 12, 1996.
Amended: F. June 2, 1998; eff. June 22, 1998.
Amended: F. Aug. 23, 1999; eff. Sept. 12, 1999.
Amended: F. Oct. 23, 2001; eff. Nov. 12, 2001.
Amended: F. Oct. 19, 2011; eff. Nov. 8, 2011.

Chapter 672-3. REPEALED (672-3-.01 thru 672-3-.03).

Rule 672-3-.01. Repealed.

Cite as Ga. Comp. R. & Regs. R. 672-3-.01
Authority: O.C.G.A. Secs. 32-2-2, 50-13-4.
History. Original Rule entitled "Designation of Enforcement Personnel; Powers" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Amended: F. July 15, 1974; eff. August 4, 1974.
Amended: F. Sept. 6, 1978; eff. Sept. 26, 1978.

Repealed: F. June 19, 2003; eff. July 9, 2003.

Rule 672-3-.02. Repealed.

Cite as Ga. Comp. R. & Regs. R. 672-3-.02
Authority: O.C.G.A. Secs. 32-2-2, 50-13-4.
History. Original Rule entitled "Procedures for Enforcement" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Amended: F. July 15, 1974; eff. August 4, 1974.
Amended: F. Aug. 10, 1977; eff. Aug. 30, 1977.
Amended: F. Sept. 6, 1978; eff. Sept. 26, 1978.
Amended: F. Sept. 24, 1980; eff. Oct. 14, 1980.
Amended: F. Oct. 14, 1988; eff. Nov. 3, 1988.
Amended: F. Nov. 4, 1988; eff. Nov. 24, 1988.
Repealed: F. June 19, 2003; eff. July 9, 2003.

Rule 672-3-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 672-3-.03
Authority: O.C.G.A. Secs. 32-2-2, 50-13-4.
History. Original Rule entitled "Procedures for Collection of Monies Due Under the Provisions of Georgia Code Section 95A-961" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Repealed: New Rule entitled "Method of Collection of Monies Due Under Ga. Code Ann. Sec. 95A-960 Where There Is Present No Member of the Department Authorized to Receive Such Funds" adopted. F. July 15, 1974; eff. August 4, 1974.
Amended: F. Aug. 10, 1977; eff. Aug. 30, 1977.
Amended: Rule retitled "Method of Collection of Monies Due Under Ga. Code Ann. Sec. 95A-960". F. Sept. 6, 1978; eff. Sept. 26, 1978.
Amended: F. May 4, 1982; eff. May 24, 1982.
Amended: Rule retitled "Method of Collection of Monies Due Under Code Section 32-6-27, O.C.G.A.". F. Nov. 4, 1988; eff. Nov. 24, 1988.
Repealed: F. June 19, 2003; eff. July 9, 2003.

Chapter 672-4. ENFORCEMENT OF THE PROVISIONS IN CODE SECTION 32-6-29, O.C.G.A. RELATING TO CRIMINAL VIOLATIONS.

Rule 672-4-.01. General.

Department employees authorized by the provisions of this Chapter to exercise the powers herein shall do so with discretion, with proper regard for the rights of the public, making all efforts to avoid unnecessary loss of or damage to private property, provided that nothing herein shall in any way impose liability upon the Department or its employees.

Cite as Ga. Comp. R. & Regs. R. 672-4-.01
Authority: Ga. Code Sec. 95A-303.

History. Original Rule entitled "General" was filed on August 9, 1973; effective August 29, 1973.

Rule 672-4-.02. Designation of Enforcement Personnel.

Under the authority contained in Code Section 32-6-29, O.C.G.A., the Commissioner of Transportation, by resolution, has designated specified individuals of the permit and enforcement teams of the Department who will have the authority to enforce the provisions of Code Section 32-6-21, O.C.G.A.,"Securing loads on vehicles"; Code Section 32-6-22, O.C.G.A.,"Height of vehicles and loads"; Code Section 32-6-23, O.C.G.A.,"Width of vehicles and loads"; Code Section 32-6-24, O.C.G.A.,"Length of vehicles and loads"; and Code Section 32-6-29, O.C.G.A.,"Duty of department to enforce article and paragraph (15) of subsection (a) of Code Section 32-2-2; enforcement officers."

Cite as Ga. Comp. R. & Regs. R. 672-4-.02
Authority: Ga. L. 1973, 99. 947, 1100 as amended (Ga. Code of Public Transportation, § 95A-961); Ga. L. 1973, pp. 947, 982 (Ga. Code of Public Transportation, § 95A-303); Sections 32-2-2(b), 50-13-4, O.C.G.A.
History. Original Rule entitled "Designation of Enforcement Personnel" was filed on August 9, 1973; effective August 29, 1973.
Amended: Rule repealed and a new Rule of the same title adopted. Filed September 6, 1978; effective September 26, 1978.
Amended: Filed November 4, 1988; effective November 24, 1988.

Rule 672-4-.03. Powers and Procedures for Enforcement of Proper Securing of Loads.

(1) A Department employee designated under the provisions of Rule 672-4-.02 of the Rules of the Department of Transportation has the authority to stop a load or vehicle, the operator of which he has reason to believe is violating the provisions of Code Section 32-6-21, O.C.G.A., relating to the proper securing of loads and vehicles.

(2) If such operator refuses to stop when so ordered by such a Department employee, such employee may pursue the vehicle or load for the purpose of obtaining the license number of such vehicle or load. Thereafter such Department employee will file with an appropriate law enforcement official a complaint for violation of Code Sections 32-6-21, O.C.G.A., and 32-6-30(b), O.C.G.A.

(3) When the operator of a vehicle or load stops pursuant to a Department employee's order as provided in subparagraph (1) of this Rule, such employee will proceed as follows:

   (a) First he shall inspect the vehicle or load to see if there is a violation of Code Section 32-6-21, O.C.G.A.;

   (b) If there is a violation, the Department employee will fill out a citation form. He then either will detain the operator until an appropriate law enforcement official arrives and releases the operator to the custody of such official or conduct the

operator to an appropriate law enforcement official and releases the operator to such official, unless in the Department employee's discretion the course of action provided in subparagraph (c) below appears to be in the best interest of public safety and least liable to interfere with his enforcement duties. It shall be an unlawful act, punishable as a misdemeanor, for the operator to leave prior to such law enforcement official's arrival or to refuse to accompany the Department employee to such law enforcement official;

(c) If, in the discretion of such Department employee, it is unsafe to leave such vehicle or load where it was stopped, he may conduct the operator and his vehicle and load to the nearest maintenance barn, police impoundment yard, or other relatively secure place approved by the Department. Upon arrival at such place the Department employee then either will detain the operator until an appropriate law enforcement official arrives or will conduct the operator to an appropriate law enforcement official, and release the operator to such official. The vehicle or load will be permitted to remain in the impoundment area while the operator is in the custody of the appropriate law enforcement official. Upon the operator's release from the custody of the law enforcement official, the operator will be permitted to unload whatever materials cannot be properly covered or loaded and to proceed with the vehicle or load, provided that the Department or the political subdivision having control of the impoundment area assumes no liability for the custody or care of unloaded material left by the operator.

Cite as Ga. Comp. R. & Regs. R. 672-4-.03
Authority: Ga. Code Secs. 68-9921 and 95A-303; Sections 32-2-2(b), 50-13-4. O.C.G.A.
History. Original Rule entitled "Powers and Procedures for Enforcement of Proper Securing of Loads" was filed on August 9, 1973; effective August 29, 1973.
Amended: Filed November 4, 1988; effective November 24, 1988.

Rule 672-4-.04. Powers and Procedures for Enforcement of Limits on Dimensions of Vehicles and Loads.

(1) A Department employee designated under the provisions of Rule 672-4-.02 of the Rules of the State Department of Transportation has the authority to stop a load or vehicle, the operator of which he has reason to believe is violating the provisions of Code Sections 32-6-22, 32-6-23 or 32-6-24, O.C.G.A., relating to dimensions of vehicles and loads.

(2) If such operator refuses to stop when so ordered by such a Department employee, such employee may pursue the vehicle or load for the purpose of obtaining the license number of such vehicle or load. Thereafter such Department employee will file with an appropriate law enforcement official a complaint for violation of the provisions of Code Sections 32-6-22, 32-6-23 or 32-6-24, O.C.G.A., as applicable.

(3) When the operator of a vehicle or load stops pursuant to a Department employee's order as provided in subparagraph (1) of this section, such employee will proceed as follows:

(a) First he shall inspect the vehicle or load to see if there is a violation of Code Sections 32-6-22, 32-6-23 or 32-6-24, O.C.G.A.;

(b) If there is a violation, the Department employee will fill out a citation form. He then either will detain the operator until an appropriate law enforcement official arrives or conduct the operator to an appropriate law enforcement official, and release the operator to such official, unless in the Department employee's discretion the course of action provided in subparagraph (c) below appears to be in the best interests of public safety and least liable to interfere with his enforcement duties. It shall be an unlawful act punishable as a misdemeanor, for the operator to leave prior to such law enforcement official's arrival or to refuse to accompany the Department employee to such law enforcement official;

(c) If, in the discretion of such Department employee, it is unsafe to leave such vehicle or load where it was stopped, he may conduct the operator and his vehicle and load to the nearest maintenance barn, police impoundment yard, or other relatively secure place approved by the Department. Upon arrival at such place, the Department employee then either will detain the operator until an appropriate law enforcement official arrives, or will conduct the operator to an appropriate law enforcement official, and release the operator to such official. The vehicle or load will be permitted to remain in the impoundment area while the operator is in the custody of the appropriate law enforcement official. Upon the operator's release from the custody of the law enforcement official, he will be permitted to unload whatever materials are causing the oversize violation or to otherwise bring the vehicle or load within the legal limits and proceed with the vehicle or load, provided that the Department or the political subdivision having control of the impoundment area assumes no liability for the custody or care of unloaded materials left by the operator. If the size of the vehicle or load cannot be changed to meet the legal height, width, or length requirements, the vehicle or load which is nonconforming will not be moved until and unless a permit for its operation is obtained from the Office of Permits and Enforcement, under the procedures set forth in Chapter 672-2, Rules of the State Department of Transportation.

Cite as Ga. Comp. R. & Regs. R. 672-4-.04
Authority: Ga. Code Secs. 68-9921, 95A-303, 95A-961, 32-2-2(b) and 50-13-4, O.C.G.A.
History. Original Rule entitled "Powers and Procedures for Enforcement of Limits on Dimensions of Vehicles and Loads" was filed on August 9, 1973; effective August 29, 1973.
Amended: Filed November 4, 1988; effective November 24, 1988.

Rule 672-4-.05. Powers and Procedures for Enforcement of Fuel Tax and License Tag Laws.

(1) A Department employee designated under the provisions of Rule 672-4-.02 of the Rules of the State Department of Transportation has the authority to stop and inspect a load or vehicle, the operator of which he has reason to believe is violating fuel tax or license tag laws or provision of Article 2 of Chapter 6 of Title 32, O.C.G.A.

(2) If such operator refuses to stop when so ordered by such a Department employee, such employee may pursue the vehicle or load for the purpose of obtaining the license number, if any, of such vehicle or load. Thereafter such Department employee will file with an appropriate law enforcement official a complaint for violation of the provisions of Code Section 32-6-30 O.C.G.A., and as appropriate the licensing provisions of Code Sections 48-10-1 through 48-10-12, O.C.G.A., or the fuel tax provisions of Code Sections 48-9-8 and 48-9-39, O.C.G.A.

(3) When a vehicle or load stops pursuant to the Department employee's order as provided in paragraph (1) of this Rule, such employee will record any violation and report it to the State Department of Revenue, unless the violation is the absence of a license tag.

(4) If the vehicle or load does not have a license tag, the operator will be held and released to an appropriate law enforcement official; provided, that the vehicle or load will first be taken to the nearest maintenance barn, police impoundment yard, or other relatively secure place approved by the Department, if in the Department employee's discretion, this is necessary for the safety of the vehicle or load.

Cite as Ga. Comp. R. & Regs. R. 672-4-.05
Authority: Ga. Code Secs. 68-9921, 95A-302, 95A-962, 95A-963. (Ga. Code Ann. Secs. 92-1409, 92-2901 through 92-2916, 92-9901 and 92-9966); Secs. 32-2-2(b). 50-13-4, O.C.G.A.
History. Original Rule entitled "Powers and Procedures for Enforcement of Fuel Tax and License Tag Laws" was filed on August 9, 1973; effective August 29, 1973.
Amended: Filed November 4, 1988; effective November 24, 1988.

Rule 672-4-.06. Powers and Procedures for Enforcement of Highway Obstruction Laws.

(1) A Department employee designated under the provisions of Rule 672-4-.02 of the Rules of the State Department of Transportation has the authority to question a person violating Code Section 16-11-43, O.C.G.A., of the Criminal Code of Georgia relating to the obstruction of highways or any public road which is part of the State Highway System.

(2) If it is determined that the obstruction of the highway is not authorized by a permit, the Department employee will order that the obstruction be immediately removed. A citation form will be filled out and the person who caused the obstruction will be released to the appropriate law enforcement official. The Department employee may take whatever actions are necessary to clear or remove the obstruction from the highway if it is determined to be unsafe. The removal of the obstruction will be at the expense of the person who created it, provided that the Department or political subdivision involved in

the clearing or removal assumes no liability for the custody or care of removed articles, materials, vehicles, or other related items.

Cite as Ga. Comp. R. & Regs. R. 672-4-.06
Authority: Ga. L. 1973, pp. 947, 1100 as amended (Ga. Code of Public Transportation, § 95A-961); Ga. L. 1973, pp. 947, 982 (Ga. Code of Public Transportation, § 95A-303), Secs. 32-2-2(b) and 50-13-4, O.C.G.A.
History. Original Rule entitled "Powers and Procedures for Enforcement of Highway Obstruction Laws" was filed on September 6, 1978; effective September 26, 1978.
Amended: Filed November 4, 1988; effective November 24, 1988.

Rule 672-4-.07. Powers and Procedures for Use of Driver's License as Bail Bond.

(1) Any Department employee designated under the provisions of Rule 672-4-.02 of the Rules of the State Department of Transportation has the authority, based on an agreement between himself and an arrested vehicle operator, to accept the vehicle operator's valid driver's license as a bail bond for misdemeanor violations of the Laws and Rules relating to dimensions of vehicles and loads. This procedure will not be acceptable for insecure load violations, highway obstruction violation, litter violations, interference with government property violations, or any violations relating to refusing to weigh.

(2) Only Department of Public Safety Form DPS32A shall be used as a Temporary Driver's License Permit when Driver's License is used as Bail. Copies of Form DPS32A, Driver's License Bail Receipt, may be obtained from the Department of Public Safety, P.O. Box 1456, Atlanta, Georgia 30301.

(3) A Driver's License Bail Receipt, previously given to a driver when his license was surrendered as Bail, will not be accepted as Bail on any violation.

Cite as Ga. Comp. R. & Regs. R. 672-4-.07
Authority: Ga. L. 1973, pp. 947, 1100 as amended (Ga. Code of Public Transportation § 95A-961); Ga. L. 1973, 947, 982 (Ga. Code of Public Transportation, § 95A-303),
History. Original Rule entitled "Powers and Procedures for Use of Driver's License as Bail Bond" was filed on September 6, 1978; effective September 26, 1978.

Rule 672-4-.08. Safety Restrictions on Hauling Logs and Pulpwood on Public Roads.

In addition to any other conditions imposed, all vehicles hauling logs or pulpwood on the public roads of this State shall secure the load in the following manner:

(a) Each load of pulpwood or logs transported upon any public road or highway in thin State by any vehicle equipped with permanent, fixed, or trip standards shall be secured with

binder chains of at least one-quarter inch high-tensile strength or cables, straps, or other chains of equivalent strength. All such chains, cables, or straps shall be equipped with a tightening device. All pallets or racks used to carry pulpwood or logs shall be bound to the frame or body of the truck or trailer at the bottom. The driver shall be required to examine such chains, cables, or straps and the safety of the load before departing from the point of origin.

(b) Each load of short pulpwood loaded perpendicular to the axis of the truck body shall be required to be secured by only one binder chain or cable, strap, or other chain meeting the specifications provided in paragraph (a) of Rule 672-4-.08.

(c) Each tree length load of pulpwood or logs shall be required to be secured with no less than two binder chains or cables, or straps or other chains meeting the specifications provided in paragraph (a) of Rule 672-4-.08 which shall be located approximately at the center and end of the load.

(d) Each load of pulpwood or cut logs loaded on multiple racks, where each rack is individually loaded, shall be required to be secured by only one binder chain or cable, strap, or other chain meeting the specifications of paragraph (a) of Rule 672-4-.08.

Cite as Ga. Comp. R. & Regs. R. 672-4-.08
Authority: Sections 32-6-21, O.C.G.A. (Ga. L. 1973, pp. 947, 1100, as amended, particularly by Ga. L. 1981, p. 705); Section 32-2-2(b), O.C.G.A. (Ga. L. 1973, pp. 947, 982); Section 50-13-4, O.C.G.A.
History. Original Rule entitled "Safety Restrictions on Hauling Logs and Pulpwood on Public Roads" was filed on July 15, 1988; effective August 4, 1988.

Chapter 672-5. GOVERNING THE PREQUALIFICATION OF PROSPECTIVE BIDDERS.

Rule 672-5-.01. Purposes of Rules.

(a) The purposes of these Rules Governing the Prequalification of Prospective Bidders are:

(1) To minimize delays in the awarding of contracts after bids have been opened.

(2) To insure that Department contracts will be awarded only to reliable bidders.

(b) These Rules do not apply to contracts for routine or preventative maintenance, including but not limited to those contracts subject to Department Policy Number 6130-7 Guidelines for Maintenance Service Agreement, except in those instances where the Department specifically requires prequalification pursuant to these Rules.

Cite as Ga. Comp. R. & Regs. R. 672-5-.01
Authority: O.C.G.A. §§ 32-2-2, 32-2-66, 50-13-4.
History. Original Rule entitled "Purpose of Regulations" adopted. F. Aug. 9, 1973; eff. Aug. 28, 1973.

Repealed: New Rule, same title adopted. F. Oct. 23, 2000; eff. Nov. 12, 2000.
Amended: New title "Purposes of Rules." F. May 1, 2018; eff. May 21, 2018.

Rule 672-5-.02. Definitions.

The following terms, as used in this Chapter, shall have the following meanings unless the context thereof indicates to the contrary:

(a) "Audited Financial Statement": A Financial Statement as herein defined prepared by an independent Certified Public Accountant. The Audited Financial Statement must contain an Accountant's Certificate by the independent Certified Public Accountant who prepared the statement. If signed by the firm of the Certified Public Accountant, the firm must be registered with the State Board of Accountancy, State of Georgia, or in the State where the company headquarters is located.

(b) "Board of Review": A board consisting of not less than three (3) members, all of whom shall be employees of the Department. All members shall be appointed by order of the Commissioner.

(c) "Certified Public Accountant": A person duly registered with the State Board of Accountancy, State of Georgia, or equivalent registration with another state in the United States.

(d) "Contractor": A Person prequalified pursuant to these rules to bid on a Department contract in excess of Two Million Dollars ($2,000,000).

(e) "Commissioner": The Commissioner of the Georgia Department of Transportation.

(f) "Compiled Financial Statement": A Financial Statement as herein defined prepared by an independent Registered Public Accountant or an independent Certified Public Accountant. The Complied Financial Statement must contain an Accountant's Certificate executed by the independent Certified Public Accountant or Registered Public Accountant who prepared the statement. If signed by the firm of the Certified Public Accountant, the firm must be registered with the State Board of Accountancy, State of Georgia, or in the State where the company headquarters is located.

(g) "Current Capacity": The difference between a Contractor's or Subcontractor's Maximum Capacity Rating and the dollar value of its current uncompleted work, regardless of its location and with whom it has contracted.

(h) "Department": The Georgia Department of Transportation.

(i) "Engineer": The Chief Engineer, acting directly or through a duly authorized representative, such representative acting within the scope of the particular duties assigned to him or her and within the authority given him or her.

(j) "Financial Statement": Completed on Department approved forms, shows all assets and liabilities which support the assets and liabilities reported on the application and covering a period ending not more than twelve (12) months prior to the date of the application. The Financial Statement cannot be prepared by a Certified Public Accountant or Registered Public Accountant who is directly or indirectly interested in the business of the Prospective Contractor submitting the Financial Statement. There are three (3) types of Financial Statements:

(1) Compiled Financial Statements;

(2) Reviewed Financial Statements; and

(3) Audited Financial Statements, as are further defined herein.

(k) "Maximum Capacity Rating": The total aggregate amount (dollar value) of work a Prospective Bidder may have under contract at any time, either as principal Contractor or Subcontractor, regardless of its location and with whom it may be contracted, as determined by the Department.

(l) "Parent" or "Parent Company": A company or legal entity that wholly owns another company (subsidiary) or controls the other entity by owning more than 50 percent of the company's voting stock. This ownership or control may extend to one or more subsidiaries in either the same industry or complimentary industries.

(m) "Person": Any individual, co-partnership, association, corporation, firm or joint stock company, or joint venture or its lessees, trustees, assignees or receivers as appointed by any court, who is registered with the Georgia Secretary of State where required to do so in order to conduct business in the state.

(n) "Prequalification Committee": The Prequalification Committee of the Department of Transportation which shall consist of not less than three (3) members, all of whom shall be employees of the Department. Provided, that the Director of Construction and are presentative of the Office of Audits shall be members. Provided further that all other members shall be appointed by order of the Commissioner. The Prequalification Committee shall elect one of its members as chairman and another as secretary. The secretary shall keep a complete record of the proceedings and decisions of the Prequalification Committee.

(o) "Prospective Bidder": Prospective Contractor(s) and/or Prospective Subcontractor(s).

(p) "Prospective Contractor": Any Person who wishes to apply or renew its eligibility to be prequalified as a Contractor.

(q) "Prospective Subcontractor": Any Person who wishes to apply or renew its eligibility to be registered as a Subcontractor.

(r) "Reviewed Financial Statement": A Financial Statement as herein defined prepared by an independent Registered Public Accountant or an independent Certified Public Accountant. The Reviewed Financial Statement must contain an Accountant's Certificate executed by the independent Certified Public Accountant or Registered Public Accountant who prepared the statement. If signed by the firm of the Certified Public Accountant, the firm must be registered with the State Board of Accountancy, State of Georgia, or in the State where the company headquarters is located.

(s) "Subcontractor": A Person registered pursuant to these rules to sublet work from a Contractor or to perform any contract less than or equal to Two Million Dollars ($2,000,000) as a prime contractor.

(t) "Subsidiary" or "Subsidiary Company": A legal entity controlled by another (parent) company, which is also considered a legal entity. The subsidiary is wholly owned by the parent company, or the parent company owns or controls more than 50 percent of the subsidiary's voting stock.

Cite as Ga. Comp. R. & Regs. R. 672-5-.02
Authority: O.C.G.A. §§ 32-2-2, 32-2-66, 50-13-4.
History. Original Rule entitled "Definitions" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Amended: F. Dec. 22, 1976; eff. Jan. 11, 1977.
Amended: ER 672-5-0.16-.02 adopted. F. Nov. 24, 1981; eff. Nov. 19, 1981, the date of adoption.
Amended: Permanent Rule adopted. F. Jan. 8, 1982; eff. Jan. 28, 1982.
Amended: F. Sept. 15, 1986; eff. Oct. 5, 1986.
Repealed: New Rule, same title adopted. F. Oct. 23, 2000; eff. Nov. 12, 2000.
Amended: F. Nov. 20, 2006; eff. Dec. 10, 2006.
Amended: F. May 1, 2018; eff. May 21, 2018.

Rule 672-5-.03. Forms.

All forms referred to in these Rules are hereby incorporated and made a part of these Rules. Said forms, which may be amended from time to time by the Department, may be obtained from the office of the Prequalification Committee, Georgia Department of Transportation, 600 West Peachtree Street NW, Atlanta, GA 30308 or the Department's website, www.dot.ga.gov.

Cite as Ga. Comp. R. & Regs. R. 672-5-.03
Authority: O.C.G.A. §§ 32-2-2, 32-2-66.
History. Original Rule entitled "Forms" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Repealed: New Rule, same title adopted. F. Oct. 23, 2000; eff. Nov. 12, 2000.
Amended: F. May 1, 2018; eff. May 21, 2018.

Rule 672-5-.04. Application for Contractor Qualification.

(1) All Prospective Contractors must submit an application under oath on forms to be furnished by the office of the Prequalification Committee in order to receive a Certificate

of Qualification. The application must be filed at least ten (10) days prior to the opening of any bids the Prospective Contractor proposes to submit and must include the following:

(a) A Financial Statement. In submitting the Financial Statement, the Prospective Contractor will abide by the following:

(i) If a Prospective Contractor's adjusted net worth is Seven Hundred Fifty Thousand Dollars ($750,000) or less, the Prospective Contractor must submit a Compiled Financial Statement, Reviewed Financial Statement or Audited Financial Statement.

(ii) If a Prospective Contractor's adjusted net worth is greater than Seven Hundred Fifty Thousand Dollars ($750,000) but less than Seven Million Five Hundred Thousand Dollars ($7,500,000), the Prospective Contractor must submit a Reviewed Financial Statement or Audited Financial Statement.

(iii) If a Prospective Contractor's adjusted net worth is greater than Seven Million Five Hundred Thousand Dollars ($7,500,000), the Prospective Bidder must submit an Audited Financial Statement.

(b) A statement as to major plant and equipment used for transportation projects and a statement for all other property, plant and equipment used in the business, such as buildings, furniture and fixtures and leasehold improvements; the statement shall give details as to type, age and condition of all property, plant and equipment;

(c) A statement as to organization, which shall develop the adequacy of such organization, including key personnel, and any and all affiliated companies to undertake a project in the classification desired subject to the following:

(i) In a Parent-Subsidiary relationship where the Parent and the Subsidiary are to be prequalified separately, the Parent and the Subsidiary must submit separate Financial Statements for prequalification purposes.

(ii) In Parent-Subsidiary relationships where both the Parent and the Subsidiary are to be prequalified separately, the investments in the Subsidiary must be deducted from the assets of the Parent in computing the adjusted net worth of the Parent.

(iii) A Parent company must list any and all Subsidiary companies prequalified with the Department, the dollar amount of the investment in each Subsidiary and the method of carrying the investment on the Financial Statement.

(d) A statement as to prior and current experience of the Prospective Contractor, its principal officers and key employees which shall show the number of years each

identified officer or key employee has been engaged in the contracting business and shall further disclose generally their experience over that period;

(e) A statement which shall give an accurate and sufficient record of principal work on which the Prospective Contractor has been engaged in the past three (3) years, both in Georgia and elsewhere, as a contractor of record, or work done under subcontract, giving the name of projects under taken, the type of work, the location, the contract amount and the name of the contracting agency. In case of work done by subcontract, the prime contractor will be named;

(f) A statement which shall list in detail any liens, stop notices or claims filed against the Prospective Contractor on any project within the past five (5) years. This statement shall also disclose any failure or failures to complete a contract or contracts, and any penalties imposed by reason of any contract undertaken and determined to be in noncompliance with pertinent statutes within the said five (5) year period. The Prospective Contractor shall explain in detail all such items;

(g) A statement as to whether or not the Prospective Contractor or any of its officers, executives or members has been convicted or entered a guilty plea in a court of competent jurisdiction within the two (2) years prior to the date of application of violation of any State or Federal statute concerning the restraint of trade;

(h) A statement setting forth any other relevant, pertinent, and material facts that will justify the Maximum Capacity rating desired;

(i) A statement agreeing to comply with Rule 672-5-.17 "Conduct in Bidding Department Contracts or Submitting Quotes to Bidders on Department Contracts";

(j) A statement which shall list the specific area of class/classes of work for which the Prospective Contractor is qualified;

(k) A statement of specific geographic location within the State which lists the Department district in which the Prospective Contractor will typically bid;

(l) A certification by the Prospective Contractor that it is not currently suspended or debarred by another state or federal governmental entity or has not been voluntarily excluded in another state or federal governmental entity and that no state or federal governmental entity has instituted any action to suspend or debar the Prospective Contractor. The Application of any Prospective Contractor who is currently suspended or debarred by another state or federal governmental entity or who has been voluntarily excluded in another state or federal governmental entity, regardless of whether the Prospective Contractor intends to bid on state or federally funded projects, will be rejected. The Application must further contain the certification that, if at any time during the period that a Prospective Contractor maintains a Certificate of Qualification, an action is instituted by a state or federal governmental entity to suspend or debar the Prospective Contractor, or the

Prospective Contractor becomes voluntarily excluded in another state or federal governmental entity, the Prospective Contractor will immediately notify the Department's Director of Construction; and

(m) Provide proof of any insurance or self-insurance for workers compensation insurance and general liability insurance to be supplemented on a yearly basis.

(2) All Persons proposing to bid on Department work for the performance of any contract less than or equal to Two Million Dollars ($2,000,000) as a prime contractor must be registered as a Subcontractor as provided for in Rule 672-5-.11.

(3) The Prequalification Committee may, upon proper notice, require a Contractor who already has been qualified under these Rules to file a new application at anytime that the Prequalification Committee deems it necessary for a Contractor to bring its statements up-todate. Such application shall be filed within thirty (30) days after the Committee's request and failure on the part of the Contractor to comply may be grounds for disqualification pursuant to Rule 672-5-.15.

(4) The Department reserves the right to require an application which may include a request for additional information or documentation for qualification for certain projects designated prior to the letting regardless of the value of the contract.

(5) A Prospective Contractor shall submit Applications for Qualification, as provided herein, at least once every two (2) years or on such intermediate occasions as may be deemed necessary by either the Prospective Contractor or the Prequalification Committee. The Prospective Contractor must submit an updated Application for Qualification when it has sold twenty-five percent (25%) or more of its assets.

Cite as Ga. Comp. R. & Regs. R. 672-5-.04
Authority: O.C.G.A. §§ 32-2-2, 32-2-66, 50-13-4.
History. Original Rule entitled "Application for Qualification" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Amended: F. Dec. 22, 1976; eff. Jan. 11, 1977.
Amended: ER 672-5-0.6-.04 adopted. F. and eff. June 13, 1979, the date of adoption.
Amended: Permanent Rule adopted. F. Sept. 20, 1979; eff. Oct. 10, 1979.
Amended: ER 672-5-0.12-.04 adopted. F. May 20, 1980, eff. May 15, 1980, the date of adoption.
Amended: Permanent Rule adopted. F. July 24, 1980; eff. August 13, 1980.
Amended: ER 672-5-0.22-.04 adopted. F. Mar. 25, 1985; eff. Mar. 21, 1985, the date of adoption.
Amended: Permanent Rule adopted. F. June 26, 1985; eff. July 16, 1985.
Repealed: New Rule, same title adopted. F. Oct. 23, 2000; eff. Nov. 12, 2000.
Amended: F. July 9, 2004; eff. July 29, 2004.
Amended: F. Dec. 11, 2008; eff. Dec. 31, 2008.
Amended: New title "Application for Contractor Qualification." F. May 1, 2018; eff. May 21, 2018.

Rule 672-5-.05. Specialty Items.

The Engineer may designate certain specialty items of work and exempt Prospective Bidders bidding to perform such work from the requirements of these Rules.

Cite as Ga. Comp. R. & Regs. R. 672-5-.05
Authority: O.C.G.A. §§ 32-2-66, 32-2-2, 50-13-4.
History. Original Rule entitled "Classification" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Amended: F. Dec. 22, 1976; eff. Jan. 11, 1977.
Amended: ER 672-5-0.4-.05 entitled "Specialty Items" adopted. F. and eff. May 30, 1978, the date of adoption.
Amended: Permanent Rule adopted. F. Sept. 6, 1978; eff. Sept. 26, 1978.
Repealed: New Rule, same title adopted. F. Oct. 23, 2000; eff. Nov. 12, 2000.
Amended: F. May 1, 2018; eff. May 21, 2018.

Rule 672-5-.06. Ability or Multiplying Factor for Prospective Bidders.

(1) The Engineer will, as part of past performance, require the District Engineers to execute and submit a past performance report on all prime contractors performing work for the Department.

(2) Where a Prospective Bidder has no record of work with the Department, past performance information will be obtained from others for whom it has performed work.

(3) These reports shall be used as a basis for determining upon renewal or resubmission of an application, the Prospective Bidder's, past performance rating, which rating shall then be considered in determining the Ability or Multiplying Factor in accordance with the forms on file in the office of the Prequalification Committee.

Cite as Ga. Comp. R. & Regs. R. 672-5-.06
Authority: O.C.G.A. §§ 32-2-2, 32-2-66, 50-13-4.
History. Original Rule entitled "Ability or Multiplying Factor" adopted F. Aug. 9, 1973; eff. Aug. 29, 1973.
Repealed: New Rule, same title adopted. F. Oct. 23, 2000; eff. Nov. 12, 2000.
Amended: New title "Ability or Multiplying Factor for Prospective Bidders." F. May 1, 2018; eff. May 21, 2018.

Rule 672-5-.07. Determination of Maximum Capacity Rating for Contractors.

(1) Each Prospective Contractor shall state the Maximum Capacity Rating desired. Each Prospective Contractor will be rated in accordance with its financial ability, adequacy of plant and equipment, organization, prior experience, record of construction and any other pertinent, relevant and material facts. The Prospective Contractor will be assigned a Maximum Capacity Rating which will designate the quantity of work upon which it will be eligible to bid. The Prequalification Committee will give notice of such rating by electronic mail using the address provided in the application within thirty (30) days after receipt of such fully executed Application for Qualification. The determination of the Maximum Capacity Rating will be made subject to the rules set forth herein and Department policy.

(2) The Maximum Capacity Rating will be a flat sum determined by the following formula:

Q = F [C + 60% (DA)]

Q = Maximum Capacity Rating

F = Ability or Multiplying Factor

C = Current Assets less current liabilities; plus plant and equipment used for road and bridge construction only

DA = Net Deferred Assets [(Property and plant and equipment not used for road and bridge construction only plus all non-current assets) - any deferred liabilities or non-current liabilities (maturing beyond one year)]. Net Deferred Assets will equal zero (0), if the calculated value is less than or equal to zero (0).

Cite as Ga. Comp. R. & Regs. R. 672-5-.07
Authority: O.C.G.A. §§ 32-2-2, 32-2-66, 50-13-4.
History. Original Rule entitled "Determination of Classification and Maximum Capacity Rating" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Amended: ER 672-5-0.4-.07 entitled "Determination of Maximum Capacity Rating" adopted. F. and eff. May 30, 1978, the date of adoption.
Amended: Permanent Rule adopted. F. Sept. 6, 1978; eff. Sept. 26, 1978.
Repealed: New Rule, same title adopted. F. Oct. 23, 2000; eff. Nov. 12, 2000.
Amended: F. Nov. 20, 2006; eff. Dec. 10, 2006.
Amended: New title "Determination of Maximum Capacity Rating for Contractors." F. May 1, 2018; eff. May 21, 2018.

Rule 672-5-.08. Appeals Procedure for Maximum Capacity Rating for Prospective Bidders.

(1) A Prospective Bidder dissatisfied with its Maximum Capacity Rating may request an informal hearing in writing within ten (10) days of receipt of its Maximum C informal hearing will be before the Board of Review. At this informal hearing, neither the Department nor the Prospective Bidder shall be represented by an attorney nor be allowed to present witnesses. Documentary evidence may be presented by the Department or Prospective Bidder. Failure to request a formal hearing within ten (10) days after receipt of the Maximum Capacity Rating shall act as a waiver of the right of the Prospective Bidder to further appeal its Maximum Capacity Rating.

(2) If a request for an informal hearing is received timely from the Prospective Bidder, the Board of Review shall set a date and time for an informal hearing to be held in the matter, and shall issue a written notice of the informal hearing to the Prospective Bidder. The written notice may be served personally or by certified mail, return receipt requested, mailed to the Prospective Bidder's last known mailing address.

(3) Within fourteen (14) days after the conclusion of the informal hearing, the Board of Review shall render a written Preliminary Decision. The Board of Review shall cause a copy of this recommendation to be served upon the Prospective Bidder, which may be served personally or by certified mail, return receipt requested, mailed to the Prospective Bidder's last known mailing address.

(4) Within fourteen (14) days of receipt of the Preliminary Decision, the Prospective Bidder may request a formal hearing with the Commissioner. Failure to request a formal hearing within fourteen (14) days after receipt of the Preliminary Decision shall act as waiver of any additional appeal rights of the Prospective Bidder and the Preliminary Decision of the Board of Review shall become the Final Decision.

(5) In the event that a formal hearing has been requested by the Prospective Bidder, the Commissioner shall set a date and time for a hearing to be held in the matter, and shall issue a written notice of the hearing to the Prospective Bidder. The written notice of the hearing shall inform the Prospective Bidder of the date and time of the hearing, and of its right to attend, to be represented by counsel, to cross-examine witnesses against it, and to respond and present evidence on all issues. The written notice may be served personally or by certified mail, return receipt requested, mailed to the Prospective Bidder's last known mailing address.

(6) Within thirty (30) days after the hearing, the Commissioner shall issue a Final Decision and shall cause a copy of this recommendation to be served upon the Prospective Bidder, which may be served personally or by certified mail, return receipt requested, mailed to the Prospective Bidder's last known mailing address. The Commissioner may instruct the Prequalification Committee to increase, decrease or not change the Maximum Capacity rating of the Prospective Bidder.

(7) An appeal from the Final Decision of the Commissioner is directly appealable to the Superior Court.

Cite as Ga. Comp. R. & Regs. R. 672-5-.08
Authority: O.C.G.A. §§ 32-2-2, 32-2-66, 50-13-4.
History. Original Rule entitled "Appeals Procedure" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Amended: ER 672-5-0.4-.08 adopted. F. and eff. May 30, 1978, the date of adoption.
Amended: Permanent Rule adopted. F. Sept. 6, 1978; eff. Sept. 26, 1978.
Repealed: New Rule, same title adopted. F. Oct. 23, 2000; eff. Nov. 12, 2000.
Amended: New title "Appeals Procedure for Maximum Capacity Rating for Prospective Bidders." F. May 1, 2018; eff. May 21, 2018.

Rule 672-5-.09. Bidding Authorization.

(1) A Prospective Bidder may be issued Proposal Forms covering various projects. In the event a bidder submits a low bid on one or more projects and the aggregate amount is greater than the Current Capacity of the bidder, the Department will exercise its

discretion in selecting the particular project or projects to award which will give the best financial advantage to the Department. The determination of the low bidder on any project or projects on which bids have been disqualified due to the operation of the above procedure will be made without consideration of the bid or bids so disqualified.

(2) Nothing in these Rules shall be construed as depriving the Department of the right to reject any bid when, in the opinion of the Department, circumstances and developments have changed the Prospective Bidder's qualification so as to affect its reliability. However, before taking such action the Department will notify the Prospective Bidder and give it an opportunity to present additional information to the Board of Review which might tend to substantiate its existing Maximum Capacity Rating or Current Capacity Rating.

Cite as Ga. Comp. R. & Regs. R. 672-5-.09
Authority: O.C.G.A. §§ 32-2-2, 32-2-66, 50-13-4.
History. Original Rule entitled "Bidding Authorization" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Amended: ER 672-5-0.4-.09 adopted. F. and eff. May 30, 1978, the date of adoption.
Amended: Permanent Rule adopted. F. Sept. 6, 1978; eff. Sept. 26, 1978.
Repealed: New Rule, same title adopted. F. Oct. 23, 2000; eff. Nov. 12, 2000.
Amended: F. May 1, 2018; eff. May 21, 2018.

Rule 672-5-.10. Certification of Capacity.

(1) In order that the Department may have the necessary information to pass upon the ability of a Prospective Bidder to satisfactorily complete a project, each low bidder must submit on each proposal within one (1) business day after the letting a Certification of Capacity to perform the work. Such forms may be obtained from the office of the Prequalification Committee. In making this certification, the Prospective Bidder certifies that its Current Capacity is sufficient to cover the amount of its proposal.

