

1 SB178
2 166303-4
3 By Senator Orr
4 RFD: Transportation and Energy
5 First Read: 10-MAR-15

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 23-1-40, Code of Alabama 1975; to
12 authorize the Department of Transportation to enter into
13 various types of construction agreements and financing
14 agreements for construction of a public road, bridge or
15 tunnel, and work related or incidental thereto, under the
16 jurisdiction of the Department of Transportation; and to
17 require the Department to develop an evaluation process and
18 procedures for selecting public road, bridge and tunnel
19 projects under these provisions.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 23-1-40 of the Code of Alabama
22 1975, is amended to read as follows:

23 "§23-1-40.

24 "(a) It shall be the duty of the ~~State~~ Department of
25 Transportation to designate the roads to be constructed,
26 repaired, and maintained and to construct, standardize,
27 repair, and maintain roads and bridges of this state; and it

1 shall have authority to make contracts or agreements to
2 construct or pave the roadway only of the street or streets
3 which will serve to connect the state highway constructed or
4 repaired by the ~~State~~ Department of Transportation within any
5 municipality in the State of Alabama.

6 "(b) In such municipalities in which the ~~State~~
7 Department of Transportation has not designated the street or
8 streets which are a part of the state highways constructed or
9 repaired by the ~~State~~ Department of Transportation, it shall
10 be the duty of the ~~State~~ Department of Transportation to
11 designate such street or streets. The ~~State~~ Department of
12 Transportation may also cooperate or contract with any
13 municipality or county in the paving or improving of any
14 street or streets, highway or highways, or walkway or walkways
15 upon which a state educational or eleemosynary institution, or
16 the property thereof, may front or abut; provided, that where
17 ~~said the~~ state educational or eleemosynary institution or the
18 property thereof fronts or abuts on both sides of such street
19 or streets, highway or highways, or walkway or walkways, the
20 ~~State~~ Department of Transportation is hereby authorized to and
21 shall expend an amount of money sufficient to cover the entire
22 cost thereof; provided further, that where such institution or
23 the property thereof fronts or abuts on only one side of such
24 street or streets, highway or highways or walkway or walkways,
25 the ~~said department~~ Department shall expend an amount of money
26 sufficient to cover only one half of the cost thereof;
27 provided, that in such case, with the special approval of the

1 Governor, ~~said department~~ the Department shall be authorized
2 to expend a sum of money sufficient for the entire cost and,
3 provided further, the ~~said department~~ Department may also,
4 with the special approval of the Governor, improve or pave any
5 street or streets, driveway or driveways, including curb and
6 gutter, and walkway or walkways on, by or through the grounds
7 upon which a state educational or eleemosynary institution is
8 located and to pay the entire cost thereof.

9 "(c) The ~~State~~ Department of Transportation shall
10 cause to be made and kept in its office a general highway map
11 of the state which shall show all state roads.

12 "(d) The ~~State~~ Department of Transportation shall
13 collect information and prepare statistics relative to the
14 mileage, character, and condition of the roads and bridges in
15 all counties of the state.

16 "(e) The ~~State~~ Department of Transportation shall
17 investigate and determine the methods of road construction
18 best adapted to the various sections of the state and shall
19 establish standards for the maintenance of roads and bridges
20 which have been constructed with state aid.

21 "(f) The ~~State~~ Department of Transportation may, at
22 all reasonable times, be consulted by county and municipal
23 officials relative to any matter relating to the construction
24 of roads and bridges or culverts, and the ~~department~~
25 Department may also call on all county and municipal officials
26 for any information or assistance it may require and it shall
27 be their duty to supply the same.

1 "(g) The ~~State~~ Department of Transportation shall
2 determine the character and have the general supervision over
3 the construction and maintenance of all the public roads,
4 bridges, and culverts in the state where the funds of the
5 state are used and shall have a general supervision over the
6 expenditure of any funds apportioned to any county of the
7 state for the construction and maintenance of all public
8 roads, bridges, and culverts in each county.

9 "(h) (1) In addition to any other authority to enter
10 into contracts for construction of a public road, bridge or
11 tunnel and work incidental or related thereto, as may be
12 provided by law, the Department of Transportation may enter
13 into contracts, agreements, or understandings with any other
14 public and private parties including, but not limited to, all
15 of the following: individuals, corporations, partnerships,
16 joint ventures, limited liability companies, and other private
17 parties; public or private partnerships, or both, or other
18 similar joint ventures; the federal government; any
19 department, agency, governmental or quasi-governmental body,
20 public corporation, instrumentality, or subdivision of the
21 United States, the State of Alabama, or any other state of the
22 United States, or any agency, governmental or
23 quasi-governmental body, instrumentality, or subdivision
24 thereof, for the construction of a public road, bridge or
25 tunnel and work incidental or related thereto, under the
26 jurisdiction of the Department, or any part thereof,
27 including, but not limited to, the following:

1 "a. Design-build, design-build-operate,
2 design-build-own-operate, design-build-own-operate-maintain,
3 design-build-finance-operate-maintain, or other similar
4 arrangements or agreements pursuant to which the design,
5 right-of-way acquisition, relocation of structures or
6 utilities, construction, financing, ownership, management,
7 maintenance, and operation, or any combination thereof, of a
8 public road, bridge or tunnel project is accomplished by the
9 Department or on behalf of the Department by any of the
10 aforementioned entities or methods.

11 "b. Leases, licenses, franchises, concessions, or
12 other agreements for the development, operation, management,
13 or undertaking of all or any part of a public road, bridge or
14 tunnel project.

15 "(2) The public road, bridge or tunnel project may
16 be awarded through any existing procurement authority,
17 proposals, or other means of procurement used for public works
18 projects delivered as provided in subdivision (1).

19 "(3) The Department may enter into a contract for a
20 public road, bridge or tunnel project under this section when
21 the estimated, projected, or budgeted construction cost is not
22 less than one hundred million dollars (\$100,000,000). The
23 Department shall not group projects that are more than one
24 mile apart in order to meet the \$100 million construction cost
25 requirement. This section shall not apply to asphalt pavement
26 resurfacing projects.

1 "(4) The Department shall develop procedures to
2 implement this section, including, but not limited to,
3 proposal content, selection criteria, prequalification,
4 applicant interview, proposal evaluation, proposal
5 negotiation, selection, and award, which will be outlined in
6 each Department request for proposal.

7 "(5) Notwithstanding any provision of law to the
8 contrary, proposals under this section with respect to public
9 road, bridge or tunnel projects that the Department determines
10 can be more efficiently accomplished by any of the means
11 enumerated in subdivision (1), may be evaluated and awarded by
12 the Department based on qualifications of participants or best
13 value, or both, as evaluated by procedures of the Department
14 and taking into consideration the best interest of the State
15 of Alabama.

16 "(6) Proposals shall use the standard specifications
17 of the department or other specifications the department
18 determines necessary for the project."

19 Section 2. This act shall become effective
20 immediately following its passage and approval by the
21 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Transportation and Energy..... 10-MAR-15

Read for the second time and placed on the calen-
dar with 1 substitute and..... 31-MAR-15

Read for the third time and passed as amended 05-MAY-15

Yeas 28
Nays 1

Patrick Harris
Secretary