

The Senate Transportation Committee offered the following substitute to HB 101:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges,
2 and ferries, so as to provide for regulation of certain facilities above and below the roadways;
3 to authorize procedures relative to asbestos pipe; to limit certain prohibitions upon
4 advertising in or on transit agencies' vehicles and facilities; to provide for related matters; to
5 provide for an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,
9 is amended by adding a new Code section to read as follows:

10 "32-4-4.

11 (a) As used in this Code section, the term 'entity' means a county, a municipality, a
12 consolidated government, or a local authority.

13 (b) Whenever existing utility facilities owned and operated by an entity contain asbestos
14 pipe and such pipe exists in the rights of way of any road, bridge, or other transportation
15 project authorized pursuant to this title, and the entity determines that such pipe should no
16 longer be utilized, the entity that owns and operates the utility facility shall have the
17 discretion to:

18 (1) Remove and dispose of the asbestos pipe in accordance with federal laws and
19 regulations;

20 (2) Leave the asbestos pipe in place and fill it with grout or other similar substance
21 designed to harden within the pipe; or

22 (3) Allow the pipe to remain undisturbed in the ground and take no further action.

23 (c) At the request of the department or any local government or authority, any asbestos
24 pipe left in the right of way as authorized by subsection (b) of this Code section shall be
25 marked so as to be locatable."

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SECTION 2.

Said title is further amended by revising Code Section 32-6-51, relating to the erection, placement, or maintenance of unlawful or unauthorized structures, by adding a new subsection to read as follows:

"(g)(1) As used in this subsection, the term:

(A) 'Commercial advertisements' means any printed or painted signs or multiple message signs on or in transit vehicles or facilities for which space has been rented or leased from the owner of such transit vehicles or facilities.

(B) 'Transit agency' means any public agency, public corporation, or public authority existing under the laws of this state that is authorized by any general, special, or local law to provide any type of transit services within any area of this state including, but not limited to, the Department of Transportation, the Georgia Regional Transportation Authority, and the Georgia Rail Passenger Authority.

(C) 'Transit vehicles or facilities' means everything necessary and appropriate for the conveyance and convenience of passengers who utilize transit services.

(2) A transit agency may authorize the placement, erection, and maintenance of commercial advertisements on or in transit vehicles or facilities owned or operated by that transit agency and said placement of commercial advertisements shall not be considered conducting commercial enterprises or activities in violation of Code Section 32-6-115."

SECTION 3.

This Act shall become effective on July 1, 2009.

SECTION 4.

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