(2) If the Prospective Bidder certifies that it has obligations of uncompleted work under contract, the initiation of work on which for good and sufficient contractual reasons, must be deferred beyond a period of twelve (12) months after the date of the opening of bids for the work for which the Prospective Bidder is submitting its bid, the Prequalification Committee may give consideration to temporarily reducing the debits against the Prospective Bidder's Current Capacity by the amounts of the dollar values of such items. If the Prospective Bidder desires such consideration where the award of a contract is contingent upon the deferral of such charges against its Current Capacity, Prospective Bidder must list the projects on which such deferrals are requested in its Certification of Capacity and it must attach a detailed explanation of the circumstances.

(3) The penalty for making a false Certification of Capacity may be disqualification from bidding on future work for a ninety (90) day period. The appeal procedure will be the same as that set out in 672-5-.14(2).

Cite as Ga. Comp. R. & Regs. R. 672-5-.10
Authority: O.C.G.A. §§ 32-2-2, 32-2-66, 50-13-4.
History. Original Rule entitled "Certification of Capacity" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Repealed: New Rule, same title adopted. F. Oct. 23, 2000; eff. Nov. 12, 2000.
Amended: F. July 9, 2004; eff. July 29, 2004.
Amended: F. May 1, 2018; eff. May 21, 2018.

Rule 672-5-.11. Application for Subcontractor Registration.

(1) In order for the Department to maintain a register of Subcontractors, any person desiring to perform work on Department projects as a Subcontractor must obtain a Certificate of Registration by submitting a notification of such desire under oath to the Department on forms to be furnished by the Department. The original notification may be filed at any time, but in no case less than ten (10) days prior to the prime contractor's requesting approval of the subcontract to which the Prospective Subcontractor will be a party. The notification must include the following information:

(a) A statement as to the Prospective Subcontractor's major plant and equipment, which shall give details as to type, age and condition;

(b) A statement of the Prospective Subcontractor's organization which shall develop the adequacy of such organization, including key personnel, to undertake work;

(c) A statement of the experience of the Prospective Subcontractor, including its principal officers and key employees, which shall show the number of years the Prospective Subcontractor has been engaged in the contracting business and disclose generally its experience over that period;

(d) A statement which shall give an accurate record of any work, whether under its present name or some other, on which it has been engaged in the five (5) years next preceding this notification, both in Georgia and elsewhere, as a contractor of record or under a subcontract, giving a description of the project undertaken, the type of work in which it engaged, the location of the work, the contract amount and the name of the contracting person, firm, corporation or agency. In the case of work performed under a subcontract, the prime contractor shall be named;

(e) A complete and accurate statement of any liens, stop notices or claims filed against the Prospective Subcontractor on any project listed in response to Rule 672-5-.11(1)(d).The statement shall also disclose any failure or failures to complete a contract or contracts and any liquidated damages or penalties, monetary or otherwise imposed by reason of any contract undertaken and determined to be in noncompliance with pertinent statutes within the five (5) year period preceding this notification. A detailed explanation of all such items shall be given;

(f) A statement setting forth any other relevant, pertinent and material facts or data which the Prospective Subcontractor deems would show that it is qualified to perform the work which it has represented that it is willing and capable of undertaking;

(g) A statement which shall list the specific area of class/classes of work for which the Prospective Subcontractor is qualified; and

(h) A statement of specific geographic location within the State which lists the Department district in which the contractor will typically work.

(i) A certification by the Prospective Subcontractor that it is not currently suspended or debarred by another state or federal governmental entity or has not been voluntarily excluded in another state or federal governmental entity and that no state or federal governmental entity has instituted any action to suspend or debar the Prospective Subcontractor. The Application of any Prospective Subcontractor who is currently suspended or debarred by another state or federal governmental entity or who has been voluntarily excluded in another state or federal governmental entity, regardless of whether the Prospective Subcontractor intends to bid on state or federally funded projects, will be rejected. The Application must further contain the certification that, if at any time during the period that a Prospective Subcontractor maintains a Certificate of Registration an action is instituted by a state or federal governmental entity to suspend or debar the Prospective Subcontractor, or the Prospective Contractor becomes voluntarily excluded in another state or federal governmental entity, the Prospective Subcontractor will immediately notify the Department's Director of Construction; and

(2) A person desiring to remain on the register of Subcontractors shall submit a notification of such desire on forms provided by the Department no less often than once every two (2) years and more often should it be deemed necessary by either the Prospective Subcontractor or the Prequalification Committee. Should the Prequalification Committee request such a filing, the notification shall be filed within thirty (30) days after receipt of the request. Failure on the part of the Prospective Subcontractor to file the notification every two years or to file the notification requested by the Prequalification Committee within thirty (30) days after receipt of such request shall be grounds for its removal from the register of Subcontractors pursuant to Rule 672-5-.15. The Prospective Subcontractor must submit an updated notification of desire to remain on the register of Subcontractors on forms provided by the Department, when it has sold or acquired a large number of assets.

(3) Subcontractors will be assigned a Maximum Capacity Rating, which shall represent the maximum dollar amount of work a registered Subcontractor may undertake on Department projects at any one time. The value of any single subcontract will not exceed

Two Million Dollars ($2,000,000). The Maximum Capacity Rating for each registered Subcontractor will be established utilizing the following formula:

Q = F[$250,000.00]

Q = Maximum Capacity Rating

F = Ability or Multiplying Factor as established by performance ratings.

(4) The registration of, and assignment of a Maximum Capacity Rating to, a Subcontractor by the Department is not, nor shall it be construed as, a warranty, certification, implication or assurance by the Department that the registered Subcontractor is qualified, either as to the type of work or quantity, to undertake the work for which the Subcontractor is hired by the prime contractor. The registration of, and assignment of a Maximum Capacity Rating to, a Subcontractor by the Department shall not relieve the prime contractor of its responsibility to determine that its Subcontractors are in fact qualified to perform the work for which they are engaged nor relieve the prime contractor of any rights, liabilities, duties or obligations under its contract with the Department.

Cite as Ga. Comp. R. & Regs. R. 672-5-.11
Authority: O.C.G.A. §§ 32-2-2, 32-2-66, 50-13-4.
History. Original Rule entitled "Requirements for Subcontractors" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Amended: F. Dec. 22, 1976; eff. Jan. 11, 1977.
Amended: ER 672-5-0.4-.11 adopted. F. and eff. May 30, 1978, the date of adoption.
Amended: Permanent Rule adopted. F. Sept. 6, 1978; eff. Sept. 26, 1978.
Amended: ER 672-5-0.6-.11 adopted. F. and eff. June 13, 1979.
Amended: Permanent Rule adopted. F. Sept. 20, 1979; eff. Oct. 10, 1979.
Amended: ER 672-5-0.22-.11(3) adopted. F. Mar. 25, 1985; eff. Mar. 21, 1985, the date of adoption.
Amended: Permanent Rule adopted. F. June 26, 1985; eff. July 16, 1985.
Repealed: New Rule, same title adopted. F. Oct. 23, 2000; eff. Nov. 12, 2000.
Amended: F. July 9, 2004; eff. July 29, 2004.
Amended: F. Nov. 20, 2006; eff. Dec. 10, 2006.
Amended: F. Dec. 11, 2008; eff. Dec. 31, 2008.
Amended: New title "Application for Subcontractor Registration." F. May 1, 2018; eff. May 21, 2018.

Rule 672-5-.12. Effect of Subcontracting on Contractor's Capacity.

(1) The prime Contractor may subcontract portions of the project to other prequalified Contractors or registered Subcontractors up to the amount provided for in the contract specifications. In figuring the total amount of Current Capacity available to a Contractor, it will be given credit for the work subcontracted after the Subcontractor has been approved in writing by the Department.

(2) No Person shall both prequalify as a Contractor and register as a Subcontractor. Any subcontract work undertaken by a prequalified Contractor shall be counted against its Current Capacity.

Cite as Ga. Comp. R. & Regs. R. 672-5-.12
Authority: O.C.G.A. §§ 32-2-2, 50-13-4.
History. Original Rule entitled "Effect of Subcontracting on Contractor's Capacity" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Amended: F. Dec. 22, 1976; eff. Jan. 11, 1977.
Repealed: New Rule, same title adopted. F. Oct. 23, 2000; eff. Nov. 12, 2000.
Amended: F. May 1, 2018; eff. May 21, 2018.

Rule 672-5-.13. Joint Bids.

Any combination of bidders, each of whom is prequalified in accordance with these Rules will be permitted to bid jointly.

Cite as Ga. Comp. R. & Regs. R. 672-5-.13
Authority: O.C.G.A. §§ 32-2-2, 32-2-66, 50-13-4.
History. Original Rule entitled "Joint Venture Bids" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Amended: New Rule, same title adopted. F. Oct. 23, 2000; eff. Nov. 12, 2000.
Amended: New title "Joint Bids." F. May 1, 2018; eff. May 21, 2018.

Rule 672-5-.14. False, Deceptive, or Fraudulent Statement(s) in Application or at Hearing.

(1) The Certification of Qualification or the Certificate of Registration of any Person who makes or causes to be made any false, deceptive, or fraudulent statement(s) on the application required to be submitted, or in the course of any hearing under these Rules, may be temporarily suspended or permanently revoked.

(2) The following process will apply when the Prequalification Committee receives information to give it reasonable cause to believe that there is a false, deceptive, or fraudulent statement(s) made by a Prospective Bidder on the application:

(a) When the Prequalification Committee receives information to give it reasonable cause to believe that there is a false, deceptive, or fraudulent statement(s) made by a Prospective Bidder on the application, the Prequalification Committee shall make a recommendation to the Board of Review for action to be taken against the Prospective Bidder which may include but is not limited to permanent revocation of the Contractor's Certificate of Qualification or Subcontractor's Certificate of Registration or the suspension of such Certificate of Qualification or Certificate of Registration for a certain period of time. The Prequalification Committee shall cause a copy of this recommendation to be served upon the Prospective Bidder, which may be served personally or by certified mail, return receipt requested, mailed to the Prospective Bidder's last known mailing address.

(b) The Prospective Bidder may request an informal hearing in writing within ten (10) days of receipt of the recommendation of the Prequalification Committee. The

informal hearing will be before the Board of Review. The purpose of this informal hearing is to provide an opportunity for the Prospective Bidder to respond to the findings of the Prequalification Committee before formal action is taken. At this informal hearing, neither the Department nor the Prospective Bidder shall be represented by an attorney nor be allowed to present witnesses. Documentary evidence may be presented by the Department or Prospective Bidder. Failure to request a formal hearing within ten (10) days after receipt of recommendation from the Prequalification Committee shall act as waiver of any additional appeal rights of the Prospective Bidder.

(c) If a request for an informal hearing is received timely from the Prospective Bidder, the Board of Review shall set a date and time for an informal hearing to be held in the matter, and shall issue a written notice of the informal hearing to the Prospective Bidder. The written notice of the informal hearing shall inform the Prospective Bidder of the charges against it and of the date and time of the informal hearing. The written notice may be served personally or by certified mail, return receipt requested, mailed to the Prospective Bidder's last known mailing address.

(d) Within fourteen (14) days after the conclusion of the informal hearing, the Board of Review shall render a written Preliminary Decision. The Board of Review shall cause a copy of this Preliminary Decision to be served upon the Prospective Bidder, which may be served personally or by certified mail, return receipt requested, mailed to the Prospective Bidder's last known mailing address. Within fourteen (14) days of receipt of the Preliminary Decision, the Prospective Bidder may request a formal hearing with the Commissioner. Failure to request a formal hearing within fourteen (14) days after receipt of the Preliminary Decision shall act as waiver of any additional appeal rights of the Prospective Bidder and the Preliminary Decision of the Board of Review shall become the Final Decision.

(e) In the event that a formal hearing has been requested by the Bidder, the Commissioner shall set a date and time for a hearing to be held in the matter, and shall issue a written notice of the hearing to the Prospective Bidder. The written notice of the hearing shall inform the Prospective Bidder of the charges against it, of the date and time of the hearing, and of its right to attend, to be represented by counsel, to cross-examine witnesses against it, and to respond and present evidence on all issues. The written notice may be served personally or by certified mail, return receipt requested, mailed to the Prospective Bidder's last known mailing address.

(f) Within thirty (30) days after the hearing, the Commissioner shall issue a Final Decision and shall cause a copy of this recommendation to be served upon the Prospective Bidder, which may be served personally or by certified mail, return receipt requested, mailed to the Prospective Bidder's last known mailing address. In the event the Commissioner determines that there is cause for suspension or

revocation, the Commissioner shall direct the Prequalification Committee either to revoke the Contractor's Certificate of Qualification or Subcontractor's Certificate of Registration or to suspend the Certificate of Qualification or Certificate of Registration for a period of no less than thirty (30) days and no more than five (5) years.

(g) An appeal from the Final Decision of the Commissioner is directly appealable to the Superior Court.

(3) For a false, deceptive or fraudulent statement made in the course of any hearing with the Commissioner, the Commissioner will have the power to immediately permanently revoke the Contractor's Certificate of Qualification or Subcontractor's Certificate of Registration or to suspend such Certificate of Qualification or Certificate of Registration for a period of time as determined by the Commissioner. An appeal from the decision of the Commissioner is directly appealable to the Superior Court.

Cite as Ga. Comp. R. & Regs. R. 672-5-.14
Authority: O.C.G.A. §§ 32-2-2, 32-2-66, 50-13-4.
History. Original Rule entitled "False Statements in Application or at Hearing" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Repealed: New Rule same title adopted. F. Sept. 15, 1986; eff. Oct. 5, 1986.
Repealed: New Rule, same title adopted. F. Oct. 23, 2000; eff. Nov. 12, 2000.
Amended: New title "False, Deceptive, or Fraudulent Statement(s) in Application or at Hearing." F. May 1, 2018; eff. May 21, 2018.

Rule 672-5-.15. Suspension or Revocation of Certificate of Qualification or Certificate of Registration.

(1) The Department may suspend for a specified period of time, or revoke for good cause, any Contractor's Certificate of Qualification or Subcontractor's Certificate of Registration. Any Contractor whose Certificate of Qualification or Subcontractor whose Certificate of Registration has been suspended or revoked for good cause will not be permitted to submit bid proposals or subcontract to perform work on any Department contracts, regardless of the dollar amount of the bid during the period of suspension or revocation. Good cause shall include but not be limited to the following:

(a) Failure or refusal to comply with Rule 672-5-.16, Rule 672-5-.04(3), 672-5-.11(2), or any other rule set forth herein.

(b) Failure, due to the fault of the Contractor, to carry out any contract awarded by the Department;

(c) Default on any contract awarded by the Department;

(d) Falling more than fifteen percent (15%) behind schedule, due to the fault of the Contractor, on two (2) or more projects under contract excluding resurfacing projects;

(e) Conviction or entry of a plea of guilty, nolo contendere, or first offender treatment, by persons who are principles, owners, or partners with the Contractor or Subcontractor, for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of the contract or subcontract, or for conspiracy, contract or combination in restraint of trade or of free and open competition in any transaction with a state, the United States, or any state or federal agency or instrumentality or political subdivision thereof;

(f) Conviction or entry of a plea of guilty, nolo contendere, or first offender treatment, by persons who are principles, owners, or partners with the Contractor or Subcontractor under State or Federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a State contractor as determined by the Department;

(g) Conviction or entry of a plea of guilty, nolo contendere, or first offender treatment, by persons who are principles, owners, or partners with the Contractor or Subcontractor under State or Federal antitrust statutes arising out of the submission of bids or proposals;

(h) Any other cause so serious and compelling as to affect the present responsibility of the Contractor or Subcontractor, including a suspension or debarment by another state or federal governmental entity;

(i) Any violation of the conflict of interest provisions of O.C.G.A. Sections 45-10-20 through 45-10-28;

(j) Failure to comply with any Federal regulation(s); and

(k) In the absence of Department approval, the failure of the Contractor to make payments to subcontractor(s) or supplier(s) in contravention of contractual and/or statutory requirements, or a pattern or practice of making late payments to subcontractor(s) or supplier(s) in contravention of contractual and/or statutory requirements, when such payments are not withheld in response to subcontractor or supplier performance disputes or issues.

(2) The following process will apply when the Prequalification Committee receives information to give it reasonable cause to believe that there is good cause for suspension or revocation:

(a) The Prequalification Committee shall make a recommendation to the Board of Review for action to be taken against the Contractor or Subcontractor. The Prequalification Committee shall cause a copy of this recommendation to be served upon the Contractor or Subcontractor, which may be served personally or by certified mail, return receipt requested, mailed to the Contractor's or Subcontractor's last known mailing address.

(b) The Contractor or Subcontractor may request an informal hearing in writing within ten (10) days of receipt of the recommendation of the Prequalification Committee. The informal hearing will be before the Board of Review. The purpose of this informal hearing is to provide an opportunity for the Contractor or Subcontractor to respond to the findings of the Prequalification Committee before formal action is taken. At this informal hearing, neither the Department nor the Contractor or Subcontractor shall be represented by an attorney nor be allowed to present witnesses. Documentary evidence may be presented by the Department or Contractor or Subcontractor. Failure to request a formal hearing within ten (10) days after receipt of recommendation from the Prequalification Committee shall act as a waiver of the Contractor's or Subcontractor's further appeal rights.

(c) If a request for an informal hearing is received timely from the Contractor or Subcontractor, the Board of Review shall set a date and time for an informal hearing to be held in the matter, and shall issue a written notice of the informal hearing to the Contractor or Subcontractor. The written notice of the informal hearing shall inform the Contractor or Subcontractor of the charges against it and of the date and time of the informal hearing. The written notice may be served personally or by certified mail, return receipt requested, mailed to the Contractor's or Subcontractor's last known mailing address.

(d) Within fourteen (14) days after the conclusion of the informal hearing, the Board of Review shall render a written Preliminary Decision. The Board of Review shall cause a copy of this Preliminary Decision to be served upon the Contractor or Subcontractor, which may be served personally or by certified mail, return receipt requested, mailed to the Contractor's or Subcontractor's last known mailing address. Within fourteen (14) days of receipt of the Preliminary Decision, the Contractor or Subcontractor may request a formal hearing with the Commissioner. Failure to request a formal hearing within fourteen (14) days after receipt of the Preliminary Decision shall act as waiver of any additional appeal rights of the Contractor or Subcontractor and the Preliminary Decision of the Board of Review shall become the Final Decision.

(e) In the event that a formal hearing has been requested by the Bidder, the Commissioner shall set a date and time for a hearing to be held in the matter, and shall issue a written notice of the hearing to the Contractor or Subcontractor. The written notice of the hearing shall inform the Contractor or Subcontractor of the charges against it, of the date and time of the hearing, and of its right to attend, to

be represented by counsel, to cross-examine witnesses against it, and to respond and present evidence on all issues. The written notice may be served personally or by certified mail, return receipt requested, mailed to the Contractor's or Subcontractor's last known mailing address.

(f) Within thirty (30) days after the hearing, the Commissioner shall issue a Final Decision and shall cause a copy of this recommendation to be served upon the Contractor or Subcontractor, which may be served personally or by certified mail, return receipt requested, mailed to the Contractor's or Subcontractor's last known mailing address. In the event the Commissioner determines that there is good cause for suspension or revocation, the Commissioner shall direct the Prequalification Committee either to revoke the Contractor's Certificate of Qualification or Subcontractor's Certificate of Registration or to suspend it for a period of no less than thirty (30) days and no more than five (5) years.

(g) An appeal from the Final Decision of the Commissioner is directly appealable to the Superior Court.

(3) The suspension or revocation of the Contractor's Certificate of Qualification or Subcontractor's Certificate of Registration shall not affect obligations under any pre-existing contracts except as may be amended by the parties.

(4) In the event a successful bidder refuses or fails to execute and return the contract and forfeits the bid bond, the Prequalification Committee will evaluate the circumstances and is authorized to disqualify the bidder for submitting a bid on the same project if it is reoffered for bids.

Cite as Ga. Comp. R. & Regs. R. 672-5-.15
Authority: O.C.G.A. §§ 32-2-2, 32-2-66, 50-13-4.
History. Original Rule entitled "Revocation of Certificate of Qualification" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Repealed: New Rule entitled "Revocation of Certificate of Qualification or Certificate of Registration" adopted. F. Dec. 22, 1976; eff. Jan. 11, 1977.
Repealed: New Rule, same title adopted. F. Oct. 23, 2000; eff. Nov. 12, 2000.
Repealed: New Rule entitled "Suspension or Revocation of Certificate of Qualification or Certificate of Registration" adopted. F. Nov. 20, 2006; eff. Dec. 10, 2006.
Amended: F. May 1, 2018; eff. May 21, 2018.

Rule 672-5-.16. Conduct in Bidding Department Contracts or Submitting Quotes to Bidders on Department Contracts.

Contractors who submit bids to the Department of Transportation or Subcontractors who submit quotes on subcontract work to other Contractors who are bidders on Department contracts shall be governed according to the following:

(a) Contractors and Subcontractors shall conduct their business in Georgia strictly in accordance with the laws of the State of Georgia, and of the United States, and with the lawfully promulgated regulations of the Department.

(b) Contractors and Subcontractors shall:

1. Bid or quote competitively without regard to any artificial territories or boundaries created or designated by agreement with any other potential Contractor or Subcontractor.

2. Not seek or obtain, directly or indirectly, from any other potential Contractor or Subcontractor, a deliberately higher, noncompetitive bid or quote than its bid or quote.

3. Not agree with any other potential Contractor or Subcontractor, directly or indirectly, to submit a bid or quote deliberately higher than the bid or quote submitted by any other potential Contractor or Subcontractor.

4. Not seek or obtain, directly or indirectly, from any other potential Contractor or Subcontractor, an agreement not to submit a bid or quote.

5. Not seek to prevent or discourage anyone, through threats or intimidation, implied or direct, from submitting a bid or quote.

6. Not seek or engage in an agreement, directly or indirectly, with any other potential Contractor or Subcontractor, to allocate any contract or subcontract to its firm or any other firm.

7. Not engage in any of the acts or practices commonly known as "Complimentary Bidding" on a contract or subcontract.

8. Not protect the low bidder on an unawarded contract upon rebid of that contract.

9. Not contact, either directly or indirectly, other potential competing Contractors or Subcontractors to determine if that Contractor or Subcontractor is, or is not, going to bid or quote on a contract or subcontract on which you are bidding or quoting. Neither Subcontractors nor material suppliers shall provide to prime Contractors any information relating to their quotes to any other prime Contractor. This Rule does not apply to discussions among participants of joint bids.

(c) A showing of a violation of any of the foregoing Subsections (b)1.-9. shall constitute evidence of unacceptable behavior by a Contractor or Subcontractor and the Prequalification Committee shall be authorized to revoke the certificate of qualification or certification of registration under Rule 672-5-.15. Subsections (b)1.-9. above, shall not be construed to restrict (1) legitimate and lawful joint bids, or (2) the giving or receiving of legitimate quotes to perform subcontract work.

Cite as Ga. Comp. R. & Regs. R. 672-5-.16
Authority: O.C.G.A. §§ 32-2-2, 32-2-66, 50-13-4.
History. Original Rule entitled "Suspension of Certificate of Qualification" adopted. F. Aug. 9, 1973; eff. Aug. 29, 1973.
Amended: ER 672-5-0.6-.16 adopted. F. and eff. June 13, 1979, the date of adoption.
Amended: Permanent Rule adopted. F. Sept. 20, 1979; eff. Oct. 10, 1979.
Amended: F. Mar. 19, 1980; eff. Apr. 8, 1980.
Amended: ER 672-5-0.12-.16 adopted. F. May 20, 1980; eff. May 15, 1980, the date of adoption.
Amended: Permanent Rule adopted. F. July 24, 1980; eff. August 13, 1980.
Amended: ER 672-5-0.13-.16 adopted. F. Jan. 20, 1981; eff. Jan. 15, 1981, the date of adoption.
Amended: Permanent Rule adopted. F. Apr. 22, 1981; eff. May 12, 1981.
Amended: ER 672-5-.0.14-.16 adopted. F. July 20, 1981; eff. July 16, 1981 the date of adoption.
Amended: ER 672-5-0.15-.16 filed Aug. 25, 1981; eff. Aug. 20, 1981, the date of adoption.
Amended: Permanent Rule adopted. F. Nov. 18, 1981; eff. Dec. 8, 1981.
Amended: F. Mar. 2, 1982; eff. Mar. 22, 1982.
Amended: ER 672-5-0.17-.16 was filed Aug. 20, 1982; eff. Aug. 19, 1982, the date of adoption.
Amended: F. Oct. 14, 1982; eff. Nov. 3, 1982.
Repealed: New Rule entitled "Suspension or Revocation of Certificate of Qualification or Certificate of Registration" adopted. F. Sept. 15, 1986; eff. Oct. 5, 1986.
Repealed: New Rule, same title, adopted. F. Oct. 23, 2000; eff. Nov. 12, 2000.
Repealed: New Rule entitled "Conduct in Bidding Department Contracts or Submitting Quotes to Bidders on Department Contracts" adopted. F. Nov. 20, 2006; eff. Dec. 10, 2006.
Amended: F. May 1, 2018; eff. May 21, 2018.

Rule 672-5-.17. Reserved.

Cite as Ga. Comp. R. & Regs. R. 672-5-.17
Authority: O.C.G.A. Secs. 32-2-2, 32-2-66, 32-6-28, 50-13-4.
History. Original Rule entitled "Conduct in Bidding Department Contracts or Submitting Quotes to Bidders on Department Contracts" adopted as ER 672-5-0.22-.17. F. Mar. 25, 1985; eff. Mar. 21, 1985, the date of adoption.
Amended: Permanent Rule of same title adopted. F. June 26, 1985; eff. July 16, 1985.
Amended: F. Dec. 20, 1985; eff. Jan. 9, 1986.
Repealed: New Rule, same title adopted. F. Oct. 23, 2000; eff. Nov. 12, 2000.
Repealed: New Rule of same title adopted. F. Oct. 23, 2000; eff. Nov. 12, 2000.
Repealed: Rule reserved. F. Nov. 20, 2006; eff. Dec. 10, 2006.

Chapter 672-6. GRANTING, RENEWAL, AND REVOCATION OF PERMITS FOR OUTDOOR ADVERTISING.

Rule 672-6-.01. Definitions.

The following terms, as used in the Rules of this Chapter, shall have the following meanings unless the context thereof indicates to the contrary:

(a) "Abandoned" or "Discontinued": Any sign adjacent to a state-controlled route that has not contained a message for six consecutive months and which has not had a message

displayed within thirty (30) days after receipt of notice by certified mail from the department. The addition of a 'for rent' panel or a phone number shall not qualify as a message for purposes of this subsection, but a self promotional copy covering at least one entire sign face, advertising copy benefitting charitable, nonprofit, religious, or other noncommercial groups shall qualify as a message.

(b) "Agent": A person properly authorized in writing to represent and bind another.

(c) "Administrative Law Judge": An individual who is authorized to hear administrative appeals in contested cases as provided for in O.C.G.A. § 50-13-41(a).

(d) "Board": The State Transportation Board of Georgia.

(e) "Comprehensive Zoning Plan": Means a zoning plan or ordinance adopted by either a city or a county in accordance with the Georgia Zoning Procedures Law O.C.G.A. § 36-66-1*et seq.*A Comprehensive Zoning Plan shall be reviewed and accepted by the Board for outdoor advertising purposes if it, (1) effectively zones the entire city or county and, (2) does not utilize strip or spot zoning. For Outdoor Advertising purposes only, if the zoning of jurisdiction is not approved by the State Transportation Board the Department may treat the jurisdiction as unzoned until such time that said zoning is approved as being acceptable for Outdoor Advertising purposes.

(f) "Conforming Sign": Those signs defined by O.C.G.A. §§ 32-6-72(1),(4),(5), and 32-6-73(1).

(g) "Controlled Routes": The primary system as defined by O.C.G.A. § 32-6-71(16).

(h) "Department": The Department of Transportation of the State of Georgia.

(i) "Destroy" or "Destroyed": An act which renders the sign useless for its intended purpose, though it may not literally demolish or annihilate the sign. A sign is destroyed when it is no longer in existence due to factors other than vandalism or other criminal or tortuous act. A sign is destroyed when sixty percent (60%) or more of the upright supports of a sign structure are physically damaged such that normal repair practices would call for: in the case of wooden or metal I-beam sign structures, replacement of the broken supports; or, in the case of metal sign structures, replacement of at least thirty percent (30%) of the length above ground of each broken, bent, or twisted support.

(j) "Display" or "Face": That portion or side of an outdoor advertising sign which is designed, intended or is used to advertise or inform. In the event that a sign facing consists of two or more separate but physically connected slats or similar devices which are designed, intended, or used to advertise or inform, then each such separate device shall be considered a separate display or face. An owner identification placard shall not be considered a portion of the display or face. A changeable panel or readerboard, with the ability to change information shall be considered a part of the display only if it references the static advertisement on the board, changes no more often than once per minute and encompasses no more than twenty-five percent (25%) of the display area.

(k) "Engineer": The Chief Engineer, acting directly or through a duly authorized representative, such representative acting within the scope of the particular duties assigned to him and within the authority given him.

(l) "Expired" or "Lapsed" Permits or Revisions: Is a properly issued permit or revision which is no longer valid because it's conditions have not been completed or revised within the applicable time frame. This includes failure to pay any applicable fees. Permits which have expired solely as a result of failure to pay fees may be referred to as lapsed for purposes of O.C.G.A. § 32-6-75.3(j) and State Transportation Board Rules 672-14-.02.

(m) "Facing": Either side of an outdoor advertising sign.

(n) "General Office": Georgia Department of Transportation, 600 West Peachtree Street, N.W., Atlanta, GA 30308.

(o) "Illegal Sign": Those signs defined by O.C.G.A. § 32-6-71(6).

(p) "Interchange": Any entry or exit point from the main travelled way of a limited access highway.

(q) "Lease" or "Outdoor Advertising Lease": A written agreement between the property owner and sign company to allow the erection and maintenance of a sign.

(r) "Mixed Use Zoning": Property zoned mixed use pursuant to state or local zoning laws or ordinances as a part of a comprehensive zoning plan. The Department may consider this type of zoning acceptable for outdoor advertising purposes only if the property in the vicinity of the location under consideration is primarily commercial or industrial.

(s) "On Site" or "On Premise" Sign: Those signs authorized by O.C.G.A. §§ 32-6-72(3) and 32-6-73(3).

(t) "Primary Use": Is a determination by the Department for the purpose of evaluating applications for outdoor advertising permits. For a permit to be issued in a zoned commercial or industrial area, the primary use of the property must be determined to be consistent with its commercial or industrial zoning. Factors to be considered include, but are not limited to: the expressed reasons for the zoning designation/change, the zoning of the surrounding area, the actual land uses nearby, the existence of development and construction plans, certified by a licensed professional engineer, for commercial or industrial development scheduled to begin within two years, the assessment of real estate taxes at commercial/industrial rates, the presence of utilities such as water, electricity, and sewage, the existence of access roads or dedicated access to the newly zoned area, and the existence of commercial or industrial activities which, if unzoned, would qualify an area as an unzoned commercial or industrial area under 672-6-.01(y). No one of the above factors is determinative.

(u) "Property Owner": The owner of the land on which outdoor advertising authorized by the Georgia Code of Public Transportation, is sought to be erected or maintained.

(v) "Residence Owner": The owner of a residence within three hundred (300) feet of the existing or proposed location of outdoor advertising authorized by O.C.G.A. §§ 32-6-72(1),(4),(5), and 32-6-73(1). For the purpose of these Rules,"residence" shall mean a building or structure in which one or more persons actually maintain living quarters although it may be temporarily vacant and said premises are used primarily for residential purposes.

(w) "Spot Zoning": The process of designating a small parcel, or portion of a parcel of land for a use classification different from and less restrictive than that of the surrounding area to qualify for purposes either implied or expressed, the parcel for Outdoor Advertising permits, which proposed classification is made without any consideration overall of the neighboring land use.

(x) "Strip Zoning": The process of designating a narrow strip of land no more than 250 feet wide, measured perpendicular to the right of way, consisting of either a single parcel or contiguous parcels, for a use classification different from and less restrictive than that of the surrounding area which proposed classification is made without any consideration overall of the neighboring land use character.

(y) "Unzoned Commercial or Industrial Areas": For purposes of outdoor advertising, those areas or districts as defined in O.C.G.A. § 32-6-71(25). Additionally, one or more commercial or industrial activities must meet the following criteria before an outdoor advertising permit application will be granted:

1. The activity shall maintain all necessary business licenses as required by applicable state, county or local law or ordinances;

2. The activity shall have direct vehicular access from a public road that is normal and customary for ingress and egress by the public to the activity as well as adequate parking to accommodate public access;

3. If there is a permanent structure, the activity shall include customary facilities such as indoor restrooms, running water, functioning electrical connections, and adequate heating and shall be equipped with a permanent flooring from material other than dirt, gravel or sand;

4. The activity, if open to the public, shall be open during hours that are normal and customary for that type activity in the same or similar communities; and

5. If there is a permanent structure or building, it shall have a permanent foundation, built or modified for its current commercial or industrial use, and the building must be located within 660 feet from the nearest edge of the right-of-way of the controlled route. Where a mobile home or recreational vehicle is used as a business or office, the following conditions and requirements shall also apply:

    a. A self-propelled vehicle shall not qualify for use as a business or office for the purposes of these rules.

b. All wheels, axles and springs shall be removed.

c. The vehicle shall be permanently secured on piers, pad or foundation.

Provided, however none of the following, but not limited to the following, shall be considered commercial or industrial activities for the purpose of outdoor advertising:

1. outdoor advertising structures;
2. agricultural, forestry, ranching, grazing, farming and related activities, including but not limited to wayside fresh produce stands;
3. transient or temporary businesses and activities, including weekend or seasonal flea markets without permanent structures. All businesses and activities that qualify must be established at least 90 days before the location is eligible;
4. activities not visible from the main traveled way;
5. activities more than 660 feet from the nearest edge of the right-of-way;
6. activities conducted in a building principally used as a residence; and
7. railroad tracks, minor sidings, cell towers, and other utility facilities.

(z) "Urban Areas": The area within the incorporated boundaries of a municipality having a population of 5,000 or more or an adjacent area within the latest boundaries designated and fixed by the outdoor advertising urban area boundary maps on file in the Atlanta Office of the Department of Transportation and more specifically defined by O.C.G.A. § 32-6-71(26).

(aa) "Zoned Commercial or Industrial Areas": Those areas or districts as defined in O.C.G.A. § 32-6-71(29), under a comprehensive zoning plan approved by the State Transportation Board. Additionally, the primary use of the area or district must be consistent with its zoning designation. A Planned Unit Development (PUD) plan which has not been approved by the local government shall not be considered zoning.

Cite as Ga. Comp. R. & Regs. R. 672-6-.01
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. . Original Rule entitled "Definitions" adopted. F. Dec. 2, 1976; eff. Dec. 22, 1976.
Repealed: New Rule of same title adopted. F. Sept. 24, 1980; eff. Oct. 14, 1980.
Amended: F. Sept. 15, 1988; eff. Oct. 5, 1988.
Repealed: New Rule of same title adopted. F. Feb. 22, 2005; eff. Mar. 14, 2005.
Amended: F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-6-.01A. Outdoor Advertising Permit Fees.

The Department shall publish a "Schedule of Outdoor Advertising Fees" on the Department website.

Cite as Ga. Comp. R. & Regs. R. 672-6-.01A
History. Original Rule entitled "Outdoor Advertising Permit Fees" adopted. F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-6-.02. Forms.

All forms referred to in these Rules may be obtained from the Georgia Department of Transportation by accessing the address of the Outdoor Advertising Unit on the Department's official webpage.

Cite as Ga. Comp. R. & Regs. R. 672-6-.02
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Forms" adopted. F. Dec. 2, 1976; eff. Dec. 22, 1976.
Repealed: New Rule of same title adopted. F. Sept. 24, 1980; eff. Oct. 14, 1980.
Repealed: New Rule of same title adopted. F. Feb. 22, 2005; eff. Mar. 14, 2005.

Rule 672-6-.03. Requirement of a Permit.

(1) Signs Requiring a Permit:

(a) Conforming Signs. The following are required to obtain a permit prior to the construction or erection of a sign, and for the continued maintenance of signs authorized by O.C.G.A. §§ 32-6-72(1),(4),(5), and 32-6-73(1):

1. Signs within 660 feet of the nearest edge of the right of way of all controlled routes and visible from the main traveled way which are:

(i) Directional and other official signs and notices as defined by O.C.G.A. § 32-7-71(2) and (13);

(ii) Outdoor Advertising signs in zoned commercial or industrial areas which provide information in the specific interest of the traveling public;

(iii) Outdoor Advertising signs in unzoned commercial or industrial areas which provide information in the specific interest to the traveling public.

2. Signs beyond 660 feet from the nearest edge of right-of-way of all controlled routes and visible from the main traveled way outside of urban areas, and are:

(i) Directional and other official signs and notices as defined by O.C.G.A. § 32-6-71(2) and (13).

(b) Nonconforming Signs. Signs which were lawfully erected but do not comply with the provisions of State law or regulations due to changes in State law, changes in rules and regulations or changed conditions beyond the control of the sign owner since the erection date of the sign are required to obtain a permit for their continued maintenance. For all such signs, on or after March 24, 1980, an application for a nonconforming permit must be filed with the Georgia Department of Transportation in accordance with O.C.G.A. § 32-6-79(e).

(c) Routes Added to Controlled System. Signs that were erected on roads or highways on routes which were subsequently added to the primary system are required to file an application for a permit within sixty (60) days of written notification by the Department. In such instances, those signs that meet the requirements for a conforming sign will be issued a conforming permit. All other signs will be issued nonconforming permits.

(d) No permitted sign may imitate or give the appearance of an "official" highway sign.

(2) Signs that do not require a Georgia Department of Transportation permit:

(a) Signs authorized by O.C.G.A. §§ 32-6-72(2) and 32-6-73(2), which advertise the sale or lease of the property upon which they are located; provided that the message only consist of "This Property For Sale" or some facsimile thereto; phone number and address of the seller or renter. The name or logo of the agent, seller or renter may be displayed but must comprise an area no greater than 25% of the total area of the sign. Signs advertising vacant land or commercial properties must include a plat or brief description of the property.

(b) Signs authorized by O.C.G.A. §§ 32-6-72(3) and 32-6-73(3), provided that all signs as defined by such provisions, meet the following criteria:

1. The sign must be located within one hundred (100) feet of the activity advertised by the sign. The distance from the sign to the activity shall be measured by the shortest straight line distance from the sign to the nearest regularly used building, parking lot, driveway, storage or processing area, or other area physically used in a manner necessary to, or customarily incident to, the activity and contiguous to the activity;

2. The following will not be considered as use of an area in a manner necessary to, or customarily incident to, the activity:

(i) Any activity unrelated to the advertised activity;

(ii) Any activity which, although carried on as a part of the advertised activity, serves no reasonable or integrated purpose to the activity;

(iii) Any activity which could reasonably be conducted within a reasonable proximity to the advertised activity but which is separated by some distance, especially where such activity is located at or near the end of a narrow strip of land contiguous to the highway right-of-way; and

(iv) Narrow strips of landscaped area along the highway right-of-way.

3. The sign must be on the same property on which the advertised activity is located. The following will not be considered to be the same property:

(i) Tracts of land held in different estates or interests;

(ii) Tracts of land separated by a public road, a railroad, or a river; and

(iii) Tracts of land not under common ownership.

4. The word "activity" for the purpose of this part shall be defined as the name of the place of business or attraction and may include a description of the goods or services that are available at that location by name.

(c) Signs beyond 660 feet from the nearest edge of the rights-of-way on all controlled routes which are also inside of urban areas.

