

Senate Bill 408

By: Senators Jeffares of the 17th, Unterman of the 45th, Shafer of the 48th, Gooch of the 51st, Bethel of the 54th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 25-9-3 of the Official Code of Georgia Annotated, relating to
2 definitions relative to the "Georgia Utility Facility Protection Act," so as to revise the
3 definition of the term "excavation"; to provide for related matters; to repeal conflicting laws;
4 and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 25-9-3 of the Official Code of Georgia Annotated, relating to definitions
8 relative to the "Georgia Utility Facility Protection Act," is amended by revising
9 paragraph (12) as follows:

10 "(12) 'Excavating' means any operation by which the level or grade of land is changed
11 or earth, rock, or other material below existing grade is moved and includes, without
12 limitation, grading, trenching, digging, ditching, augering, scraping, directional boring,
13 and pile driving. Such term, however, does not include:

14 (A) Routine ~~routine~~ road surface scraping maintenance. ~~'Excavating' shall not include;~~

15 (B) Pavement ~~pavement~~ milling or pavement repair that does not exceed the depth of
16 the existing pavement or 12 inches, whichever is less. ~~The term shall not include;~~

17 (C) The replacement of existing traffic control devices within a radius of 18 inches
18 from their previous locations and to a depth that does not exceed 30 inches below the
19 existing grade prior to such replacement;

20 (D) Normal farming activities; or

21 (E) Other ~~other~~ routine roadway maintenance activities carried out by road maintenance
22 or railroad employees or contractors, provided that such activities:

23 (i) Occur ~~occur~~ entirely within the right of way of a public road, street, railroad, or
24 highway of the state;

25 (ii) Are ~~are~~ carried out with reasonable care so as to protect any utility facilities and
26 sewer laterals placed in the right of way by permit; and

27 (iii) Are ~~are~~ carried out within the limits of any original excavation on the traveled
28 way, shoulders, or drainage ditches of a public road, street, railroad, or highway, and
29 do not exceed ~~18~~ 30 inches in depth below the grade existing prior to such activities;
30 ~~and, if involving the replacement of existing structures, replace such structures in their~~
31 ~~previous locations and at their previous depth. 'Excavating' shall not include normal~~
32 ~~farming activities."~~

33

SECTION 2.

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