



The Capitol Report March 15th, 2004

Provided by The Georgia Railroad Association

P.O. Box 2363

Woodstock, GA 30188

770-516-4636

The General Assembly reconvenes today for its 32nd legislative day. The lawmakers will be in recess tomorrow and Thursday, with the 33rd and 34th legislative days falling on Wednesday and Friday. Wednesday will be the deadline for all bills to pass their House of origin. After the 33rd legislative day, the Senate will consider only House bills, and the House will consider only Senate bills.

Committee hears case for cost sharing.

GRA testified last week before the Senate Transportation Committee in support of SB 585, the bill to provide for cost sharing in the maintenance of railroad grade crossings. No vote was taken, and the bill remains in committee. SB 585 would require local governments to provide the road surface material whenever maintenance is performed at a grade crossings. Railroads would still provide the labor for resurfacing at the grade crossing.

Although representatives of the cities and counties testified against SB 585, the county representative later told GRA that it might be possible to work out a way for a portion of the funds from the Local Area Road Improvement program to be used for resurfacing at grade crossings. GRA will be making a last ditch effort to get SB 585 out of the Senate before the end of the day Wednesday, while continuing dialogue with the Association of County Commissioners.

Local government representatives made four arguments against the bill – all of them easily countered. Their arguments are shown below, with the GRA response in italics.

1. **Railroads have had the responsibility for crossing maintenance since the 1830s.** When railroads assumed full responsibility, there were no paved roads and no motorized vehicular traffic. Cost sharing would simply recognize that what worked well in the days of dirt roads and horse-drawn wagons does not work well today.
2. **Cost sharing by local governments would amount to subsidizing the railroads.** This argument ignores the fact that Georgia railroads pay some \$45 million annually in state and local taxes. It would seem most appropriate that a small portion of that money be used to pave the government-owned streets and roads at grade crossings.
3. **Requiring local governments to pay for surface material would be an unfunded mandate.** Not so! Local governments receive state funds for paving – why should that paving stop at the grade crossing? Moreover, railroads and trucking firms pay local taxes, some of which should rightly go toward paving roads at grade crossings.
4. **The expense of paving streets and roads at grade crossings would be a tremendous burden on local governments.** The expense of the additional asphalt at grade crossings would be miniscule in comparison with the paving already done by local governments.

GRA made three arguments in support of SB 585, none of which were effectively countered by local governments. Our arguments are:

- Railroads do not own the streets and roads that cross their tracks. Local governments and the state own those streets and roads.
- Most of the damage to these road surfaces at grade crossings comes from trucks, prime competitors of the railroads.
- Grade crossings serve no purpose for railroads, but are in place for the convenience of the motoring public and commercial trucks.

While these points seem to hit home with the legislators, there is a great reluctance to pass any costs on to local governments, especially in the current economy.

SB 585 was introduced by Senator Jeff Mullis of Chickamauga, Senate President Pro Tempore Eric Johnson of Savannah, and Senator Steve Thompson of Powder Springs.

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. This GRA 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 cleared by the Senate Rules Committee. Set for consideration by the full House of Representatives today.

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. A GRA bill. Passed House. Passed Senate Transportation Committee and now on Senate General Calendar. GRA will be working to move this bill out of the Senate Rules Committee after Wednesday, the 33rd day.

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. Includes stiff criminal penalties against railroads and railroad supervisors. GRA testified against this bill at a subcommittee hearing Feb. 27. Still in Workplace Safety Subcommittee of the House Industrial Relations Committee.

HB 1456 by Greene of Cuthbert to provide for increased penalties for hijacking and theft of cargo; amended to delete provision that fines be sent to the police agency of the arresting officer. Passed by House Special Judiciary Committee. Must be approved by Rules Committee and passed by the House before Wednesday to be eligible for consideration in the Senate.

2004 Associate Members

The following companies have renewed their associate memberships with the Georgia Railroad Association for 2004.

Adams Warnock, Inc.	A&K Railroad Materials, Inc.
APAC	Bankhead Railway Services, Inc.
Century Group	Crouch Engineering
Dixie Precast	Full Service Railroad Consulting, Inc.
Georgia Operation Lifesaver	Georgia Ports Authority
Georgia Rail Consultants	Healey Railroad Corporation
Koppers, Inc.	L. B. Foster
Lanier Steel Products, Inc.	Midway Railroad Construction Co.
Neel-Schaffer, Inc.	Omni Products
Palmer & Cay of Georgia, Inc.	Performance Railway Services
Pointer Smith Contracting	Progress Rail
Rail Training & Consulting	Southern Rail Leasing
Tifton Terminal Railway Museum	Trinity Rail Group
Zurich North America	

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

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" 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."