Cite as Ga. Comp. R. & Regs. R. 672-6-.03
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Requirement of a Permit" adopted. F. Dec. 2, 1976; eff. Dec. 22, 1976.
Repealed: New Rule of same title adopted. F. Sept. 24, 1980; eff. Oct. 14, 1980.
Amended: F. Dec. 4, 1986; eff. Dec. 24, 1986.
Amended: F. July 15, 1988; eff. August 4, 1988.
Amended: F. Sept. 15, 1988; eff. Oct. 5, 1988.
Repealed: New Rule of same title adopted. F. Feb. 22, 2005; eff. Mar. 14, 2005.
Amended: F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-6-.04. Application for a Permit.

(1) Necessary forms and general information can be obtained at the General Office or a District Office of the Department. Three forms are required, a copy of your W-9, an Application for Outdoor Advertising and a Local Government Certification for Outdoor

Advertising. The forms require the following information in addition to the information specified by O.C.G.A. § 32-6-74:

(a) The description of the location of the outdoor advertising sign including, but not limited to, the GPS coordinates.

(b) A description, including the proposed or actual size, type of construction and height above ground level and above the pavement level of the nearest lane of the main traveled way of the outdoor advertising sign; A shop drawing of the sign to be placed indicating the plan, elevation, and side views of the sign. Approximate sign elevation above the nearest edge of the roadway and location from property line. Sign configuration and face sizes.

(c) The name, address, telephone number, and email address of the applicant. The name, address, and telephone number of the landowner.

(d) A sketch identifying the sign location along the state route by mile post and/or distance to nearest intersecting road or permanent roadway feature.

(e) Evidence satisfactory to the Department of the property owners' consent to the erection and maintenance of the outdoor advertising sign and including a right of entry for the Department, or its agent or contractor or assignee, to inspect or carry out any lawful order or activity relating to the outdoor advertising sign. A lease submitted to the Department in accordance with this Section shall contain language to the effect of such a Right of Entry in favor of the Georgia Department of Transportation. In the absence thereof, the property owner, its agent or a Lessee appointed as agent by the property owner, shall execute any and all necessary forms to effectuate a Right of Entry in compliance with this Section as required by the Georgia Department of Transportation;

(f) A completed local government certification by the Public Official having jurisdiction over such matters that the proposed structure is located in an area appropriate for such construction under local laws, ordinances or regulations, if locally regulated, or that the jurisdiction has no such controls;

(g) A statement by the applicant that he will comply with O.C.G.A. §§ 32-6-70 through 32-6-97;

(h) Any other relevant information reasonably necessary for the Department to evaluate the application; and

(i) Required application fees in the Schedule of Outdoor Advertising Fees as found on the Department website.

(2) Where to file: Applications and the renewal of same are to be submitted to the Outdoor Advertising Unit. General Information and necessary forms may be obtained online through the Department's official webpage or at a District Office by accessing the

addresses of the Outdoor Advertising Unit on the Department's official webpage. However, no field checks or preliminary qualification of a sign or proposed site will be performed by the Department until a complete application package and fee have been submitted.

Cite as Ga. Comp. R. & Regs. R. 672-6-.04
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Application for a Permit" adopted. F. Dec. 2, 1976; eff. Dec. 22, 1976.
Repealed: New Rule of same title adopted. F. Sept. 24, 1980; eff. Oct. 14, 1980.
Repealed: New Rule of same title adopted. F. Dec. 4, 1986; eff. Dec. 24, 1986.
Repealed: New Rule of same title adopted. F. July 15, 1988; eff. August 4, 1988.
Repealed: New Rule of same title adopted. F. Feb. 22, 2005; eff. Mar. 14, 2005.
Amended: F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-6-.05. Conditions for Issuance of Approved Permit.

(1) An applicant agrees that an approved permit is subject to the following conditions:

(a) Signs shall be erected, maintained and operational within 12 months of issuance of the permit or prior to the expiration of any extension granted in accordance with O.C.G.A. § 32-6 74.

(b) The permit holder shall provide notice of completion to the Department within ten (10) days of completion of construction or revision of a permitted sign, including revisions made under O.C.G.A. § 32-6-75(c). The notice shall include an electronic photograph of the sign as viewed from the main travelled way of the roadway from which the sign is permitted, and an electronic photograph showing the permit identification tag and where it is affixed to the structure.

(c) Maintenance of Illegal Signs. Pursuant to O.C.G.A. § 32-6-79(f), the Department has the right to refuse to issue a permit to any person, firm or corporation whom the Department determines is maintaining or is allowing to be maintained an illegal sign or signs as defined by O.C.G.A. § 32-6-71(6);

(d) Liability of the Department, its officials, agents or employees. Any permit issued by the Department is subject to the following conditions: The applicant agrees by accepting any permit issued by the Department to indemnify and save harmless the Department, its officials, employees or agents, the State of Georgia and any political subdivision thereof from responsibility for any damages or liability arising from the erection or maintenance of any structure approved under the permit. Permits will only be issued to the landowner where the sign is located or someone with written proof of the landowner's consent to the erection of the sign as specified in 672-6-.04(1)(e).

(e) Conforming Signs:

1. A maximum of one outdoor advertising sign will be allowed per location and a maximum of two displays will be allowed per facing.

   (i) Outdoor advertising structures which contain more than one display and are not classified as a double-faced, back-to-back, or V-type sign shall be considered two signs. For the purposes of these Rules, the following limitations are placed on the use of the terms "single-faced","double-faced","back-to-back", and "V-type" signs:

      (A) "Single-faced signs" shall be one continuous physically connected structure constructed in a straight line with one display facing one direction of travel;

      (B) "Double-faced signs" shall be one continuous physically connected structure constructed in a straight line with two abutting displays facing one direction of travel;

      (C) "Back-to-back signs" shall be considered a single sign where two double-faced or single-faced signs or a combination thereof are placed parallel to each other facing two directions of travel and being constructed so that the signs are behind one another and that if one is smaller it shall not project laterally beyond either edge of the larger sign and being separated by no more than 15 feet, if separated;

      (D) "V-type signs" shall be considered a single sign when two double-faced or single-faced signs or a combination thereof are placed facing two directions of travel in a "V formation" with the angle formed by the intersection of each being no greater than 90 degrees and if not actually intersected, that each shall be located no further apart at their nearest points than 15 feet.

2. Permit identification tag. A permit identification tag shall be attached to the sign support nearest to the main traveled way before attachment of any outdoor advertising display and must be visible from the main traveled way.

3. Spacing requirements. A sign may not be so located that when considered in light of any permit previously granted to the applicant or any other person, the spacing requirements, set forth in O.C.G.A. §§ 32-6-75 and 32-6-76, would be violated. The following methods of measurement will be used by the Department:

   (i) Sign Spacing. The minimum distances between sign structures shall be measured along the nearest edge of pavement between points

directly opposite the closest points of the signs as applied to sign structures located on the same side of the highway;

(ii) Interchange Spacing. If the sign is located outside of the corporate limits of a municipality and adjacent to an interstate highway within 500 feet of an interchange, intersection at grade, or safety rest area, the foregoing 500 foot zone shall be measured along the interstate highway from the furthermost point at which the pavement commences or ceases on either side to widen at exits from or entrances to the main traveled way;

(iii) All spacing measurements shall be measured perpendicular to and along the nearest edge of the pavement;

(iv) The following signs within controlled areas are not counted when determining spacing requirements:

(A) Official signs and notices, public utility signs, service club and religious notices and public utility signs as defined by O.C.G.A. § 32-6-71(13),(18),(19), and (22);

(B) Signs advertising the sale or lease of the property upon which they are located;

(C) "On premise" signs as defined herein;

(D) "Illegal signs" as defined by O.C.G.A. § 32-6-71(6), except illegal signs on the same property, or other property owned by the applicant or landowner for which application is being made for a permit for a sign;

(f) Nonconforming Signs:

1. The following restrictions are placed on the maintenance of any nonconforming sign:

(i) There must be existing property rights in the sign;

(ii) The right to continue a nonconforming sign is confined to the sign owner or his transferee;

(iii) A nonconforming sign removed for any reason may be moved to a conforming area, but cannot be reestablished at a new location as a nonconforming use.

(iv) Routine maintenance may be performed, but the sign must remain substantially the same as it was on the effective date of the State law or regulations which rendered the sign nonconforming. Extension, enlargement, replacement, rebuilding, adding lights either to the sign or in any manner which results in the illumination of a sign that did not previously have lights, or re-erection of a fallen or damaged face, or rebuilding or replacement of the foundation or poles are not routine maintenance and shall be considered a substantial change. Routine maintenance will be limited to:

(A) replacement of nuts and bolts;

(B) additional nailing, riveting or welding;

(C) cleaning and painting;

(D) manipulating the level or plumb of the device, but not to the extent of adding guys, struts for stabilization of the sign structure; and

(E) a change of the advertising message, including changing the faces, as long as similar materials are used and the sign face is not enlarged.

(v) At no time may changes be made in a nonconforming sign which would increase the value of the sign;

(vi) A nonconforming sign may continue as long as it is not abandoned, destroyed, discontinued, or purchased by any governmental agency. Any sign suffering damage in excess of normal wear may be repaired after:

(A) notifying the Department in writing of the extent of the damage, the reason the damage is in excess of normal wear, and providing a description of the repair work to be undertaken; and

(B) receiving written notice from the Department authorizing the repair work as described above. If said work authorization is granted, it shall be mailed to the applicant within 30 days of receipt of the information described in (1) above.

Cite as Ga. Comp. R. & Regs. R. 672-6-.05
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Conditions for Issuance of Approved Permit" adopted. F. Dec. 2, 1976; eff. Dec.

22, 1976.
Repealed: New Rule of same title adopted. F. Sept. 24, 1980; eff. Oct. 14, 1980.
Amended: F. Dec. 4, 1986; eff. Dec. 24, 1986.
Amended: F. July 15, 1988; eff. August 4, 1988.
Amended: F. Sept. 15, 1988; eff. Oct. 5, 1988.
Amended: F. Aug. 23, 1999; eff. Sept. 12, 1999.
Repealed: New Rule of same title adopted. F. Feb. 22, 2005; eff. Mar. 14, 2005.
Amended: F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-6-.06. Revision of a Conforming Permit.

(1) In accordance with requirements of the O.C.G.A. §§ 32-6-75 and 32-6-76, the following limited revisions may be made in a previously approved conforming permit and sign upon the submission of a written request from the permit holder or his authorized representative and receipt of the Department's approval prior to the making of the revisions, providing, no alterations or additions are to be made until written approval has been granted by the Department of Transportation:

(a) The number of faces of the outdoor advertising;

(b) The number of facings of the outdoor advertising;

(c) An increase in the size of the outdoor advertising;

(d) The addition of illumination; and

(e) The addition of a readerboard.

(2) Revisions under O.C.G.A. § 32-6-75(c) shall require an Application for Multiple Message Supplement.

(a) Signs with the ability to change copy, regardless of technology, must obtain a multiple message supplement prior to erection.

(b) Revisions in display technology must obtain a multiple message supplement approval prior to erection.

(c) Conditions for issuance of Multi-Message Outdoor Advertising Supplement:

1. Proposed sign locations, regardless of technology, shall not be located within 5,000 feet of an existing or approved multi-message sign on the same side of the road.

2. Contact information of a capable and authorized person to make prompt modifications to the displays and lighting levels should the need arise. In the event the contact person is unobtainable or unresponsive, the permit holder

grants to the Department the authority to access and disable the sign in cases of emergency or when the sign poses a threat to public safety.

3. Displays shall contain static messages only, changed instantaneously, through transitions that do not have the appearance of moving text or images. In any event, such signs may not have movement, or the appearance of or illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating or varying of light intensity.

4. Dark backgrounds with light lettering or symbols are preferred between dusk and dawn to reduce potential hazardous effects. In any event glare or excessive brightness that poses a threat to public safety is to be avoided.

5. Should the Department, at its discretion, find the sign, any display or effect thereon, to cause glare or impair the vision of the traveling public or which otherwise interferes with the operation of the roadway facility, upon request, the owner of the sign shall promptly reduce the intensity or contrast of the sign to a level acceptable to the Department, or make any other changes necessary to reduce the interference with the operation of the roadway facility. Failure to make changes on the request shall be cause for revocation of the multi-message permit.

6. Should any endangered or threatened species of wildlife be found nesting or foraging on or in close proximity to the structure, the sign face shall remain frozen until such a time as the Department, in conjunction with the sign owner and the Georgia Department of Natural Resources, Environmental Protection Division, determines the appropriate remediation to minimize potential harm from the sign or changes to the sign face.

7. Electronic signs shall, in addition to the requirements set out above, comply with the conditions for multiple message signs contained in the Official Code of Georgia annotated and any other applicable laws, rules or regulations.

(3) The sign shall be operating in accordance with the permit within twelve (12) months of approval or shall expire without further notice. The permit holder shall provide the Department notice when the sign begins operating in accordance with the multi-message supplement.

Cite as Ga. Comp. R. & Regs. R. 672-6-.06
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Revision of a Permit" adopted. F. Dec. 2, 1976; eff. Dec. 22, 1976.
Repealed: New Rule entitled "Revision of a Conforming Permit" adopted. F. Sept. 24, 1980; eff. Oct. 14, 1980.
Amended: F. Sept. 15, 1988; eff. Oct. 5, 1988.
Repealed: New Rule of same title adopted. F. Feb. 22, 2005; eff. Mar. 14, 2005.

Amended: F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-6-.07. Renewal, Initial Permit Extension and Transfer of Permits.

(1) Effective Date of Renewal- All permits shall expire on the first day of April the year following issuance and shall be renewed between January 1st and April 1st each calendar year.

(2) Renewal Notice- The Department shall furnish an itemized list of permits to the last known address of each permit holder in December of each year. Permit holders shall review the information and use the notice to update permit information and pay renewals. Permit holders shall indicate any permit not to be renewed and any unlisted permits and provide supporting documentation to the Department. as well as any discrepancies with supporting documentation to the Department. A copy of the notice with appropriate fees for each permit being renewed, the proposed removal date for any sign which permit is not being renewed, and the supporting documents for contested permits shall be submitted by April 1st. The Department shall record renewal payments and respond to any discrepancies in writing within 30 days of receipt.

Permit holders will be notified by certified mail of permits not renewed by the renewal date of April 1st. and given 45 days to renew or remove the sign. Upon expiration of the 45 day period, any sign not renewed or removed shall be deemed illegal as a matter of law and subject to removal without further administrative proceeding.

(3) Situations in which renewal will not be issued. When the conditions set forth in subsection (1) of Section 672-6-.07 of this Rule have been followed, a renewal will be issued by the Department, except when:

(a) The applicable permit identification tag issued by the Department is not attached to the sign support or is not attached in the manner prescribed herein; or

(b) The applicant's permit has been revoked by the Department pursuant to these Rules; or

(c) The permit has been issued through error and corrections have not or cannot be made by the sign owner; or

(d) The sign has been abandoned or discontinued.

(4) Transfer of Permits:

(a) Permits are transferable upon proper notice to the Department under the following conditions:

1. Notice must be given within 30 days of the change in ownership of the sign;

2. The application must be on forms prescribed by the Department and such forms shall require:

   (i) that the transferee agree to the terms and conditions of the original or revised permit or the permit in use at the time of transfer;

   (ii) a statement of the date of the transfer attested to by both seller and purchaser;

   (iii) evidence satisfactory to the Department that such transfer is acceptable to the landowner to the extent that he agrees to the continued maintenance of the sign on his property;

3. Transfers will not be made if renewal fees are not current.

(b) Penalty for Non-Compliance. Failure to timely and properly comply with this provision shall be grounds for revocation of the permit.

(5) "Initial Permit Extension" - The initial permit erection period may be extended one twelve month period as long as the application for extension and fees are received a minimum of 30 days before the expiration date. Only one extension may be granted for a permit. The permit holder may not apply for a new permit at the same location where a permit has been extended until the business day following the expiration date of any extension.

Permit extension requests may be denied including, but not limited to, the following reasons:

(a) Request not filed by the deadline; or

(b) Maintenance of an illegal sign by permit holder; or

(c) Maintenance of an unauthorized sign on permit property; and

(d) Renewals not paid.

Cite as Ga. Comp. R. & Regs. R. 672-6-.07
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Renewal of a Permit" adopted. F. Dec. 2, 1976; eff. Dec. 22, 1976.
Repealed: New Rule of same title adopted. F. Sept. 24, 1980; eff. Oct. 14, 1980.
Amended: F. Dec. 4, 1986; eff. Dec. 24, 1986.
Amended: F. July 15, 1988; eff. August 4, 1988.
Amended: F. Sept. 15, 1988; eff. Oct. 5, 1988.
Repealed: New Rule of same title adopted. F. Feb. 22, 2005; eff. Mar. 14, 2005.
Amended: Rule amended with new title "Renewal, Initial Permit Extension and Transfer of Permits" F. Mar. 19,

2012; eff. Apr. 8, 2012.

Rule 672-6-.08. Revocation or Expiration of a Permit.

(1) If the Department believes that a permit holder has violated the conditions or certifications of his permit, the Department shall give thirty (30) days written notice by certified mail to the permit holder notifying him of said violation or violations. The notice shall contain the following information:

(a) Permit Number;

(b) Location and Description of Sign;

(c) The section or sections of the Official Code of Georgia Annotated or these Rules which are being violated.

(2) A Permit or renewal thereof may be revoked when:

(a) Vegetation has been poisoned, cut, or otherwise unlawfully destroyed on state rights-of-way at the sign location by or at the direction of the sign owner or the landowner;

(b) A permit has been issued in error;

(c) A renewal has been issued in error;

(d) The revision of a permit has not been completed in accordance with Section 672-6-.06 or an approved revision has been abandoned;

(e) The permit holder has violated any section of these rules and regulations or the O.C.G.A. §§ 32-6-70 through 32-6-97; and

(f) The sign has not had any advertising message for a period of 12 months.

(3) Permits shall expire for the following reasons:

(a) Failure to erect and operate the sign within twelve (12) months of the issuance of the permit or within the term of an approved supplement;

(b) An approved revision has not been completed or is not operating within twelve (12) months; and

(c) Failure to pay renewal fees within the time allotted under O.C.G.A § 32-6-74 and 672-6-07.

Cite as Ga. Comp. R. & Regs. R. 672-6-.08
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.

History. Original Rule entitled "Invalid or Revocation of a Permit" adopted. F. Dec. 2, 1976; eff. Dec. 22, 1976.
Repealed: New Rule of same title adopted. F. Sept. 24, 1980; eff. Oct. 14, 1980.
Amended: F. Dec. 4, 1986; eff. Dec. 24, 1986.
Amended: F. July 15, 1988; eff. August 4, 1988.
Amended: F. Sept. 15, 1988; eff. Oct. 5, 1988.
Repealed: New Rule of same title adopted. F. Feb. 22, 2005; eff. Mar. 14, 2005.
Amended: Rule amended with new title "Revocation or Expiration of a Permit." F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-6-.09. Appeals.

An appeal from an adverse action by the Department may be made under the practices and procedures set forth in Rule 672-1-.05, Rules of the Georgia Department of Transportation, as long as the appeal is filed within 30 days following the Notice by the Department.

Should a permit holder fail to request an Administrative hearing in accordance with 672-1-.05 prior to the expiration of the thirty (30) days following the Notice of Violation, the permit shall be revoked without further notice or hearing, the sign deemed illegal, and the Department shall be permitted to have the sign removed in accordance with O.C.G.A. § 32-6-96.

Cite as Ga. Comp. R. & Regs. R. 672-6-.09
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Appeals" adopted. F. Dec. 2, 1976; eff. Dec. 22, 1976.
Amended: ER. 672-6-0.10-.09 entitled "Illegal Signs Grounds for Denial of Permit" adopted. F. Jan. 18, 1980; eff. Jan. 17, 1980, the date of adoption.
Amended: New Rule entitled "Appeals" adopted. F. Sept. 24, 1980; eff. Oct. 14, 1980.
Repealed: New Rule of same title adopted. F. Feb. 22, 2005; eff. Mar. 14, 2005.
Amended: F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-6-.10. Destruction of Property on the Rights-of-Way.

Pursuant to O.C.G.A. §§ 32-6-75.3 and 32-6-81, trees, shrubs, or other property on the state right-of-way shall not be unlawfully destroyed, altered, replaced, or removed. The Department will prosecute any infraction of this provision and the permit or permits for the signs adjacent to such infraction may be revoked. In order to revoke a permit the Department shall not be required to obtain a criminal conviction for the destruction of the property.

(a) Prior to revocation of a permit the Department shall give 30 days' written notice via certified mail to the permit holder and the landowner, this notice shall inform the landowner and permit holder of the right to request a hearing in accordance with O.C.G.A. § 50-13-13*et seq.*

(b) The Department may seek as an additional remedy at the same Administrative Hearing, in addition to revocation of the permit, a prohibition of the erection or maintenance of any signs within 500 feet on either side of that sign site or sites for a period not to exceed five (5) years.

Cite as Ga. Comp. R. & Regs. R. 672-6-.10
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Destruction of Property on the Rights-of-Way" adopted. F. Dec. 2, 1976; eff. Dec. 22, 1976.
Amended: ER. 672-6-0.10-.10 entitled "Appeals" adopted. F. Jan. 18, 1980; eff. Jan. 17, 1980, the date of adoption.
Amended: New Rule entitled "Destruction of Property on the Rights-of-Way" adopted. F. Sept. 24, 1980; eff. Oct. 14, 1980.
Amended: F. Sept. 15, 1988; eff. Oct. 5, 1988.
Repealed: New Rule of same title adopted. F. Feb. 22, 2005; eff. Mar. 14, 2005.
Amended: F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-6-.11. Conversion of Permits.

(1) When the Department determines that a conforming sign has become nonconforming, the Department shall notify the permit holder by certified mail of the changed status. In an unzoned area, if the business used to qualify a sign permit as conforming has been inactive for 6 months or more, the Department may convert the permit to non-conforming upon notice to the permit holder.

(2) If a permit holder believes a non-conforming sign has become eligible for a conforming permit, the permit holder may apply for conversion to a conforming permit by submitting an Application for Outdoor Advertising Permit and an application fee. If the Department determines the sign is eligible for conversion, the existing permit will be converted to conforming status.

Cite as Ga. Comp. R. & Regs. R. 672-6-.11
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Abandoned Signs" adopted. F. Dec. 2, 1976; eff. Dec. 22, 1976.
Amended: ER. 672-6-0.10-.11 entitled "Destruction of Property on the Rights-of-Way" adopted. F. Jan. 18, 1980; eff. Jan. 17, 1980, the date of adoption.
Amended: New Rule entitled "Conversion of Permit" adopted. F. Sept. 24, 1980; eff. Oct. 14, 1980.
Amended: F. Sept. 15, 1988; eff. Oct. 5, 1988.
Repealed: New Rule of same title adopted. F. Feb. 22, 2005; eff. Mar. 14, 2005.
Amended: F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-6-.12. Reserved.

Cite as Ga. Comp. R. & Regs. R. 672-6-.12
Authority: Ga. Code Ann. Ch. 3A, Ga. Code Ann. Secs. 95A-303, 95A-920.
History. ER. 672-6-0.10-.12 entitled "Abandoned Signs" adopted. F. Jan. 18, 1980; eff. Jan. 17, 1980, the date of adoption.
Repealed: Rule reserved. Rule lapsed after 120 days when no permanent Rule was adopted.

Chapter 672-7. REMOVAL OF UNAUTHORIZED OUTDOOR ADVERTISING.

Rule 672-7-.01. Definitions.

The following terms, as used in the Rules of this Chapter, shall have the following meanings unless the context thereof indicates to the contrary:

(a) "Department": The Department of Transportation of the State of Georgia.

(b) "Engineer": The Chief Engineer, acting directly or through a duly authorized representative, such representative acting within the scope of the particular duties assigned to him and within the authority given him.

(c) "General Office": Georgia Department of Transportation, 600 West Peachtree Street, N.W., Atlanta, GA 30308.

(d) "Outdoor Advertising" or "Sign": The "Outdoor Advertising" or "Sign" as defined in O.C.G.A. § 32-6-71(14).

(e) "Unauthorized Sign": Any sign for the erection or maintenance of which a permit is required but has not been obtained.

Cite as Ga. Comp. R. & Regs. R. 672-7-.01
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Definitions" adopted. F. Dec. 2, 1976; eff. Dec. 22, 1976.
Repealed: New Rule of same title adopted. F. Sept. 24, 1980; eff. Oct. 14, 1980.
Amended: F. June 24, 1988; eff. July 14, 1988.
Repealed: New Rule of same title adopted. F. Feb. 22, 2005; eff. Mar. 14, 2005.
Amended: F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-7-.02. Determination of Signs Erected or Maintained Without Authorization; Notification by Certified Mail.

When the Department believes that a sign has been erected or is being maintained without authorization, the Department shall notify the sign owner by certified mail and the landowner by copy, of the right to request an Administrative Hearing in accordance with O.C.G.A. § 32-6-70, *et seq.* (Ga. Laws 1973, pp. 947, 1071) as amended, and the Georgia Administrative Procedure Act (Ga. Laws 1964, p. 338), as amended.

Cite as Ga. Comp. R. & Regs. R. 672-7-.02
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Determination of Signs Erected or Maintained Without Authorization; Notification by Certified Mail" adopted. F. Dec. 2, 1976; eff. Dec. 22, 1976.
Repealed: New Rule of same title adopted. F. Sept. 24, 1980; eff. Oct. 14, 1980.
Amended: F. June 24, 1988; eff. July 14, 1988.
Repealed: New Rule of same title adopted. F. Feb. 22, 2005; eff. Mar. 14, 2005.
Amended: F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-7-.03. Initial Hearing.

The Department shall request an administrative hearing through the Office of State Administrative Hearings. The Administrative Law Judge (ALJ) shall under the provisions of the Georgia Administrative Procedure Act (Ga. L. 1964, p. 338, as amended), determine the applicability of the Department Rules and Georgia Law to the facts and issues presented at the administrative hearing. The ALJ shall issue an order which will become a final decision either at the end of thirty days if no appeal is sought, or after the final decision on agency review. If either party does not appear within fifteen minutes of the scheduled time or request a postponement in advance, the right to an administrative determination shall be forfeited. A judgment will be entered by default in accordance with O.C.G.A. § 50-13-13(a)(4). Said default may, within fifteen (15) days from the date of the order, be opened for providential cause preventing the appearance of the party at the hearing at the assigned date and time, or for excusable neglect or when the ALJ in his discretion from all the facts shall determine that a proper case has been made for the default to be opened. If it is determined by the ALJ that justification does not exist for opening the default, the initial judgment shall stand as the final agency decision.

Cite as Ga. Comp. R. & Regs. R. 672-7-.03
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Subsequent Inspection; Legal Action" adopted. F. Dec. 2, 1976; eff. Dec. 22, 1976.
Repealed: New Rule entitled "Initial Hearing" adopted. F. Sept. 24, 1980; eff. Oct. 14, 1980.
Amended: F. June 24, 1988; eff. July 14, 1988.
Repealed: New Rule of same title adopted. F. Feb. 22, 2005; eff. Mar. 14, 2005.
Amended: F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-7-.04. Legal Action.

The Department is authorized by O.C.G.A. §§ 32-6-91 through 32-6-94, to seek prosecution and injunctions prescribed therein and may proceed under same in addition to or in lieu of the remedies set forth under the Georgia Administrative Procedure Act (Ga. L. 1964, p. 338), as amended.

Cite as Ga. Comp. R. & Regs. R. 672-7-.04
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Legal Action" adopted. F. Sept. 24, 1980; eff. Oct. 14, 1980.
Amended: F. June 24, 1988; eff. July 14, 1988.
Repealed: New Rule of same title adopted. F. Feb. 22, 2005; eff. Mar. 14, 2005.
Amended: F. Mar. 19, 2012; eff. Apr. 8, 2012.

Chapter 672-8. RULES AND REGULATIONS GOVERNING THE CONTROL OF JUNKYARDS.

Rule 672-8-.01. Definitions.

The following terms, as used in the Rules of this Chapter, shall have the following meanings unless the context thereof indicates to the contrary:

(a) Department: The Department of Transportation of the State of Georgia.

(b) Commissioner: The Commissioner of the Department of Transportation, acting directly or through a duly authorized representative, such representative acting within the scope of the particular duties assigned to him and within the authority given him.

(c) Junkyard: Any establishment which is maintained or used for storing, buying, or selling junk or for an automobile graveyard; and the term shall include garbage dumps, sanitary fills, and scrap processor establishments.

(d) Junk: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste; junked, dismantled, or wrecked automobiles, or parts thereof; or iron, steel, and other old scrap ferrous or nonferrous material.

(e) Automobile graveyard: Any establishment which is maintained or used for storing, buying, or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

(f) Scrap Processor: Any person, firm, or corporation engaged only in the business of buying scrap iron and metals, including, but not limited to, old automobiles, for the specific purpose of processing into raw material for remelting purposes only, and whose principal product is ferrous and nonferrous scrap for shipment to steel mills, foundries, smelters, and refineries, and who maintains an established place of business in this State and has facilities and machinery designed for such processing.

(g) Interstate Highway: Any State-aid road which is also a portion of the National System of Interstate and Defense Highways located within this State, as officially designated, or as may hereafter be designated by the Department and approved by the Secretary of Transportation or other appropriate Federal official, pursuant to the provisions of Title 23 of the United States Code.

(h) Federal-Aid Primary Highway: Any State-aid road which is a portion of connected main highways as officially designated or as may hereafter be designated by the Department and approved by the Secretary of Transportation or other appropriate Federal official, pursuant to the provisions of Title 23 of the United States Code.

(i) Main Traveled Way: The traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traveling in opposite directions shall be deemed the main traveled way. It does not include such facilities as frontage roads, turning roadways or parking areas.

(j) Industrial Zones: Those districts or areas established by official zoning authorities as being most appropriate for industry or manufacturing. A zone which simply permits

certain industrial activities as an incident to the primary land use designation is not considered to be an industrial zone.

(k) Unzoned Industrial Areas: Any area where there is no zoning in effect and which is used primarily for industrial activities. An unzoned industrial area does not include areas which may have a rural zoning classification or land uses established by zoning variances or special exceptions.

(l) Zone of Control: All areas within the boundaries of this State which are adjacent to and within one thousand (1000) feet of the edge of the. right-of-way of any Interstate or Federal-aid primary highway within this State. Any revision in right-of-way limits after initial control is obtained will require a similar revision in the zone of control.

(m) Screening: The use of any vegetative planting, fencing, ornamental wall of masonry, or other architectural treatment or device, earthen embankment, or a combination of any of these which will effectively hide from view any deposit of junk from the main traveled way, on a year round basis. Screening does not include the use of junk.

(n) Person: Means any individual, firm, agency, company, association, partnership, business trust, joint stock company, body politic or corporation.

(o) Maintain: To allow to exist.

(p) Establish: To construct, build, raise, assemble, place, affix, create or in any way bring into existence.

(q) Visible: Capable of being seen without visual or optical aid by a person of normal visual acuity.

(r) Nonconforming Junkyard: Any junkyard which was lawfully established and in existence on April 6, 1967, and any part of which is located within 1000 feet of the nearest edge of the right-of-way of any Interstate or Federal-aid primary highway and which:

1. is not screened by natural objects, plantings, fences, or other appropriate means so as to be visible from the main traveled way of such highway systems, or otherwise removed from sight, and

2. is not located within an industrial zone, and

3. is not located within an unzoned industrial area, and

4. is visible from the main traveled way of said highways.

(s) Unlawful Junkyards: Any junkyard which comes into existence after April 6, 1967, any portion of which is located within 1000 feet of the nearest edge of the right-of-way of any Interstate or Federal-aid primary highway and which:

1. is not screened by natural objects, plantings, fences, or other appropriate means so as to be visible from the main traveled way of such highway systems, or otherwise removed from sight, and

2. is not located within an industrial zone, and

3. is not located within an unzoned industrial area, and

4. is visible from the main traveled way of said highways.

(t) Highways: Any road or highway which is a portion of an Interstate or Federal-aid primary highway.

Cite as Ga. Comp. R. & Regs. R. 672-8-.01
Authority: Ga. L. 1973, pp. 947, 1069 as amended (Ga. Code of Public Transportation, § 95A-908); Ga. L. 1973, pp. 947, 982 (Ga. Code of Public Transportation, § 95A-303).
History. Original Rule entitled "Definitions" was filed on December 13, 1978; effective January 2, 1979.

Rule 672-8-.02. Purpose.

Pursuant to 23 U.S.C. 136 and Ga. Laws 1973, pp. 947, 1069-1070, this chapter prescribes rules and regulations relating to the exercise of effective control of junkyards in areas adjacent to or within 1000 feet of the right-of-way boundaries of Interstate and Federal-aid primary highways.

Cite as Ga. Comp. R. & Regs. R. 672-8-.02
Authority: Ga. L. 1973, pp. 947. 1069 as amended (Ga. Code of Public Transportation, § 95A-908); Ga. L. 1973, pp. 947, 982 (Ga. Code of Public Transportation, § 95A-303).
History. Original Rule entitled "Purpose" was filed on December 13, 1978; effective January 2, 1979.

Rule 672-8-.03. Policy.

In carrying out the purposes of this Chapter:

(a) Emphasis shall be placed on encouraging recycling of scrap and junk where practicable.

(b) Every effort shall be made to screen nonconforming junkyards which are to continue as on-going businesses.

(c) Nonconforming junkyards are to be relocated only as a last resort.

(d) The provisions of this chapter shall be carried out in relationship to such resources as are available to the Department.

Cite as Ga. Comp. R. & Regs. R. 672-8-.03
Authority: Ga. L. 1973, pp. 947, 1069 as amended (Ga. Code of Public Transportation, § 95A-908); Ga. L. 1973, pp. 947, 982 (Ga. Code of Public Transportation, § 95A-303).
History. Original Rule entitled "Policy" was filed on December 13, 1978; effective January 2, 1979.

Rule 672-8-.04. Measurement of Distance.

Distance from the edge of a right-of-way shall be measured horizontally along a line normal or perpendicular to the centerline of the highway.

Cite as Ga. Comp. R. & Regs. R. 672-8-.04
Authority: Ga. L. 1973, pp. 947, 1069 as amended (Ga. Code of Public Transportation, § 95A-908); Ga. L. 1973, pp. 947, 982 (Ga. Code of Public Transportation, § 95A-303).
History. Original Rule entitled "Measurement of Distance" was filed on December 13, 1978; effective January 2, 1979.

Rule 672-8-.05. Screening.

(a) Responsibility for Screening.

1. Any junkyard lawfully in existence on April 6, 1967. the effective date of the Georgia Junkyard Control Act (Ga. L. 1967, pp. 433-438), which is within 1000 feet of the nearest edge of the right-of-way of a highway may be screened by the Department if physically feasible and provided that federal-aid beautification funds are made available at locations on the highway right-of-way or in areas acquired for such purposes outside the right-of-way, so as not to be visible from the main traveled way of the highway. Whenever the Commissioner shall determine that screening prescribed for an existing junkyard is not physically or economically feasible, and when federal-aid beautification funds are available, the Commissioner may cause said junkyard to be removed, relocated, or disposed of after the payment of just and adequate compensation therefor.

2. Junkyards established subsequent to April 6, 1967, and located within zones of control must provide for adequate screening located off the highway right-of-way and at the expense of the person owning the junkyard. Screening provided by such owner must be in compliance with these rules and of a type approved by the Department. Those junkyards which are established subsequent to April 6, 1967, and located within zones of control and which cannot be adequately screened shall be relocated at the owner's expense.

(b) Every effort shall be made to screen nonconforming junkyards where they are to be continued as on-going businesses. Screening may be accomplished by use of natural objects, landscaping, plantings, fences, and other appropriate means, including relocating inventory on site to utilize an existing natural screen or a screenable portion of the site.

(c) Where screening is used, it must, upon completion of the screening project, effectively screen the junkyard from the main traveled way of the highway on a year-round basis, and be compatible with the surroundings.

Cite as Ga. Comp. R. & Regs. R. 672-8-.05
Authority: Ga. L. 1973, pp. 947, 1069 as amended (Ga. Code of Public Transportation, § 95A-908); Ga. L. 1973, pp. 947, 982 (Ga. Code of Public Transportation, § 95A-303).
History. Original Rule entitled "Screening" was filed on December 13, 1978; effective January 2, 1979.

Rule 672-8-.06. Nonconforming Junkyards.

For the purposes of this chapter, a discontinued junkyard is any junkyard which was operated as a business enterprise in the past and where the proprietor is retaining the inventory for the present but not actively engaged in buying or selling junk.

(a) If the location or site of a nonconforming junkyard is changed as a result of a right-of-way taking or for any other reason it is relocated, it ceases to be a nonconforming junkyard, and shall be treated as a new junkyard at a new location.

(b) The nonconforming junkyard may continue as long as it is not extended, or changed in use. Once a junkyard has been made conforming, the subsequent placement of junk so that it may be seen, above or beyond a screen, or if the junk otherwise becomes visible, said junkyard shall then be treated the same as the establishment of a new junkyard.

(c) A nonconforming junkyard must have been in lawful existence and operation on April 6, 1967, and may continue to exist and operate (1) as long as it continues to be lawfully maintained, (2) is not extended or enlarged, or (3) substantially changed in use.

(d) In order for a junkyard to continue as a nonconforming junkyard, there must be existing property rights in the junkyard and junk affected by these rules. A junkyard may not continue to exist if it has been abandoned, destroyed, or voluntarily discontinued. The Department shall consider the following criteria as the minimum criteria which must exist and must be applied before any determination can be made by the Department that a junkyard or junk has been abandoned:

1. The junkyard has not operated or conducted business for 1 year or more, or

2. The junkyard is in need of substantial repair or maintenance; or

3. The junkyard owner cannot be found or determined after a diligent search has been made by a representative of the Department as verified by his affidavit which shall set forth all the steps taken and attempts made to locate and determine said owner.

Cite as Ga. Comp. R. & Regs. R. 672-8-.06
Authority: Ga. L. 1973, pp. 947, 1069 as amended (Ga. Code of Public Transportation, § 95A-908); Ga. L.

1973, pp. 947, 982 (Ga. Code of Public Transportation, § 95A-303).
History. Original Rule entitled "Nonconforming Junkyards" was filed on December 13, 1978; effective January 2, 1979.

Rule 672-8-.07. Unlawful Junkyards.

(1) The Department, through its designated representatives shall inspect junkyards periodically to insure that they are being operated in accordance with the applicable laws, rules and regulations pertaining to junkyard control, and shall require that all screening materials be maintained in such a manner as to accomplish the objective of these rules. If the inspection discloses that a junkyard is being operated in violation of these rules or the provisions of Georgia Laws 1973, pp. 947, 1068-1069 (Code Section 32-6-240*et seq.*, O.C.G.A.), the owner shall be informed in writing, sent by registered mail, stating the violation and instructing him to make the corrections within 60 days from the date of the letter.

(2) If the owner fails to make the correction noted in the letter mentioned in subsection (a) above within the required time, the Department's representative making the inspection shall submit to the State Traffic and Safety Engineer the following information:

(a) Name and address of the owner.

(b) Type of business, i.e. sole proprietorship, partnership or corporation. If it is a partnership, all partners and the names and addresses of each shall be included.

(c) Specific location.

(d) Past record of compliance or noncompliance.

(e) Number of times contacted by the Department's representative.

(f) Date of each contact and results.

(g) Recommendation as to what would be required to obtain compliance.

(h) Type of material stored at junkyard and quantity.

(i) Copy of letter sent to the owner in accordance with subsection (a) above.

(3) The State Traffic and Safety Engineer shall review the above information, and, if further action is deemed necessary, the information will be forwarded to the Commissioner along with recommendations.

(4) The Commissioner after reviewing the submitted information will determine if legal action should be taken to make the owner comply with Ga. Laws 1973, pp. 947, 1069-1070 and the provisions of these rules pertaining thereto, and if legal action is warranted,

the information shall be submitted to the Attorney General with the request that necessary action be instituted.

