



## The Capitol Report February 2<sup>nd</sup>, 2004

Provided by The Georgia Railroad Association

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*Today marks the 10th legislative day of the 40-day session. From this point on, the House and Senate Rules Committees will set the daily calendar for floor action.*

### **Spotlight on DOT Board.**

Legislators elected two new members of the State Transportation Board last week, even as Governor Sonny Perdue and Senate Republicans called for an end to the secret ballot for DOT board elections. Incumbent Board member Jimmy Lester of Augusta was defeated by Bill Kuhlike, an Augusta businessman. Former State Rep. Garland Pinholster of Cherokee County defeated Lawrenceville attorney Michael Sullivan for the seat vacated by the retirement of Steve Reynolds.

Members of the DOT Board are elected from each Congressional District by legislators from the respective districts, voting with secret ballots. Senate President Pro Tempore Eric Johnson has introduced legislation calling for open voting in the DOT elections.

### **Grade crossing liability bill introduced.**

Rep. Mickey Channell last week introduced HB 1254, a bill providing that railroads have no duty to file a petition for elimination of a grade crossing. Rep. Channell introduced the bill, on behalf of the Georgia Railroad Association, to avoid new legal liabilities that could arise from the grade crossing bill which he sponsored and passed in 2002.

HB 1254 should ensure that, while railroads now have a process for seeking closure of grade crossings, the mere absence of a closure application will not create a legal liability for a railroad. The bill was referred to the House Transportation Committee, and will be heard in Rep. Johnny Floyd's subcommittee on Wednesday. The bill will also include liability protections for the Department of Transportation and local governments.

### **Unions to seek punitive measure against railroads.**

A railroad labor union has drafted legislation that would put stiff penalties on railroads and railroad managers who "deny or otherwise interfere with medical treatment for an employee who is injured during the course of his or her employment." Penalties for violation of this act would include a \$10,000 fine for each occurrence, and imprisonment for up to one year.

Under the bill, it would be unlawful for a railroad to: (1) deny, delay, or interfere with medical treatment or first aid treatment to an employee who has been injured on the job; or (2) discipline or threaten discipline to an employee of a railroad company who has been injured during employment for requesting medical treatment or first aid treatment. While railroads generally have policies that call for prompt attention to workplace injuries, the lack of definitions in this bill could be especially troublesome. For instance, it would be extremely risky under this bill to discipline an employee for any reason if that employee had ever suffered a work-related injury. Reportedly the bill will be sponsored by Rep. Stan Watson of Decatur, Rep. Tom Bordeaux of Savannah, and Rep. Tommy Smith of Nicholls.

**Truck weight amendments proposed.**

A bill introduced by Rep. Jay Roberts of Ocilla would broaden the truck weight variances allowed for agricultural products. Current law provides for limited weight variances on county roads for forest products, live poultry, cotton, feed, granite, solid waste and concrete. HB 1235 would allow a 10% variance from the weight limits for all agricultural products within a 150 mile radius of the farm. The bill was referred to the House Transportation Committee.

**Subcommittee to hear rail code update bill.**

Rep. Tom McCall last week introduced HB 1022, a bill to make technical corrections and update antiquated portions of Georgia's railroad laws. The bill will be heard in the Railway Subcommittee Wednesday.

**2004 Associate Members**

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

Adams-Warnock, Inc.  
A & K Railroad Materials, Inc.  
Georgia Operation Lifesaver  
Georgia Rail Consultants  
Healey Railroad Corporation  
Lanier Steel Products, Inc.  
Neel - Schaffer, Inc.  
Palmer & Cay of Georgia, Inc.  
Performance Railway Services  
Pointer Smith Contracting  
Progress Rail  
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). We anticipate having the first programs committee meeting the week of February 16th in Atlanta. Subsequent meetings will probably be conducted via conference call.

Visit the GRA website for information on rail-related products and services. It's fast and easy! Just go to [www.georgiarailroad.org](http://www.georgiarailroad.org) and click on "directory" in the left column of the home page. Then click on "services" at the top of the directory page for a list of service providers from "bridges" to "welding."