

House Bill 1026 (AS PASSED HOUSE AND SENATE)

By: Representatives Smith of the 129th, Rogers of the 26th, Loudermilk of the 14th, Floyd of the 147th, Graves of the 12th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 32-6-171 of the Official Code of Georgia Annotated, relating to the
2 authority of the Department of Transportation to order removal, relocation, or adjustment of
3 utility facilities, so as to provide that a utility may be exempt from certain requirements of
4 notice and hearing when the department requires the removal, relocation, or adjustment of
5 the facilities as a result of public road improvements; to provide for related matters; to
6 provide for an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 32-6-171 of the Official Code of Georgia Annotated, relating to the authority
10 of the Department of Transportation to order the removal, relocation, or adjustment of utility
11 facilities, is amended by revising subsection (a) to read as follows:

12 "(a) Any utility using, ~~or occupying,~~ or adjacent to any part of a public road which the
13 department has undertaken to improve or intends to improve shall remove, relocate, or
14 make the necessary adjustments to its facility when, in the reasonable opinion of the
15 department, the facility constitutes an obstruction or interference with the use or safe
16 operation of such road by the traveling public or when, in the reasonable opinion of the
17 department, the facility will interfere with such contemplated construction or
18 maintenance. In undertaking such removal, relocation, or adjustment, if the department
19 has notified the utility in writing that the facility constitutes an obstruction or interference
20 with the construction, use, or safe operation of the roadway, then the utility shall be
21 exempt from the requirements of Code Sections 22-1-10 and 22-1-10.1. Nothing in this
22 Code section shall be construed so as to deprive any utility relocated from a location in
23 which it owned a property interest of compensation for such interest."

24 **SECTION 2.**

25 This Act shall become effective on July 1, 2008.

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SECTION 3.

2 All laws and parts of laws in conflict with this Act are repealed.