Cite as Ga. Comp. R. & Regs. R. 672-8-.07
Authority: Sec. 32-6-243, O.C.G.A. (Ga. L. 1973, pp. 947, 1069); Sec. 32-2-2(b), O.C.G.A. (Ga. L. 1973, pp. 947, 982); Sec. 50-13-4, O.C.G.A.
History. Original Rule entitled "Unlawful Junkyards" was filed on December 13, 1978, effective January 2, 1969.
Amended: Filed June 24, 1987; effective July 14, 1987.

Rule 672-8-.08. Screening Criteria.

(1) Plan for Screening of Junkyards Established after April 6, 1967.

(a) The screening shall be located on the owner's land and not on any part of the highway right-of-way.

(b) The screen shall be in place prior to the time the junk is deposited.

(c) At no time after the screen is established shall the junk be stacked high enough to be visible above the screen. No junk shall be placed outside of the screened areas.

(d) Fences must be located in such a manner as to not be hazardous to the traveling public.

(e) The construction of fences shall be uniform and no patchwork type of construction shall be permitted.

(f) When fences are painted, the paint used shall be of a color so as to blend into the environs of the highway right-of-way.

(2) Acceptable Fencing Materials. Acceptable fencing hall include fences of steel or other metals, durable woods such as heart cypress, redwood, or other wood treated with a preservative, or walls of masonry. Some of the types acceptable are:

(a) Chain link type with aluminum, steel, plastic, or wooden slat inserts.

(b) Wooden types of basket weave, palisade, louver, or other suitable design.

(c) Walls of masonry including plain or ornamental concrete block, block, brick, stone, or other suitable masonry material.

(d) An earth wall, if properly designed, grassed, and landscaped.

Note: The above types of fencing and walls appearing in subparagraphs (2) (a), (b), (c), and (d) above are given for examples only. Any other design of fencing

constructed of other materials may be submitted to the Department for consideration.

(3) Plant Material.*

(a) All plant material shall be predominantly evergreen and approved by the Commissioner.

(b) The minimum size of plant material at the time of planting shall be as follows:

1. Large trees deciduous: 1" - 1½" caliper (Maples, Sycamore, Sweetgum)

2. Small trees: 4' - 5' in height (Hawthorn, crepe myrtle, etc.)

3. Evergreen trees: 4' - 5' in height (Pinus, Magnolia, etc.)

4. Evergreen shrubs: 2½' - 3' in height (including Elaeaqnus, Abelia, etc.)

(4) Maintenance. The owner or owners of any junkyard shall maintain the screening established initially, doing such painting and repairs to keep any fences, walls or other structural material in good appearance. Plant material shall be watered, cultivated, or mulched, and given any required maintenance including spraying for insect control, to keep the planting in a good healthy condition. Dead or destroyed plant material will be removed immediately and shall be replaced during the next spring or fall planting season. The replacement plants shall be at least as large as the initial planting.

* Note: All plant materials shall be grown in a certified nursery and shall meet the requirements of the American Standard for Nursery Stock.

(5) Junkyards Screened by the Department. The owner or owners of any junkyard lawfully in existence on April 6, 1967, and which has been screened from view of the highway by the Department may not extend the deposit of junk beyond such screening so as to be visible from the main traveled way of the highway. Any such extension shall be screened by the owner at his own expense and such screening shall be subject to these rules and regulations. Piling of junk above planned height of screening established by the Department is prohibited.

Cite as Ga. Comp. R. & Regs. R. 672-8-.08
Authority: Ga. L. 1973, pp. 947, 1069 as amended (Ga. Code of Public Transportation, § 95A-908); Ga. L. 1973, pp. 947, 982 (Ga. Code of Public Transportation, § 95A-303).
History. Original Rule entitled "Screening Criteria" was filed on December 13, 1978; effective January 2, 1979.

Rule 672-8-.09. Junkyards Adjacent to Future Interstate and Primary Highways.

Junkyard sites along highways determined in the future to be Interstate or Primary highways, and not now so designated, will be within the control requirements of these rules. Such junkyard sites will be considered for screening, removal or relocation by the Department if they meet all the requirements as set forth in these rules and regulations.

Cite as Ga. Comp. R. & Regs. R. 672-8-.09
Authority: Ga. L. 1973, pp. 947, 1069 as amended (Ga. Code of Public Transportation, § 95A-908); Ga. L. 1973, pp. 947, 982 (Ga. Code of Public Transportation, § 95A-303).
History. Original Rule entitled "Junkyards Adjacent to Future Interstate and Primary Highways" was filed on December 13, 1978; effective January 2, 1979.

Chapter 672-9. RULES AND REGULATIONS FOR LICENSING OF CERTAIN OPEN-TO-THE-PUBLIC AIRPORTS.

Rule 672-9-.01. Definitions.

The following words when used in Chapter 672-9 shall have the following meanings unless the context thereof indicates another meaning:

(a) Aircraft: Any machine, whether heavier or lighter than air, used or designated for flight in the air.

(b) Airplane: An engine-driven, fixed-wing Aircraft that is supported in flight by the dynamic reaction of the air against its wings.

(c) Airport: Any area of land, water, or mechanical structure which is used for the landing and takeoff of Aircraft, and is open to the general public, as evidenced by the existence of a current and approved Federal Aviation Administration Form 7480-1 or any successor application, for such use without prior permission or restrictions and includes any appurtenant structures and areas which are used or intended to be used for airport buildings, other airport facilities, rights of way or easements; provided, however, that the term "Airport" shall not include the following facilities used as airports:

1. Facilities owned or operated by the United States or an agency thereof except for some joint use airports;

2. Privately owned facilities not open to the general public when such facilities do not interfere with the safe and efficient use of airspace of a facility for which a license or an Airport Operating Certificate issued under 14 C.F.R. Part 139 of the Regulations of the Federal Aviation Administration, or any successor regulations, has been granted;

3. Facilities being operated pursuant to 14 C.F.R. Part 139 relating to certification requirements for airports serving scheduled air carrier operations, or any successor agency of the United States government.

(d) Airport Hazard: Any structure, object of natural growth, or use of land which obstructs the defined Runway Primary Surface, safety area, and Approach and Departure Paths surfaces applicable to that particular Airport.

(e) Airport License or License: License issued by the Department for the operation of an Airport, Heliport, Seaplane Base or any other designated open to the public Aircraft landing area in the state.

(f) Airport Operations Areas: Any area of an Airport used or intended to be used for landing, takeoff or surface maneuvering of Aircraft, including but not limited to runways, taxiway, and apron areas.

(g) Approach Path: An area of navigable airspace defined by the rules and regulations of the Department to insure safe ingress and egress of Aircraft to and from an Airport.

(h) Department: Georgia Department of Transportation or any successor State agency.

(i) Displaced Threshold: A threshold which is designated as the beginning of that portion of the runway that is available for landing Aircraft. A Displaced Threshold is located at a point on the runway other than the beginning of the full strength runway pavement. The paved area between the beginning of the full strength runway pavement and the Displaced Threshold may be used for takeoff or rollout of Aircraft.

(j) FAA: Federal Aviation Administration or any successor Federal Agency.

(k) Geometric Layout: Designated locations of Airport facilities and imaginary surfaces associated with minimum licensing standards.

(l) Helicopter: A rotary wing Aircraft that depends principally upon the lift generated by one or more engine-driven rotors rotating on a substantially vertical axis for its primary means of propulsion.

(m) Heliport: An area of land, water, or structure used or intended to be used for the landing and takeoff of Helicopters.

(n) Imaginary Surfaces, Airport: The imaginary surfaces associated with Aircraft operations and airspace surrounding an Airport that is used to identify Obstructions to Aircraft navigation and operations.

(o) Instrument Approach: An Aircraft approach for landing at an Airport using an electronic aid providing directional guidance.

(p) Large Airplane: An Airplane of more than 12,500 lbs. maximum certified takeoff weight.

(q) Non-precision Instrument Runway: A runway having an Instrument Approach procedure utilizing navigational aids with normally only horizontal guidance to Aircraft approaching for landing. Vertical guidance is possible on some Non-precision instrument runways.

(r) Obstruction: Any penetration of an Airport imaginary surface described in Federal Aviation Regulation Part 77 and FAA Advisory Circular 150/5300-13 or as amended and superseded.

(s) Open-to-the-Public Airport: An Airport that is publicly or privately owned which is open and available for use by the general flying public.

(t) Person: an individual, firm, corporation, partnership, company, association, joint-stock association, municipality, county, or state agency, authority, or political subdivision and includes any director, employee, agent, trustee, receiver, assignee, or other similar representative thereof.

(u) Precision Instrument Runway: A runway having an Instrument Approach procedure utilizing navigation aids that provide horizontal and vertical guidance to Aircraft approaching for landing.

(v) Relocated Threshold: A runway threshold that is located at a point on the runway other than the beginning of the full strength pavement and the portion of the runway between the beginning of the full strength pavement and the relocated threshold cannot be used for landing or takeoff of Aircraft.

(w) Restricted Use Airport: An Airport that is not open to the general public and requires prior permission from the Airport owner for use. Most Restricted Use Airports are military airfields and privately owned facilities.

(x) Runway Object Free Area: An imaginary area centered on the runway centerline that is clear of aboveground objects protruding above the runway centerline, except for allowable objects necessary for air navigation or Aircraft ground maneuvering purposes.

(y) Runway Primary Surface: A Runway Primary Surface is an imaginary surface that surrounds the runway and is centered along the runway centerline. The elevation of the primary surface is the same elevation as the nearest point on the runway centerline. The Runway Primary Surface extends to the runway end.

(z) Runway Safety Area: The ground surface surrounding the runway prepared or suitable for reducing the risk of damage to Airplanes in the event of an undershoot, overshoot or excursion from the runway.

(aa) Seaplane: An Airplane designed for, or appropriately modified to land on and takeoff from the surface of a body of water.

(bb) Seaplane Base: An area of water used or intended to be used for the landing and takeoff of Seaplanes.

(cc) Small Airplane: An Airplane of 12,500 lbs. or less maximum certified takeoff weight.

(dd) Traffic Pattern: The traffic flow that is prescribed for Aircraft landing or taking off from an Airport.

(ee) Visual Runway: A runway having no Instrument Approach procedure and intended solely for the operation of Aircraft using visual approach procedures.

Cite as Ga. Comp. R. & Regs. R. 672-9-.01
Authority: O.C.G.A. §§ 32-2-2(b), 32-9-8, 50-13-4.
History. Original Rule entitled "Definitions" was filed on July 3, 1979; effective July 23, 1979.
Amended: Filed June 24, 1987; effective July 14, 1987.
Amended: F. Jul. 12, 2013; eff. Aug. 1, 2013.
Amended: F. Dec. 14, 2021; eff. Jan. 3, 2022.

Rule 672-9-.02. Repealed and Reserved.

Cite as Ga. Comp. R. & Regs. R. 672-9-.02
Authority: O.C.G.A. Secs. 32-2-2(b), 32-9-8, 50-13-4.
History. Original Rule entitled "Airports: General" was filed on July 3, 1979; effective July 23, 1979.
Repealed: F. Jul. 12, 2013; eff. Aug. 1, 2013.

Rule 672-9-.03. Airports: Licensing Minimum Standards.

A. Unobstructed Approach Paths for:

1. Runways less than 4000 ft shall begin at the runway end (marked threshold), shall slope upward at a minimum of 15:1 ratio, be centered along the extended runway centerline beginning at a width of 120 ft and extend for 500 ft to a width of 300 ft and continue at a width of 300 ft for an additional 2500 ft.

2. Runways 4000 ft. but less than 5000 ft shall begin at the runway end (marked threshold), slope upward at a minimum of 20:1 ratio, be centered along the extended runway centerline beginning at a width of 250 ft and extend for 2250 ft to a width of 700 ft and continue at a width of 700 ft for an additional 2750 ft.

3. Runways 5000 ft. or more shall begin at the runway end (marked threshold), slope upward at a minimum of 20:1 ratio, be centered along the extended runway centerline beginning at a width of 340 ft and extend for 2200 ft to a width of 1000 ft and continue at a width of 1000 ft for an additional 7,800 ft.

4. All penetrations of the Approach Paths, whether natural or manmade, constitute an Obstruction to navigation and a violation to licensing standards. If the Obstruction is not removed, the runway threshold must be displaced or relocated to a point on the runway that will provide a clear and unobstructed flight path.

B. Unobstructed Primary Surface (see above definition for Runway Primary Surface):

1. Shall be centered along runway centerline to the end of the runway.

2. Runways less than 4000 ft. shall have a primary surface width of 120 ft.

3. Runways 4000 ft. but less than 5000 ft. shall have a primary surface width of 250 ft.

4. Runways 5000 ft. or more shall have a primary surface width of 340 ft.

5. The primary surface shall be free of all Obstructions including natural growth and manmade objects. The only allowable Obstructions are frangible runway lights, frangible guidance signs, or navigation equipment that, by function, are required to be within the primary surface boundaries. The area not hard surfaced must be compacted and graded smooth with no ruts, humps, depressions or other potentially hazardous surface variations.

6. If the FAA Runway Object Free Area width is less than the Department's primary surface width set forth in this rule, the FAA Runway Object Free Area width will become the standard for Department use for the primary surface width for that particular area.

C. Unobstructed Runway Safety Area:

1. Shall be centered along runway centerline and extend 240 ft. beyond the end of the runway for all runways less than 5000 ft. in length and 300 ft. beyond the end of the runway for runways 5000 ft. or greater in length.

2. The width of the runway safety area shall be 120 ft. for all runways less than 5000 ft in length and 150 ft. for runways 5000 ft. or greater in length.

3. The Runway Safety Area shall be free of all Obstructions including natural growth and manmade objects. The only allowable Obstructions are frangible runway lights, frangible guidance signs, or navigation equipment that, by function, are required to be within the Runway Safety Area boundaries. The area that is not hard surfaced must be compacted and graded smooth with no ruts, humps, depressions or other potentially hazardous surface variations.

4. If the FAA Runway Safety Area length and width are less than the Department standards set forth in this rule, the FAA Runway Safety Area length and width will

become the standard for Department use for the Runway Safety Area length and width for that particular Airport.

D. Airport Marking: All runways shall be marked in a manner that clearly identifies the boundaries of the landing area.

1. Minimum marking for hard surface runways and taxiways:

2. All markings on hard surfaced runways and taxiways shall be painted and must be maintained in legible condition.

3. Runway markings shall be white and taxiway markings shall be yellow. The size, shape, location and color of the marking shall be in compliance with the current FAA AC 150/5340-1, Standards for Airport Markings, as amended or superseded.

   i. Minimum marking for turf or sod runways: All runway markings shall be colored white, securely attached to the surface, clearly visible from the Airport traffic pattern and identify the boundaries of the landing area.

   ii. Threshold markings shall be L-shaped on each corner of each threshold. Runway side line markers shall be spaced at minimum intervals of 500 ft.

   iii. Displaced Thresholds shall be identified by placing markers on each runway side at the displacement point. The markers shall be perpendicular to the runway with the inner edge aligned with the runway sideline markers.

E. Wind Direction Indicators:

1. All Airports are required to have an operational wind direction indicator. The wind direction indicator must be installed in a highly visible area easily observed from the air and the ground. It must be located in an open area free from Obstructions to insure accurate wind direction and approximate wind velocity. Night operations require that the wind indicator be lighted.

F. Airport Lighting: Runway lights are required for all Airports that conduct night operations.

1. Minimum Lighting Requirements:

   i. The location, spacing, light intensity and lens color of runway, threshold and taxiway lights shall conform to the standards specified in the current FAA AC 150/5340-30, Design and Installation Details for Airport Visual Aids, as amended or superseded.

   ii. All runway, threshold and taxiway lighting shall be maintained in an operational condition and shall not be obscured by natural growth such as grass or weeds.

2. Airport Beacon: All Airports with runway lights for night operations shall have an operational airport location beacon. The beacon shall have appropriately colored lenses to identify the type airport. The beacon shall be located at a site on or near the Airport at an elevation that will ensure that it is not obstructed by natural growth or manmade structures and is clearly visible from the air.

G. Runway, Taxiway and Apron Minimum Conditions:

1. Runway and Taxiway Requirements:

   i. The runway and taxiway surface must be maintained smooth and free of any defect or Obstruction that could damage Aircraft during operations. This requirement includes any pavement pot holes, depressions or humps.

   ii. The lip of paved runways or taxiways must not exceed 1.5 inches in elevation from the top of the pavement to the runway shoulder. The drop should be only enough to allow adequate drainage from the runway and not pose a control problem for Aircraft.

   iii. Turf runways must be graded smooth and grassed. The grass must be maintained, mowed to a height of less than 12 inches above the graded surface on the marked portions of the runway.

   iv. The runway and taxiway width requirements shall conform to the current FAA AC 150/5300-13, Airport Design, as amended or superseded.

   v. Seaplane Bases shall conform to the standards established by the controlling jurisdictions rules and regulations for operations on the body of water. If no specific standards have been established, the Seaplane Base shall conform to standard design guidance of FAA AC 150/5395-1, Seaplane Bases, as amended or superseded.

   vi. Heliport landing areas and hover lanes/taxiways shall conform to the standards contained in FAA AC 150/5390-2, Heliport Design, as amended or superseded.

2. Apron Requirements:

   i. The Aircraft apron (parking area) is for the operation, servicing and parking of Aircraft only.

   ii. The apron surface should be smooth and free of Obstructions or defects that could cause damage to Aircraft during operation.

iii. The apron length, width, taxilane and tiedown requirements shall conform to the current FAA AC 150/5300-13, Airport Design, as amended or superseded.

H. Fueling Area Requirements:

1. Sign(s) must be posted to prohibit open flames or smoking in the Airport fueling area.

2. Bonding cables must be present and in working order.

3. A fire extinguisher approved for the purpose of extinguishing petroleum product fires must be available during all fueling operations.

I. Geometric Layout: The most recent version of the Federal Aviation Administration's Advisory Circular 150/5300-13 Airport Design, as may be amended or superseded, is adopted in its entirety as it pertains to Airport construction design standards for the licensing of Airports within the State of Georgia. No License shall be denied to the owner or operator of an Airport in existence on July 1, 1978, because of the failure to meet minimum standards prescribed with regard to Geometric Layout and separation between Airport runway, taxiway and Aircraft parking areas.

Cite as Ga. Comp. R. & Regs. R. 672-9-.03
Authority: O.C.G.A. §§ 32-2-2(b), 32-9-8, 50-13-4.
History. Original Rule entitled "Airports: License" adopted. F. July 3, 1979; eff. July 23, 1979.
Amended: ER. 672-9-0.9-.03 adopted. F. July 23, 1979; eff. July 19, 1979, the date of adoption.
Amended: Permanent Rule adopted. F. Sept. 20, 1979; eff. Oct. 10, 1979.
Repealed: New Rule entitled "Airports: Licensing Minimum Standards" adopted. F. Jul. 12, 2013; eff. Aug. 1, 2013.
Amended: F. Dec. 14, 2021; eff. Jan. 3, 2022.

Rule 672-9-.04. Airport License Issuance/Renewal/Revocation; Cease and Desist Order.

A. An Airport License shall be renewed on a biennial basis and a biennial inspection will determine if the facility meets licensing requirements.

B. An Airport License is not transferable with an Airport change of ownership.

C. Grandfathered licensing provisions will not be transferred with an Airport change of ownership.

D. New Airport ownership will contact the Department by written notification 30 days prior to ownership transfer.

E. On or after July 1, 2010, the Airport License fee for an original License and each renewal thereafter will be one hundred dollars ($100.00) per runway up to a maximum of four hundred dollars ($400.00) per Airport for the biennial period.

F. The owner of a licensed Airport shall prominently display the License at the Airport, or if there are no buildings at the Airport, at the place of business of the licensee.

G. The Airport owner shall maintain a current listing of all based Aircraft and each Aircraft shall be listed by type and federal Aircraft registration number (the N-number). A copy of the Aircraft listing shall be provided to the Department upon request.

H. The Airport owner is responsible for maintaining the facility in compliance with Department licensing standards throughout the biennial period. The runway, taxiway and Aircraft parking areas must conform to the minimum standards for licensing as established in Rule 672-9-.03 G.

I. The Airport owner shall be notified by letter of any violations of the minimum standards set forth herein discovered during an Airport inspection. The noted violation(s) may result in the immediate suspension/revocation of the current operating License if the Department determines that the nature of the violation(s) causes a serious safety hazard for Aircraft operating to and from the Airport. If noted violations are considered to be of no immediate serious hazard, a period of 120 days will be authorized for corrective action. Failure to correct the noted violations within the authorized period may result in the revocation of the Airport License. If revoked, an Airport License may be reinstated if the Airport owner reapplies for and meets all qualifications for licensure, which shall include, but is not limited to, demonstrating to the Department's satisfaction that any previously unaddressed violations have been fully corrected.

J. Airport Inspections and Enforcement:

1. Inspections. An applicant for or a holder of an Airport License shall offer full cooperation to any representative of the Department inspecting the Airport or proposed Airport site.

2. Enforcement. Applications for an Airport License or its renewal may be denied or a License may be revoked by the Department after notice and opportunity for a hearing is given to the licensee after the Department reasonably determines that:

   i. The licensee has failed to comply with the conditions of the License or renewal thereof.

   ii. The licensee has failed to comply with the minimum standards for the issuance of an Airport License as prescribed in the Department's Rules.

   iii. Because of changed physical or legal conditions or circumstances, the Airport has become either unsafe or unusable for the purposes for which the License or renewal was issued.

3. Administrative Review. The decision of the Department to deny or revoke any License or renewal thereof shall be subject to review in the manner prescribed for the review of contested cases as prescribed by Chapter 13 of Title 50, the "Georgia Administrative Procedures Act."

4. Unlicensed Airport Ownership or Operation. It shall be unlawful for any Person to own or operate an Airport without first obtaining and thereafter maintaining a License as required by O.C.G.A. § 32-9-8.

   i. Any Person owning or operating an Airport without a valid License shall be subject to the issuance of a cease and desist order by the Department in accordance with O.C.G.A. § 32-9-8(i).

   ii. Any Person violating the terms of a final cease and desist order shall be liable to the Department for a civil penalty not to exceed $1,000.00 per violation per day. In assessing a maximum per-day civil penalty pursuant to these rules, the Department shall take into consideration the gravity of the violation, the history of any previous violations by such Person, and any other such contributing factors or circumstances in mitigation or aggravation thereof.

   iii. Nothing set forth herein shall prevent the Department, in its discretion, from compromising or modifying any civil penalty imposed pursuant to O.C.G.A. § 32-9-8 or these rules.

   iv. Any Person assessed a civil penalty for violating the terms of a final cease and desist order shall have the right to request a hearing as provided for in Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." Any such request for a hearing shall be made within ten days after written notification of the penalty's assessment has been served on the Person. If a hearing is not requested in a timely manner, the civil penalty assessed shall be final and subject to collection by the Department.

   v. All civil penalties assessed pursuant to O.C.G.A. § 32-9-8 and these rules shall be paid in full to the Department by certified check or money order within 30 days of their becoming final. All costs of collection including, but not limited to, interest, court costs, and attorney's fees, shall be recoverable by the Department against any Person whom the civil penalties have been assessed and are final but have not been timely paid.

Cite as Ga. Comp. R. & Regs. R. 672-9-.04
Authority: O.C.G.A. §§ 32-2-2(b), 32-9-8, 50-13-4.
History. Original Rule entitled "Inspections and Enforcement" adopted. F. July 3, 1979; eff. July 23, 1979.
Repealed: New Rule entitled "Airport License Issuance/Renewal/Revocation" adopted. F. Jul. 12, 2013; eff. Aug. 1, 2013.
Amended: New title, "Airport License Issuance/Renewal/Revocation; Cease and Desist Order." F. Dec. 14, 2021; eff. Jan. 3, 2022.

Rule 672-9-.05. [Repealed].

Cite as Ga. Comp. R. & Regs. R. 672-9-.05
Authority: O.C.G.A. §§ 32-2-2(b), 32-9-8, 50-13-4.
History. Original Rule entitled "Construction or Establishment of Solid Waste Landfills Near Certain Public Airports" adopted. F. Dec. 17, 2004; eff. Jan. 6, 2005.
Repealed: New Rule entitled "Airport Licensing and Inspection Exemptions" adopted. F. Jul. 12, 2013; eff. Aug. 1, 2013.
Repealed: F. Dec. 14, 2021; eff. Jan. 3, 2022.

Rule 672-9-.06. Construction or Establishment of Solid Waste Landfills Near Certain Public Airports.

(a) Pursuant to Title V, Section 503 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (hereinafter referred to as "AIR-21"), no person shall construct or establish a municipal solid waste landfill within six (6) miles of a public airport as defined in Title V, Section 503(d) of AIR-21 unless the Georgia Department of Transportation, (the "Department"), as the state aviation agency, requests a waiver of exemption for the landfill from the Federal Aviation Administration, (the "FAA").

(b) If an individual or entity (the "Applicant") wishes to construct or establish a solid waste landfill within six (6) miles of an airport as defined in Title V, Section 503(d) of AIR-21, the Applicant must undertake the actions outlined below and submit the following information, in writing, to the Department before the Department will consider whether or not to request that the Administrator of the FAA exempt the landfill from the application of AIR-21:

1. Complete and submit Section 1 of GDOT Waste Disposal/Processing Facility Coordination Form. This form is available from the Department, Office of Aviation Programs.

2. Obtain, prepare and submit a USGS Quadrangle map denoting property lines of the proposed landfill, with coordinates.

3. Provide public notice of the request for waiver, published in newspapers of general circulation serving the municipality and county in which the proposed landfill will be located, as well as in adjacent municipalities and counties. These public notices shall be sent to the Department immediately upon publication and shall contain wording directing any comments to the Georgia Department of Transportation's Aviation Programs office. Aviation Programs' address and telephone number shall be included.

4. Provide notice of the request for waiver to all FAA registered pilots and aircraft owners within a sixty (60) mile radius of the affected airport. Provide the Department with an affidavit stating that such notice was mailed, with a copy of the mailing list showing the names and addresses attached. The notice shall contain

wording directing any comments to the Georgia Department of Transportation's Aviation Programs office. Aviation Programs' address and telephone number shall be included. FAA pilot and aircraft owner information may be obtained from the FAA Aircraft and Airmen Registration Branch in Oklahoma City, OK.

5. Provide notice of the request to the affected airport's owner(s) and any other airport owner(s) including military, public and private airports within a sixty (60) mile radius of the affected airport. Provide the Department with an affidavit that such notice was mailed, with a copy of the mailing list with the names and addresses attached. The notice shall contain wording directing any comments to the Georgia Department of Transportation's Aviation Programs office. Aviation Programs' address and telephone number shall be included.

6. Provide copies of all information submitted to the Georgia Department of Natural Resources - Environmental Protection Division or other state agencies in regards to the proposed waste disposal site.

7. Submit a letter to FAA Southern Region Air Traffic Services requesting an airspace study and flight procedures established for arriving and departing aircraft for the affected airport. Provide Department with a copy of the letter submitted to FAA and a certified copy of FAA's airspace study, flight procedures report, and any comments from FAA regarding the report and study.

8. Submit to the Department a written request that the Department commission a Wildlife Hazard Assessment to be conducted by the U.S. Department of Agriculture, (the "USDA"), Wildlife Service, for the affected airport and proposed landfill. Said written request must also contain a commitment on the part of the Applicant to pay for all expenses of the USDA which are associated with the USDA's development of the Wildlife Hazard Assessment.

9. Submit any other information the Applicant deems relevant for the Department's review.

(c) The Department will acknowledge receipt of the above-listed documentation within fourteen (14) days of receipt. In such acknowledgement, the Department may request additional information or clarification from the applicant as the Department deems necessary. An application shall not be deemed submitted and complete until all required and requested information has been received by the Department, including the Wildlife Hazard Assessment.

(d) If the Department receives, within 30 days of the publication of the notice specified in (b)(3) of this rule, requests for a public hearing from at least twenty-five (25) persons who are residents of the State of Georgia, a governmental subdivision, or by an association having not less than 25 members, a public hearing shall be held in the county where the affected airport is located. The Department, in its sole discretion, may hold a public hearing in such county even if less than twenty-five (25) requests are received. All

costs of providing notice of the hearing, conducting the hearing, and the cost of transcribing the hearing shall be borne by the Applicant.

(e) The criteria upon which the Department will evaluate any exemption request shall include, but not be limited to, the following:

1. Any adverse impact on aviation safety;
2. Other pre-existing natural features in the area of the affected airport that may adversely impact aviation safety;
3. Any adverse impact upon the users, owners, or managers of the affected airport, any military or other air facilities in the area of the affected airport, or citizens living in the vicinity of the affected airport;
4. Any adverse impact upon airports within a 60-mile radius of the affected airport;
5. Any adverse impact on safety of the traveling public of the State;
6. The affected airport's role in meeting the overall needs of the state-wide transportation system; and
7. Any adverse economic impact resulting from the foregoing criteria.

(f) The Department or its designee shall have forty-five (45) days to review the completed application and transcribed comments of any public hearing held and enter a written final determination that the Department will or will not request that the Administrator of the FAA exempt the landfill from AIR-21, including the reasons for the decision. The Department's final decision will be subject to judicial review as provided in the Georgia Administrative Procedure Act.

Cite as Ga. Comp. R. & Regs. R. 672-9-.06
Authority: O.C.G.A. Secs. 32-2-2(b), 32-9-8, 50-13-4.
History. Original Rule entitled "Construction or Establishment of Solid Waste Landfills Near Certain Public Airports" adopted. F. Jul. 12, 2013; eff. Aug. 1, 2013.

Chapter 672-10. TRANSPORTATION OF HAZARDOUS MATERIALS.

Rule 672-10-.01. Definitions.

The following words used in this chapter shall have the following meanings unless the context thereof indicates another meaning:

(a) Act: Transportation of Hazardous Materials Act, Act 487, Georgia Laws of 1979, p. 789.

(b) Exclusive Use Vehicle: A vehicle designed or used exclusively for transporting hazardous materials or any vehicle during a trip which, due to requirements based on the nature of a particular load, is allowed to transport only that material.

(c) Hazardous Material: All radioactive materials, liquified natural gas (LNG), and polychlorinated biphenal (PCB).

(d) 49 CFR: Title 49 of the United States Code of Federal Regulations.

Cite as Ga. Comp. R. & Regs. R. 672-10-.01
Authority: Ga. L. 1979, pp. 789, 794: Ga. L. 1973, pp. 947, 982 (Ga. Code of Public Transportation, § 95A-303); Ga. L. 1964, p. 338, as amended (Ga. Code Ann. Chapter 3A).
History. Original Rule entitled "Definitions" was filed on September 20, 1979; effective October 10, 1979.

Rule 672-10-.02. Permit Requirements and Letters of Intent.

(1) Permits are required for all loads of liquified natural gas (LNG), all loads of polychlorinated biphenal (PCB), and all loads of radioactive materials which are transported on an exclusive use vehicle, or are spent fuels, or have a Transportation Index in excess of 50, or which are "Large Quantities" as defined in 49 CFR, those being more than 20 curies of Transport Groups I and II, more than 200 curies of Transport Groups III and IV, more than 5,000 curies of Transport Group V, more than 50,000 curies of Transport Groups VI and VII, or more than 5,000 curies of any "Special Form" material.

(2) Movers of hazardous materials not requiring a permit as specified in (1) above shall initially, and annually thereafter, declare in writing to the Georgia Department of Transportation their intent to transport or continue to transport hazardous materials within the State, furnishing the following information:

   (a) Name and address of the mover;

   (b) Name, address, and phone number of the individual in responsible charge of the movements;

   (c) The estimated number of trips and the types and quantities of hazardous materials to be transported per trip.

Cite as Ga. Comp. R. & Regs. R. 672-10-.02
Authority: Ga. L. 1979, pp. 789, 794; Ga. L. 1973, pp. 947, 982 (Ga. Code of Public Transportation, § 95A-303); Ga. L. 1964, p. 338, as amended (Ga. Code Ann. Chapter 3A).
History. Original Rule entitled "Permit Requirements and Letters of Intent" was filed on September 20, 1979; effectiveOctober 10, 1979.

Rule 672-10-.03. General Restrictions on Issuance of Permits.

(1) No single trip permit shall be issued authorizing in excess of five (5) travel days for the movement specified.

(2) No permit shall be required for movements of weaponry or other classified loads when being moved by the U.S. Department of Energy, on government owned vehicles, when under the direction of and escorted by said Department of Energy personnel.

Cite as Ga. Comp. R. & Regs. R. 672-10-.03
Authority: Ga. L. 1979, pp. 789, 794; Ga. L. 1973, pp. 947. 982 (Ga. Code of Public Transportation, § 95A-303): Ga. L. 1964, p. 338, as amended (Ga Code Ann. Chapter 3A).
History. Original Rule entitled "General Restrictions on Issuance of Permits" was filed on September 20, 1979; effective October 10, 1979.

Rule 672-10-.04. General Conditions Applying to All Permits.

In addition to compliance with any other conditions imposed on the issuance of a particular permit, any person receiving a permit from the Department thereby certifies that he will comply or has complied (as applicable herein) with the following conditions governing the operation of the permitted vehicle or load. A violation of any of the following conditions may be considered as evidence supporting action to suspend or revoke or deny a permit:

(a) General. In addition to any specific requirements set forth in the Act or these Rules, all hazardous materials shall be packaged, marked, labeled, handled, loaded, unloaded, stored, detained, transported, placarded, and monitored in compliance with 49 CFR.

(b) Federal and state laws and regulations. Compliance shall be maintained with applicable laws and regulations of the United States and the State of Georgia including, but not limited to, those of the U.S. Department of Transportation, the U.S. Interstate Commerce Commission, the Public Service Commission of Georgia, the Department of Revenue of Georgia, and Georgia Code. Title 95A.

(c) Route of Travel. The permitted vehicle or load shall not be operated over any public road in the State other than those described or allowed in the permit.

(d) Atlanta Restrictions. No permit shall be valid for travel into or through the area bounded by Interstate 285, which is the bypass around the City of Atlanta, unless the vehicle is making a pickup or delivery within the area. The driver must be prepared to show proof of such pickup or delivery. In addition, when a pickup or delivery is to be made within this area, no travel shall be authorized between the hours of 7 a.m. and 9 a.m. or 4 p.m. and 6 p.m. on Monday through Friday. Parking on the Interstate or Limited Access Highway Rights-of-Way will not be permissible for permitted vehicles which are waiting for the authorized times of entry.

(e) Non transferability. Any person receiving a permit from the Department agrees not to allow the permit to be used by any vehicle which is not owned or leased by such person. In addition, every such permit shall be carried in the vehicle to which it refers, and only the original permit shall be valid.

(f) Liability Insurance and Other Security. Public Liability and property damage insurance shall be maintained during the existence of the permit in at least the following amounts: Bodily injury, $100,000 per person; $300,000 per occurrence; and property damage, $50,000. The person requesting a permit shall furnish, along with his application, a certificate of Insurance which shall show the insurance carrier, the policy number, the amounts of coverage, and the effective dates of the coverage. He will also take the actions necessary, to ensure that his insurance carrier shall furnish the Department notices of any changes in his insurance coverage at least ten (10) days prior to their effective dates. Nothing contained herein shall be construed so as to make the Department liable for any damage caused by a permitted vehicle or load. The person receiving the permit thereby promises to hold the Department harmless from such claims and to recompense the department or a political subdivision for any expenditures made to repair damages caused by the permitted vehicle or load.

(g) Cost Recovery. In the event of any incident involving any hazardous materials, regardless of type, quantity, or form, in transport or in storage in this State which causes or threatens to cause a hazardous materials discharge or undue radiation or any other type exposure to any individual, the State may recover from any shipper, carrier, or any other responsible person, costs incurred by the State for activities related to the prevention, abatement, and mitigation of the consequences of such an incident.

(h) Oversize and overweight conditions. The provisions of these rules in no way exempt the movements of hazardous materials from the requirements for securing oversize and overweight permits when applicable.

Cite as Ga. Comp. R. & Regs. R. 672-10-.04
Authority: Ga. L. 1979. pp. 789.794: Ga. L. 1973. pp. 947.982 (Ga. Code of Public Transportation, § 95A-303); Ga. L. 1964, p. 338, as amended (Ga. Code Ann. Chapter 3A).
History. Original Rule entitled "General Conditions Applying to All Permits" was filed on September 20, 1979; effective October 10, 1979.

Rule 672-10-.05. Special Conditions Applying to Certain Movement.

In addition to the conditions set forth in Rule 672-10-.04,"Conditions Applying to All Permits", above, the following special conditions shall apply to the movements of the vehicles or loads specified below:

(a) Prior notification shall be required for all loads that must have a permit in accordance with Rule 672-10-.02 except loads of PCB being transported in a totally enclosed manner as defined in 40 CFR 761.20 of the United States Code of Federal Regulations. Prior

notification shall consist of the driver calling the Department at the number shown on the permit upon beginning any movement within the State, or upon entering the State with any such vehicle or load, and supplying the following information:

1. Company name;
2. Permit number;
3. Load type and amount;
4. Origin of move--time and place with regard to Georgia;
5. Destination of move--time and place with regard to Georgia;
6. Route of travel preferred.

   Upon furnishing the information, the driver will be given approval of his route request, or a different route if necessary, and a Georgia DOT Authorization Code, which shall authorize the driver to begin his movement. Upon completion of a movement within the State, or upon leaving the State with any such vehicle or load, the driver shall again call the Department, give his authorization code, and inform the Department that his movement has been completed. If at any time an incident, accident, or breakdown occurs the driver shall immediately call the Department, give his authorization code, and supply all facts concerning the time, location, and nature of the occurrence.

(b) Movers of quantities of hazardous materials which are not required to secure a permit by Rule 672-10-.02(1), and movers of quantities of hazardous materials which are required to have a permit but are not required by the permit to give prior notification, shall, on an annual basis, submit a written report to the Georgia Department of Transportation specifying for the previous twelve month period the actual number of trips made and the types and quantities of hazardous materials transported per trip. The annual report shall be submitted no later than 30 days following the expiration of an annual letter of intent to transport hazardous materials or the expiration of an annual permit.

(c) Any shipper or carrier of hazardous materials shall make his records concerning such shipments available to the Department for inspection upon request.

Cite as Ga. Comp. R. & Regs. R. 672-10-.05
Authority: § 32-6-224 O.C.G.A. (Ga. L. 1979. pp. 789, 794); § 32-2-2(b) O.C.G.A. (Ga. L. 1973, pp. 947, 982); § 50-13-4 O.C.G.A.
History. Original Rule entitled "Special Conditions Applying to Certain Movements" was filed on September 20, 1979: effective October 10, 1979.
Amended: Rule repealed and a new Rule of the same title adopted. Filed December 15, 1983; effective January 4, 1984.

Rule 672-10-.06. Letters of Intent, Applications, and Permit Fees.

(1) Letters of Intent to move hazardous materials, applications for permits, and permit fees shall be addressed to the Office of Permits and Enforcement, State Department of Transportation, 940 Virginia Avenue, Building One, Hapeville, Georgia 30354 (telephone--area code 404-656-5428).

(2) Letters of Intent. There is no fee required for the submittal of, or subsequent movement made within the authority of a letter of intent.

(3) Permit Fees. The fees for permits shall be $100.00 for annual permits and $25.00 for a single trip permit. Such fee shall accompany the permit application, or be taken from an escrow account and may be made by cash, company check, money order, or by certified or cashiers check. Personal checks will not be accepted. Checks and money orders shall be made payable to the Department of Transportation, State of Georgia.

(4) Permit Procedures:

(a) Single trip permit, application for. An application for a single trip permit may be made by telephone, by letter, or in person, giving the applicable information required, which shall include the name of the person in the organization who is the primary point of contact for information or action with regard to any movement or emergency situation, and other items of vehicle, load, and emergency action information. The permit fee shall be transmitted to the Office of Permits and Enforcement, State Department of Transportation, prior to the issuance of the permit. The Office of Permits and Enforcement, as requested in the application, may use any of the following methods to transmit a single trip permit to the applicant;

1. Facsimile transmission;

2. Mail;

3. Western Union Telegram;

4. Presentation in person.

(b) Annual Permit. An application for an annual permit shall be made in writing on the prescribed application form (

Figure #1

).* The application shall be signed and notarized. Upon approval of the application and payment of the required fee, the Office of Permits and Enforcement shall issue the permit by mail or present It to the applicant in person, as requested by the applicant. Any person submitting an application for a "Hazardous Materials" permit shall include as an attachment to the application, an Emergency Action Plan which shall include as a minimum; the phone number and name of the person and alternate in their organization who is the primary point of contact for

information or action with regard to any movement or emergency situation; an estimate of the number of trips and types and quantities of hazardous materials to be transported per trip on the permit issued; general information as to the origins, destinations, and route which would be preferred for travel; and a history of actual movements for the preceding three month period.

