



The Capitol Report: March 8th, 2002

Provided by The Georgia Railroad Association

P.O. Box 440533

Kennesaw, GA 30160

770-424-2967

www.georgiarailroad.com

Today marks the 29th day of the 2002 Georgia General Assembly. The lawmakers will be in recess all of next week, and GRA members are encouraged to contact their Senators in support of HB 1382, as amended by the Senate Transportation Committee

Panel adds cost-sharing amendment to grade crossing bill.

The Senate Transportation Committee yesterday passed HB 1382, but only after adding a key amendment supported by the Georgia Railroad Association. The amendment, offered by Sen. Eric Johnson (R) of Savannah and seconded by Sen. Steve Thompson (D) of Powder Springs, was adopted with only one dissenting vote, despite opposition from the Georgia Municipal Association. The amendment would:

- Provide that road surface material for crossing maintenance “shall be provided by the county in respect to county roads, by the municipality in respect to municipal streets, or the department (DOT) in respect to state roads.” Railroads would still perform the actual maintenance.
- Delete a provision in current law that allows DOT to require that railroads pay the entire cost for signals or other “protective devices” on “permitted crossings.” This change in the law is important to rural economic development, as the cost of highway signals or protective devices could affect the economic feasibility of a new rail spur.
- Clarify a provision relating to maintenance of shoulders at grade crossings, so that the duty of maintenance shall include an area extending four feet beyond the traveled way or “flush with the edge of a paved shoulder, whichever is greater.”

HB 1382 now must clear the Senate Rules Committee before it can be heard by the full Senate. The Georgia Municipal Association may push for an amendment on the Senate floor to return the bill to its previous form. If the bill should pass the Senate as amended by the Transportation Committee, the House could agree to the Senate version, or the bill could wind up in a conference committee where three Senators and three Representatives would attempt to reconcile the differences in the two versions.

All of the provisions in HB 1382 as it passed the House (see March 4 *Capitol Report*) are still in the bill, which sets procedures for closing redundant or unsafe crossings, and for resolving disputes between railroads and local governments over crossing maintenance. The bill would give the Department of Transportation authority to determine whether maintenance is required for the “safe and reasonable passage” of traffic over grade crossings.

If a railroad fails to comply with a local government’s written demand for maintenance within 30 days, the local government can appeal to DOT for a final ruling, but must pay a \$500 filing fee per crossing. The DOT has 30 days to investigate the matter, and the railroad then has 30 days to comply with any order of the DOT. Failure to comply with a DOT order after this final 30-day period would result in a \$500 per day fine on the railroad.

HB 1382 has come a long way from its early drafts, which gave railroads just 15 days to *complete* maintenance demanded by a local government or face a \$1000 per day fine. There was nothing in the bill to discourage a local government from demanding immediate and frequent maintenance on all of the grade crossings in its jurisdiction during a single 15-day period. While the bill has been greatly improved, it still faces several hurdles before it becomes law.

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