



The Capitol Report: February 7th, 2003

Provided by The Georgia Railroad Association

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The General Assembly adjourned Tuesday, February 4, the 12th legislative day, with only three bills on the general calendar. The short general calendar shows that very few bills have cleared committee. With 28 legislative days remaining, 287 bills have been introduced in the House, 100 in the Senate. The lawmakers will reconvene on Monday, February 10 for the 13th legislative day.

Bill would create new legal liabilities for business.

Rep. Bob Holmes of Atlanta has once again introduced legislation to create legal remedies for property owners who have been offended, or could be offended, by the activity of a neighbor. While similar bills by Rep. Holmes have failed in previous years, those bills all died in the House Natural Resources Committee. This year the bill was referred to the House Judiciary Committee, some of whose members never met a cause of action they didn't like.

HB 131 would create a cause of action whenever the value of property is adversely affected by "pollution, impairment, or destruction of natural resources due to the use to which neighboring property has been put..." The bill defines "natural resources" as including but not limited to "all mineral animal, botanical, air, water, land, timber, soil, quietude, recreational, and historic resources."

"Pollution, impairment, or destruction" are defined as conduct which "violates or is likely to violate" any environmental law or regulation promulgated by federal, state, or local government.

In addition to remedies already available under current law, this legislation would allow the property owner to "bring action against the owner of such property for the purpose of recovering money damages or suitable equitable relief sufficient to compensate the owner of the adversely impacted property or otherwise provide a remedy to such owner for the decline in value of such owner's property."

No hearing has been scheduled on HB 131 at this time. However, this would be a good time for GRA members concerned about the legislation to make their views known to their Representatives.

"Statement of Rationale" proposed for environmental regs,

Legislation introduced in the House this week would require the Board of Natural Resources, the Department of Natural Resources, and the Environmental Protection Division to publish a "statement of rationale" for new environmental regulations or significant amendments to existing regulations. HB 242 by Rep. Tom McCall provides that the statement of rationale

“shall state the basis for the regulation...including the scientific or technical basis, alternative policy considerations, and estimated cost to implement” a new or amended regulation.”

Failure of the Board or the Department to present a detailed statement of rationale would constitute grounds for a judicial declaratory judgment that the regulation is invalid. The bill was referred to the House Natural Resources Committee.

Governor’s 2003 Budget Recommendations for GA DOT

Current Appropriation	\$657,104,723
1. to reduce regular operating motor vehicles expenses	(76,946)
2. to adjust state match for Mass Transit Grants	(368,357)
3. to reduce Capital Outlay-Airport Aid	(80,976)
4. to decrease funds for contracts (16,863) and austerity reduction (11,242) for the Georgia Rail Passenger Authority	(28,105)
5. to provide for austerity adjustment	(350,852)
6. to transfer state funds among common object classes	yes
7. to transfer 24,222 from Airport Aid to insurance and bonding for aircraft liability	yes
8. to transfer 10,500 from travel to harbor spoilage area.	yes
9. to fund railroad track construction for Pooler project	1,000,000
10. to increase appropriations to fund for construction off system	9,882,283
11. to fund a standard GBA rental rate increase	64,353
	\$667,146,123

2003 Associate Members

GRA welcomes the newest member of the Association, Joseph Transportation.
The current list of GRA associate members includes:

Atlas Railroad Construction	Adams Warnock
Bankhead Railway Services, Inc.	Dixie Precast, Inc.
GE Capital Rail Services	Georgia Operation Lifesaver, Inc.
Georgia Rail Consultants	Koppers Industries
Lanier Steel Products	LB Foster Company
Neel-Schaffer, Inc.	Palmer & Cay Insurance
Railcar Management	Ralph Whitehead Associates
Tifton Terminal Railway Museum	Trinity Rail Group
Zurich North America	

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