Cite as Ga. Comp. R. & Regs. R. 672-10-.06
Authority: Ga. L. 1979, pp. 789, 794; Ga. L. 1973, pp. 947, 982 (Ga. Code of Public Transportation. § 95A-303); Ga. L. 1964, p. 338, as amended (Ga. Code Ann. Chapter 3A).
History. Original Rule entitled "Letters of Intent, Applications, and Permit Fees" was filed on September 20, 1979; effectiveOctober 10, 1979.

Chapter 672-11. INSTALLATION, RELOCATION, AND MANAGEMENT OF UTILITIES ON PUBLIC RIGHTS-OF-WAY.

Rule 672-11-.01. Purposes of Chapter.

(1) O.C.G.A. § 32-6-174 grants the Department authority to promulgate reasonable regulations governing the installation, construction, maintenance, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles, towers, tracks, traffic and other such signals, and other equipment and appliances of any utility in, on, along, over, or under any part of the state highway system or any public road project which the Department has undertaken or agreed to undertake or which has been completed by the Department pursuant to its authority.

(2) In managing the Public Rights-of-Way obtained pursuant to the Department's authority, the Department requires Permits and accompanying fees for the installation of any private or public Utility within the Public Rights-of-Way.

(3) For Communications Utilities, pursuant to 47 U.S.C. § 253, states may require reasonable compensation from providers of telecommunications services for use of Public Rights-of-Way. The Permit fees that are set forth in this Chapter shall be specifically designated to cover the Department's actual incurred costs of administering the Permit program, which includes costs associated with the approval and administration of Permits, the inspection of work on the Public Rights-of-Way, and the continued occupancy by the permitted Utility on the Public Rights-of-Way. The Permit fees shall not result in the recovery of more than those actual incurred costs by the Department. The Department shall perform or cause to be performed an audit of this Chapter and the Permit fees set forth in Section 672-11-.04 at a minimum every five (5) years in order to ensure that Permit fees remain based on actual incurred costs. Based upon the result of this audit, the Department may amend this Chapter in accordance with the Georgia Administrative Procedure Act.

Cite as Ga. Comp. R. & Regs. R. 672-11-.01
Authority: O.C.G.A. §§ 32-6-174, 50-13-4, 32-2-2.
History. Original Rule entitled "Definitions" was filed as Emergency Rule 672-11-0.23-.01 on March 25, 1985; effective March 21, 1985, the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule superseding this Emergency Rule, as specified by the Agency. This Emergency Rule expired July 19, 1985.
Amended: A permanent Rule of the same title adopted. Filed July 1, 1985; effective July 21, 1985.
Amended: New title "Purposes of Chapter." F. Aug. 24, 2021; eff. Sept. 13, 2021.

Rule 672-11-.02. Definitions.

The following words when used in Chapter 672-11 shall have the following meanings:

(a) "Annual Permit Fee" means the yearly amount due for a Permit approved by Department on or after January 1, 2022 that is associated with the ongoing management of the Public Rights-of-Way obtained pursuant to the Department's authority and as calculated in accordance with this Chapter.

(b) "Application Fee" means a nonrefundable onetime fee for the review of a Permit application by the Department and as calculated in accordance with this Chapter. This fee is nonrefundable regardless of whether a Permit application is abandoned or not approved.

(c) "Communication Cable" means any fiber optic, copper, media, or other cable utilized by a Communications Utility for the purpose of providing a Communications Service.

(d) "Communications Service" includes, but is not limited to, a wireline or wireless Telecommunications Service, Information Service or Cable Service as those terms are defined in Sections 153 and 522 of the Communications Act of 1934, as amended, (47 U.S.C. §§ 153 and 602) and Broadband Internet Access Service as that term is defined in Section 8.1(b) of the rules and regulations of the FCC (47 C.F.R. § 8.1(b)).

(e) "Communications Utility" means a Utility that provides a Communications Service.

(f) "Department" or "GDOT" means the Georgia Department of Transportation.

(g) "EMC" means an electric membership cooperative which is a member-owned and not-for-profit Utility.

(h) "Existing Permit" means a Permit that has been approved by the Department prior to January 1, 2022.

(i) "FCC" means the United States Federal Communications Commission.

(j) "Non-Communications Utility" means a utility that is not a Communications Utility, including, but not limited to, an entity that provides electric, gas, water or other power

services, without regard to whether such services are subject to regulation by the Georgia Public Service Commission or other regulatory department.

(k) "Permit" means the legal document by which the Department authorizes the use of and regulates the use and/or occupancy of the Public Rights-of-Way and as further defined in the UAM.

(l) "Public Rights-of-Way" means the state highway system and those local roads and streets that are a part of the Federal-aid system, but excluding the interstate highway systems.

(m) "UAM" means the Department's Utility Accommodation Policy and Standards Manual, current edition.

(n) "Utility" means a Communications Utility or a Non-Communications Utility.

(o) "Wireless Facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network and includes, but is not limited to, Small Wireless Facilities as that term is defined in Section 1.6002 of the rules and regulations of the FCC (47 C.F.R. § 1.6002).

Cite as Ga. Comp. R. & Regs. R. 672-11-.02
Authority: O.C.G.A. §§ 32-6-174, 50-13-4, 32-2-2.
History. Original Rule entitled "Long Distance and Trunk Communications Cables; Issuance of Permits" was filed as Emergency Rule 672-11-0-.23-.02 on March 25, 1985; effective March 21, 1985; the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. This Emergency Rule expired July 19, 1985.
Amended: A permanent Rule of the same title adopted. Filed July 1, 1985; effective July 21, 1985.
Amended: New title "Definitions." F. Aug. 24, 2021; eff. Sept. 13, 2021.

Rule 672-11-.03. Issuance of Permits, Permit Fees, and Alternative Procedure for Assessing Fees for Non-Communication Utilities.

(1) The Department shall follow the same policies, procedures, and standards for approving Permits for the installation of Non-Communication Utility facilities on Public Rights of Way as set out in the UAM.

(2) In addition to the requirements of the UAM, a Non-Communications Utility shall enter into an agreement with the Department for payment of an annual lump sum amount that represents a reasonable approximation of the average cost to the Department associated with the administration of the Permits of the Non-Communications Utility, the inspection of work on the Public Rights-of-Way, and the continued occupancy by the permitted Non-Communications Utility on the Public Rights-of-Way to be negotiated on an individual basis. Such agreements will take into consideration the mileage and/or number of facilities in place by the Non-Communications Utility, the amount of current and anticipated Permit work within the Public Rights-of-Way, and the estimated costs to the

Department of the Non-Communications Utility's operations. Such agreement shall provide for annual adjustments of the fee amount.

(3) The Department and a Non-Communications Utility may have entered into an agreement for payment of an annual lump sum amount prior to the adoption of this Chapter. Such agreements will remain in full force and effect if desired by the Non-Communications Utility and the Department or may be renegotiated.

Cite as Ga. Comp. R. & Regs. R. 672-11-.03
Authority: O.C.G.A. §§ 32-6-174, 50-13-4, 32-2-2.
History. Original Rule entitled "Long Distance and Trunk Communications Cables; Permit Fee Schedule" was filed as Emergency Rule 672-11-0.23-.03 on March 25, 1985; effective March 21, 1985, the date of adoption, to remain in effect for a period of 120 day or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule, as specified by the Agency. This Emergency Rule expired July 19, 1985.
Amended: A permanent of the same title adopted. Filed July 1, 1985; effective July 21, 1985.
Amended: New title "Issuance of Permits, Permit Fees, and Alternative Procedure for Assessing Fees for Non-Communication Utilities." F. Aug. 24, 2021; eff. Sept. 13, 2021.

Rule 672-11-.04. Issuance of Permits, Permit Fees, and Alternative Procedure for Assessing Fees for Communication Utilities.

(1) Issuance of Permits.

a. This Section 672-11-.04 applies only to Permits for use of the Public Rights-of-Way by Communications Utilities. The Department shall follow the same policies, procedures, and standards for approving Permits for the installation of Communication Utility facilities on Public Rights of Way as apply to Non-Communications Utilities as set out in the UAM, except that payment of Permit fees shall be required as set forth herein.

b. The fees set forth in this Chapter shall not apply to crossing Public Rights-of-Way when not in conjunction with a longitudinal access.

(2) Schedule of Permit Fees. The assessed rates for obtaining and retaining a Permit for a Communication Utility on or after January 1, 2022, shall be as follows:

a. Application Fee. Each Permit application shall include an Application Fee that will be assessed as follows, unless waived pursuant to subsection (d) of this Rule:

i. For a Communication Utility that is a mile or more in length, the Application Fee shall be $1,400.

ii. For a Communication Utility that is less than a mile in length, the Application Fee shall be $742.

iii. For a Wireless Facility, the Application Fee shall be $742.

b. Annual Permit Fee. An Annual Permit Fee will be assessed as follows, unless waived pursuant to subsection (d) of this Rule:

i. For a Communication Utility the Annual Permit Fee shall be $300.

ii. For a Wireless Facility, the Annual Permit Fee shall be $270.

iii. Where two or more Communication Utilities install Communication Cables simultaneously and in the same trench, the Annual Permit Fee shall be reduced by 25 percent for each Communication Utility.

iv. Where Communication Cables are installed on a pole line in joint use with another Communication Utility facility, the Annual Permit Fee shall be reduced by 25 percent for each permittee.

v. The Annual Permit Fee shall be assessed annually for the duration of time the facilities of the Communications Utility remain located on or in a Public Right-of Way, until said facilities are abandoned or until the facilities are decommissioned as evidenced by written notification to the Department. After a 60-day cure period, the Department may cancel or revoke a Permit upon written notice to the Communications Utility.

vi. The Annual Permit Fee for each Permit shall be assessed by the Department as an annual payment in accordance with this rule. The Department shall assess the Annual Permit Fee and send an invoice for each Permit on or about February 1st of each year to the Communications Utility. The Annual Permit Fee shall be paid by July 1st of each year.

vii. All Annual Permit Fees shall be paid within thirty (30) days of the due date. If an Annual Permit Fee is not paid within thirty (30) days of the due date, the subject Permit may be subject to revocation by the Department.

viii. Prior to revocation of any Permit for failure to timely pay the Annual Permit Fees or for any other reason, the Department shall send a final notice to the Communications Utility at least thirty (30) days before the revocation of the Permit shall become effective.

ix. If a permittee does not install all utilities approved in a Permit, it must inform the Department of the location of the actual installation one (1) year from the issuance of the Permit.

c. Existing Permits. For Existing Permits, the rates set forth in this subsection (2) shall be applicable on January 1, 2022. Permittees issued a Permit before January 1, 2022 and that have no outstanding invoices or payments associated with any issued permits may select to pay the rates set forth in this rule for Existing Permits.

d. Waivers of Annual Permit Fees.

i. Notwithstanding otherwise applicable requirements of 47 U.S.C. § 253, the Department may waive the Application Fee and/or the Annual Permit Fee where the sole purpose of a Permit is to provide Broadband Internet Access Service to public and private elementary and secondary schools or where the sole purpose of a Permit is to provide Broadband Internet Access Service to hospitals and other medical institutions including, but not limited to, emergency medical care centers. Any waiver under this subsection (d)(i) will remain in effect for as long as the use of the Permit remains the same.

ii. Notwithstanding otherwise applicable requirements of 47 U.S.C. § 253, the Department shall waive the Application Fee and/or the Annual Permit Fee for EMCs where the sole purpose of a Permit is to provide Broadband Internet Access Service. Any waiver under this subsection (d)(ii) will remain in effect for as long as the use of the Permit remains the same.

e. Municipal Authorities. To the extent any payment rate to a municipal authority by a telephone company is required by O.C.G.A. § 46-5-1(b)(18) to be determined in accordance with the rules and regulations of the Department, the fees set forth in subsection 672-11-.04(2) and the other provisions set forth in this rule shall not become effective for that purpose until July 1, 2022. Prior to July 1, 2022, the payment rate to a municipal authority by a telephone company shall continue to be based upon the formula set forth in the previously adopted rules and regulations of the Department, which are as follows:

Class	Location	Annual Fee
L	1. Along local roads in rural areas	$1,000/mile
	2. Along State Highways in rural areas:	
R1	a. Where ADT is less than 2,000	$1,000/mile
R2	b. Where ADT is 2,000 or more	$2,000/mile
U	3. Along roads and streets inside urban areas	$5,000/mile

(3) Alternative Procedure for Assessing Fees.

a. In lieu of the Permit Fees set forth in this Rule, a Communications Utility may enter into an agreement with the Department for payment of an annual lump sum amount that represents a reasonable approximation of the average cost to the Department associated with the administration of the Permits of the Communications Utility, the inspection of work on the Public Rights-of-Way, and the continued occupancy by the permitted Communications Utility on the Public Rights-of-Way to be negotiated on an individual basis. Such agreements will take into consideration the mileage and/or number of facilities in place by the Communications Utility, the amount of current and anticipated Permit work within the Public Rights-of-Way, and the estimated costs to the Department of the

Communications Utility's operations. Such agreements shall provide for annual adjustments of the fee amount.

b. The Department and a Communications Utility may have previously entered into an agreement for payment of an annual lump sum amount prior to the adoption of this Chapter. Such agreements will remain in full force and effect if desired by the Communications Utility and the Department or may be renegotiated.

Cite as Ga. Comp. R. & Regs. R. 672-11-.04
Authority: O.C.G.A. §§ 32-6-174, 50-13-4, 32-2-2.
History. Original Rule entitled "Alternate Procedure for Assessing Fees" was filed on February 4, 1986; effective February 24, 1986.
Amended: New title "Issuance of Permits, Permit Fees, and Alternative Procedure for Assessing Fees for Communication Utilities." F. Aug. 24, 2021; eff. Sept. 13, 2021.
Amended: F. Oct. 22, 2021; eff. Nov. 11, 2021.

Chapter 672-12. GRANT PROGRAMS.

Rule 672-12-.01. Definitions.

Chapter 12 of the Rules and Regulations lists the grant programs of the Department of Transportation in description as a prerequisite to making grants as required by "The Fair and Open Grants Act of 1993" (Code 1981, Section 28-5-120, enacted by Georgia Legislation 1993, p. 1914, 20).

Cite as Ga. Comp. R. & Regs. R. 672-12-.01
Authority: O.C.G.A. Sec. 32-2-2(b).
History. Original description entitled "Definitions" submitted March 22, 1994.

Rule 672-12-.02. Federal Transit Administration (FTA) Section 3 Program.

(1) **Scope and Purpose.** To provide capital assistance to public transit agencies.

(2) **Terms and Conditions.** All eligible applicants under 200,000 population must complete an application as outlined in *Georgia Administrative Guide to Implement the FTA Section 9 Grant Program for Urbanized Areas Under 200,000 Population.* The applicant must also adhere to all FTA regulations outlined in Circular 9030.1A.

(3) **Eligible Recipients.** Designated public body that has the legal authority to receive and dispense Federal funds.

(4) **Criteria for Award.** Applicants must submit a grant application to Georgia Department of Transportation (GDOT) along with a Program of Projects. The Program of Projects is

approved by the MPO process and is advertised for public review. The grant application is reviewed and approved by FTA subject to Federal funding availability.

(5) **Directions and Deadlines.** Section 3 grant applications may be submitted to GDOT at any time. They are submitted to FTA during the beginning of each quarter (January 1st, April 1st, July 1st or October 1st). Based on funding availability, FTA approves grants by the end of the quarter. Information relating to this grant program may be obtained from the Georgia Department of Transportation, Office of Intermodal Programs, 276 Memorial Drive, SW, Atlanta, Georgia 30303-3743.

Cite as Ga. Comp. R. & Regs. R. 672-12-.02
Authority: O.C.G.A. Sec. 32-9-1.
History. Original description entitled "Federal Transit Administration (FTA) Section 3 Program" submitted March 22, 1994.

Rule 672-12-.03. Federal Transit Administration (FTA) Section 8 Program.

(1) **Scope and Purpose.** To provide planning assistance to Metropolitan Planning Organizations (MPO).

(2) **Terms and Conditions.** All MPOs must complete an application as outlined in Administrative Guide For Transit Planning Assistance Under the FTA Section 8 Program for Georgia Metropolitan Planning Organizations. The applicant must also adhere to all FTA regulations outlined in Circular 8100.1A.

(3) **Eligible Recipients.** Designated Metropolitan Planning Organizations that have the legal authority to receive and dispense Federal funds.

(4) **Criteria for Award.** Applicants must submit a grant application to Georgia Department of Transportation (GDOT) along with a Budget Information Form outlining the planning elements identified in the Unified Planning Work Program. Prior to grant request, these planning elements are approved by the MPO process. The consolidated grant application on behalf of all MPOs is submitted to FTA for approval.

(5) **Directions and Deadlines.** Section 8 grant applications are submitted to GDOT no later than March 1st of each year. They are typically submitted to FTA on April 1st and are approved on June 30th. Information relating to this grant program may be obtained from the Georgia Department of transportation, Office of Intermodal Programs, 276 Memorial Drive, SW, Atlanta, Georgia 30303-3743.

Cite as Ga. Comp. R. & Regs. R. 672-12-.03
Authority: O.C.G.A. Sec. 32-9-1.
History. Original description entitled "Federal Transit Administration (FTA) Section 8 Program" submitted March 22, 1994.

Rule 672-12-.04. Federal Transit Administration (FTA) Section 9 Program.

(1) **Scope and Purpose.** To provide capital, planning or operating assistance to public transit agencies.

(2) **Terms and Conditions.** All eligible applicants under 200,000 population must complete an application as outlined in *Georgia Administrative Guide to Implement the FTA Section 9 Grant Program for Urbanized Areas Under 200,000 Population.* The application must also adhere to all FTA regulations outlined in Circular 9030.1A.

(3) **Eligible Recipients.** Designated public body that has the legal authority to receive and dispense Federal funds.

(4) **Criteria for Award.** Applicants must submit a grant application to Georgia Department of Transportation (GDOT) along with a Program of Projects. The Program of Projects is approved by the MPO process and is advertised for public review. The grant application is reviewed and approved by FTA.

(5) **Directions and Deadlines.** Section 9 grant applications are typically submitted to GDOT by May 1st of each year. A consolidated grant application is submitted to FTA by July 1st. FTA approves grants by the end of the quarter or September 30th. Information relating to this grant program may be obtained from the Georgia Department of Transportation, Office of Intermodal Programs, 276 Memorial Drive, SW, Atlanta, Georgia 30303-3743.

Cite as Ga. Comp. R. & Regs. R. 672-12-.04
Authority: O.C.G.A. Sec. 32-9-1.
History. Original description entitled "Federal Transit Administration (FTA) Section 9 Program" submitted March 22, 1994.

Rule 672-12-.05. Federal Transit Administration (FTA) Section 18 Program.

(1) **Scope and Purpose.** To provide capital and operating assistance to rural areas (under 50,000 population).

(2) **Terms and Conditions.** All eligible applicants in rural areas must complete an application as outlined in *Georgia State Management Plan and Administrative Guide for Rural and Small Urban Areas - Section 18.* The applicant must also adhere to all FTA regulations outlined in Circular 9040.1B.

(3) **Eligible Recipients.** Local public bodies and operators of public transportation services that have the legal authority to receive and dispense Federal funds.

(4) **Criteria for Award.** Applicants must submit to Georgia Department of Transportation (GDOT) an annual grant application by October 1st of each year. The program request is

advertised for public review. A consolidated Section 18 grant application is submitted annually for approval by FTA.

(5) **Directions and Deadlines.** Section 18 grant applications are submitted to GDOT by October 1st of each year. A consolidated grant application is submitted to FTA for review. FTA approves grants by the end of the quarter following submission. Information relating to this grant program may be obtained from the Georgia Department of Transportation, Office of Intermodal Programs, 276 Memorial Drive, SW, Atlanta, Georgia 30303-3743.

Cite as Ga. Comp. R. & Regs. R. 672-12-.05
Authority: O.C.G.A. Sec. 32-9-1.
History. Original description entitled "Federal Transit Administration (FTA) Section 18 Program" submitted March 22, 1994.

Rule 672-12-.06. Local Rail Freight Assistance Program.

(1) **Scope and Purpose.** To provide financial assistance for capital projects to preserve and improve local rail freight service.

(2) **Terms and Conditions.** The recipient must adhere to federal laws and regulations as specified in the federal grant agreement and, 49 CFR part 266 and applicable state laws and regulations.

(3) **Eligible Recipients.** Rail lines in the State of Georgia which carry three million or less gross tons of freight annually.

(4) **Criteria for Award.** Available funding is awarded in accordance with the priority placed on each eligible rail line as a result of the detailed analysis performed as part of the State Rail Plan.

(5) **Directions and Deadlines.** Recipient rail lines must be analyzed in the State Rail Plan. The plan is updated periodically and any eligible rail line not currently included in the State Rail Plan may be identified and requested for inclusion by writing the Georgia Department of Transportation, Office of Intermodal Programs, 276 Memorial Drive, SW, Atlanta, Georgia 30303-3743.

Cite as Ga. Comp. R. & Regs. R. 672-12-.06
Authority: O.C.G.A. Sec. 32-9-6.
History. Original description entitled "Local Rail Freight Assistance Program" submitted March 22, 1994.

Rule 672-12-.07. Airport Development Program.

(1) **Scope and Purpose.** Airport capital improvement projects including all eligible Federally funded projects.

(2) **Terms and Conditions.** Provides up to 50% State Grants for Non-Federal share of the project costs.

(3) **Eligible Recipients.** Owners of Open-To-The-Public Airports.

(4) **Criteria for Award.** Federally funded projects are given the priority and Non-Federal projects are funded on a "first-come-first served basis".

(5) **Directions and Deadlines.** Applications for State funds should be received by the Commissioner of the Georgia Department of Transportation not later than June 30th for consideration in the following fiscal year.

Cite as Ga. Comp. R. & Regs. R. 672-12-.07
Authority: O.C.G.A. Sec. 32-9-7.
History. Original description entitled "Airport Development Program" submitted March 22, 1994.

Rule 672-12-.08. Airport Operational Improvement Program.

(1) **Scope and Purpose.** Maintenance and operational safety airport projects.

(2) **Terms and Conditions.** Provides up to 75% State funding assistance for the construction cost with the exception of pavement marking which is funded at 100%.

(3) **Eligible Recipients.** Owners of Open-To-The-Public Airports.

(4) **Criteria for Award.** Projects are selected on a prioritized basis if demand exceeds available funding, otherwise the projects are funded on a "first-come-first served basis".

(5) **Directions and Deadlines.** Applications for State funds should be received by the Commissioner of the Georgia Department of Transportation no later than May 31st for consideration in the following fiscal year.

Cite as Ga. Comp. R. & Regs. R. 672-12-.08
Authority: O.C.G.A. Sec. 32-9-7.
History. Original description entitled "Airport Operational Improvement Program" submitted March 22, 1994.

Rule 672-12-.09. Airport Approach Aid Program.

(1) **Scope and Purpose.** Airport projects that aid aircraft in their approach path to a landing area.

(2) **Terms and Conditions.** Provides up to 75% State funding assistance for construction and engineering costs.

(3) **Eligible Recipients.** Owners of Open-To-The-Public Airports.

(4) **Criteria for Award.** Projects are selected on a prioritized basis if demand exceeds available funding, otherwise the projects are funded on a "first-come-first served basis".

(5) **Directions and Deadlines.** Applications for State funds should be received by the Commissioner of the Georgia Department of Transportation not later than June 30th for consideration in the following fiscal year.

Cite as Ga. Comp. R. & Regs. R. 672-12-.09
Authority: O.C.G.A. Sec. 32-9-7.
History. Original description entitled "Airport Approach Aid Program" submitted March 22, 1994.

Rule 672-12-.10. Transportation Enhancement Program.

(1) **Scope and Purpose.** To make available transportation funds for the purpose of enhancing the transportation environment.

(2) **Terms and Conditions.** Applicants (mostly local governments) submit projects for consideration by an independent advisory body, the Transportation Enhancement Advisory Panel ("TEA Panel"). The proposed projects must have linkage to the intermodal transportation network and must be eligible in one often specified categories. The State Transportation Board has placed a cap of one million dollars on the amount of money any one project sponsor can receive.

(3) **Eligible Recipients.** All cities and counties within the State are eligible for funding of design and construction projects. Private nonprofits may be eligible for planning studies.

(4) **Criteria for Award.** The TEA Panel ranks projects according to category-specific criteria developed by the Panel. However, the State Transportation Board adopted only general criteria for selection.

(5) **Directions and Deadlines.** The current deadline for applications requesting funding in Fiscal Year 1997 is August 15, 1994. Fiscal Years 1994, 1995, and 1996 are already programmed. To obtain an application form and specific directions, a potential applicant should write or call the Georgia Department of Transportation, Office of Planning, No. 2 Capitol Square, Atlanta, Georgia 30334 (phone number 404-656-5411).

Cite as Ga. Comp. R. & Regs. R. 672-12-.10
Authority: O.C.G.A. Secs. 32-1-3(18), 32-2-2(7).
History. Original description entitled "Transportation Enhancement Program" submitted March 22, 1994.

Rule 672-12-.11. Local Road Assistance Program.

(1) **Scope and Purpose.** To provide capital assistance for each Local Government (County/City) to maintain through resurfacing the roads and streets within their respective transportation system.

(2) **Terms and Conditions.** Each Local Government must submit a priority list of desired projects they wish to have considered for the Local Road Assistance Program ("LARP"). The priority list is evaluated by the Department of transportation's engineers based on a needs assessment and cost estimates for the project. The Department of Transportation's engineers make recommendations to the Commissioner of Transportation. Funds for this program are distributed by Board formula among the Congressional Districts and are equitably apportioned among urban and rural areas. Eligible priorities must meet acceptable needs evaluation and funding must be available prior to approval under this Program. No funds from this Program may be utilized to relocate utilities or perform work outside of the existing pavements. Private property or lease property does not qualify for assistance.

(3) **Eligible Recipients.** All Counties and Cities within the State are eligible.

(4) **Criteria for Award.** Priorities that are located on the County or City road and street system are eligible for consideration. Resurfacing contracts are issued at the discretion of the Commissioner based upon needs assessments and available funds.

(5) **Directions and Deadlines.** Priority lists are requested from each County and City of roads and streets to be considered. Projects are selected from the priority list and contracts are prepared by the Department of Transportation and let for competitive bidding. Completion dates are established that will allow for the completion of the work during the current paving season after the contract is let. Many Counties and Cities request their LARP contracts to be negotiated in the form of County/City contracts. These contracts do not have a completion date assigned; however the Local Governments are encouraged to complete the project during the same paving season.

All contracts are engineered and supervised by Department of Transportation engineers, following current guidelines and specifications for construction.

Cite as Ga. Comp. R. & Regs. R. 672-12-.11
Authority: O.C.G.A. Sec. 32-5-21.
History. Original description entitled "Local Road Assistance Program" submitted March 22, 1994.

Rule 672-12-.12. County and City Contract Program.

(1) **Scope and Purpose.** To provide capital assistance for each Local Government (County/City) to maintain and improve the roads and drainage within their respective transportation systems.

(2) **Terms and Conditions.** Each Local Government must submit a priority list of desired projects they wish to have considered for State Aid assistance through the County and City Contract Program. The priority list is evaluated by the Department of Transportation's engineers based on a needs assessment and cost estimates for the project. The Department of Transportation's engineers make recommendations to the Commissioner of Transportation.

(3) **Eligible Recipients.** All Counties and Cities within the State are eligible. State and Local School systems qualify but funding contracts are through respective Counties and Cities.

(4) **Criteria for Award.** Priorities that are located on the County, City, or State property are eligible for consideration. Eligible priorities must meet acceptable needs evaluation and funding must be available prior to approval under this Program. County and City Contracts are issued at the discretion of the Commissioner for paving, resurfacing, sidewalks, drainage materials, parking facilities, etc. Minimum rights of way requirements set by the Department of Transportation Board must be acquired for consideration.

(5) **Directions and Deadlines.** Priority lists can be submitted at any time but the Local Governments are encouraged to submit them once a year and updated on a yearly basis. Projects are selected from the priority list by separate request and selected projects are prepared for contract. County and City Contracts have no deadline for completion of the project but the Local Governments are encouraged to complete the work in a timely manner. County and City Contracts placed out for bid by the Department have completion dates established based on time needed to complete the project. Counties and Cities with contracts authorized but not awarded due to rights of way or other clearance problems are encouraged to proceed diligently toward clearance of the project or remove the project from their priority list. This will allow the funds to be used on other projects.

All contracts are engineered and supervised by Department of Transportation engineers, following current guidelines and specifications for construction.

Cite as Ga. Comp. R. & Regs. R. 672-12-.12
Authority: O.C.G.A. Sec. 32-5-21.
History. Original description entitled "Country and City Contract Program" submitted March 22, 1994.

Chapter 672-13. PETROLEUM PIPELINE CERTIFICATES.

Rule 672-13-.01. Definitions.

The following words when used in Chapter 672-13 shall have the following meaning unless the context thereof indicates another meaning:

(a) "Applicant" means any pipeline company that requests the issuance of a Certificate of Public Convenience and Necessity to exercise the right of eminent domain for the construction of a pipeline, pursuant to the provisions of Sections 22-3-80 through 22-3-85 of the Official Code of Georgia Annotated.

(b) "Certificate" means the Certificate of Public Convenience and Necessity issued by the Commissioner to any Applicant pursuant to the provisions of Sections 22-3-80 through 22-3-85 of the Official Code of Georgia Annotated.

(c) "Commissioner" means the Commissioner of the Georgia Department of Transportation.

(d) "Existing Petroleum Pipeline" means a petroleum pipeline constructed and in use prior to January 1, 2016.

(e) "Expansion" means a modification to an Existing Petroleum Pipeline within the existing easement or right of way that increases the supply of petroleum by:

(1) Increasing the diameter of an existing Petroleum Pipeline; or

(2) Constructing a Parallel Petroleum Pipeline.

(f) "Extension" means a modification to an Existing Petroleum Pipeline that increases the length or footprint of the Existing Petroleum Pipeline by a distance greater than one linear mile.

(g) "Maintenance" means:

(1) The care or upkeep of an Existing Petroleum Pipeline and its appurtenances;

(2) The replacement of an Existing Petroleum Pipeline within the same easement or right of way; or

(3) The relocation of an Existing Petroleum Pipeline for repair within one linear mile of the existing petroleum pipeline's alignment.

(h) "New Petroleum Pipeline" means a petroleum pipeline that was not constructed and in use prior to January 1, 2016. The term "New Petroleum Pipeline" shall not include an Expansion, Extension, or any Maintenance.

(i) "Parallel Petroleum Pipeline" means a Petroleum Pipeline that runs side by side to an existing Petroleum Pipeline.

(j) "Petroleum Pipeline" means a fixed conduit constructed to transport petroleum or petroleum products in or through this state.

(k) "Petroleum Pipeline Company" means a corporation organized under the laws of this state or which is organized under the laws of another state and is authorized to do business in this state and which is specifically authorized by its charter or articles of incorporation to construct and operate Petroleum Pipelines for the transportation of petroleum and petroleum products.

Cite as Ga. Comp. R. & Regs. R. 672-13-.01
Authority: O.C.G.A. § 22-3-83.
History. Original Rule entitled "Definitions" adopted. F. Jun. 3, 1996; eff. Jun. 23, 1996.
Amended: F. May 1, 2018; eff. May 21, 2018.

Rule 672-13-.02. The Exercise of Eminent Domain for the Construction of a Petroleum Pipeline.

(a) Subject to the provisions, conditions, and restrictions of these rules and of O.C.G.A. Secs. 22-3-80 through 22-3-85, Petroleum Pipeline companies are granted the power to acquire property or interests in property by eminent domain for the purpose of an Expansion, an Extension, Maintenance, or construction of a New Petroleum Pipeline.

(b) No Petroleum Pipeline Company shall exercise the right of eminent domain for the construction of a New Petroleum Pipeline or for the Extension of a Petroleum Pipeline without first obtaining from the Commissioner a Certificate that such action is authorized pursuant to the provisions of O.C.G.A. Section 22-3-83.

(c) No Certificate shall be required of a Petroleum Pipeline Company that is exercising the power of eminent domain for the purpose of Maintenance or Expansion.

(d) No Certificate shall be required of a Petroleum Pipeline Company that is not exercising the power of eminent domain to acquire property.

Cite as Ga. Comp. R. & Regs. R. 672-13-.02
Authority: O.C.G.A. § 22-3-83.
History. Original Rule entitled "The Exercise of Eminent Domain for the Construction of a Pipeline" adopted. F. Jun. 3, 1996; eff. Jun. 23, 1996.
Amended: New title "The Exercise of Eminent Domain for the Construction of a Petroleum Pipeline." F. May 1, 2018; eff. May 21, 2018.

Rule 672-13-.03. Applications for Certificates of Public Convenience and Necessity.

(a) All applications for a Certificate must be submitted to the Department electronically. A copy of the Applicant's Articles of Incorporation and amendments thereto shall be submitted concurrently with the application. When the New Petroleum Pipeline or

proposed Extension is expected to be sited in five (5) or fewer Georgia counties, an application fee of $5,000.00 must be submitted. When the New Petroleum Pipeline or proposed Extension is expected to be sited in more than five (5) Georgia counties, an additional $1,000.00 per county is added to the fee. The total fee is intended to cover costs associated with the processing and review of the application as well as the scheduling of public meetings. The application will not be considered filed until all required materials and the appropriate fee are received by the Department. Fees are to be submitted by mail to the Georgia Department of Transportation, Office of Utilities.

(b) The application for a Certificate shall set forth in the order indicated the following:

(1) The exact legal name of the Applicant, the State or territory under the laws of which the Applicant was organized, the location of the Applicant's principal place of business, the names of all States where the Applicant is authorized to do business and a concise but comprehensive description of the existing business, operations and properties of the Applicant with particular reference to the transportation by pipeline of petroleum or petroleum products.

(2) The name, title, telephone number and post office address of the person to whom correspondence or communications in regard to the application are to be addressed. Unless advised to the contrary, the Commissioner will serve notices, orders, and other papers upon the person so named.

(3) A description of the proposed project together with its siting information, including, but not limited to, a map showing the proposed location of the route of the New Petroleum Pipeline or of the proposed Extension. Applicant

(4) A description of the public convenience and necessity that support the proposed location of the route of the new pipeline route or of the proposed Extension.

(5) The width of the proposed Petroleum Pipeline corridor up to a maximum width of one-third mile.

(6) A showing that use of the power of eminent domain may be necessary for construction of the New Petroleum Pipeline or for the proposed Extension.

(7) A showing that the public convenience and necessity for the Petroleum Pipeline justifies the use of the power of eminent domain.

Cite as Ga. Comp. R. & Regs. R. 672-13-.03
Authority: O.C.G.A. § 22-3-83.
History. Original Rule entitled "Application for Certificates of Public Convenience and Necessity" adopted. F. June 3, 1996; eff. June 23, 1996.
Amended: F. May 1, 2018; eff. May 21, 2018.

Rule 672-13-.04. Additional Information to be Supplied.

The Applicant shall supply the Commissioner with any such additional information or data as may be determined necessary by the Commissioner.

Cite as Ga. Comp. R. & Regs. R. 672-13-.04
Authority: O.C.G.A. § 22-3-83.
History. Original Rule entitled "Addition Information to be Supplied" adopted. F. Jun. 3, 1996; eff. Jun. 23, 1996.
Amended: F. May 1, 2018; eff. May 21, 2018.

Rule 672-13-.05. Notice of Application and Proposed Route.

(a) Notice of Application. Within ten (10) days of the filing of a complete application for a Certificate as set forth in section 672-13-.03 of this chapter, notice of the application and the proposed route must be published by the Applicant in the legal organ of each county through which the proposed route of the New Petroleum Pipeline or of the Extension is to be located. Proof of publication shall be filed with the Commissioner as soon as practicable after the publication date, but in no event shall proof of the publication be filed later than ten (10) days following the publication date.

(b) Notice to Landowners. Within ten (10) days of the filing of an application under this Code section, the Applicant shall provide written notice to all landowners whose property is located within the proposed route of the New Petroleum Pipeline or of the Extension. Such notice shall be delivered to each landowner and contain the following language in boldface type:

YOUR PROPERTY IS LOCATED WITHIN THE PROPOSED ROUTE OF A PETROLEUM PIPELINE FOR WHICH AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY HAS BEEN FILED PURSUANT TO ARTICLE 4 OF CHAPTER 3 OF TITLE 22 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED. SAID ARTICLE ALONG WITH CHAPTER 17 OF TITLE 12 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED PROVIDE SPECIFIC REQUIREMENTS WHICH MUST BE FOLLOWED BY PETROLEUM PIPELINE COMPANIES BEFORE THEY MAY BUILD A NEW PETROLEUM PIPELINE OR MODIFY AN EXISTING PETROLEUM PIPELINE. THESE PROVISIONS OF THE OFFICIAL CODE OF GEORGIA ANNOTATED ALSO PROVIDE SPECIFIC RIGHTS FOR YOUR PROTECTION. YOU SHOULD FAMILIARIZE YOURSELF WITH THOSE REQUIREMENTS AND YOUR RIGHTS.

Cite as Ga. Comp. R. & Regs. R. 672-13-.05
Authority: O.C.G.A. § 22-3-83.
History. Original Rule entitled "Notice of Application and Proposed Route" adopted. F. Jun. 3, 1996; Jun. 23, 1996.
Amended: F. May 1, 2018; eff. May 21, 2018.

Rule 672-13-.06. Public Meetings on the Application.

The Department will schedule a reasonable number of public meetings regarding the application for a Certificate prior to a final decision being rendered. In no event will fewer than two (2) public meetings be held regarding any application. Notice of the public meetings will be provided in the legal organ of each county through which the proposed route of the Petroleum Pipeline is to be located or through other means of communication deemed necessary and appropriate by the Department.

Cite as Ga. Comp. R. & Regs. R. 672-13-.06
Authority: O.C.G.A. § 22-3-83.
History. Original Rule entitled "Hearing on the application" adopted. F. Jun. 3, 1996; eff. Jun. 23, 1996.
Amended: New title "Public Meetings on the Application." F. May 1, 2018; eff. May 21, 2018.

Rule 672-13-.07. Approval or Denial of Application.

(a) In making a decision as to whether to grant a Certificate, the Commissioner shall consider the following:

(1) Whether existing Petroleum Pipelines or distribution systems are adequate to meet the reasonable public needs;

(2) The volume of demand for such petroleum, and whether such demand and that reasonably to be anticipated in the future can support already existing Petroleum Pipelines and distribution systems, if any, and also the Petroleum Pipeline or distribution system proposed by the Applicant;

(3) The financial ability of the Applicant to furnish adequate continuous service and to meet the financial obligations of the service which the Applicant proposes to perform;

(4) The adequacy of the supply of petroleum to serve the public;

(5) The economic feasibility of the Petroleum Pipeline or distribution system and the propriety of the engineering and contracting fees, the expenses, and the financing charges and costs connected with the Petroleum Pipeline or distribution system;

(6) The effect on existing revenues and service of other Petroleum Pipelines or distribution system, and particularly whether the granting of such Certificate will or may seriously impair existing public service; and

(7) Any other factors which the Commissioner deems necessary to grant or deny a Certificate.

(b) The Applicant shall bear the burden of proof to demonstrate that a Certificate should be issued.

