



The Capitol Report
February 10th, 2006
Provided by The Georgia Railroad Association
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The General Assembly yesterday completed the 16th day of the 2006 legislative session and recessed for a long weekend. Barring any unexpected change in the schedule, Thursday will be the halfway point of the 40-day session.

Governor's eminent domain bill introduced.

Numerous eminent domain bills have been introduced this session and last session, but the only one that really matters was introduced yesterday. The Administration bill, HB 1313, was referred to the Judiciary Committee where it will be heard Tuesday and perhaps Thursday as well.

HB 1313 provides that neither the state nor any political subdivision nor any other condemning entity "shall use eminent domain unless it is necessary for public use." This effectively bars use of condemnation powers for purely developmental purposes. However, the bill specifically includes transfer of property to railroads and utilities as legitimate purposes of condemnation.

The bill also repeals existing law that allows housing authorities and developmental authorities to use eminent domain. The bill will allow continued use of eminent domain for public infrastructure purposes. In addition, HB 1313 would:

- Provide for a 15 day notice of condemnation procedures
- Provide for an appeals process through the courts.
- Provide for compensation at no less than fair market value.
- Allow repurchase when the property is not used within five years.

A major point of contention in the debate over eminent domain has been whether it should be employed for redemption of "blighted" property. Senator Jeff Chapman, whose SB 86 passed the Senate last year, contends that governments have adequate tools for preventing and correcting blight, and do not need the hammer of condemnation. However, the Administration bill provides for use of eminent domain to correct blight, which is narrowly defined.

Positive developments this week...

Senator Jeff Chapman would like to expand his repeal of adverse possession laws to apply to all property owners. While this could serve to bring out opposition, it would also take the spotlight off railroads. The bill should be introduced soon.

House Transportation Chairman Vance Smith has introduced legislation to provide for revocation of the commercial driver's license of anyone convicted of cargo theft from a railroad or other common carrier. The bill was referred to the House Judiciary Committee.

Senator Jeff Mullis this week introduced a bill to provide that noise related ordinances of local governments may not be construed to regulate land use. The bill was referred to the Senate State and Local Government Operations Committee.

Bill Status Report:

SB 285: Rogers of the 22nd – a GRA bill to repeal antiquated portions of the Georgia code relating to railroads as well as provisions that have been pre-empted by federal law. Passed the Senate in 2005 but remains in House Transportation sub-committee.

HB 137: Lunsford of the 110th – would create the Georgia Transportation Infrastructure Bank which would be authorized to make loans to qualified borrowers to finance eligible costs of qualified transportation projects by government units and private entities. Ways & Means Committee.

HR 254: Smith of the 129th – A resolution requesting that before any state funds are committed to the Lovejoy to Atlanta rail project that all local governments served by the project agree, by local referendum or other binding document, to subsidize the difference between operating costs and income. Recommitted to House Transportation Committee.

HB 361: Smith of the 13th – to change provisions regarding collections and expenditures regarding roads; to change provision regarding priority of expenditures from the State Public Transportation Fund; to change provisions regarding allocation of state and federal road funds; to change applicability of sales and use tax to motor fuel sales. Recommitted to Ways & Means Committee.

HB 523: Davis of the 109th – would prohibit public expenditures on passenger rail projects under certain circumstances; would require signed agreements before public expenditures are made on rail projects. House Transportation Committee.

HB 1106: Graves of the 12th -- Relating to weight of vehicle and load, so as to exempt from penalties for exceeding axle weights trucks hauling construction aggregates. The exemption would not apply to trucks exceeding the 80,000 pound gross weight limit. Favorably reported by House Transportation Committee February 1.

2006 Associate Members -- *Thanks to the following companies that have joined or renewed their membership with the Georgia Railroad Association for 2006.*

Rail Training & Consulting
Lanier Steel Products
Atlas Railroad Construction
Lindsey Contractors
Tangent Rail
Neel-Schaffer
Falkville Wood Treating

Century Group
Georgia Rail Consultants
Casey, Gilson, Leibel
Progress Rail Services
Palmer & Cay
Dixie Precast

Announcements

William Thomas (Tom) Rice, a decorated soldier and railroad visionary who was instrumental in the 1980 creation of CSX Corporation, died in Richmond, Va. on Sunday, February 5, after a brief illness. He was 93. Mr. Rice, Chairman Emeritus of Seaboard Coast Line Industries, Inc., a predecessor company of CSX Corporation, began his railroad career in 1934 with the Pennsylvania Railroad. An army veteran of World War II, he directed overseas operations of the Military Railway Service in both the European and Pacific Theaters. In 1999 he was inducted into the Army Transportation Corps Hall of Fame.

GRA Spring Conference

The GRA Spring Conference is scheduled for May 31-June 2, 2006 at Lake Lanier Islands.

Contact/Company Updates

If you have personnel changes or company announcements you would like included in the newsletters you may forward them to sharondunn@alltel.net or jrpoole1@bellsouth.net.

GRA Directory: New Members, Services and Categories!

Remember to use the GRA website when shopping for goods and services. It's fast and easy! Just go to www.georgiarailroad.org and click on "DIRECTORY" on the upper left navigation bar on the home page. Then click on "services" at the top of the directory page for a list of service providers from "bridges" to "welding."