



The Capitol Report February 16th, 2004

Provided by The Georgia Railroad Association

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The General Assembly nears the half-way mark of the 2004 legislative session, having completed 17 of its 40 legislative days.

Grade crossing liability bill clears House.

The House of Representatives last week voted 121 – 46 in favor of a GRA bill to assure that no railroad can be sued simply because they did not file a petition to close a grade crossing. The Georgia Trial Lawyers Association continues to oppose HB 1254, and has even suggested language that would expand railroads' legal liabilities for grade crossings. The bill also protects local governments from lawsuits over their failure to grant permission to close a crossing.

HB 1254 is now in the Senate Transportation Committee, where no hearing is anticipated before February 24. GRA members who know members of the Committee may wish to contact them in support of HB 1254. Members of the Senate Transportation Committee are:

Tommie Williams of Lyons, Chairman
Don Cheeks of Augusta
Ginger Collins of Marietta
Liane Levetan of Decatur
Charlie Tanksley of Marietta

Mike Crotts of Conyers, V. Chairman
Joey Brush of Martinez
Nathan Dean of Rockmart
Valencia Seay of College Park
Steve Thompson of Powder Springs

Rep. Mickey Channell of Greensboro introduced HB 1245 to eliminate an unintended consequence of his 2002 bill setting up procedures for maintenance and closure of grade crossings. HB 1254 simply ensures that failure to petition for closure of a crossing does not create a new cause of action against railroads. It is also important that legislators understand what the bill will not do.

- Will not affect anyone's right to sue the railroad for injuries sustained in a grade crossing accident.
- Will not change railroads' obligation to petition the DOT or local government and obtain their approval before closing a grade crossing.
- Will have no effect on grade crossing maintenance or grade crossing signals.

This legislation is needed to eliminate an existing incentive for railroads to petition for closure of even the safest grade crossings.

Bill would add criminal penalties against railroads.

A bill setting vague standards and harsh penalties relating to job-related injuries of railroad workers remains in the House Industrial Relations Committee, and has not yet been referred to a subcommittee. Inspired by railroad labor unions, HB 1324 would provide that "it shall be unlawful for a railroad company to deny or otherwise interfere with medical treatment for an employee who is injured during the course of his or her employment." Introduced by

Reps. Stan Watson of Decatur, Nan Orrock of Atlanta, Tom Bordeaux of Savannah, Tommie Smith of Nicholls, and Calvin Smyre of Columbus, the bill would set penalties for violation of this act would at 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.

Reps. Watson, Orrock, and Bordeaux are members of the Industrial Relations Committee where the bill now resides. GRA members may wish to contact their House members regarding HB 1324. The bill singles out the rail industry and places railroads at a competitive disadvantage with trucks.

Ruling could bring dramatic changes to Georgia.

The federal court decision throwing out Georgia's legislative districts will impact not only this session, but the very nature of Georgia's General Assembly. A three judge federal panel gave Georgia lawmakers until March 1 to redraw House and Senate district lines, but Attorney General Thurbert Baker will appeal the decision.

If the ruling stands, most observers think it will have a profound effect on the Georgia General Assembly, shifting power away from rural Democrats and vesting it in urban and suburban Republicans. Many of the rural Democrats who would be affected by this shift are conservative, pro-business legislators, including a number in positions of leadership in the House of Representatives.

Currently in the Georgia House of Representatives there are 107 Democrats, 72 Republicans, and one independent. In the Senate there are 30 Republicans and 26 Democrats. New district lines could strengthen the Republican majority in the Senate and perhaps give Republicans a majority in the House.

Bill Status Report

SB 325 by Harp of Midland would amend Title 46 relating to operation of trains so as to provide that no railroad shall operate remote controlled locomotives. A carryover bill from 2003. Still in Senate Transportation Committee.

HB 1022 by McCall of Elberton would make technical corrections and eliminate antiquated sections of current law governing railroads. The bill deletes from the Georgia code those provisions preempted by federal law, as well as out-dated references to steam engines. For reasons that remain unclear, railroad unions are opposing this bill. Approved by House Transportation Committee and now on House General Calendar.

HB 1254 by Channell of Greensboro specifies that railroads have no legal obligation to petition for closure of a grade crossing, and that local governments have no legal obligation to approve a petition for closures of a grade crossing. Passed House and now in Senate Transportation Committee.

HB 1235 by 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 is still in the House Transportation Committee.

HB 1324 by Watson of Decatur would make it unlawful for a railroad to "to deny, delay, or interfere with medical treatment or first aid to an employee injured on the job. It would also be unlawful for a railroad to discipline or threaten discipline to an employee for requesting medical treatment. Still in House Industrial Relations Committee.

2004 Associate Members

The following associate members have joined GRA or renewed their membership for 2004.

Adams Warnock, Inc.
Century Group
Georgia Operation Lifesaver
Healey Railroad Corporation
Neel-Schaffer, Inc.
Performance Railway Services
Progress Rail
Tifton Terminal Railway Museum
Zurich North America

A & K Railroad Materials, Inc.
Crouch Engineering
Georgia Rail Consultants
Lanier Steel Products, Inc.
Palmer & Cay of Georgia, Inc.
Pointer Smith Contracting
Southern Rail Leasing
Trinity Rail Group

GRA Membership dues are due March 1, 2004. GRA members are reminded that the GRA website, featuring links to associate members, is the best place to shop for goods and services. Go to www.georgiarailroad.org and search for goods and services by category.

Mark your calendar...

...for the 6th Annual GRA Transportation Conference, June 2-4, 2004 at the new Westin Resort in Savannah. A link to the resort is on the GRA website homepage.