(c) The application review process shall not exceed 120 days in length. If any application is not acted upon within 120 days of the date such application is filed, the application shall be deemed to be approved by operation of law.

Cite as Ga. Comp. R. & Regs. R. 672-13-.07
Authority: O.C.G.A. § 22-3-83.
History. Original Rule entitled "Review of the Commissioner's Decision" adopted. F. Jun. 3, 1996; eff. Jun. 23, 1996.
Amended: New title "Approval or Denial of Application." F. May 1, 2018; eff. May 21, 2018.

Rule 672-13-.08. Review of the Commissioner's Decision.

The issuance or denial of a Certificate may be reviewed by a judge of the superior court of the county in which the pipeline company has an agent and place of doing business. The review shall be by petition filed within 30 days of the date of approval or disapproval of the application and shall be determined on the basis of the record before the Commissioner. The action of the Commissioner shall be affirmed if supported by substantial evidence.

Cite as Ga. Comp. R. & Regs. R. 672-13-.08
Authority: O.C.G.A. § 22-3-83.
History. Original Rule entitled "Conduct of Hearings and Reviews of Decisions" adopted. F. Jun. 3, 1996; eff. Jun. 23, 1996.
Amended: New title "Review of the Commissioner's Decision." F. May 1, 2018; eff. May 21, 2018.

Rule 672-13-.09. Notice to Landowner Prior to Initiating Eminent Domain Proceedings.

Prior to initiating eminent domain proceedings or threatening to do so, the Petroleum Pipeline Company shall cause to be delivered to each landowner whose property may be condemned a written notice containing the following language in boldface type:

CHAPTER 17 OF TITLE 12 AND ARTICLE 4 OF CHAPTER 3 OF TITLE 22 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED PROVIDE SPECIFIC REQUIREMENTS WHICH MUST BE FOLLOWED BY PETROLEUM PIPELINE COMPANIES BEFORE THEY MAY EXERCISE THE RIGHT TO CONDEMN YOUR PROPERTY. THOSE PROVISIONS OF THE OFFICIAL CODE OF GEORGIA ANNOTATED ALSO PROVIDE SPECIFIC RIGHTS FOR YOUR PROTECTION. YOU SHOULD FAMILIARIZE YOURSELF WITH THOSE REQUIREMENTS AND YOUR RIGHTS PRIOR TO CONTINUING NEGOTIATIONS CONCERNING THE SALE OF YOUR PROPERTY TO A PETROLEUM PIPELINE COMPANY.

Cite as Ga. Comp. R. & Regs. R. 672-13-.09
Authority: O.C.G.A.§§ 22-3-83, 22-3-84.
History. Original Rule entitled "Notice to Landowner Prior to Initiating Eminent Domain Proceedings" adopted. F.

May 1, 2018; eff. May 21, 2018.

Chapter 672-14. GRANTING, RENEWAL, AND REVOCATION OF VEGETATION MANAGEMENT PERMITS FOR OUTDOOR ADVERTISING.

Rule 672-14-.01. Purpose of Regulations.

(1) Through the adoption of these rules, the State Transportation Board recognizes the need to balance the interests of maintaining the beauty of the State and a healthy environment for its citizens with the need to provide the citizens of the state and the traveling public with adequate information regarding places offering lodging, food, motor fuels services or any other service or products along the roads and highways of the State by allowing for the visibility of outdoor advertising signs erected and maintained along the highways of the state.

(2) The Department is authorized to promulgate specifications and guidelines to govern the Department's implementation of the provisions of this Chapter, and to set forth these specifications and guidelines in the Department's Manual of Guidance entitled "Vegetation Management at Outdoor Advertising Signs." Copies of these guidelines shall be provided to applicants upon written request to the Department's Office of Maintenance, 600 West Peachtree Street, N. W., One Georgia Center, 10th Floor, Atlanta, GA 30308.

Cite as Ga. Comp. R. & Regs. R. 672-14-.01
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Purpose of Regulations" adopted. F. Nov. 20, 1998; eff. Dec. 10, 1998.
Repealed: New Rule of same title adopted. F. May 5, 2004; eff. May 25, 2004.
Amended: F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-14-.02. Definitions.

The following words when used in Chapter 672-14 shall have the following meanings unless the context thereof indicates another meaning:

(a) "Advertising Message": Any notice using symbols, pictures, numbers, words, or combination thereof designed to attract public attention or patronage.

(b) "Expired" or "Lapsed" Permits or Revisions: Is a properly issued permit or revision which is no longer valid because it's conditions have not been completed or revised within the applicable time frame. This includes failure to pay any applicable fees. Permits which

have expired solely as a result of failure to pay fees may be referred to as lapsed for purposes of O.C.G.A. § 32-6-75.3(j) and State Transportation Board Rules 672-14-.02.

(c) "Viewing zone": A continuous 500 foot horizontal distance parallel to the state right of way of a route controlled by O.C.G.A. § Section 32-6-70,*et seq.*, and adjacent or otherwise within the line of sight of an outdoor advertising sign.

(d) "Vegetation": Woody or herbaceous plant material growing from the ground or planted.

(e) "Vegetation Management": All planned work activities relating to landscape and roadside development on public right of way. These activities may include the removal, cutting or trimming of trees or other vegetation, landscape planting, construction and any maintenance management of their related features.

Cite as Ga. Comp. R. & Regs. R. 672-14-.02
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Definitions" adopted. F. Nov. 20, 1998; eff. Dec. 10, 1998.
Repealed: New Rule of same title adopted. F. May 5, 2004; eff. May 25, 2004.
Amended: F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-14-.03. Application for a Vegetation Management Permit.

(1) Any person, firm, or corporation with a conforming or nonconforming sign that has been legally permitted and erected, and maintained adjacent to the rights-of-way of the Interstate and Primary Highway Systems, may apply for a vegetation management permit for relief from a screened view.

(2) All applications, and the renewal thereof, shall be made by the person, firm or corporation holding the permit for the subject outdoor advertising sign and structure on forms prescribed by the Department. Advice, necessary forms and assistance may be obtained from the General Office or a District Office of the Department.

(3) Application(s) shall be submitted to the local District Outdoor Advertising Agent or designee in the Department.

(4) No person or entity may cut, trim, or remove trees, shrubs, or herbaceous plants on public rights of way to make visible or to ensure future visibility of an outdoor advertising sign without first obtaining a Permit for Vegetation Management at Outdoor Advertising Sign(s).

(5) No person or entity may cut, trim, or remove trees, shrubs, or herbaceous plants on public rights of way to make visible or to ensure future visibility of an outdoor advertising sign within areas of a viewing zone containing wetlands or buffers of state waters notwithstanding any provision of the Georgia Erosion and Sedimentation Act (O.C.G.A.

§ 12-7-3, et. seq.) and the Georgia Coastal Marshlands Act (O.C.G.A. § 12-5-280, *et seq.*).

(6) Ground restoration in disturbed areas on both mowable and non-mowable slopes where there is any vegetation management activity requires permanent grassing as a vegetative measure for an erosion control best management practice for slope stabilization, according to the Georgia Erosion and Sedimentation Act (O.C.G.A. § 12-7-3, et. seq.).

(7) The application shall contain at a minimum:

(a) The name, address, email address, and telephone number of the applicant, the name of the property owner, the Department sign permit number, and the notarized signature of the applicant's authorized representative. It shall also contain the height of the sign as measured from the base of the sign or crown of the adjacent roadway (whichever is greater),

(b) Evidence of the payment of a bond with sureties acceptable to the Department to run concurrently with the permit and the lowering of the sign if applicable.

(c) A copy of a W-9 that matches the name and address provided on the application.

(8) Proof of liability insurance as required.

(9) No Permit for Vegetation Management at Outdoor Advertising Signs will be issued:

(a) For applications that are incomplete.

(b) Notwithstanding any provision of the Georgia Outdoor Advertising Control Act to the contrary, to cut, trim, or remove trees, shrubs, or herbaceous plants that are protected by federal or state law.

(c) To remove trees, shrubs, or herbaceous plants where such trees or other vegetation are determined by the Department's Landscape Architect Manager or designee to be part of a permitted beautification project planted prior to the vegetation management permit.

Permitted beautification projects are:

(1) where the beautification project is specifically identified in the Department's construction or landscape plans; or

(2) permitted landscape projects pursuant to special encroachment permits; or

(3) permitted landscape projects pursuant to written agreements with third parties which identify the project or vegetation to be planted; or

(4) vegetation which was planted by the Department; or

(5) any other project that is determined by the Department's Landscape Architect Manager, based on the totality of the circumstances, to have been planted with Departmental approval but which plans or documents may no longer be available.

(d) To remove trees determined by the Department to be landmark, historic, or specimen trees.

(e) For outdoor advertising signs permitted or assigned a working number by the Department after December 31, 2010, for a period of five years from the date a new sign is permitted so as to ensure that no vegetation maintenance permits are issued for the purpose of creating new outdoor advertising signs.

(f) For any application which does not conform to the provisions of O.C.G.A. § 32-6-70,*et seq*.

(g) For any signs which exceed 75 feet in height, as measured from the base of the sign or crown of the adjacent roadway to which the sign is permitted, whichever is higher, unless the sign owner agrees to reduce the height of the sign.

(h) For any person, firm, or entity which the Department determines is maintaining or is allowing to be maintained any abandoned sign or signs within the State of Georgia.

(10) The initial Permit for Vegetation Management at Outdoor Advertising Sign is valid for the term of one (1) year in accordance with the approved Vegetation Management Plan.

Cite as Ga. Comp. R. & Regs. R. 672-14-.03
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Application for a Vegetation Management Permit" adopted. F. Nov. 20, 1998; eff. Dec. 10, 1998.
Repealed: New Rule of same title adopted. F. May 5, 2004; eff. May 25, 2004.
Amended: F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-14-.04. Requirements for Issuance of Approved Vegetation Management Permit.

Upon submittal of an application with appropriate fees and vegetation management plan, the Department will determine if the sign permit is current, with no pending violations and meets the requirements of Georgia law.

(a) If the Department determines that the sign permit is not current, has pending violations, or the sign does not qualify for a Vegetation Management Permit, the Vegetation Management Permit will be denied.

(b) If the Department determines that the sign permit and location is in good standing, and all other legal requirements and conditions have been met, a Vegetation Management Permit may be granted.

Cite as Ga. Comp. R. & Regs. R. 672-14-.04
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Requirements for Issuance of Approved Vegetation Management Permit" adopted. F. Nov. 20, 1998; eff. Dec. 10, 1998.
Repealed: New Rule of same title adopted. F. May 5, 2004; eff. May 25, 2004.

Rule 672-14-.05. Conditions Governing a Vegetation Management Permit.

(1) The Vegetation Management Permit authorizes one or more of the following actions:

(a) Vegetation within the viewing zone shall be selectively removed, pruned or trimmed, in accordance with good landscaping practices pursuant to O.C.G.A. §32-6-75.3 and all requirements set forth in the Department's Manual of Guidance, to allow viewing within the defined viewing zone.

(2) The Department shall:

(a) Require that the Permittee furnish the Department with a certificate indicating that the work has been completed in accordance with the Department's standards and Manual of Guidance. Upon receipt of such certificate, the District Engineer or designee will inspect the work site. If all work provided for and contemplated by the vegetation management plans as approved by the Department is found to be satisfactorily completed, the Department will notify the applicant in writing of such acceptance.

(b) Evaluate each application for a permit and require that as a condition of granting any permit a Contributory Value fee be paid. The Contributory Value fee shall be the Department's appraised value of the trees or other vegetation to be trimmed or removed within the viewing zone. A credit voucher representing the Department's determination of the dollar value of the benefit to the State for certified removal of expired-permit signs and legally-permitted non-conforming signs by the applicant may be used to offset the Contributory Value fee.

(3) The Permittee shall furnish the Department a performance and payment bond commensurate to ensure the completion of the project in the form of a certified check, cashiers' check or bank money order or a performance and payment bond on forms with sureties acceptable to the Department which will be required to run concurrently with the

permit. Such bonds shall be subject to forfeiture to the Department in the event of a violation of these regulations or upon failure of the applicant to leave the work site in a condition acceptable to the Department.

(4) The Permittee shall hold the Department harmless against any and all loss, cost, damage, claim, expense of liability whatsoever because of accident or injury to persons or property of others occurring in connection with the performance of services under this Contract.

(5) The applicant, its agents, servants, officers, employees and contractors are required to meet all current GDOT minimum coverages for commercial general liability insurance, commercial automobile insurance, and worker's compensation insurance. A Certificate of Insurance demonstrating proof of these coverage's and naming the State of Georgia as an additional insured must be received by the Department prior to any work being performed at the Viewing Zone site:

(6) All drivers of project equipment must possess a valid license for the type of vehicle being driven.

(7) The Department is authorized to promulgate specifications and guidelines to govern the Department's implementation of the provisions of this Chapter, and to set forth these specifications and guidelines in the Department's Manual of Guidance. Copies of these guidelines shall be provided to applicants upon written request to the Department's Office of Maintenance, 600 West Peachtree Street, N.W., One Georgia Center 10th Floor, Atlanta, GA 30308.

(8) A release of the applicant's bond is contingent on the applicant's providing the Department with six electronic photographs clearly depicting the completed vegetation management activity within the viewing zone. For signs that must be lowered, verification that the sign has been lowered to 75 feet or less, as measured from the base of the sign or crown of the adjacent roadway to which the sign is permitted, whichever is higher, must be provided from a licensed, Professional Engineer or licensed Land Surveyor.

Cite as Ga. Comp. R. & Regs. R. 672-14-.05
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Conditions Governing a Vegetation Management Permit" adopted. F. Nov. 20, 1998; eff. Dec. 10, 1998.
Repealed: New Rule of same title adopted. F. May 5, 2004; eff. May 25, 2004.
Amended: F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-14-.06. Fees and Renewal of a Vegetation Management Permit.

(1) The permit fees cover the direct and indirect costs associated with the administration of the permit and inspection of the site, and are due in the following amounts:

Application Review and Permit fee $ 400.00

Annual Renewal fee $ 50.00

(2) An annual renewal fee shall continue to be due each first of September, beginning the year following issuance of the permit. Notice of late renewals shall be sent by certified mail. If renewal fees are not received within 45 days of the late renewal notice, the permit shall be cancelled. Additional cutting, trimming, or removal of vegetation greater than 4 inches in diameter within a viewing zone after the initial permit construction activity and bond release is not allowed within the Target View Zone. Maintenance activities may continue within the permitted viewing zone as long as renewals are up to date.

(3) The Target View Zone for a sign is established by the initial vegetation management permit. The Target View Zone may not be modified by any subsequent vegetation management permit. A successive vegetation management permit may only be issued for a location if all past due renewal fees for previous permits have been paid prior to the issuance of the new vegetation management permit for the location.

Cite as Ga. Comp. R. & Regs. R. 672-14-.06
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Fees and Renewal of a Vegetation Management Permit" adopted. F. Nov. 20, 1998; eff. Dec. 10, 1998.
Repealed: New Rule of same title adopted. F. May 5, 2004; eff. May 25, 2004.
Amended: F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-14-.07. Invalid or Revocation of a Vegetation Management Permit.

Failure to comply with these rules and regulations or the Department's Manual of Guidance after notification may result in immediate suspension or revocation of the vegetation management permit on file, forfeiture of bonds or permanent denial of any future vegetation management permit or permit renewal for the sign and site involved in the infraction. Work performed on the Department's right-of-way without a permit shall be considered a failure to comply and is punishable as provided in O.C.G.A. § 32-6-81, and shall be subject to the procedures set forth in section O.C.G.A. § 32-6-95.

Cite as Ga. Comp. R. & Regs. R. 672-14-.07
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Invalid or Revocation of a Vegetation Management Permit" adopted. F. Nov. 20, 1998; eff. Dec. 10, 1998.
Repealed: New Rule of same title adopted. F. May 5, 2004; eff. May 25, 2004.
Amended: F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-14-.08. Failure to Comply with Guidelines - Unauthorized Cutting, Trimming or Removal of Vegetation.

The Department shall have the right to terminate the Permit by giving thirty (30) days notice in writing of the termination and date of such termination to permittee if the permittee fails to perform or violates any of the terms, conditions or provisions of the Vegetation Management at Outdoor Advertising Sign(s) Permit or fails to maintain the designated Target View Zone in a reasonable manner. The Department shall also have the right to refuse to process any new Vegetation Management permit applications submitted by a person or entity with an unresolved or alleged violation of the rules and regulations or the Department's Manual of Guidance,

Cite as Ga. Comp. R. & Regs. R. 672-14-.08
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Failure to Comply with Guidelines - Unauthorized Cutting, Trimming or Removal of Vegetation" adopted. F. Nov. 20, 1998; eff. Dec. 10, 1998.
Repealed: New Rule of same title adopted. F. May 5, 2004; eff. May 25, 2004.
Amended: F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-14-.09. Safety.

Any work performed within the limits of the Department's right-of-way shall be done in accordance with the Manual on Uniform Traffic Control Devices and other applicable Department safety guidelines. Nothing in this rule shall be construed to give permission to service sign structures from the Department's right of way. Vegetation management activity shall take place from the road shoulder.

Cite as Ga. Comp. R. & Regs. R. 672-14-.09
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Safety" adopted. F. Nov. 20, 1998; eff. Dec. 10, 1998.
Repealed: New Rule of same title adopted. F. May 5, 2004; eff. May 25, 2004.
Amended: F. Mar. 19, 2012; eff. Apr. 8, 2012.

Rule 672-14-.10. Hearings and Appeals.

In the event an applicant wishes to appeal the denial of their application, or revocation or non-renewal of their Vegetation Management permit, the provisions of Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," shall apply.

Cite as Ga. Comp. R. & Regs. R. 672-14-.10
Authority: O.C.G.A. Secs. 32-2-2, 32-6-90, 50-13-4.
History. Original Rule entitled "Hearings and Appeals" adopted. F. Nov. 20, 1998; eff. Dec. 10, 1998.
Repealed: New Rule of same title adopted. F. May 5, 2004; eff. May 25, 2004.

Chapter 672-16. CRITERIA FOR ELIMINATION OF HIGHWAY-RAIL GRADE CROSSINGS.

Rule 672-16-.01. Definitions.

(a) "AASHTO": The American Association of State Highway and Transportation Officials.

(b) "Average Daily Traffic" (ADT): The volume of traffic typical in a 24 hour period.

(c) "Clearing Sight Distance": The distance required for a vehicle to safely pass over and clear a crossing when departing from a stopped position as shown in the current edition of the AASHTO Policy on Geometric Design of Highways and Streets.

(d) "Department": The Department of Transportation of the State of Georgia; sometimes abbreviated as GDOT.

(e) "Engineer": The Chief Engineer of GDOT, acting directly or through a duly authorized representatives acting within the scope of the particular duties and responsibilities assigned to them.

(f) "Highway-rail grade crossing": The area where a highway and a railroad's right-of-way cross at the same level, within which are included the railroad tracks, highway and the associated traffic control devices.

(g) "Land-locked property": Property by which all ingress, egress and/or access has been eliminated, removed or cut-off.

(h) "O.C.G.A": The Official Code of Georgia Annotated.

(i) "Passive highway-rail grade crossing": A crossing that has standard signs and/or pavement markings that provide warning that there is a highway-rail grade crossing.

(j) "Signalized highway-rail grade crossing": A crossing that has train activated warning devices, typically in the form of bells, lights and gates.

(k) "Railroad": All corporations, companies, or individuals owning or operating any railroad in this state. This title shall apply to all persons, firms, and companies, and to all associations of persons, whether incorporated or otherwise, that engage in business as common carriers upon any of the lines of railroad in this state, as well as to railroad corporations and railroad companies as defined in O.C.G.A.

(l) "Railroad main line": All portions of the railway line not used solely as yards, spurs, and side tracks.

(m) "Skew Angle": The interior angle measured between a line that extends the roadway centerline perpendicular from the stop bar to the nearest rail.

(n) "Train": One or more locomotives coupled with or without rail cars, that operates on rails or tracks and to which all other traffic must yield the right-of-way at highway-rail grade crossings.

(o) "Vehicle": Every device in, upon or by which, any person or property can be transported or drawn upon any highway, road or street except trains and light rail transit operating in exclusive alignments. Light rail transit operating in a mixed-use or shared alignment to which other traffic is not required to yield the right-of-way by law, is a vehicle.

Cite as Ga. Comp. R. & Regs. R. 672-16-.01
Authority: O.C.G.A. Secs. 32-2-2, 32-6-193.1, 50-13-4, 50-13-6.
History. Original Rule entitled "Definitions" adopted. F. Nov. 13, 2003; eff. Dec. 3, 2003.

Rule 672-16-.02. General.

The rules to establish the criteria for closure of highway-rail grade crossings are promulgated in accordance with O.C.G.A. Section 32-6-193.1 for use by both the Department and local governing authorities. The intent is to enhance public safety for both vehicular and train traffic at highway-rail grade crossings. Application of the criteria in section 672-16-.04 and consideration of factors listed in O.C.G.A. Section 32-6-193.1 along with comments from a public hearing shall be weighed to determine if a public crossing should remain open or if the crossing should be eliminated.

Cite as Ga. Comp. R. & Regs. R. 672-16-.02
Authority: O.C.G.A. Secs. 32-2-2, 32-6-193.1, 50-13-4, 50-13-6.
History. Original Rule entitled "General" adopted. F. Nov. 13, 2003; eff. Dec. 3, 2003.

Rule 672-16-.03. Procedural Steps.

Any railroad may file a petition requesting an order to eliminate a highway-rail grade crossing on any public road. The petition shall include a location map showing the crossing, the corresponding railroad crossing inventory number, and the name of the city and/or county in which the crossing is located along with the information required under O.C.G.A. Section 32-6-193.1. Railroads shall report the same information that they normally report to U.S. D.O.T. and the Federal Railroad Administration whenever possible.

Both the governing authority and the railroad shall have the right to challenge the validity of data submitted by the other party. Both parties shall make good faith efforts to reach agreement regarding the data used to reach a determination of safety. Any disagreements that are not mutually resolved shall be settled during the appeal process.

(a) Petition requesting an order to eliminate a highway-rail grade crossing.

1. State Routes. The railroad shall submit the petition regarding a state highway to the GDOT, Railroad Crossing Program Manager, 935 E. Confederate Avenue, Building 24, Atlanta, Georgia 30316 by certified mail or statutory overnight delivery.

2. Local Roads and Streets. The railroad shall submit the petition regarding a city street or county road to the applicable local governing authority.

(b) Public Hearing.

1. The appropriate state or local governing authority in receipt of a completed petition to eliminate a railroad crossing shall conduct a public hearing on the issue prior to deciding whether to grant or deny the petition to eliminate the railroad crossing. The purpose of the public hearing shall be to inform the public of the proposed action, to gather supporting data regarding hardship cases and to validate data being gathered for use in making an overall determination regarding elimination. The public hearing shall be held within 60 days after receiving the petition. The applicable governing authority shall render a decision on the petition within 90 days of receipt.

2. The governing authority shall advertise the public hearing by posting a "Notice of Public Hearing" signage at the railroad crossing under review. Signage shall be placed on each approach leading up to the crossing and shall be at least 24" x 36" in size. The sign shall provide information regarding the date, time and location of the public hearing. A minimum of two additional signs shall be placed at the location of the public hearing with one sign inside the building and one sign outside the building.

3. The governing authority conducting the public hearing shall provide a written record of all oral comments and responses. Additionally the governing authority conducting the public hearing shall provide public comment forms to record and document all written comments. Written comments shall be accepted for five (5) calendar days following the said public hearing and the appropriate address for submitting such comments shall be printed on the public comment form.

4. The governing authority conducting the public hearing shall be responsible for retaining a written record of all public comments (written and oral), any responses provided, along with any displays, maps and/or other relative documents used in conducting the public hearing. The governing authority shall retain these items for at least one (1) year following the public hearing.

Cite as Ga. Comp. R. & Regs. R. 672-16-.03
Authority: O.C.G.A. Secs. 32-2-2, 32-6-193.1, 50-13-4, 50-13-6.
History. Original Rule entitled "Procedural Steps" adopted. F. Nov. 13, 2003; eff. Dec. 3, 2003.

Rule 672-16-.04. Determination of Safety.

The Department in respect to state highways, the county governing authority in respect to county roads or the municipality governing authority in respect to city streets shall determine if the highway-rail grade crossing shall remain open or should be eliminated. This determination shall

be made upon consideration of all factors listed in O.C.G.A. Section 32-6-193.1 and in accordance with the "Georgia Department of Transportation's Guide for Evaluating Highway-Rail Grade Crossing Safety". A sum total of adjustment factors greater than or equal to a positive five (+5) shall be justification to eliminate a crossing.

(a) **Records.** The governing authority conducting the investigation shall retain the completed "Highway-Rail Grade Crossing Safety Evaluation" form along with all calculations and supporting documentation used in completing the assessment for a minimum of one (1) year following the investigation.

Cite as Ga. Comp. R. & Regs. R. 672-16-.04
Authority: O.C.G.A. Secs. 32-2-2, 32-6-193.1, 50-13-4, 50-13-6.
History. Original Rule entitled "Determination of Safety" adopted. F. Nov. 13, 2003; eff. Dec. 3, 2003.

Rule 672-16-.05. Appeal Process.

(a) Any railroad aggrieved by an order of a local governing authority in accordance with a crossing on a local road may request a review by the GDOT in accordance with O.C.G.A. 32-6-193.1(c)(3).

1. The railroad shall submit an appeal to the GDOT, Railroad Crossing Program Manager, 935 E. Confederate Avenue, Building 24, Atlanta, Georgia 30316 by certified mail or statutory overnight delivery within thirty (30) days from the date of the Order issued by the local governing authority.

2. Along with the letter of appeal, the railroad shall include a copy of all correspondence with the local governing authority, a copy of the Order issued by the local governing authority and filing fee in the form of a check in the amount of $500.00, made payable to the Georgia Department of Transportation. The filing fee shall be applied towards the investigation of the appeal in accordance with O.C.G.A. 32-6-193.1, sub-section (c)(3)(D).

3. At the request of the GDOT, the local governing authority who issued the original order shall provide copies of those documents outlined in section 672-16-.03, sub-section (b) of this document along with those documents outlined in section 672-16-.04 of this document.

4. The GDOT shall have sixty (60) days to review the appeal and make a determination as to whether or not the original order of the local governing authority shall be upheld or overturned.

(b) Any railroad aggrieved by an order of the GDOT in accordance with a crossing on a state route may request a review in accordance with O.C.G.A. 32-6-193.1(c)(3).

1. The railroad shall submit an appeal to the GDOT, Railroad Crossing Program Manager, 935 E. Confederate Avenue, Building 24, Atlanta, Georgia 30316 by certified mail or statutory overnight delivery within thirty (30) days from the date of the Order issued by the GDOT. Along with the letter of appeal, the railroad shall include a copy of all correspondence with the GDOT, a copy of the Order issued by the GDOT and filing fee in the form of a check in the amount of $500.00, made payable to the Georgia Department of Transportation.

2. The GDOT shall forward such appeals directly to the Office of State Administrative Hearings for their review and judgment.

Cite as Ga. Comp. R. & Regs. R. 672-16-.05
Authority: O.C.G.A. Secs. 32-2-2, 32-6-193.1, 50-13-4, 50-13-6.
History. Original Rule entitled "Appeal Process" adopted. F. Nov. 13, 2003; eff. Dec. 3, 2003.

Chapter 672-17. GOVERNING PUBLIC-PRIVATE PARTNERSHIPS.

Rule 672-17-.01. Statement of Policy.

(1) It is the policy of the Department to consider the feasibility of private involvement in projects the Department undertakes pursuant to Sections 32-2-78, 32-2-79, 32-2-80 of the Official Code of Georgia Annotated. The objectives of the Department's Public-Private Partnerships program include, but are not limited to, the following:

(a) Expedite project delivery and maximize innovation in project financing and delivery;

(b) Leverage and supplement limited public funds available for public projects;

(c) Facilitate the collaboration and cost and risk sharing in public projects between the public and private partners;

(d) Foster flexibility in procurement methods to provide the best value to the public;

(e) Encourage cooperative partnerships between and among the public and private sectors;

(f) Promote and encourage the use of local labor and resources, as well as disadvantaged, minority and small business enterprises, consistent with applicable law, including requiring a private partner who has been awarded a contract for a Public-Private Partnership to establish a local office within the State of Georgia; and

(g) Advance the investment policies of the Department as provided for by paragraphs (1) through (10) of subsection (a) of Section 32-2-41.1 of the Official Code of Georgia Annotated.

(2) The Department shall identify and report to the Board by July 31, of each odd-numbered year those projects that are suitable for a Public-Private Partnership. Factors to be considered may include, but are not limited to, potential for value added by the private sector, the Department's preparedness, project maturity, financial feasibility, project scope, and market interest. In identifying projects, the Department will coordinate and work collaboratively with the Director, and endeavor to seek input from relevant governmental agencies, local governments and the public. The report may be supplemented by the Department and re-submitted to the Board prior to the next reporting period.

(3) Any changes to these Rules must be presented to both the House and Senate Transportation Committees for consideration and approval prior to adoption by the Board.

Cite as Ga. Comp. R. & Regs. R. 672-17-.01
Authority: Authority O.C.G.A. Secs. 32-2-2, 32-2-79, 50-13-4.
History. Original Rule entitled "Purpose of Regulations" adopted. F. Dec. 12, 2003; eff. Jan. 1, 2004.
Repealed: New Rule of same title adopted. F. July 22, 2005; eff. August 11, 2005.
Repealed: New Rule entitled "Statement of Policy" adopted. F. Jan. 25, 2010; eff. Feb. 14, 2010.
Repealed: New Rule of same title adopted. F. Apr. 21, 2010; eff. May 11, 2010.

Rule 672-17-.02. Definitions.

The following terms, as used in this Chapter, shall have the following meanings unless the context thereof indicates to the contrary:

(a) "Board": The State Transportation Board.

(b) "Commissioner": The Commissioner of the State Department of Transportation.

(c) "Department": The Department of Transportation.

(d) "Director": The Director of Planning provided for by Section 32-2-43 of the Official Code of Georgia Annotated.

(e) "Guidelines": Policies and procedures adopted by the Department which establishes the manner in which the Department intends on receiving and evaluating Proposals.

(f) "Person" or "person": Any individual, co-partnership, association, corporation, joint venture, limited liability company, business entity, consortium of business entities, firm or

joint stock company, their lessees, trustees, assignees or receivers as appointed by any court.

(g) "Private contribution": Resources supplied by a private entity for a Public-Private Partnership, including funds, financing, income, revenue, cost sharing, technology, staff, materials, equipment, expertise, data, or engineering, planning, design, construction, operations or maintenance services, or other items of value.

(h) "Private Partner": A person that has entered into an agreement with the Department for a Public-Private Partnership.

(i) "Proposal": A written submittal for a Public-Private Partnership submitted in response to a formal solicitation issued by the Department.

(j) "Proposer": A person that has submitted a statement of qualifications, proposal, or other submission in order to participate in an ongoing procurement for a Public-Private Partnership.

(k) "Public-Private Partnerships" or "P3": An arrangement between the Department and one or more private or public persons that provides for one or more of the planning, development, design, construction, reconstruction, extension, expansion, financing, operation, and maintenance of a Transportation Project that may include, but is not limited to, the following:

1. Acceptance of private contribution to a Transportation Project in exchange for a public benefit concerning that Transportation Project;

2. Sharing of resources and the means of providing Transportation Projects;

3. Cooperation in researching, developing and implementing Transportation Projects;

4. Use of innovative financing methods;

5. Use of innovative project delivery methods;

6. Use of leases, licenses, permits, or franchises.

The use of the word "partnership" to describe such an arrangement does not confer on the relationship formed any of the attributes or incidents of a partnership under common law or Section 14-8-1*et seq.* of the Official Code of Georgia Annotated.

(l) "Request for Proposals": A request for a submittal from a person for a Public-Private Partnership, as described in subsection (3) of Rule 672-17-.04.

(m) "Request for Qualifications": A request for a submittal from a person of a description of that person's experience, competence, and capability to enter into and implement a Public-Private Partnership, as described in subsection (2) of Rule 672-17-.04.

(n) "Transportation Project" or "Project": A project as defined under Code Section 32-2-78 of the Official Code of Georgia Annotated.

Cite as Ga. Comp. R. & Regs. R. 672-17-.02
Authority: Authority O.C.G.A. Secs. 32-2-2, 32-2-79, 50-13-4.
History. Original Rule entitled "Definitions" adopted. F. Dec. 12, 2003; eff. Jan. 1, 2004.
Repealed: New Rule of same title adopted. F. July 22, 2005; eff. August 11, 2005.
Repealed: New Rule of same title adopted. F. Jan. 25, 2010; eff. Feb. 14, 2010.

Rule 672-17-.03. Guidelines.

The Department will establish Guidelines for a Public-Private Partnership process that may provide, among other things, requirements and procedures for solicitations, public involvement process, public notice opportunities, and review and approval steps to negotiate and execute a final contract. The Guidelines are advisory and descriptive in nature, and do not impose any legal obligations or liability on the Board, the Department or any of their members, employees, representatives and consultants. A copy of the Guidelines may be obtained from the Office of the Chief Engineer, Department of Transportation, One Georgia Center, 22nd Floor, 600 W. Peachtree Street, NW, Atlanta, Georgia 30308. Any changes to the Guidelines must be approved by the Board.

Cite as Ga. Comp. R. & Regs. R. 672-17-.03
Authority: Authority O.C.G.A. Secs. 32-2-2, 32-2-79, 50-13-4.
History. Original Rule entitled "Guidelines" adopted. F. Dec. 12, 2003; eff. Jan. 1, 2004.
Repealed: New Rule of same title adopted. F. July 22, 2005; eff. August 11, 2005.
Repealed: New Rule of same title adopted. F. Jan. 25, 2010; eff. Feb. 14, 2010.
Repealed: New Rule of same title adopted. F. Apr. 21, 2010; eff. May 11, 2010.

Rule 672-17-.04. Solicitation Process.

(1) Applicability. If the Department decides to procure a Public-Private Partnership, it will solicit participation through a procurement process in accordance with the requirements of these Rules. Such procurement process may involve, without limitations, Request for Qualifications, listing of the most qualified Proposers, Request for Proposals, discussions, interviews, one-on-one meetings, requests for additional information or clarifications, written questions and responses, negotiations, and/or best and final offers.

(2) Request for Qualifications.

(a) General. As part of a solicitation for a Public-Private Partnership, the Department may, in its sole discretion, issue a Request for Qualifications. A Request for Qualifications for a Public-Private Partnership will set forth the basic criteria for professional experience, competence, and capability to undertake and perform a proposed Public-Private Partnership, and such other information as the

Department considers relevant or necessary in the Request for Qualification. At its sole discretion, the Department may elect to furnish conceptual designs, fundamental details, technical studies and reports or detailed plans of the proposed project in the Request for Qualifications. The Request for Qualifications may request one or more conceptual approaches to bring the Public-Private Partnership to fruition.

(b) Notice. If the Department initiates a solicitation by issuing a Request for Qualifications, as applicable, the Department shall, at least thirty (30) days prior to the date for receipt of responses to such request, post the legal notice for said request on the Department of Administrative Services website or in substantially the same manner utilized by the Department to solicit Requests for Qualifications, as applicable.

(c) Evaluation. The Department, after evaluating the qualification submittals received in response to a Request for Qualifications, will identify and approve a list of qualified Proposers that is composed of those Proposers that are considered most qualified to respond to a Request for Proposals for a proposed Public-Private Partnership. The list will comprise of at least two (2) qualified Proposers, but no more than five (5) qualified Proposers. Notwithstanding the foregoing, the Department has the right to cancel or suspend the solicitation at any time. In evaluating the qualification submittals, the Department will consider such qualities that the Department considers relevant to the Public-Private Partnership, which may include the Proposer's financial condition, stated capacity and willingness to assume responsibility and risk, management stability, technical capability, experience, staffing, and organizational structure. The Request for Qualifications shall include the criteria used to evaluate the qualification submittals and the relative weight given to the criteria. The Department shall notify each Proposer providing a qualification submittal whether it is on the list of most qualified Proposers.

(3) Request for Proposals.

(a) General. The Department may issue a Request for Proposals by providing notice pursuant to subsection (c)(2) or (c)(3) of this Rule 672-17-.04. A Request for Proposals shall indicate the general scope of the Public-Private Partnership, the proposed financial participation of the Department and the Proposer in the Public-Private Partnership, and other factors that will be used in evaluating the Proposal including the submission of detailed documentation regarding the Public-Private Partnership or unique capabilities or qualifications that will be required by the Proposer. The Request for Proposals may require the submission of additional information relating to:

1. the Proposer's qualifications and demonstrated technical and financial competence;

2. the Proposer's technical proposal for and approach to implementing the Public-Private Partnership, including all assumptions;

3. the Proposer's schedule for implementing the Public-Private Partnership;

4. the Proposer's financial and/or price proposal for and approach to implementing the Public-Private Partnership;

5. a detailed estimate with all material quantities and price assumptions used to form the basis of the Proposal;

6. factors used in evaluating the Proposal;

7. any other information the Department considers relevant or necessary.

(b) Notice of Request for Proposals without Request for Qualifications. If the Department initiates a solicitation by issuing a Request for Proposals and has not established a list of most qualified Proposers using a Request for Qualifications, the Department shall, at least ninety (90) days prior to the date for receipt of Proposals in response to such request, post the legal notice for said request on the Department of Administrative Services website or in substantially the same manner utilized by the Department to solicit requests for proposals.

(c) Notice of Request for Proposals following Request for Qualifications. If the Department has issued a Request for Qualifications and has a list of at least two most qualified Proposers in response to the Request for Qualifications, the Department may notify and issue a Request for Proposals to such qualified Proposers. The Department may, in its sole discretion, issue a draft Request for Proposals to such qualified Proposers for review and comment prior to issuing the final Request for Proposals.

(d) Payment for work product. The Request for Proposals may stipulate an amount of money that the Department will pay to an unsuccessful Proposer that submits a Proposal that is responsive to the requirements of the Request for Proposals. The Request for Proposals may also stipulate an amount of money that the Department may pay to Proposers in the event that the Department cancels the procurement before the receipt of Proposals. The Request for Proposals shall specify the criteria and conditions under which such payments will be made. In determining the amount of payment, if any, for work product, the Department shall consider:

1. the effect of a payment on the Department's ability to attract quality Proposers and meaningful Proposals and to generate competition;

2. the work product expected to be included in the Proposal and the anticipated value of that work product;

3. the complexity of the Public-Private Partnership; and

4. the costs anticipated to be incurred by a Proposer in preparing a Proposal.

(e) Discussions and negotiations. Based on the evaluation factors as set forth in the Request for Proposals, the Department shall rank all Proposals that are complete, in conformance with, and responsive to the Request for Proposals, and shall select in order of preference two or more of the Proposers whose qualifications and proposed services are deemed most meritorious for negotiations. Such negotiations may include, but are not limited to, one-on-one meetings, and requests for Proposal revisions and/or best and final offers. Notwithstanding the foregoing, the Department reserves the right in its sole discretion to engage in individual discussions with, to negotiate with, and/or award a contract to only one Proposer when it is clearly more qualified and suitable than the other Proposers or when the Department receives only one responsive Proposal.

(f) Best value selection and award. Pursuant to the Guidelines, the Department shall submit a recommendation to the Board regarding approval of the Proposal determined to provide the apparent best value to the State of Georgia upon contract terms that are the most satisfactory and advantageous to the State of Georgia. Before making such selection, the Department shall consult with participating local governing authorities. The Board may approve or disapprove the recommendation, and if approved, the award will be subject to the successful completion of negotiations, any necessary federal action, execution by the Commissioner of the appropriate agreement(s), and satisfaction of such other conditions that are identified in the Request for Proposals. Upon award of a contract for a Public-Private Partnership, the Department will notify the Proposers in writing of the Department's rankings, and shall also make the rankings available to the public.

