

House Bill 101 (AS PASSED HOUSE AND SENATE)

By: Representatives Hamilton of the 23rd, Smith of the 129th, Everson of the 106th, Graves of the 12th, Glanton of the 76th, and others

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 entity, any asbestos pipe left in the right of way as
24 authorized by subsection (b) of this Code section shall be marked so as to be locatable.

25 (d) Any costs, claims, or other liability associated with the entity's decision pursuant to
 26 subsection (b) of this Code section shall be borne by the entity and may be subject to offset
 27 by the department."

28 **SECTION 2.**

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

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

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

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

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

43 (2) A transit agency may authorize the placement, erection, and maintenance of
 44 commercial advertisements on or in transit vehicles or facilities owned or operated by
 45 that transit agency and said placement of commercial advertisements shall not be
 46 considered conducting commercial enterprises or activities in violation of Code Section
 47 32-6-115."

48 **SECTION 3.**

49 This Act shall become effective on July 1, 2009.

50 **SECTION 4.**

51 All laws and parts of laws in conflict with this Act are repealed.