

House Bill 913

By: Representative Wix of the 33rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated,
2 relating to public utilities in connection with the regulation of maintenance and use of public
3 roads generally, so as to provide that when any political subdivision of this state intends to
4 abandon a public road or highway and to sell, lease, or otherwise convey ownership to such
5 property, such political subdivision may request a utility to remove any underground or
6 overhead utility system including, but not limited to, any electric, telecommunications,
7 natural gas, or water or sewage distribution system which was previously installed in the
8 right of way of said abandoned road or highway; to provide that upon receiving such a
9 request, a utility shall have 90 days to remove any underground or overhead utility system
10 including, but not limited to, any electric, telecommunications, natural gas, or water or
11 sewage distribution system from such property; to define certain terms; to provide for notice;
12 to provide that whenever a political subdivision has requested the utility to remove any
13 underground or overhead utility system including, but not limited to, any electric,
14 telecommunications, natural gas, or water or sewage distribution system, the political
15 subdivision may, at the written request of such utility, provide to the utility a right of way
16 which may or may not be on a public road right of way; to provide that if the right of way
17 provided is not on a public road right of way, the utility shall reimburse the political
18 subdivision for the acquisition costs; to authorize a utility to recover the expenses associated
19 with the removal and relocation of electric power or telecommunications poles; to provide
20 an exception; to provide for applicability; to repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **SECTION 1.**

23 Article 6 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to
24 public utilities in connection with the regulation of maintenance and use of public roads
25 generally, is amended by adding between Part 1 and 2 a new Part 1A to read as follows:

"Part 1A

32-6-180.

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

(1) 'Right of way' has the same meaning as provided in paragraph (25) of Code Section 32-1-3.

(2) 'Utility' means:

(A) Any electric supplier as defined in paragraph (3) of Code Section 46-3-3;

(B) Any telecommunications company as defined in paragraph (17) of Code Section 46-5-162;

(C) Any person as defined in Code Section 46-4-20 which constructs or operates a pipeline or distribution system for natural gas; or

(D) Any political subdivision or public authority in this state which operates a water or sewer system.

(b) When any political subdivision of this state intends to abandon a public road or highway and to sell, lease, or otherwise convey such property as authorized under Chapter 7 of this title, such political subdivision may request a utility to remove any underground or overhead utility system including, but not limited to, any electric, telecommunications, natural gas, or water or sewage distribution system which was previously installed in the right of way of said abandoned road or highway. Notice of such request shall be given to the utility by registered mail or statutory overnight delivery. Upon receiving such request, a utility shall have 90 days to remove any underground or overhead utility system including, but not limited to, any electric, telecommunications, natural gas, or water or sewage distribution system from such property.

(c) Whenever a political subdivision has requested the removal of any underground or overhead utility system including, but not limited to, any electric, telecommunications, natural gas, or water or sewage distribution system as authorized in this Code section, the political subdivision may, at the written request of such utility, provide to the utility a right of way which may or not be on a public road right of way. If the right of way provided is not on a public road right of way, the utility shall reimburse the political subdivision for the acquisition costs.

(d) A utility shall keep a separate account of the expenses associated with the removal of any underground or overhead utility system including, but not limited to, any electric, telecommunications, natural gas, or water or sewage distribution system resulting from the intended abandonment of a public road or highway as provided in this Code section and the Public Service Commission shall be required to allow such utility to recover such expenses in its rates or tariffs.

1 (e) This Code section shall apply to public roads or highways which have been abandoned
2 prior to July 1, 2001, but only after an appropriate request as authorized in this Code
3 section has been made for the removal of any underground or overhead utility system
4 including, but not limited to, any electric, telecommunications, natural gas, or water or
5 sewage distribution system after such date."

6 **SECTION 2.**

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