(g) Public comment on Proposals. The Department shall provide opportunity for written public comment with respect to the Proposal(s) responsive to a Request for Proposals at least ten (10) days after receipt of the Proposal(s) by posting an executive summary of the Proposal(s) on the Department of Administrative Services website or in substantially the same manner utilized by the Department to solicit requests for proposals for public written comment for a minimum of thirty (30) days. Further, the Department shall hold at least one public hearing prior to the expiration of the period for receipt of written public comments, which shall be held in each county where the Project, or portion thereof, is located. All public hearings required to be held pursuant to applicable law will be directed and overseen by the Department, with participation by such other entities as it deems appropriate. Notwithstanding the foregoing, information in a Proposal that is proprietary or confidential shall not be disclosed to the public pursuant to subsection (1)(b) of Rule 672-17-.06.

(h) Approval of contract. Prior to the execution of any contract(s) between the Department and the apparent best value Proposer, the Board shall approve the contract(s) recommended by the Department.

(4) Terms of contract. The contract for a Public-Private Partnership shall identify the rights and obligations of the Department and the Private Partner with respect to the Project. By way of example only, a contract for a Public-Private Partnership may include, but is not limited to, the following:

(a) Provisions authorizing the Private Partner to impose, collect and enforce user fees, tolls, fares, rents, tax increments or similar charges and fees;

(b) Provisions allowing the Department to accept payments of money from the Private Partner and to divide revenues with the Private Partner;

(c) Provisions addressing how the development costs and the Project risks will be allocated;

(d) Provisions establishing performance criteria and/or incentives;

(e) Provisions addressing the acquisition and ownership of rights-of-way, real estate, capital improvements and other property interests that may be required;

(f) Provisions addressing responsibility for reconstruction or renovations that is required in order for the Project to meet applicable government standards at the end of the term of the contract;

(g) Provisions providing for security, patrolling and law enforcement on, in or for the Project;

(h) Provisions identifying any technical specifications that must be satisfied, and a process whereby the Private Partner may request and receive authorization to deviate from such specifications on making a showing satisfactory to the Department;

(i) Provisions addressing how public funds may be contributed toward the Public-Private Partnership and the basis of such contribution, including the use of state and federal loan programs, and grant and credit programs;

(j) Provisions regarding the Private Partner's compensation, including but not limited to, provisions regarding the use of availability payments, retention of fees, tolls, fares, rents or similar charges and fees, and generation and use of other revenues;

(k) Provisions specifying the conditions under which the Private Partner is entitled to compensation for lost revenues or other demonstrable damages resulting from the construction of a competing facility by the Department;

(l) Provisions specifying events of default and remedies available to the Private Partner and the Department, including compensation that may be payable to the Department or Private Partner in connection with termination of the Public-Private Partnership;

(m) Provisions allowing for the resolution of disputes through non-binding dispute resolution and the procedures to commence such non-binding dispute resolution; and

(n) Provisions regarding the maintenance and auditing of the Private Partner's work product, books and records.

Notwithstanding the foregoing, the terms of a contract for a Public-Private Partnership shall not convey rights or obligations to the Department or Private Partner that are prohibited by, contrary to, or in violation of applicable law.

Cite as Ga. Comp. R. & Regs. R. 672-17-.04
Authority: Authority O.C.G.A. Secs. 32-2-2, 32-2-79, 50-13-4.
History. Original Rule entitled "Receipt of Unsolicited Proposals" adopted. F. Dec. 12, 2003; eff. Jan. 1, 2004.
Repealed: New Rule entitled "Receipt of Solicited, Unsolicited, Competing or Comparable Proposals" adopted. F. July 22, 2005; eff. August 11, 2005.
Repealed: New Rule entitled "Solicitation Process" adopted. F. Jan. 25, 2010; eff. Feb. 14, 2010.
Repealed: New Rule of same title adopted. F. Apr. 21, 2010; eff. May 11, 2010.

Rule 672-17-.05. Conduct Governing Solicitations.

A Proposer and any other person on a Proposer's team, including consultants and subconsultants, shall be governed according to the following rules of conduct:

(a) Such persons shall conduct their business in Georgia strictly in accordance with the laws of the State of Georgia, and of the United States, and with the lawfully promulgated regulations of the Department.

(b) Such persons shall:

1. Operate competitively without regard to any artificial territories or boundaries which may have been created or designated by agreement with any other potential consultant, sub-consultant, contractor or subcontractor.

2. Not agree with any other person, directly or indirectly, to submit a Proposal deliberately higher than the Proposal submitted by any other potential Proposer; to submit a nonresponsive Proposal or to agree not to submit a Proposal.

3. Not seek to prevent or discourage anyone, through threats or intimidation, implied or direct, from submitting a Proposal.

4. Not seek or engage in an agreement, directly or indirectly, with any other potential competitor, to allocate any contract or subcontract to its firm or any other firm.

(c) As a requirement of submitting a Proposal or of an award of any contract with a Proposer, the Proposer will make any certifications, warranties or commitments as may be required by the solicitation documents and applicable laws, rules, regulations or policies.

Cite as Ga. Comp. R. & Regs. R. 672-17-.05
Authority: Authority O.C.G.A. Secs. 32-2-2, 32-2-79, 50-13-4.
History. Original Rule entitled "Conduct in Submitting Unsolicited and Competing Proposals to the Department" adopted. F. Dec. 12, 2003; eff. Jan. 1, 2004.
Repealed: New Rule entitled "Conduct in Submitting Solicited, Unsolicited, Competing or Comparable Proposals to the Department" adopted. F. July 22, 2005; eff. August 11, 2005.
Repealed: New Rule entitled "Conduct Governing Solicitations" adopted. F. Jan. 25, 2010; eff. Feb. 14, 2010.

Rule 672-17-.06. General Rules for Public-Private Partnerships.

(1) The Department and Board reserve all rights available to them by law in administering these rules, including without limitation, the right in their sole discretion to:

(a) reject any and all responses to Requests for Qualifications or Request for Proposals at any time;

(b) suspend, discontinue or terminate evaluation of any and all responses to Requests for Qualifications or Request for Proposals at any time;

(c) suspend, discontinue or terminate final contract negotiations with any Proposer at any time prior to the actual authorized execution of such final agreement by all parties;

(d) discuss and negotiate with a Proposer without being bound by any provision in its Proposal;

(e) modify, issue addenda to, or cancel any Request for Qualifications or Request for Proposals;

(f) request or obtain additional information about any Proposal, or request revisions thereto;

(g) revise, supplement or withdraw all or any part of the Guidelines; and

(h) undertake such other action or exercise such other rights as may be provided for in the Request for Qualifications or Request for Proposals.

(2) Except as specifically provided under subsection (3)(g) of Rule 672-17-.04, no Proposal shall be made public until the procurement phase of a Public-Private Partnership Project, including any evaluation, competitive one-on-one interviews, negotiations and award, have been completed. At all times thereafter, the Department shall not disclose any trade secret or proprietary information. Subject to the foregoing, all Proposals submitted to the Department become the property of the Department and Proposers should familiarize themselves with the provisions of the Georgia Open Records Act, Section 50-18-70*et seq.* of the Official Code of Georgia Annotated. If a Proposer has special concerns regarding information it desires to make available to the Department, but which it believes to be a trade secret, proprietary information or other information excepted from disclosure, the Proposer should specifically designate that information as such in its Proposal. The Proposer's designation shall not be dispositive of the trade secret, proprietary or exempted nature of the information so designated.

Cite as Ga. Comp. R. & Regs. R. 672-17-.06
Authority: O.C.G.A. Secs. 32-2-2, 32-2-79, 50-13-4.
History. Original Rule entitled "General Rules for Public-Private Transportation Initiatives" adopted. F. Dec. 12, 2003; eff. Jan. 1, 2004.
Repealed: New Rule of same title adopted. F. July 22, 2005; eff. August 11, 2005.
Repealed: New Rule entitled "General Rules for Public-Private Partnerships" adopted. F. Jan. 25, 2010; eff. Feb. 14, 2010.

Rule 672-17-.07. Protests.

(1) Scope of Protests. Protests are limited to, and this Rule prescribes the exclusive protest procedures for, the following:

(a) exclusion from the list of qualified Proposers; or

(b) award of a contract for Public-Private Partnership.

(2) Deadline and Filing. Protests must be filed as soon as the basis for the protest is known, but no later than fourteen calendar days after the notification of qualified Proposers or award of a contract, as applicable. A protester excluded from the list of qualified Proposers is not eligible to protest an award of a contract. Protests must be filed in the form and manner required by these Rules and the solicitation documents, and sent to the Office of the Commissioner, Department of Transportation, One Georgia Center, 22nd Floor, 600 W. Peachtree Street, NW, Atlanta, Georgia 30308. Failure to file a protest within the time and in the form and manner required under these Rules and the solicitation documents shall forfeit and be a waiver of any rights to protest any action by the Department, the Board, and their respective representatives relating to these Rules.

(3) Content. Protests must be in writing and shall describe in detail the grounds for the protest, its legal authority, and its factual basis, including any supporting documentation

to enable the Department to evaluate the merits of the protest. The protest must be verified under oath.

(4) Decision on Protest. The protest shall be decided on the basis of written submissions. However, the Department may, in its sole discretion, allow the protester to orally present the basis of its protest. No testimony or other evidence shall be taken or presented at such hearing. The Department shall issue a decision on the protest within 60 days of the filing of the protest, and the decision shall be final, conclusive and non-appealable.

(5) Exclusivity of Rights and Remedies. Each protester, by responding to a Request for Qualifications or Request for Proposals, as applicable, shall be deemed to expressly recognize the limitation on its rights to protest as provided by these Rules and the solicitation documents, and shall be deemed to expressly waive all other rights and remedies that otherwise may be available at law or equity.

Cite as Ga. Comp. R. & Regs. R. 672-17-.07
Authority: O.C.G.A. Secs. 32-2-2, 32-6-80, 50-13-4.
History. Original Rule entitled "Protests" adopted. F. Jan. 25, 2010; eff. Feb. 14, 2010.

Chapter 672-18. GOVERNING THE DESIGN-BUILD PROCEDURES.

Rule 672-18-.01. Purpose of Regulations.

The Department's policy concerning Design-Build is to assure that projects utilizing this method of procurement are in the best interest of the public, are clearly defined projects, or provide a significant time savings and innovation in project delivery.

Cite as Ga. Comp. R. & Regs. R. 672-18-.01
Authority: O.C.G.A. Secs. 32-2-2, 32-2-81, 50-13-4.
History. Original Rule entitled "Purpose of Regulations" adopted. F. Sept. 22, 2006; eff. Oct. 12, 2006.
Amended: F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rule 672-18-.02. Definitions.

The following terms, as used in this Chapter, shall have the following meanings unless the context thereof indicates to the contrary:

(a) "Alternative Technical Concept (ATC)": A confidential process in which a Design-Build Team can propose changes to Department-supplied basic configurations, project scope, design criteria, or construction criteria included in the Request for Proposals (RFP). These changes submitted by Proposers to the Department shall provide a solution that is equal to or better than the requirements in the RFP. In the broadest sense, ATCs are similar to

value engineering, but the changes resulting from acceptable ATCs are made a part of the proposal before contract award. ATCs provide flexibility in the design and/or construction of a particular element of the project in order to enhance innovation and achieve efficiency.

(b) "Best Value": Selection method whereby award is based on a combination of the Proposer's weighted price proposal and evaluated technical elements as described in the Request for Proposals (RFP). Under this selection method the Department shall select the Proposer who provides the Best Value for the Project. The formula for determining the Best Value Proposer shall be specified in the RFP.

(c) "CFR": Code of Federal Regulations.

(d) "Department": The Georgia Department of Transportation.

(e) "Design-Build": Combining some portion(s) of the design, right of way, utilities and construction phases of a project into a single contract.

(f) "Design-Build Team": A combination of contractors, design consultants (or design consultant team) and other entities working together to design and build the project.

(g) "FHWA": The Federal Highway Administration.

(h) "FTA": The Federal Transit Administration.

(i) "Instruction to Proposers (ITP)": The documents, including exhibits and forms, included in the Request for Proposals (RFP) that contain directions for the preparation and submittal of information by the Proposers in response to the RFP.

(j) "Letter of Interest (LOI)": Correspondence to be included with, or attached to, the Proposer's Statement of Qualifications (SOQ) in response to the Request for Qualifications (RFQ).

(k) "One Phase Low Bid": Selection method whereby Proposers submit to the Department a price proposal and technical proposal (which includes a Proposer's qualifications package) in one step in response to the Request for Proposals (RFP). Under this selection method the Department shall select the lowest qualified and responsive bidder.

(l) "Project": The project to be designed and constructed in accordance with the Request for Proposals (RFP) and the contract.

(m) "Proposer": A Design-Build Team that responds to a Department issued Design-Build solicitation.

(n) "Public Notice Advertisement (PNA)": An announcement by the Department for Design-Build Project.

(o) "Reference Information Documents (RID)": Documents included as part of the Request for Proposals (RFP) including, but not limited to preliminary design, planning documents, studies, reports, and design files for the Project.

(p) "Request for Proposals (RFP)": All documents, whether attached or incorporated by reference, utilized for soliciting proposals. The RFP is the only solicitation utilized by the Department in the One Phase Low Bid selection method. The RFP is the second phase utilized by the Department for the Two Phase Low Bid and Best Value selection methods.

(q) "Request for Qualifications (RFQ)": All documents, whether attached or incorporated by reference, utilized by the Department for soliciting interested Proposers to apply for prequalification including instruction for submitting a Statement of Qualification (SOQ), evaluation criteria and minimum qualifications required of a Design-Build Team. The RFQ is the first phase of a two phase process utilized by the Department for the Two Phase Low Bid and Best Value selection methods.

(r) "Statement of Qualifications (SOQ)": Documentation meeting the requirements set forth in the Request for Qualifications (RFQ) which is submitted by Proposers and evaluated by the Department in order to identify qualified Proposers for the Project. For each consultant and contractor, the SOQ must include, at a minimum, documentation that the Proposer is capable of satisfying the scope of services of the project, as well as a copy of the Department issued Certificate of Qualification.

(s) "Shortlist": Used in Two Phase Low Bid and Best Value selection methods; and means the narrowing of the field of Proposers through ranking of the most highly qualified Proposers who have responded to an RFQ. Only Shortlisted Proposers will be invited to submit a technical and price proposal in response to an RFP.

(t) "Stipulated Fee": A monetary amount as established in the RFQ and/or RFP that may be awarded to the unsuccessful Proposers who provide a responsive price and technical proposal. In consideration for paying the stipulated fee as a payment for work product, the Department may use any ideas or information contained in the technical proposals in connection with the contract awarded for the Project, or in connection with a subsequent procurement on the Project, or on any other Department project without obligation to pay any additional compensation to the unsuccessful Proposers.

(u) "Two Phase Low Bid": Selection method in which the first phase consists of selecting qualified Proposers who submit a responsive Letter of Interests (LOI) and Statement of Qualifications (SOQ) in response to the Request for Qualifications (RFQ). The second phase consists of Proposers submitting a responsive price and technical proposal (if required) in response to the Request for Proposals (RFP). Under this selection method the Department shall select the lowest responsive bidder.

Cite as Ga. Comp. R. & Regs. R. 672-18-.02
Authority: O.C.G.A. Secs. 32-2-2, 32-2-81, 50-13-4.
History. Original Rule entitled "Definitions" adopted. F. Sept. 22, 2006; eff. Oct. 12, 2006.

Amended: F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rule 672-18-.03. Prequalification Requirements.

The Department has established a policy and procedure governing the qualifications of professional consultants and contractors to perform work. All contractors and consultants for Design-Build Projects must be prequalified by the Department by the date of submission of proposals in response to the RFP utilizing the One Phase Low Bid selection method; or by the date of submission of the SOQ utilizing the Two Phase Low Bid and Best Value selection methods.

Cite as Ga. Comp. R. & Regs. R. 672-18-.03
Authority: O.C.G.A. Secs. 32-2-2, 32-2-81, 50-13-4.
History. Original Rule entitled "Prequalification Requirements" adopted. F. Sept. 22, 2006; eff. Oct. 12, 2006.
Amended: F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rule 672-18-.04. Public Advertisement Procedures.

Solicitations for Design-Build Projects including the PNA, RFQ or RFP will be given through the Internet. The PNA will provide information on an upcoming Design-Build Project, and shall outline the tentative general scope(s) and description(s), location(s), anticipated procurement schedule(s), selection method, anticipated SOQ evaluation criteria or anticipated qualification requirements if One Phase Low Bid selection method is utilized, Shortlist criteria (if applicable), and stipulated fee qualification (if applicable).

The Department will maintain a Design-Build webpage on the Internet which will include a list of Projects approved by the Department for Design-Build delivery including a tentative procurement schedule (if known).

Cite as Ga. Comp. R. & Regs. R. 672-18-.04
Authority: O.C.G.A. Secs. 32-2-2, 32-2-81, 50-13-4.
History. Original Rule entitled "Public Advertisement Procedures" adopted. F. Sept. 22, 2006; eff. Oct. 12, 2006.
Amended: F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rule 672-18-.05. Repealed and Reserved.

Cite as Ga. Comp. R. & Regs. R. 672-18-.05
Authority: O.C.G.A. Secs. 32-2-2, 32-2-81, 50-13-4.
History. Original Rule entitled "Scope of Service Requirements" adopted. F. Sept. 22, 2006; eff. Oct. 12, 2006.
Repealed: F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rule 672-18-.06. Request for Qualification Requirements.

For the Two Phase Low Bid and Best Value selection methods, the Department will advertise an RFQ for the Project. The Department has established policy and procedure governing the evaluation of the LOI and SOQ. Criteria for evaluation of the SOQ will be governed by the selection criteria set forth in 48 CFR 36.303-1 including: technical approach (but not detailed design or technical information), technical qualifications, technical competence, capability to perform the work, past performance and other appropriate factors as identified in the LOI and SOQ (excluding cost or price related factors).

The LOI and SOQ submitted by Proposers shall address all stated criteria in the RFQ in order to be considered complete and responsive.

The advertised criteria in the RFQ shall include, at a minimum:

1. All project specific qualifications necessary to satisfy both the construction, right of way services (if any), utility coordination, and design portions of the scope of services, and

2. A request for a copy of the Department-issued Certificate of Qualification for the entire Design-Build Team, including each member of the consultant team and each prime contractor, if a joint venture team is proposed.

   The RFQ shall include information on the procedures that apply for consideration of a proposal and shall include the applicable percentage to be applied to each evaluation criterion and the relative weight to be assigned to each.

   For the Two Phase Low Bid selection method, the Department will evaluate all responsive SOQ. The Department may either accept all qualified Proposers or Shortlist the highest ranked Proposers to participate in the RFP phase.

   For the Best Value selection method, the Department will evaluate all responsive SOQ. The Department will Shortlist the highest ranked Proposers to participate in the RFP phase.

Cite as Ga. Comp. R. & Regs. R. 672-18-.06
Authority: O.C.G.A. Secs. 32-2-2, 32-2-81, 50-13-4.
History. Original Rule entitled "Letters of Interest Requirements" adopted. F. Sept. 22, 2006; eff. Oct. 12, 2006.
Amended: New title "Request for Qualification Requirements."F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rule 672-18-.07. Request for Proposal Requirements.

The RFP will include the necessary Instructions to Proposers (ITP), selection method, technical proposal requirements, Alternative Technical Concept (ATC) instructions (if applicable), one-on-one meeting dates (if applicable), design criteria, special provisions, responsibilities of the Design-Build Team, mandatory project scope elements, deliverables and the project schedule. In addition, the RFP will outline the terms and conditions of a stipulated fee (if applicable).

For the Best Value selection method, the Chief Engineer will approve the evaluation criteria, including the price proposal and technical proposal weighting, prior to advertising the RFP.

When available, the Department will provide any project-specific documentation, drawings, files, reports, and other pertinent materials which would be of use to the Proposers. For Projects that are FHWA and/or FTA full-oversight, the Department will obtain FHWA and/or FTA concurrence of the RFP prior to release.

Cite as Ga. Comp. R. & Regs. R. 672-18-.07
Authority: O.C.G.A. Secs. 32-2-2, 32-2-81, 50-13-4.
History. Original Rule entitled "Request for Proposals" adopted. F. Sept. 22, 2006; eff. Oct. 12, 2006.
Amended: New title "Request for Proposal Requirements."F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rule 672-18-.08. Criteria for Evaluating Technical Information and Project Costs.

For the One Phase Low Bid and the Two Phase Low Bid selection methods, the Department will review the Project's price proposals of the qualified or Shortlisted Proposers and technical proposal information or qualification package information as requested in the RFP.

For the Best Value selection method, the Department will review the Project's price proposals of the Shortlisted Proposers, and will evaluate the technical proposals in accordance with requirements included in the RFP.

The Department may request that Proposers provide the technical and support information used to develop their respective price proposals. This information may include, but is not limited to, costing plans, pay item quotes, design assumptions, summary of quantities, detailed estimate, design costs, mobilization assumptions, schedule assumptions and construction staging assumptions.

The Department will compare the price proposals of the Proposers to the internal Department estimate.

1. For the One Phase Low Bid and Two Phase Low Bid selection methods, the Department shall validate the reasonableness and completeness of the price proposals as one part of the evaluation process necessary to identify the lowest responsive bidder.

2. For the Best Value selection method, the Department shall validate the reasonableness and completeness of the price proposals as one part of the evaluation process necessary to select the Best Value Proposer.

Cite as Ga. Comp. R. & Regs. R. 672-18-.08
Authority: O.C.G.A. Secs. 32-2-2, 32-2-81, 50-13-4.
History. Original Rule entitled "Criteria for Evaluating Technical Information and Project Costs" adopted. F. Sept. 22, 2006; eff. Oct. 12, 2006.

Amended: F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rule 672-18-.09. Criteria for Selection and Award Process.

For the One Phase Low Bid selection method, the Department will review price proposals, as well as the technical proposals and/or the qualifications package in accordance with requirements included in the RFP. The Department will select the lowest qualified and responsive bidder.

For the Two Phase Low Bid selection method, the Department will review price proposals and technical proposals in accordance with requirements included in the RFP. The Department will select the lowest responsive bidder.

For the Best Value selection method, the Department will evaluate price proposals and technical proposals in accordance with requirements included in the RFP. The Department will select the Proposer with the highest combined score based on the sum of the weighted price proposal score and the weighted technical proposal score.

A proposal will only be considered nonresponsive if it does not contain all the information and level of detail requested in the RFP. No proposal will be considered unless it is accompanied by a Proposal Guaranty as mandated by the Department Standard Specifications Construction of Transportation Systems. A proposal shall not be deemed to be nonresponsive solely on the basis of minor irregularities in the proposal that do not directly affect the ability to fairly evaluate the merits of the proposal.

During the evaluation process, the Department may request that the Proposers provide additional technical support information used to develop the price proposal. In the event that major errors, major irregularities or major omissions are discovered, the Department shall retain the right to disqualify the Proposer and award the project to the next responsive bidder.

A Project may be awarded prior to approval of any applicable environmental document and permits, provided prior concurrence has been obtained from the appropriate lead Federal agency (FHWA or FTA).

Cite as Ga. Comp. R. & Regs. R. 672-18-.09
Authority: O.C.G.A. Secs. 32-2-2, 32-2-81, 50-13-4.
History. Original Rule entitled "Criteria for Selection" adopted. F. Sept. 22, 2006; eff. Oct. 12, 2006.
Amended: New title "Criteria for Selection and Award Process."F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rule 672-18-.10. Repealed and Reserved.

Cite as Ga. Comp. R. & Regs. R. 672-18-.10
Authority: O.C.G.A. Secs. 32-2-2, 32-2-81, 50-13-4.
History. Original Rule entitled "Criteria for Award Process" adopted. F. Sept. 22, 2006; eff. Oct. 12, 2006.
Repealed: F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rule 672-18-.11. Criteria for Providing a Stipend Fee.

At the discretion of the Department, a stipulated fee as a payment for work product may be paid to the Proposers who submitted responsive, yet unsuccessful price proposals and technical proposals. The decision to utilize a stipulated fee shall be based on the Department's analysis of the estimated proposal development costs, the complexity of the project, opportunities for innovation, the expected level of Proposer's involvement during the ATC process (if applicable), and the anticipated degree of competition during the procurement process. Any stipulated fee recommendations shall be made by the Department's originating office for which the project has been assigned and the stipulated fee amount shall be determined on a project-by-project basis. Stipulated fee recommendations shall require the approval of both the Department's Chief Engineer and the Treasurer. The terms and conditions for stipulated fees, if applicable, shall be included in the RFP.

If a stipulated fee is provided, the work produced by the Proposer for the Project shall be provided to the Department for use in connection with the contract awarded for the Project, or in connection with a subsequent procurement on the Project or any other Department project, without obligation to pay any additional compensation to the unsuccessful Proposer.

Documentation supporting actual technical proposal development costs may be requested.

Proposers submitting a LOI and SOQ, which were considered unqualified or which were not Shortlisted by the Department, are not eligible for a stipulated fee.

The Proposer may elect to waive the stipulated fee and retain their work product.

Cite as Ga. Comp. R. & Regs. R. 672-18-.11
Authority: O.C.G.A. Secs. 32-2-2, 32-2-81, 50-13-4.
History. Original Rule entitled "Criteria for Providing a Stipend" adopted. F. Sept. 22, 2006; eff. Oct. 12, 2006.
Amended: New title "Criteria for Providing a Stipulated Fee." F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rule 672-18-.12. Criteria for Resolution of Contact Issues.

The Department has established policy and procedures governing resolution of contract issues. Criteria for resolution of contract issues are defined in the Department Standard Specifications Construction of Transportation Systems, Section 109.04,"Payment and Compensation for Altered Quantities," Section 109.05,"Extra Work" and Section 105.13,"Claims for Adjustments and Disputes." The resolution of contract issues for Design-Build contracts will follow these standards.

Cite as Ga. Comp. R. & Regs. R. 672-18-.12
Authority: O.C.G.A. Secs. 32-2-2, 32-2-81, 50-13-4.
History. Original Rule entitled "Criteria for Resolution of Contract Issues" adopted. F. Sept. 22, 2006; eff. Oct. 12, 2006.
Amended: F. Sep. 26, 2013; eff. Oct. 16, 2013.

Rule 672-18-.13. Fiscal Year Summary Report of Design-Build.

Not later than 90 days after the end of the fiscal year, the Department will provide the Governor, Lieutenant Governor, Speaker of the House of Representatives, and chairpersons of the House and Senate Transportation Committees a summary containing all projects awarded during the fiscal year using the Design-Build contracting method. The report shall include, but not be limited to, the project number, county, project description, name of Design-Build Team awarded the project, awarded amount, selection method, and an explanation for any projects awarded other than low bid. Design-Build contracts that are part of a separate Public Private Initiative or Public Private Partnerships are not included in this summary and are outside this Rule. This report will be made available for public information.

Cite as Ga. Comp. R. & Regs. R. 672-18-.13
Authority: O.C.G.A. Secs. 32-2-2, 32-2-81, 50-13-4.
History. Original Rule entitled "Fiscal Year Summary Report of Design-Build" adopted. F. Sept. 22, 2006; eff. Oct. 12, 2006.
Amended: F. Sep. 26, 2013; eff. Oct. 16, 2013.

Chapter 672-19. GOVERNING UTILITIES MEDIATION PROCESS.

Rule 672-19-.01. Purpose.

(1) **General**. O.C.G.A § 32-6-171 requires the establishment of a Mediation Board to hear and decide disputes that may arise between the Department, the utility companies, and contractors concerning the prompt removal, relocation or adjustment of utilities on the Department's projects. The Code authorizes the Department to establish rules, procedures and guidelines for utility relocation, including the resolution of disputes pertaining to utility relocation.

(2) **Legislative Intent**. The legislature intended for mediation to be a means by which the Department, the Utilities, and the Contractors can settle disputes regarding the removal, relocation or adjustment of utilities on the Department's projects. The State Transportation Board views dispute resolution as a less expensive and more constructive alternative to litigation, which too often is the only option available to the parties involved in these disputes. The implementation by the Department of utility relocation procedures and the creation of a Mediation Board to assist with dispute resolution is one method of making removal, relocation or adjustment of utilities on the Department's projects both effective and efficient.

Cite as Ga. Comp. R. & Regs. R. 672-19-.01
Authority: Authority O.C.G.A. Secs. 32-2-2, 32-2-81, 50-13-4.
History. Original Rule entitled "Purpose" adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.

Rule 672-19-.02. Applicability of Rules.

(1) **Applicability**. The Rules provided herein are applicable to three types of disputes subject to mediation under O.C.G.A. § 32-6-171:

(a) Disputes related to a Work Plan or revised Work Plan that has been submitted by the utility but not approved by the Department;

(b) Disputes related to a Contractor's claim against the Utility for Delay Costs or other Damages related to the Utility's removal, relocation, or adjustment of its facilities; and/or

(c) Any other matter related to the removal, relocation, or adjustment of the Utility's facilities.

(2) **Time Period for Applicability**. The dispute resolution process outlined by these rules and the Mediation Board shall be utilized on all Department projects that are let during and after the May 2008 letting. Where an updated Work Plan is needed, the Utilities shall provide the Department with such updated Work Plan sixty (60) days prior to letting.

Cite as Ga. Comp. R. & Regs. R. 672-19-.02
Authority: Authority O.C.G.A. Secs. 32-2-2, 32-2-81, 50-13-4.
History. Original Rule entitled "Applicability of Rules" adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.

Rule 672-19-.03. Definitions.

(1) **General**. For the purpose of these rules, the following words shall have the meaning as contained herein unless the context does not permit such meaning. Terms not defined in these rules but defined in O.C.G.A. § 32-1-3*et seq.*, shall have the meanings contained therein. Terms not defined in these rules, nor in O.C.G.A. § 32-1-3*et seq.*, shall have ascribed to them the ordinary accepted meanings such as the context may imply.

(2) **Definitions**. The following terms and definitions shall be used:

(a) "Contractor": Department's prime contractor for projects awarded by GDOT.

(b) "Damages" (as pertain to Mediation): The actual cost that covers injury or economic loss due to documented damages resulting solely from failure on the part of the Utility to comply with requirements of the submitted and approved Work Plan under the control of the Utility.

(c) "Delay Cost": Cost incurred by the Contractor and approved by the Department which is caused by or which grow out of the failure of the Utility owner to carry out and complete its work in accordance with the approved Work Plan or in a

timely and reasonable manner if a Work Plan or revised Work Plan was not submitted.

(d) "Department": The Georgia Department of Transportation (GDOT).

(e) "Designee": The individual or company to whom the Department delegates certain authority for the administration of the mediation process.

(f) "Escalation Process": The process which raises an issue, action or concern to successive levels of Departmental management for resolution.

(g) "List of Qualified Mediators": List of mediators compiled, maintained, or approved by the Department.

(h) "Mediation": A process of dispute resolution to be employed by the Department and Utility to resolve conflicts.

(i) "Mediation Board": A three-person board created by the authority of O.C.G.A. § 32-6-171 to resolve disputes between the Parties.

(j) "Notice of Potential Dispute": A written notification to the Utility that starts the Escalation Process.

(k) "Party": The Department, or the Utility, or the Contractor.

(l) "Petition for Mediation": A written notification to the Parties that starts the Mediation.

(m) "Petitioner": The Department or Utility who initiates the Mediation.

(n) "Utility": Any privately, publicly or cooperatively owned line, facility, or system for producing, transmitting or distributing communications, cable television, power, electricity, light, heat, gas, oil products, water, steam, clay, waste, storm water not connected with highway drainage, and other similar services and commodities, including river gages, fire and police signals, traffic control devices, and street lighting systems, which directly or indirectly serve the public. The term "utility" may also be used to refer to the owner of any above described utility or utility facility.

(o) "Work Day": A calendar day exclusive of Saturday, Sunday, and legal state holidays.

(p) "Work Plan": The relocation plans and the adjustment schedule submitted by each utility facility owner who has facilities that are required to be relocated or adjusted to accommodate the project construction.

Cite as Ga. Comp. R. & Regs. R. 672-19-.03
Authority: Authority O.C.G.A. Secs. 32-2-2, 32-2-81, 50-13-4.
History. Original Rule entitled "Definitions" adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.

Rule 672-19-.04. Escalation Process - Duties and Responsibilities.

(1) **General**. The Department is responsible for the administration of the dispute resolution process outlined in these rules including the initiation of the process by the Parties. The Department will provide for an Escalation Process that includes at least the following minimum requirements:

(a) A requirement that a written Notice of Potential Dispute be provided to any Utility involved in the dispute within at least ten (10) days from the time the dispute or potential dispute is identified by the Party initiating the use of the dispute resolution process;

(b) A structured negotiation process to encourage and facilitate resolution of the Notice of Potential Dispute prior to review of the issue by the Mediation Board; and

(c) Provisions for the requirement that the Parties make the notice provisions and the structured negotiation process a prerequisite to the referal of the case to the Mediation Board.

Cite as Ga. Comp. R. & Regs. R. 672-19-.04
Authority: Authority O.C.G.A. Secs. 32-2-2, 32-2-81, 50-13-4.
History. Original Rule entitled "Escalation Process - Duties and Responsibilities" adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.

Rule 672-19-.05. Mediation Board.

(1) **Purpose and Responsibilities**. As part of the dispute resolution process the Department is authorized to establish a Mediation Board and to establish procedures for the operation of the Mediation Board.

(2) **Establishment of Mediation Board**. After a written Petition for Mediation has been submitted and certified in accordance with 672-19-.06(5), the Mediation Board shall be established within thirty (30) days of the certification of the Petition for Mediation. The hearing shall be held within sixty (60) days of the establishment of the Mediation Board.

(3) **Qualified Mediators**. Any person serving on a Mediation Board established pursuant to these rules shall meet the following minimum criteria in order to be included on the List of Qualified Mediators:

(a) Certification by the State Office of Dispute Resolution or certification by completion of a program approved by the Department; and

(b) Meet the minimum training requirements to remain certified.

No member of a Mediation Board shall have any direct relationship with any of the parties involved in the dispute or issues for which the Mediation Board is formed. For purposes of this section, direct relationship shall mean any contractual relationship or employment relationship within the previous six (6) months from the establishment of the Mediation Board.

(4) **Mediation Board Selection**. The Mediation Board shall consist of three (3) qualified mediators selected by the Utility and the Department from the List of Qualified Mediators established by the Department. Procedures for selection of the Mediation Board shall be developed to ensure that one mediator is selected by the Department and one mediator is selected by the Utility. The third mediator on the Board shall be selected by the first two mediators selected to the Mediation Board. If for any reason the two mediators cannot agree upon the third mediator who shall serve as the presiding officer, then that third mediator shall be selected by random drawing from the list of qualified mediators. These three mediators shall form the Mediation Board.

Cite as Ga. Comp. R. & Regs. R. 672-19-.05
Authority: Authority O.C.G.A. Secs. 32-2-2, 32-2-81, 50-13-4.
History. Original Rule entitled "Mediation Board" adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.

Rule 672-19-.06. Mediation Board Procedures.

(1) **Petition for Mediation**. Whenever a Notice of Potential Dispute regarding an issue outlined in Section 672-19-.04(1) has been filed and at the end of the Escalation Process the potential dispute has not been resolved, the Utility or the Department may file a Petition for Mediation with a request that a Mediation Board be convened to hear and decide the dispute. The Petition for Mediation shall be initiated by sending a copy of the petition to each Party involved in the dispute.

(2) **Contents of Petition for Mediation**. A uniform Petition for Mediation provided by the Department shall be used. The Petition shall be date-stamped by the Department immediately upon receipt. The following must accompany the Petition:

(a) A certification that the Petitioner has served a copy of the Petition for Mediation on the Department and that formal mediation is being sought;

(b) A narrative statement of the facts underlying the dispute(s), including statements as to what remedy is being sought by the Petitioner and what steps, if any, have previously been taken to resolve the disputes(s);

(c) A notarized signature by the authorized representative of the Petitioner;

(d) A detailed statement of all disputes and issues the Petitioner is submitting for resolution by the Mediation Board and a statement identifying the Parties that are necessary to resolve the dispute. This statement may be amended prior to the hearing subject to approval by the Mediation Board; and

(e) A statement by the Department that the dispute by the Contractor, (if applicable) should proceed.

(3) **Response to Petition for Mediation**. After submission of the Petition for Mediation, or any amendment thereto, then all parties identified in the Petition may submit to the Mediation Board a response to the Petition for Mediation. The response will be submitted in accordance with time periods established by the Mediation Board, and served on all other parties to the dispute.

(4) **Filing Procedures**. The Petition for Mediation shall be submitted to the Department. Once the Mediation Board for that dispute is established all additional correspondence and submittals shall be submitted directly to that Mediation Board.

(5) **Certification of Petition**. Upon receipt of a Petition for Mediation, the Department shall have five (5) working days to review the Petition for Mediation and determine whether it is properly filed. If it is determined that a Petition for Mediation is properly filed, it shall certify the Petition for Mediation. Once the Petition for Mediation is certified, the procedures for the Mediation Board shall begin and the Mediation Board shall be established within 30 days in accordance with 672-19-.05(2). If the Petition for Mediation has been improperly filed, the Petition for Mediation may either be dismissed or the Petitioner may be given the opportunity to take remedial actions to correct any deficiencies. Such corrections must be made within five (5) working days of the date of notification of deficiencies in the Petition for Mediation.

(6) **Appeal of Certification**. Within two (2) working days after certifying a Petition for Mediation, all necessary Parties shall be provided notice that the Petition for Mediation has been filed and indicate in the notice the nature of the issues in dispute. If a potentially affected Party believes that the Petition for Mediation has been either erroneously certified or that a Petition for Mediation has been erroneously dismissed, that Party may appeal the decision to the Department or its designee. Such appeal must be in writing setting forth the factual basis of the alleged error, signed by an official representing the Party, faxed or mailed to the Department, and received by the Department within five (5) working days of the Department's or designee's notification of potentially affected Parties.

(7) **Location of Hearing**. The hearing on the disputes and issues submitted by the Petitioner shall be held at a location mutually agreed upon by the utility, the Department, and the Mediation Board. If no agreement can be reached, the Mediation Board shall make a binding decision on such location. The Department shall provide a location for the hearing if mutually desired or if no other location is available. The Mediation Board shall

provide reasonable notice in writing to the parties as to the location and the time of the hearing.

(8) **Hearing Procedures**.

(a) **Process**. At the hearing, the Mediation Board shall afford each Party an opportunity to present evidence and make an oral argument. At the discretion of the Mediation Board, it may allow for or request written submittals during or following the hearing. Unless the Parties otherwise agree, the provisions of Code Sections 50-13-13, 50-13-14, and 50-13-15, relating to proceedings in a contested case under the Georgia Administrative Procedure Act, shall not apply to the hearing before the Mediation Board. Prior to the hearing and after the hearing has begun, the Mediation Board has sole discretion regarding granting continuances or postponements.

(b) **Representation.** Each party to the mediation must designate representatives who shall be present at the mediation sessions. Failure of a Party to provide a representative will constitute bad faith on the part of that Party.

(9) **Costs**. Each Party will pay the costs of the Mediation Board member that it selected. Costs associated with the third Mediation Board member will be divided equally between the Parties. Any other costs not associated with a particular Mediation Board member, including but not limited to hearing room rental, copying charges and court reporter fees, will be divided equally between the Parties. In the event the Mediation Board determines that any Party is acting in bad faith, the Mediation Board may recommend that all costs associated with the Mediation be assessed against that Party.

(10) **Decision.** The mediators shall decide each issue presented by a majority vote. Within a reasonable time after the conclusion of the hearing, the Mediation Board shall issue a final decision in writing with regard to each dispute that is submitted to the Mediation Board for resolution. The original final decision shall be served on the Department with a copy to every other Party involved in the dispute. Such decision, which shall be a public document, will include a factual summary of the issues involved in the conflict and the procedures followed during the Mediation. All final decisions of the Mediation Board shall be subject to de novo review in the Superior Court of Fulton County by way of a petition for judicial review filed by the Department or the Utility within thirty (30) days after service of the final decision.

