



## The Capitol Report January 19<sup>th</sup>, 2004

Provided by The Georgia Railroad Association

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*The 2004 Session of the Georgia General Assembly convened January 12 and has now completed five of the prescribed 40 legislative days. The legislature will be in recess the week of January 19 while the House Appropriations Committee conducts budget hearings*

### **More budget woes for '04 session.**

The 2004 legislative session opened last week with budget challenges as great as those of the 2003 session. Even with economic recovery underway, revenue is not increasing fast enough to avoid widespread budget cuts.

Partisan battle lines were drawn when Governor Sonny Perdue proposed a \$16 billion budget that would slash funding for Medicaid and public schools while initiating a \$1 billion capitol spending program financed by new bonds. The Governor's budget proposal would raise teacher pay by 2%, but would cut state funds for school bus drivers and lunch room workers.

### **GRA seeking amendment to grade crossing law.**

Rep. Mickey Channell has agreed to introduce a bill on behalf of the Georgia Railroad Association that should greatly reduce liability issues that might arise from the grade crossing bill passed in 2002. The bill will provide that railroads "shall have no duty" to apply for closure of any grade crossing. The bill enacted in 2002 created a mechanism for railroad's to seek closure of certain crossings, as well as procedures for local governments to seek maintenance of grade crossings.

Rep. Channell's bill will also include liability protections for the Department of Transportation and local governments. The bill will provide that, "Failure of a railroad to seek closure of any crossing and any decision regarding a petition to close a crossing by the department or a local government shall not give rise to a cause of action against the railroad, the department, or a local government for injuries or damages arising from the existence or use of such crossing."

Passage of this legislation will be a priority for GRA this year. GRA is also seeking a sponsor for legislation to provide for sharing the cost of grade crossing maintenance with state and local governments.

### **Paul Smith is new House Transportation Chairman.**

House Speaker Terry Coleman recently appointed Rep. Paul Smith (D) of Rome as chairman of the House Transportation Committee, succeeding Ralph Twiggs who passed away late last year. Rep. Smith was previously the chairman of House Industrial Relations Committee, and served on the Transportation Committee prior to his being named the committee chair.

A retired county agent with many years of service in the legislature, Rep. Smith is a conservative, pro-business lawmaker who has worked with GRA staff on a variety of business-related issues.

### **Carryover bills from 2003**

**HB 131:** Holmes of the 48th- would amend Title 41 relating to nuisances so as to enact "The Georgia Neighborhood Protection Act." Would create a cause of action by a property owner adversely affected by pollution, impairment or destruction of natural resources. Defines "natural resources" as including but not limited to all mineral, animal, botanical, air, water, land, timber, soil, quietude, recreational, and historic resources. In House Judiciary Committee.

**HB 633:** Mobley of the 58th to amend Title 34, relating to labor and industrial relations, so as to change the provisions relating to prohibitions against sex discrimination in employment; to prohibit certain discrimination in employment and in membership in labor organizations on the basis of sex, race, or national origin. Remains in House Industrial Relations Committee.

**HB 1022:** McCall of the 78th, to update Article 6, Chapter 8 of Title 46 relating to trains generally, so as to update the code and make technical corrections. GRA supports this legislation. Remains in House Transportation Committee.

**SB 325** Harp of the 16th, to amend Article 6 of Chapter 8 of Title 46 relating to operation of trains generally, so as to provide that no railroad company shall operate remote controlled locomotives. GRA opposes this legislation. Remains in Senate Transportation Committee.

### **2004 Associate Members**

GRA welcomes the following associates who have renewed their memberships for 2004.

Adams-Warnock, Inc.  
A & K Railroad Materials, Inc.  
Georgia Operation Lifesaver  
Healey Railroad Corporation  
Lanier Steel Products, Inc.  
Neel – Schaffer, Inc.  
Palmer & Cay of Georgia, Inc.  
Performance Railway Services  
Pointer Smith Contracting  
Tifton Terminal Railway Museum  
Trinity Rail Group

**2004 dues are due March 1, 2004.**

### **GRA Spring Conference in Savannah.**

The 6th Annual GRA Transportation Conference will be June 2-4, 2004 at the new Westin Resort in Savannah. A link to the resort is on the GRA website homepage. If you are interested in serving on the programs committee for the conference please contact Sharon Dunn at the GRA office 770-516-4636 or via email at [sharondunn@alltel.net](mailto:sharondunn@alltel.net)

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