

Senate Bill 173

By: Senators Tolleson of the 20th, Hooks of the 14th, Moody of the 56th and Henson of the 41st

**AS PASSED SENATE**

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 22-3-82 of the Official Code of Georgia Annotated, relating to  
2 pipeline companies' rights to acquire property or property interests by eminent domain,  
3 notices to landowners, relocations, right of reasonable access, and compensation for damage  
4 incident to entry, so as to exempt certain acquisitions of additional pipeline rights of way  
5 from certain restrictions and conditions otherwise imposed on the exercise of such power;  
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 22-3-82 of the Official Code of Georgia Annotated, relating to pipeline  
10 companies' rights to acquire property or property interests by eminent domain, notices to  
11 landowners, relocations, right of reasonable access, and compensation for damage incident  
12 to entry, is amended by revising subsection (b) as follows:

13 "(b)(1) The restrictions and conditions imposed by this article on the exercise of the  
14 power of eminent domain by petroleum pipeline companies shall not apply to ~~relocations;~~

15 (A) Relocations of petroleum pipelines necessitated by the exercise of a legal right by  
16 a third party or to any;

17 (B) Any activities incident to the maintenance of an existing petroleum pipeline or  
18 existing petroleum pipeline right of way; or

19 (C) The acquisition of property or interests therein for construction, operation, and  
20 maintenance of an additional petroleum pipeline where the acquired permanent right  
21 of way for the additional petroleum pipeline is contiguous with and wholly within 75  
22 feet of a permanent easement for a petroleum pipeline right of way that existed on  
23 January 1, 2007; except that any portion of the acquired permanent right of way for the  
24 additional petroleum pipeline may be noncontiguous to the petroleum pipeline right of  
25 way that existed on January 1, 2007, if such portion of the additional petroleum pipeline  
26 right of way is within one mile of such previously existing petroleum pipeline right of  
27 way and the noncontiguity is necessary to avoid an environmentally sensitive area as

1 determined by the Department of Natural Resources, a site listed on the National  
2 Register of Historic Places or the Georgia Register of Historic Places, or a residential  
3 or commercial structure located within 100 feet of the existing petroleum pipeline right  
4 of way.

5 This paragraph provides no exemption from any provisions of this title other than this  
6 article.

7 (2) A pipeline company shall have a right of reasonable access to property proposed as  
8 the site of a pipeline for the purpose of conducting a survey of the surface of such  
9 property for use in determining the suitability of such property for placement of a  
10 pipeline."

11 **SECTION 2.**

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