FILED
SEP 04 2024
EXECUTIVE SECRETARY
G.P.S.C.

COMMISSIONERS:

JASON SHAW, Chairman
TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE

REECE McALISTER
EXECUTIVE DIRECTOR

SALLIE TANNER
EXECUTIVE SECRETARY

Georgia Public Service Commission

(404) 656-4501
(800) 282-5813

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

FAX: (404) 656-2341
psc.ga.gov

DOCKET# 55933
DOCUMENT# 219818

NOTICE OF PROPOSED RULEMAKING

TO: (a) Legislative Counsel – State of Georgia
(b) Affected Commission Staff
(c) All Parties on the Commission's Rulemaking Mailing Lists

FROM: Georgia Public Service Commission
244 Washington St., S.W.
Atlanta, Georgia 30334

Docket No. 55933: Notice of Proposed Rulemaking to Repeal Rule 515-13-.01 Motor Carrier Assistance Program Grant

All interested parties are hereby notified pursuant to Ga. Laws 1964, pp. 338, 342, as amended (Official Code of Georgia Annotated ("O.C.G.A.") § 50-13-4) that the Georgia Public Service Commission ("Commission") intends to consider repealing rule 515-13-.01 Motor Carrier Assistance Program Grant

BY THE COMMISSION:

At its September 4, 2024 Administrative Session, the Commission issued this Notice of Proposed Rulemaking ("NOPR"). Commission Rule 515-13-.01 Motor Carrier Assistance Program Grant shall be considered for repeal at the Commission's **Administrative Session on October 16, 2024 at 9:30 a.m.,** which will be held at the Commission's offices located at 244 Washington Street, S.W., Atlanta, Georgia 30334.

If adopted, the repeal of this rule shall become effective as provided for by law twenty (20) days after their adoption by the Commission and subsequent filing with the Secretary of State.

I. NOTICE OF PROPOSED RULEMAKING

A. Introduction and Jurisdiction

The Commission is governed by the Administrative Procedure Act, O.C.G.A. § 50-13-1 *et seq.* The Commission is authorized to promulgate rules for procedure. O.C.G.A. § 46-2-30.

On July 1, 2012, Title 40 of the Official Code of Georgia Annotated, relating to Motor Vehicles and Traffic, was amended to transfer the functions of regulating motor carriers and limousine carriers from the Georgia Public Service Commission to the Georgia Department of Public Safety. As such, the Commission has proposed that the entirety of rule 515-5-13-.01 be repealed.

B. Synopsis and Explanation of Proposed Rules

Due to the change of law eliminating Commission jurisdiction over motor carriers and limousine carriers, the Commission has proposed that the entirety of rule 515-5-13-.01 be repealed.

II. PROPOSED RULE

Pursuant to the requirements of the Georgia Administrative Procedures Act at O.C.G.A.§ 50-13-4(a)(1), the Commission intends to repeal the rule previously adopted in Chapter 515-12-1-.31 of the Commission Rules. The full text of the rule that is being proposed for repeal is set forth below.

RULES OF GEORGIA PUBLIC SERVICE COMMISSION

~~**Subject 515-13 GRANT PROGRAMS**~~

~~**Rule 515-13-.01. Motor Carrier Assistance Program Grant**~~

~~(1) Sec. 402 of the Surface Transportation Assistance Act, of 1981 (Pub. L. 97-424)~~

~~(2) General Scope and Purpose of the Grant Program. The general scope and purpose. of the grant program is to provide funding for traffic law enforcement and inspection of commercial motor vehicle in conjunction therewith to reduce the number of traffic accidents, deaths, injuries, and the amount of property damage.~~

~~(3) General Terms and Conditions of the Grant. The general terms and condition's of a grant funded through Motor Carrier Safety Assistance Program funds are:~~

~~(a) Funds are only available for safety inspections of commercial motor vehicles performed pursuant to traffic stops, e.g., improper lane changes, speeding, following too closely, etc.~~

~~(b) Funds are granted annually and are conditioned on approval of applicant's enforcement plan and available funds. Monies are conditioned on allocation of federal funding and satisfactory performance.~~

~~(c) Must have authority to effect traffic stops and inspect commercial motor vehicles.~~

~~(d) Funds required for match as follows: 80% GPSC 20% Local~~

~~(4) Eligible recipients of the Grant. Any state or local government enforcement agency with authority to perform traffic enforcement on commercial motor vehicles.~~

~~(5) Criteria for the award. Volume and type of commercial motor vehicle traffic; number, frequency and severity of accidents involving commercial motor vehicles; fatalities, injuries and property damage resulting from commercial vehicle accidents; objectives to be achieved through use of the funds.~~

~~(6) Directions and Deadlines for Applying. Request for funds and enforcement plans must be received no later than June 15. Requests for information on applying should be made to Georgia Public Service Commission, Attn: Lucia A. Ramey, Suite 310, 1007 Virginia Avenue, Hapeville, Georgia 30354-5702.~~

*****

The Commission shall consider repealing this rule at its Administrative Session held at 9:30 a.m. on **October 16, 2024**, at its offices located at 244 Washington Street, S.W., Atlanta, Georgia 30334.

All interested parties who desire to do so may submit comments, data, views, arguments, or any other relevant matters in writing to the Commission concerning the proposed repeal of the Rules. Such written material must be delivered to the Commission no later than **September 17, 2024**. The Commission requests that, where possible, comments include specific proposed edits to the Rules.

Any written materials are to be filed with:

Sallie Tanner
Executive Secretary
Georgia Public Service Commission
244 Washington St., S.W.

Atlanta, Georgia 30334

All persons interested in presenting views or arguments orally should present a written request for an oral hearing by **September 17, 2024**. If no request for oral hearing is made, the Commission shall consider only those written comments filed in accordance with the provisions of this notice. If oral hearing is requested, then the Commission shall hold oral hearings either virtually or in its First Floor Hearing Room at its offices located at 244 Washington Street, S.W., Atlanta, Georgia 30334 immediately following the 9:30 a.m. committee meetings on **October 10, 2024.**

The general authority to repeal this Rule is found in O.C.G.A. § 46-2-30. Upon request by any interested parties either prior to the exception of the Rule or within thirty (30) days thereafter, pursuant to O.C.G.A. § 50-13-4(a)(2), the Commission shall issue a concise statement of the principal reasons for and against adoption of this Rule and incorporating the reasons for overruling the consideration, if any, urged against its adoption.

* * * * *

WHEREFORE IT IS ORDERED, that the Commission hereby issues this Notice of Proposed Rulemaking for consideration of repealing Commission Rule 515-13-.01.

ORDERED FURTHER, that this Notice of Proposed Rulemaking shall be published in conformity with the requirements of the Administrative Procedure Act as provided in O.C.G.A. § 50-13-4.

ORDERED FURTHER, that all interested parties shall file comments and proposed edits no later than 4:00 p.m. on September 17, 2024.

ORDERED FURTHER, that all persons interested in presenting views or arguments orally should present a written request for an oral hearing by September 17, 2024. If requested, the Commission will hold a hearing to receive oral comments immediately following the 9:30 a.m. committee meetings on October 10, 2024.

The above by action of the Commission in Administrative Session on the 4th day of September 2024.

Sallie Tanner
Executive Secretary

9-4-24
DATE

Jason Shaw
Chairman

9-4-24
DATE