

**RESOLUTION**

**A RESOLUTION OF THE GOVERNING AUTHORITY OF DEKALB COUNTY, GEORGIA TO THE DEKALB COUNTY DELEGATION OF THE GENERAL ASSEMBLY RELATING TO MANAGEMENT OF COUNTY INFRASTRUCTURE LOCATED IN PUBLIC RIGHTS-OF-WAY**

**WHEREAS**, DeKalb County has invested substantial public resources in water, sewer, transportation, and other infrastructure located in public rights-of-way; and

**WHEREAS**, significant county-owned infrastructure is located in municipal rights-of-way in addition to county rights-of-way; and

**WHEREAS**, private utility contractors may be authorized to access public rights-of-way for the purpose of installing private telecommunications and other facilities in public rights-of-way; and

**WHEREAS**, in doing so utility contractors digging in the county or municipal rights-of-way regularly breach or cut county water or sewer lines doing significant damage to county facilities and inconveniencing the public through traffic delays or lost services; and

**WHEREAS**, management of, and access to, municipal rights-of-way is subject to the control of the respective municipalities of DeKalb County and management of, and access to, public rights-of-way in the unincorporated areas of the county is subject to the control of DeKalb County; and

**WHEREAS**, the taxpayers of DeKalb County should not have to bear the expense of repairing lines breached by a private utility contractor in municipal or county rights-of-way.

**NOW, THEREFORE, BE IT RESOLVED** by the governing authority of DeKalb County, Georgia that the General Assembly is requested to enact general legislation:

1. To ensure that private utility contractors accessing public rights-of-way properly determine if and where utility facilities are located in the rights-of-way before digging.
2. To ensure that all local governments with management control of public-of-way require utility contractors to locate all utility facilities in public rights-of-way before digging.
3. To authorize counties to impose sanctions including fines on utility contractors that breach or cut county utility facilities after failing to properly locate such utility facilities in the public rights-of way; and
4. To authorize counties to require utility contractors to fully remediate any public utility facilities or other infrastructure damaged by a utility contractor digging in public rights-of-way.

**BE IT FURTHER RESOLVED THAT:**

1. The language set forth above be considered, reviewed and enacted by the General Assembly as state law during the 2022 session.
2. The Executive Assistant or designee deliver a copy of this Resolution to each member of the Georgia General Assembly representing a portion of DeKalb County.

**ADOPTED** by the DeKalb County Board of Commissioners, this \_\_\_\_ day of \_\_\_\_\_, 2021.

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**STEPHEN R. BRADSHAW**  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

**APPROVED** by the Chief Executive Officer of DeKalb County, this \_\_\_\_ day of \_\_\_\_\_, 2021.

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**MICHAEL L. THURMOND**  
Chief Executive Officer  
DeKalb County, Georgia

**ATTEST:**

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**BARBARA SANDERS-NORWOOD, CCC**  
Clerk to the Board of Commissioners and  
Chief Executive Officer  
DeKalb County, Georgia

**APPROVED AS TO FORM:**

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**VIVIANE H. ERNSTES**  
County Attorney  
DeKalb County, Georgia