(11) **Conclusion**. The formal mediation period is intended to last until an agreement is reached or 60 days, whichever occurs first. The decision shall be issued within 60 days, unless the parties mutually agree to extend the time for a decision.

Cite as Ga. Comp. R. & Regs. R. 672-19-.06
Authority: Authority O.C.G.A. Secs. 32-2-2, 32-2-81, 50-13-4.
History. Original Rule entitled "Mediation Board Procedures" adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.

Chapter 672-20. PERMITTING AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES IN SCHOOL ZONES.

Rule 672-20-.01. Purpose of Rules.

(1) School zones are unique to Georgia's roadway system due to the reoccurring reduction of the designated speed limit. This reduction in vehicular speed provides two primary functions:

  (1) it affords the driver with more time to recognize and react to pedestrians in the travel way; and

  (2) it offers schoolchildren additional time to anticipate vehicular movement in order to safely avoid crashes. The goal of the placement and use of Automated Traffic Enforcement Safety Devices is to increase safety throughout Georgia's School Zones.

(2) Prior to the placement of an Automated Traffic Enforcement Safety Device within a School Zone, each school or if a public school the school system housing the school within whose School Zone such Automated Traffic Enforcement Safety Device is to be placed shall first apply for and secure a permit from the Department for the use of such Automated Traffic Enforcement Safety Device.

(3) These rules establish the process for obtaining, reviewing or cancelling a permit for an Automated Traffic Enforcement Safety Device and how need for such a permit shall be determined by the Department.

Cite as Ga. Comp. R. & Regs. R. 672-20-.01
Authority: O.C.G.A. § 40-14-18.
History. Original Rule entitled "Purpose of Rules" adopted. F. Sep. 27, 2018; eff. Oct. 17, 2018.

Rule 672-20-.02. Definitions.

The following words when used in Chapter 672-20 shall have the following meaning unless the context thereof indicates another meaning:

(a) "AASHTO Roadside Design Guide" means the American Association of State Highway and Transportation Officials Roadside Design Guide, current edition.

(b) "Applicant" means any school or if a public school the school system housing the school that requests a permit for the placement and use of an Automated Traffic Enforcement Safety Device pursuant to O.C.G.A. § 40-14-18.

(c) "Automated Traffic Enforcement Safety Device" means a speed detection device that:

(A) Is capable of producing photographically recorded still or video images, or both, of the rear of a motor vehicle or of the rear of a motor vehicle being towed by another vehicle, including an image of such vehicle's rear license plate;

(B) Is capable of monitoring the speed of a vehicle as photographically recorded pursuant to subparagraph (A) of this paragraph; and

(C) Indicates on each photographically recorded still or video image produced the date, time, location, and speed of a photographically recorded vehicle traveling at a speed above the posted speed limit within a marked school zone.

(d) "Automated Traffic Enforcement Safety Device Permit Form" is a Department form which may change from time to time, is available on the Department's website and is to be used to apply for a permit for an Automated Traffic Enforcement Safety Device.

(e) "Clear Zone" means the unobstructed, traversable area provided beyond the edge of the through traveled way for the recovery of errant vehicles. The Clear Zone includes shoulders, bike lanes, and auxiliary lanes, except those auxiliary lanes that function like through lanes.

(f) "Department" means the Georgia Department of Transportation.

(g) "List of Roads" means a list of the roadways, segment lengths, and speed limits found within the jurisdiction of a local municipality or entity in which law enforcement is permitted to use speed detection devices.

(h) "Master State Order" means a county specific document approved by the Commissioners of both the Department of Public Safety and the Department of Transportation that lists all state routes and their designated speed limits and all school zones located on state routes within a specific county.

(i) "MUTCD" means the Manual on Uniform Traffic Control Devices, current edition.

(j) "Off System" means a route that is not owned or maintained by the Department but by a local government.

(k) "On System" means a route that is owned and maintained by the Department (typically denoted by "GA" prior to the designated route number).

(l) "Recorded images" means still or video images recorded by an Automated Traffic Enforcement Safety Device.

(m) "School Zone" means the area within 1,000 feet of the boundary of any public or private elementary or secondary school.

Cite as Ga. Comp. R. & Regs. R. 672-20-.02
Authority: O.C.G.A. §§ 40-14-18; 40-14-1.1.
History. Original Rule entitled "Definitions" adopted. F. Sep. 27, 2018; eff. Oct. 17, 2018.

Rule 672-20-.03. Permit Requirements.

(1) The Applicant must complete the Automated Traffic Enforcement Safety Device Permit Form and submit it to the Department. The Automated Traffic Enforcement Safety Device Permit Form shall include sufficient information and documentation for the Department to determine the need for such permit. Such Automated Traffic Enforcement Safety Device Permit Form shall include at a minimum:

(a) Location of the Automated Traffic Enforcement Safety Device;

(b) Specific Model number or identification information of the Automated Traffic Enforcement Safety Device;

(c) Traffic data indicating the number and speed of vehicles traveling in the area of the proposed Automated Traffic Enforcement Safety Device;

(d) List of all schools within the subject School Zone;

(e) Proof that the Applicant has obtained all required permissions, permits and property rights necessary for the installation, maintenance and operation of the desired Automated Traffic Enforcement Safety Device which may include but are not limited to other permits from the Department;

(f) Any additional information deemed necessary by the Department to determine need for the Automated Traffic Enforcement Safety Device at the specific location;

(g) Written correspondence from the appropriate local law enforcement agency approving the Applicant's request for an Automated Traffic Enforcement Safety Device; and

(h) For an application for an Automated Traffic Enforcement Safety Device located Off System, a letter certifying from the chief elected official that the Applicant will comply with all applicable Georgia laws, including but not limited to O.C.G.A. §§ 40-14-18, 40-14-1.1 and 40-6-183.

(2) The Automated Traffic Enforcement Safety Device Permit Form for must be signed by the school system's superintendent or designee when submitted by a public school system.

(3) The Department is authorized to establish additional guidelines to assist it in determining need for an Automated Traffic Enforcement Safety Device.

(4) The Department may request additional information or documentation to supplement the Automated Traffic Enforcement Safety Device Permit Form.

(5) The Applicant must comply with any Department guidelines regarding the Automated Traffic Enforcement Safety Device Permit.

Cite as Ga. Comp. R. & Regs. R. 672-20-.03
Authority: O.C.G.A. § 40-14-18.
History. Original Rule entitled "Permit Requirements" adopted. F. Sep. 27, 2018; eff. Oct. 17, 2018.
Amended: F. Nov. 24, 2020; eff. Dec. 14, 2020.

Rule 672-20-.04. Review by the Department and Determination of Need.

(1) The Department will review and either approve or deny a completed application for an Automated Traffic Enforcement Safety Device Permit.

(2) The decision of whether to approve or deny an application for an Automated Traffic Enforcement Safety Device Permit will be at the discretion of the State Traffic Engineer.

(3) An Automated Traffic Enforcement Safety Device Permit Form for a device located On System will only be considered for those areas where a School Zone is already named on the Master State Order or List of Roads.

(4) Placement of an Automated Traffic Enforcement Safety Device may be required to be outside the Clear Zone as specified by the AASHTO Roadside Design Guide as determined by the Department.

Cite as Ga. Comp. R. & Regs. R. 672-20-.04
Authority: O.C.G.A. § 40-14-18.
History. Original Rule entitled "Review by the Department and Determination of Need" adopted. F. Sep. 27, 2018; eff. Oct. 17, 2018.
Amended: F. Nov. 24, 2020; eff. Dec. 14, 2020.

Rule 672-20-.05. Permit Holder Requirements.

In addition to those requirements set forth in the Automated Traffic Enforcement Safety Device Permit, the permit holder:

(a) Must maintain and make available to the Department upon the request all calibration tests and performance logs as required in O.C.G.A. § 40-14-5 for a period of three (3) years.

(b) Is responsible for the operation of the Automated Traffic Enforcement Safety Device as long as the device is in place and is responsible for maintaining the device in good

working order during the term of the Permit. All maintenance work on said device within the Department's right-of-way must be coordinated with the Department's appropriate District Traffic Engineer. All Contractor work times shall be in accordance with the appropriate District Traffic Engineer's directive.

(c) The Applicant must ensure the maintenance of all School Zone Signage as defined in the MUTCD, including but not limited to School Zone Flashers.

(d) The permitted Automated Traffic Enforcement Safety Device shall otherwise be operated in accordance with all other laws and regulations.

Cite as Ga. Comp. R. & Regs. R. 672-20-.05
Authority: O.C.G.A. §§ 40-14-18, 40-4-5.
History. Original Rule entitled "Permit Holder Requirements" adopted. F. Sep. 27, 2018; eff. Oct. 17, 2018.

Rule 672-20-.06. Changes to and Cancellation of the Automated Traffic Enforcement Safety Device Permit.

(1) The Department may require a change in the location of the proposed Automated Traffic Enforcement Safety Device either temporarily or permanently in response to active or proposed construction projects, including but not limited to Department projects, within the area, all costs of which will be borne by the permittee.

(2) The Department may review at any time a Permit for an Automated Traffic Enforcement Safety Device and require the permittee to submit information and documentation that shows proper operation and maintenance of the Automated Traffic Enforcement Safety Device.

(3) The Department reserves the right to cancel any Automated Traffic Enforcement Safety Device Permit for the following reasons:

(a) The subject school relocates;

(b) The subject School Zone is changed or removed;

(c) The Georgia Department of Public Safety revokes the local government's permit to use speed detection devices;

(d) The permit issued by the Georgia Department of Public Safety for the use of speed detection devices expires and is not renewed;

(e) The permittee does not maintain an Automated Traffic Enforcement Safety Device in proper working order in accordance with Rule 672-20 .05(b);

(f) The permittee fails to meet or follow any requirements of the Permit or any other Department rules, policies or guidelines; or

(g) Any other reason that the Department determines requires cancellation of the Permit.

Cite as Ga. Comp. R. & Regs. R. 672-20-.06
Authority: O.C.G.A. § 40-14-18.
History. Original Rule entitled "Changes to and Cancellation of the Automated Traffic Enforcement Safety Device Permit" adopted. F. Sep. 27, 2018; eff. Oct. 17, 2018.

Chapter 672-21. BID PROTEST PROCEDURES FOR CERTAIN CONSTRUCTION PROJECTS.

Rule 672-21-.01. Definitions.

The following words when used in Chapter 672-21 shall have the following meanings:

(a) "Apparent Low Bidder" means the Bidder identified by the Department to be the lowest reliable bidder for a Construction Project.

(b) "Award" means the formal acceptance by the Department of a Proposal.

(c) "Bid Protest" means a challenge by a Bidder made pursuant to this Chapter to the identification by the Department of an Apparent Low Bidder or of an Award.

(d) "Bidder" means a qualified individual, firm or corporation, or combination thereof, submitting a written Proposal for The Work advertised.

(e) "Bid Protest Bond" means a bond required to be filed with the Bid Protest Form using the bond form available on the Department's website at www.dot.ga.gov and in the amount as determined by this Chapter.

(f) "Bid Protest Form" means the form provided on the Department's website at www.dot.ga.gov.

(g) "Board of Review" means a board consisting of not less than 3 members, all of whom shall be employees of the Department. All members shall be appointed by order of the Commissioner.

(h) "Commissioner" means the Commissioner of the Department.

(i) "Construction Project" means a Department project procured pursuant to O.C.G.A. Section 32-2-69 and in the amount of at least $200,000.

(j) "Department" means the Georgia Department of Transportation.

(k) "Final Decision" means the written decision issued by the Commisisoner pursuant to Rule 672-21-.05.

(l) "O.C.G.A." means the Official Code of Georgia Annotated.

(m) "Preliminary Decision" means the writen decision issued by the Board of Review pursuant to Rule 672-21-.05.

(n) "Proposal" means the offer of a Bidder, on the prescribed form, to perform The Work at the prices quoted for a Construction Project.

(o) "Protesting Bidder" means a Bidder who has filed a Bid Protest pursuant to this Chapter.

(p) "The Work" means the furnishing of all labor, materials, equipment, superintendence and other incidentals necessary for the successful completion of a Construction Project and the carrying out of all the duties and obligations imposed by the contract.

Cite as Ga. Comp. R. & Regs. R. 672-21-.01
Authority: O.C.G.A. §§ 32-2-69, 50-13-4.
History. Original Rule entitled "Definitions" adopted. F. Nov. 19, 2020; eff. Dec. 9, 2020.

Rule 672-21-.02. Eligibility for Filing Bid Protest.

(1) The following Bidders may file a Bid Protest:

a. a Bidder who has not been identified as the Apparent Low Bidder for a Construction Project and where its bid is in an amount lower than that of the Apparent Low Bidder; or

b. an Apparent Low Bidder that has not been awarded the Construction Project.

(2) No Bidder may file a Bid Protest when:

a. all bids have been rejected by the Department for the subject federally funded Construction Project; or

b. the Department determines in its sole discretion that any and all Bid Protests are barred as a result of an imminent or serious danger to the public health, safety, or welfare or to property that requires the immediate awarding of the Construction Project.

(3) Failure to timely file a Bid Protest pursuant to this Chapter constitutes a waiver of the right to file a Bid Protest.

(4) Failure to include the information and documentation required by this Chapter with a Bid Protest constitutes a waiver of the right to file a Bid Protest.

(5) Completion of the Bid Protest procedures described in this Chapter is a condition precedent to the commencement of any legal or equitable action.

Cite as Ga. Comp. R. & Regs. R. 672-21-.02
Authority: O.C.G.A. §§ 32-2-69, 50-13-4.
History. Original Rule entitled "Eligibility for Filing Bid Protest" adopted. F. Nov. 19, 2020; eff. Dec. 9, 2020.

Rule 672-21-.03. Filing of Bid Protest.

(1) A Bid Protest shall be addressed to the Department's General Counsel and sent to the following address: 600 West Peachtree Street NW, Atlanta GA 30308 or sent by emailing to the following address bidprotest@dot.ga.gov.

(2) A Protesting Bidder must complete and submit the Bid Protest Form. At a minimum, the Protesting Bidder must identify the project number, the letting number, call number, the entity making the protest, and must include the factual and legal basis upon which the Bid Protest is based and any documents supporting the protest. The Bid Protest must be executed by an officer authorized to execute agreements on behalf of the Bid Protester and must include the corporate seal of the Protesting Bidder and a notary seal.

(3) The time for filing a Bid Protest is as follows:

a. For a Bid Protest filed pursuant to Rule 672-21-.02(1)(a), the Bid Protest must be filed with the Department during the 72-hour period which begins upon the electronic posting of a decision or intended decision identifying the Apparent Low Bidder.

b. For a Bid Protest filed pursuant to Rule 672-21-.02(1)(b), the Bid Protest must be filed with the Department during the 72-hour period which begins upon the electronic posting of the Award of the Construction Project.

c. The Bid Protest must be received by the Department before the 72-hour period expires.

d. The 72-hour period is not extended by filing the Bid Protest by mail.

e. Saturdays, Sundays, and legal holidays shall be excluded in computing the 72-hour period.

(4) A Bid Protest Bond is only required where a Bid Protest is being filed. A Bid Protest Bond shall be filed with the Bid Protest using the form available on the Department's website at www.dot.ga.gov. The amount of the Bid Protest Bond shall be determined as follows:

a. A $1,000 bond is required for Construction Projects with a bid amount by the Bid Protestor of less than $500,000.

b. A $2,000 bond is required for Construction Projects with a bid amount by the Bid Protestor between $500,001 and $1,000,000.

c. A bond equal to one-half percent (0.5%) of the bid amount submitted by the Bid Protestor if that value is greater than $1,000,000.

d. In no event, however, may a Bid Protest Bond exceed $15,000.

Cite as Ga. Comp. R. & Regs. R. 672-21-.03
Authority: O.C.G.A. §§ 32-2-69, 50-13-4.
History. Original Rule entitled "Filing of Bid Protest" adopted. F. Nov. 19, 2020; eff. Dec. 9, 2020.

Rule 672-21-.04. Withholding of Award.

(a) Where a Bid Protest has been filed pursuant to Rule 672-21-.02(1)(a), the Department will defer the Award of the subject Construction Project until either the Bid Protest has been withdrawn or the Department has made a Final Decision as to the action to be taken regarding the Bid Protest.

(b) Where a Bid Protest has been filed pursuant to Rule 672-21-.02(1)(b), the Deparment will defer the execution of the contract for the subject Construction Project until either the Bid Protest has been withdrawn or the Department has made a Final Decision as to the action to be taken regarding the Bid Protest.

Cite as Ga. Comp. R. & Regs. R. 672-21-.04
Authority: O.C.G.A. §§ 32-2-69, 50-13-4.
History. Original Rule entitled "Withholding of Award" adopted. F. Nov. 19, 2020; eff. Dec. 9, 2020.

Rule 672-21-.05. Department Review and Determination.

(1) Upon the receipt of a completed Bid Protest Form, the Board of Review shall set a date and time for an informal hearing to be held in the matter and shall provide the Bid Protestor written notice.

(2) An informal hearing shall be held in front of the Board of Review 14 calendar days after the receipt of a completed Bid Protest Form.

(3) Documentary evidence and testimony may be presented at the informal hearing by the Department or Protesting Bidder.

(4) Within 5 calendar days after the conclusion of the informal hearing, the Board of Review shall render a written Preliminary Decision and shall thereafter cause a copy of this Preliminary Decision to be served upon the Protesting Bidder.

(5) Within 3 business days of receipt of the Preliminary Decision, the Protesting Bidder may request a formal hearing with the Commissioner. Failure to request a formal hearing within 3 business days after receipt of the Preliminary Decision shall act as waiver of any additional appeal rights of the Protesting Bidder and the Preliminary Decision of the Board of Review shall become the Final Decision. The request for a formal hearing shall be emailed to bidprotest@dot.ga.gov.

(6) If a request for a formal hearing made pursuant to this Rule has been received, the Commissioner shall set a date and time for a hearing to be held in the matter and shall provide the Protesting Bidder written notice.

(7) A hearing with the Commissioner shall be held 14 calendar days after the receipt of a valid request from the Protesting Bidder.

(8) Within 5 calendar days after the hearing, the Commissioner shall issue a Final Decision and shall thereafter cause a copy of the Final Decision to be served upon the Protesting Bidder.

(9) All written notices to the Protesting Bidder shall be served personally or to the mailing address, e-mail address, or facsimile number identified by the Bid Protestor on the Bid Protest Form.

(10) If the Department determines in the Final Decision that the Bid Protest does not have merit, the Bid Protestor shall forfeit their Bid Protests Bond. If the Department determines in the Final Decision that the Bid Protest does have merit, the Bid Protest Bond shall not be forfeited and the Bid Protest Bond will be returned to the successful Bid Protester.

Cite as Ga. Comp. R. & Regs. R. 672-21-.05
Authority: O.C.G.A. §§ 32-6-69, 50-13-4.
History. Original Rule entitled "Department Review and Determination" adopted. F. Nov. 19, 2020; eff. Dec. 9, 2020.

Chapter 672-22. GOVERNING ALTERNATIVE CONTRACTING METHODS.

Rule 672-22-.01. Statement of Policy and Purpose of Rules & Regulations.

(a) **Policy.** It is the policy of the Department to consider when the public interest is best served by using an Alternative Contracting Method (ACM) to deliver projects under consideration by the Department, pursuant to the ACM Statute.

(b) **Suitability of Projects.** In assessing the suitability and feasibility of using an ACM to deliver a project, the Department will consider at least the following factors:

(1) Public interest.

(2) Innovation.

(3) Risk identification, risk allocation, and risk mitigation.

(4) Design complexity.

(5) Cost control.

(6) Construction schedule optimization.

(7) Expected benefits from phased project delivery or issuance of multiple work packages.

(8) Projects that present unique needs that would benefit from Construction Manager or Developer involvement early in the design process.

(c) **Board Approval.** The Department shall submit to the State Transportation Board a written request to proceed with using an Alternative Contracting Method to procure a project when consideration of the factors in (b) indicate the public interest is best served by doing so, in accordance with the ACM Statute. Each request to use an Alternative Contracting Method will clearly identify the statutes and rules that will apply for the solicitation and any resultant ACM agreement. Alternative Contracting Methods that are included in a separate Public Private Initiative or a Public Private Partnership authorized by Section 32-2-80 of the Official Code of Georgia are subject to Board action provided for in Section 32-2-80(f), governed by separate rules and regulations, and are not subject to approval as provided for projects initiated under the ACM Statute.

Cite as Ga. Comp. R. & Regs. R. 672-22-.01
Authority: O.C.G.A. §§ 32-2-2, 32-2-82, 50-13-4.
History. Original Rule entitled "Statement of Policy and Purpose of Rules & Regulations" adopted. F. Jan. 20, 2022; eff. Feb. 9, 2022.

Rule 672-22-.02. Definitions.

The following terms, as used in this chapter, shall have the following meanings unless the context thereof indicates to the contrary:

(a) "**Alternative Contracting Method**" or "**ACM**": One of the three contracting methods authorized by the ACM Statute, specifically: (i) Construction Manager/General Contractor ("CM/GC") Agreement, (ii) Comprehensive Development Agreement, and (iii) Predevelopment Agreement.

(b) "**ACM Statute**": Section 32-2-82 of the Official Code of Georgia Annotated.

(c) "**Board**" shall mean the State Transportation Board of the State of Georgia.

(d) "**Capital Budget**": The current, projected, and final audited total amount of state, federal, and other funds received by the Department for the support of the capital program including the construction, operations, and maintenance of public roads.

(e) "**Comprehensive Development Agreement**" or "**CDA**": An alternative contracting method consisting of a single, multi-phase contract that allows for expedited project delivery through the concurrent design and construction of a project pursuant to which the Developer shall (i) collaborate with the Department to advance development of the project concept, (ii) perform or provide for the design and construction services, and (iii) perform or provide any operations or maintenance services required for the project; provided, however, that the initial CDA agreement may provide for negotiating and entering into future phases or segments of the project at the times that the Department considers advantageous to the Department.

(f) **"Construction Manager/General Contractor" or "CM/GC":** The counterparty to a Construction Management Agreement let by the Department in accordance with Rule 672-22-.04.

(g) "**CM/GC Agreement"** or "**Construction Management Agreement**": An alternative contracting method consisting of a two-phase contract between the Department and a CM/GC, whereby: (i) in the first phase, the CM/GC performs specified Preconstruction Services for a project, in the capacity of a construction manager, in collaboration with the Designer of Record and the Department, and (ii) in the second phase - which is subject to the Department's acceptance of the CM/GC 's proposed Negotiated Construction Price - the Department may authorize CM/GC to proceed, in the capacity of a general contractor, to complete construction of the project.

(h) "**Department**": The Department of Transportation of the State of Georgia.

(i) "**Designer of Record**" or "**DOR**": The entity under a separate contract with the Department that is responsible for the design of a project delivered using the CM/GC method.

(j) **"Developer":** shall mean the counterparty to a Comprehensive Development Agreement or a Predevelopment Agreement approved by the Board as an ACM in accordance with the ACM Statute.

(k) **"Encumbered Amount"** shall refer to the amount of the Department's annual contractual commitments for the projected payments by the Department pursuant to an executed ACM agreement authorized under the ACM Statute.

(l) "**Negotiated Construction Price**" or "**NCP**": The maximum price - that includes project direct costs, indirect costs, and profit - to which the CM/GC commits to deliver a construction project with a quantified and defined scope of work.

(m) "**Preconstruction Services**": The scope of services that a CM/GC or Developer may be requested to perform during the design phase of a project, which will be identified on a project-by-project basis in the solicitation issued by the Department for an ACM agreement.

(n) "**Preconstruction Services Fee**": The price component, expressed in a lump-sum amount or any other payment method permitted by law, covering the full scope of Preconstruction Services identified in a solicitation for a CM/GC procurement of a prospective CM/GC 's proposal.

(o) "**Predevelopment Agreement**" or "**PDA**": An alternative contracting method that provides the framework for one or more Developers to collaborate with the Department on one or more projects: (i) for the conceptual, preliminary, and final planning and project development work for such project(s), which may include, but is not limited to, predevelopment services, financial planning, environmental studies and mitigation, survey, conducting transportation and revenue studies, right of way acquisition, design and engineering, preliminary engineering, implementation planning, and assistance with public outreach; and (ii) to perform, at the Department's election, any aspect of the development of the transportation facility including the construction work for the project or projects, that the parties may deem appropriate, subject to agreement between the Department and the Developer(s) as to the scope of such services, a reasonable price for that scope of services, and the basis of payment for those services.

Cite as Ga. Comp. R. & Regs. R. 672-22-.02
Authority: O.C.G.A. §§ 32-2-2, 32-2-82, 50-13-4.
History. Original Rule entitled "Definitions" adopted. F. Jan. 20, 2022; eff. Feb. 9, 2022.

Rule 672-22-.03. General Rules for ACM Agreements.

(a) **Applicability.** When the Board approves the use of an Alternative Contracting Method, the Department shall solicit participation through a procurement process in accordance with the authority of subsection 32-2-82(e) of the Official Code of Georgia Annotated, and as otherwise authorized by applicable law and regulation.

1) When procuring a contractor to enter an ACM agreement with the Department for a project that does not or is not anticipated to require private financing the Department shall utilize the procurement procedures set out in Section 32-2-81(d) of the Official Code of Georgia Annotated.

   a. When procuring a CM/GC to enter a Construction Management Agreement with the Department, the Department shall utilize the process in Rule 672-22-.04.

   b. When procuring a Developer to enter a CDA or PDA utilize Chapter 672-18 of the Rules of the State of Georgia.

2) When procuring a contractor or developer to enter an ACM agreement with the Department that is associated with a project that is anticipated to require or requires private financing, the Department shall utilize the procurement procedures set out in Section 32-2-80 of the Official Code of Georgia Annotated.

(b) **Subsequent Phases of Work.** Each Alternative Contracting Method authorized by the ACM Statute and herein contemplates an initial phase of work followed by one or more subsequent phases of work, subject to the Department's discretion; the initial and subsequent phases of work shall be considered one project. The terms of any subsequent phases of work under an ACM agreement are authorized to be negotiated and memorialized in an amendment, supplemental agreement, or separate agreement according to the terms of the ACM agreement and are not subject to Section 32-2-73 of the Official Code of Georgia.

(c) **Confidentiality and Open Records.** Except as specifically provided under these Rules, no proposal shall be made public, and no information about any proposer's approach or proposal will be shared with other proposers, until the Department has either publicly announced the successful proposer and executed the ACM agreement or terminated the project.

(d) **Terms of an ACM Agreement**. A contract to deliver a project using an ACM shall identify the rights and obligations of the Department, the contractor, and any other parties with respect to that project, consistent with these Rules. All design documents prepared in association with an ACM shall become the property of the Department upon preparation and all construction documents prepared in association with an ACM shall become the property of the Department upon delivery to the Department.

Cite as Ga. Comp. R. & Regs. R. 672-22-.03
Authority: O.C.G.A. §§ 32-2-2, 32-2-82, 50-13-4.
History. Original Rule entitled "General Rules for ACM Agreements" adopted. F. Jan. 20, 2022; eff. Feb. 9, 2022.

Rule 672-22-.04. CM/GC Procurement Process.

(a) **Notice of Request for Proposals.** The Department shall announce its intention to initiate a procurement of a CM/GC to perform the requirements of a Construction Management Agreement by posting a Public Notice Advertisement ("PNA") of an upcoming Request for Proposals ("RFP") on the Department of Administrative Services website or in substantially the same manner utilized by the Department to solicit requests for proposals. The PNA will provide information on the upcoming project, the tentative scope and description of services, and anticipated procurement schedule.

(b) **Prequalification Requirements.** The Department requires contractors and professional consultants to be prequalified for the work they are proposing to perform, by the date of submission of proposals in response to the RFP utilizing a one phase selection method, or by the date of submission of a statement of qualifications utilizing a two phase selection method. All contractors and consultants for CM/GC projects must be prequalified by the Department, pursuant to either Chapter 672-5 of the Rules of the State of Georgia or project specific qualifications set forth in the solicitation which at a minimum must comply with Chapter 672-5. The request for qualifications or the RFP will set forth the requirements for evidence of bonding capacity required of the CM/GC.

(c) **Procurement.** The Department may award a Construction Management Agreement following either a one-phase or two-phase selection process based on qualifications, best value, suitability, or any other combination of factors considered appropriate by the Department and which are clearly specified in the RFP. A best value-based selection is based on the proposer's submittals regarding among other things (i) qualifications, key personnel, and prior experience performing work under contracts for projects of a similar size, scope, complexity, and magnitude, (ii) its technical proposal, and (iii) the proposer's Preconstruction Services Fee.

(1) **Evaluation Criteria**. In the RFP for a Construction Management Agreement, the Department will specify the evaluation criteria as well as the basis for award, including the weight of each evaluation factor and subfactor in evaluating proposals.

(2) **Interviews.** The Department shall identify, in the RFP, whether it intends to conduct interviews with responsive proposers. These interviews may be a component of the score, or otherwise evaluated. If the interview will be scored the scoring will be clearly stated in the evaluation criteria and in accordance with 23 CFR § 635.504.

(3) **Evaluation of Proposals.** The Department shall evaluate proposals in accordance with the requirements in the RFP. A proposal will only be considered nonresponsive if it does not contain all the information and level of detail requested in the RFP; provided, that the Department has sole discretion to determine whether a proposal is nonresponsive. No proposal will be considered unless it is accompanied by a proposal guaranty in a form of security acceptable to the Department and specified in the RFP.

(4) **Selection Decision.** Based on the evaluation factors as set forth in the RFP, the Department shall rank all proposals that are complete, in conformance with, and responsive to the RFP, consistent with the specified basis for award. The Department shall announce the award of the Construction Management Agreement to the CM/GC in the same manner used to publish the initial notice of solicitation.

(d) **Reserved Rights.** The Department reserves all rights available by law in administering these rules, including without limitation, the right in its sole discretion to:

(1) Reject any and all responses to a solicitation for a Construction Management Agreement at any time.

(2) Suspend, discontinue or terminate evaluation of any and all responses to a solicitation for a Construction Management Agreement at any time.

(3) Suspend, discontinue or terminate discussions or negotiations with any proposer at any time prior to the actual authorized execution of such final agreement by all parties.

(4) Discuss and negotiate with a proposer without being bound by any provision in its proposal.

(5) Modify, issue addenda to, or cancel any CM/GC solicitation.

(6) Request or obtain additional information about any proposal, or request revisions thereto.

(7) Undertake such other action or exercise such other rights as may be provided for in an Construction Management Agreement solicitation.

Cite as Ga. Comp. R. & Regs. R. 672-22-.04
Authority: O.C.G.A. §§ 32-2-2, 32-2-82, 50-13-4.
History. Original Rule entitled "CM/GC Procurement Process" adopted. F. Jan. 20, 2022; eff. Feb. 9, 2022.

Rule 672-22-.05. Rules Governing Construction Management Agreements.

(a) **Phase One - Preconstruction Services.** Upon award of the Construction Management Agreement, the CM/GC will be authorized to begin performing Preconstruction Services pursuant to the requirements of the Construction Management Agreement. During the initial phase of the Construction Management Agreement, the CM/GC will be required to perform phase-one services, which may include, but are not limited to, the following:

(1) Collaborating with the DOR and the Department on the design and preparation of the construction documents, for improved overall constructability of the project.

(2) Participating in design reviews and anticipating construction issues.

(3) Engaging in risk assessment and mitigation workshops with the Department.

(4) Identification of potential risks and assistance in identifying means and methods to mitigate such risks during design.

(5) Assisting with material selection, scheduling, sequencing, and other related services.

(6) Evaluating contemplated innovations and constructability recommendations for cost-effectiveness.

(7) Assisting the Department with project-level budgeting for construction through progressive cost estimating for the project.

(8) Active management and mitigation of project risks with the Department.

(b) **Construction Price Proposal**. The CM/GC will be responsible for progressing the estimates of probable construction costs and developing the price proposal for the construction of the project, to include the direct cost of construction, contingency, overhead, and profit (collectively, the "NCP Proposal"). The timing of the development of the NCP Proposal will be based on the percentage of design complete, as determined by GDOT on a project specific basis. The NCP Proposal shall be prepared on an open book basis using labor and equipment rates; and must include a construction schedule and the assumptions underlying the NCP amount. A price reconciliation meeting will be held to review and discuss any differences in the Department's estimate and the CM/GC's NCP Proposal.

(1) **Accepting the NCP Proposal.** If a reasonable NCP is negotiated, the CM/GC and GDOT shall execute a supplemental agreement or amendment to the Construction Management Agreement, authorizing the CM/GC to complete the construction of the project. The CM/GC will be required to provide performance and payment bonds in the full amount of the NCP.

(2) **Rejecting the NCP Proposal.** If the Department and the CM/GC are unable to agree upon a reasonable NCP, the Department may initiate a new procurement to complete the construction-phase work for the project.

(c) **Phase Two - Construction.** Upon execution of a supplemental agreement or amendment to the Construction Management Agreement, its terms, including the NCP, become contractual. The Department may authorize the CM/GC to proceed in constructing the project through the release of distinct work packages based on the design documents.

(d) **Construction Works Packages.** The construction services may be authorized through various construction works packages, which are subject to negotiation and agreement on price between the Department and the CM/GC, and will be included in the NCP as part of the development of the construction price proposal under Rule 672-22-.05(b).

Cite as Ga. Comp. R. & Regs. R. 672-22-.05
Authority: O.C.G.A. §§ 32-2-2, 32-2-82, 50-13-4.
History. Original Rule entitled "Rules Governing Construction Management Agreements" adopted. F. Jan. 20, 2022; eff. Feb. 9, 2022.

Rule 672-22-.06. Rules Governing Predevelopment Agreements.

(a) **Contracting for Project Planning and Development Services Using a PDA.** Predevelopment agreements allow the Department to procure one or more Developers to assist in developing the framework for one or more projects' conceptual, preliminary, and final planning and project development work and may include preconstruction services on one or more projects that would benefit from early involvement by the Developer(s) in the project(s). The PDA (i) allows the commencement of activities including predevelopment services, financial planning, environmental studies and mitigation, survey, conducting transportation and revenue studies, right-of-way acquisition, design and engineering, and public outreach; and (ii) contains provisions related to any aspect of the development of a transportation facility, including construction work for the project or projects, that the parties may deem appropriate, subject to agreement as to the basis for payment for any construction services.

(b) **Implementation of Design and Construction After a PDA.** Upon the completion of the elements of the PDA, the Department will have rights to the work-product developed by the Developer and may use such work product in the further development of its projects, including in any procurements for financing, design, engineering, value engineering, or construction services.

(c) **Form of the Agreement.** The Department shall prescribe the general form of a predevelopment agreement and may include any matter the Department considers advantageous to the Department, including that each PDA shall:

(1) set forth the scope of work to be performed by the Developer, its subconsultants, and subcontractors;

(2) specify the level of design, alternatives to be reviewed, impacts and outcomes to consider, and other information to be provided by the Developer, its subconsultants, and subcontractors;

(3) reserve to the Department the right to independently review any studies and conclusions reached by the Developer, its subconsultants, and subcontractors

before their inclusion in an environmental document, and reserve to the Department the responsibility for the environmental document.

Any changes to the Predevelopment Agreement shall be negotiated by the parties and memorialized in a supplemental agreement thereto or in a separate agreement pursuant to the PDA.

Cite as Ga. Comp. R. & Regs. R. 672-22-.06
Authority: O.C.G.A. §§ 32-2-2, 32-2-82, 50-13-4.
History. Original Rule entitled "Rules Governing Predevelopment Agreements" adopted. F. Jan. 20, 2022; eff. Feb. 9, 2022.

Rule 672-22-.07. Rules Governing Comprehensive Development Agreements.

(a) **Using a CDA.** A Comprehensive Development Agreement provides the Department with a single multi-phase contract to allow for the development of the project concept, the concurrent design and construction of the project, and the operations and maintenance of the project. The CDA (i) allows the commencement of activities including conceptual, preliminary and final project planning and development, right-of-way acquisition, design and engineering, environmental support and mitigation, survey, conducting transportation and revenue studies, ascertaining the availability of financing for the proposed facility or facilities and public outreach; and (ii) contains provisions related to any aspect of the development, construction, operations, and maintenance of a transportation facility that the parties may deem appropriate.

(b) **Form of Agreement.** The Department shall prescribe the general form of a comprehensive development agreement and may include any matter the Department considers advantageous to the Department, including that each CDA shall:

(1) set forth the scope of work to be performed by the Developer, its subconsultants, and subcontractors;

(2) specify the level of design, alternatives to be reviewed, impacts and outcomes to consider, and other information to be provided by the Developer, its subconsultants, and subcontractors;

(3) reserve to the Department the right to review any studies and conclusions reached by the CDA contractor, its subconsultants, and subcontractors before their inclusion in an environmental document, and reserve to the Department the responsibility for the environmental document.

(c) **Negotiations Authorized.** The initial procurement of the Developer shall follow Rule 672-22-.03. GDOT and the contractor shall negotiate the specific terms of a CDA. Any changes to the initial Comprehensive Development Agreement, including those for

subsequent project phases, shall be negotiated by the parties and memorialized in a supplemental agreement to the CDA or in a separate agreement pursuant to the CDA.

Cite as Ga. Comp. R. & Regs. R. 672-22-.07
Authority: O.C.G.A. §§ 32-2-2, 32-2-82, 50-13-4.
History. Original Rule entitled "Rules Governing Comprehensive Development Agreements" adopted. F. Jan. 20, 2022; eff. Feb. 9, 2022.

Rule 672-22-.08. Size and Frequency Limitations for ACMs.

Pursuant to subsection 32-2-82(f) of the Official Code of Georgia Annotated:

(a) **Limitations.** The Department is subject to the limitation on the number of projects delivered using one or more ACM agreements set forth in subsection 32-2-82(f) of the Official Code of Georgia Annotated.

(b) **Cap on Annual Encumbered Amount for an ACM Agreement.** Solely as it relates to a project authorized by the Board to be delivered using an ACM, the Department shall not encumber under any one ACM, in any one fiscal year, an amount greater than five percent of the Department's Capital Budget in the previous fiscal year.

Cite as Ga. Comp. R. & Regs. R. 672-22-.08
Authority: O.C.G.A. §§ 32-2-2, 32-2-82, 50-13-4.
History. Original Rule entitled "Size and Frequency Limitations for ACMs" adopted. F. Jan. 20, 2022; eff. Feb. 9, 2022.

Rule 672-22-.09. Reporting ACM Contracting Activity.

(a) **Fiscal Year Reports.** Pursuant to subsection 32-2-82(g) of the Official Code of Georgia Annotated, no later than 90 days after the end of a fiscal year in which the Department has executed a contract to deliver a project using an ACM as approved by the Board, the Department will provide the Governor, Lieutenant Governor, Speaker of the House of Representatives, and chairpersons of the House and Senate Transportation Committees a summary containing all contracts that utilize an ACM. The report may include, but is not limited to, the following: The project name, project number, county, project description, name of CM/GC or Developer, selection method, and date of contract award. ACM Agreements that are part of a separate Public Private Initiative or Public Private Partnerships are outside of this Rule and are not included in this summary. This Report will be made available for public information.

(b) **Reports Required Every Five Years.** Pursuant to subsection 32-2-82(i) of the Official Code of Georgia Annotated, no later than five years after the effective date of that Code section and then once every five years thereafter, the Department will submit a report to

the Governor, Lieutenant Governor, Speaker of the House of Representatives, and members of the House and Senate Transportation Committees detailing all contracts delivered using an ACM, along with the benefits of using an ACM compared with other contracting methods for purposes of the executive's and legislature's review and consideration of the effectiveness of that Code section and any necessary amendments.

Cite as Ga. Comp. R. & Regs. R. 672-22-.09
Authority: O.C.G.A. §§ 32-2-2, 32-2-82, 50-13-4.
History. Original Rule entitled "Reporting ACM Contracting Activity" adopted. F. Jan. 20, 2022; eff. Feb. 9, 2022.