



## The Capitol Report March 19, 2004

Provided by The Georgia Railroad Association

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*Numerous House and Senate bills died Wednesday when the General Assembly completed its 33rd legislative day, the deadline for bills to pass their House of origin. A status report on railroad-related legislation is shown below. Barring an extended recess for House/Senate budget negotiations, the General Assembly will likely adjourn sine die on or about April 2.*

### **Bills that died with the deadline...**

***The railroad injury bill*** introduced by Rep. Stan Watson on behalf of railroad labor unions remained in a House Industrial Relations subcommittee. HB 1324 would have levied stiff criminal penalties – including jail time – against railroad companies and supervisors who "deny or otherwise interfere" with medical treatment for injured workers, or who "harass, discipline, or threaten to discipline" workers for making an injury claim. GRA strongly opposed this bill and testified against it before the subcommittee.

***Cost sharing for grade crossing maintenance*** remained in the Senate Transportation Committee at the deadline. The Georgia Municipal Association and the Association of County Commissioners used their considerable political muscle to keep SB 585 in the Committee. While local governments were able to present no substantive reasons why they should not pay for the surface material on their own roads and streets at grade crossings, Committee members clearly did not want to pass anything that would increase local government costs. GRA is initiating talks with the Association of County Commissioners to explore the possibility of cost sharing through the Local Area Road Improvement Program or other DOT programs.

***A prohibition on remote controlled locomotives*** was held in the Senate Transportation Committee. SB 325 was introduced in 2003 by Rep. Seth Harp of Midland and carried over to the 2004 session. GRA opposed this legislation.

***Broader truck weight variances for agricultural products*** failed to move out of the House Transportation Committee. HB 1235 by Jay Roberts of Ocilla would have allowed a 10% variance from the weight limits for all agricultural products within a 150 mile radius of the originating farm. GRA opposed this bill.

### **Bills still alive and well...**

***A limitation on grade crossing liability*** for railroads and local governments passed the House and has been approved by the Senate Transportation Committee. HB 1254 by Rep. Mickey Channell must now clear the Rules Committee before it can be heard by the full Senate. A priority bill for GRA, HB 1254 would provide that there can be no cause of action against a railroad simply because it did not petition to close a grade crossing. Likewise, there can be no cause of action against a local government for failing to approve a petition to close a crossing. The Georgia Trial Lawyers Association opposed HB 1254 in the House, but did not testify when the bill cleared the Senate committee. With the new procedures in

place for closing grade crossings, railroads could have a significant new liability if HB 1254 is not enacted.

**A cleanup of the Georgia railroad code** is awaiting action in the Senate Transportation Committee after passing the House this week. HB 1022 by Tom 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. Organized labor has opposed this legislation.

**Increased penalties for hijacking and cargo theft** passed the House this week. HB 1456 by Rep. Gerald Greene of Cuthbert is now in the Senate Rules Committee. GRA supported this bill which was initiated by the truckers.

### **House Judiciary Chairman relieved of duties.**

Speaker of the House Terry Coleman yesterday removed Rep. Tom Bordeaux of Savannah as Chairman of the House Judiciary Committee and replaced him with Rep. Mary Margaret Oliver of Decatur. The change was apparently due to the Speaker's displeasure with the handling of the tort reform issue, and could signal a break in the stalemate over tort reform.

Originally appointed as Judiciary Chairman by former Speaker Tom Murphy, Bordeaux has been a champion of labor unions and plaintiffs' lawyers throughout his career in the House. Oliver, like Bordeaux, is a plaintiff-oriented lawyer, but some observers regard her as less strident and with a broader range of interests in public policy issues.

Bordeaux's dismissal was the first removal of a committee chairman in the Georgia General Assembly since Lt. Governor Zell Miller replaced Senator Nathan Dean as Chairman of the Senate Rules Committee in the mid 1980s.

### **Wanna run for the legislature? Here's your chance.**

The release this week of the federal court's new House and Senate district maps signals major changes for the two chambers. The legislature has until today to respond to the court's proposed districts, but the judges are not likely to be moved by arguments for protecting parties or incumbents.

The court's maps would create 36 open seats in the House and 11 in the Senate, while pitting incumbents against each other in 10 Senate districts and 32 House districts. The margins between the two parties appear to be razor-thin in both chambers. In the Senate for example, the new maps appear to leave the Republicans with 23 seats and the Democrats with 22. However, eight of the eleven open seats appear to be in Republican districts. On the flip side, at least two of the seats held by Republican incumbents now appear to be in Democratic districts.

Below are the incumbents placed in the same district by the court's proposed district maps.

#### **Senate**

|          |                              |                                  |
|----------|------------------------------|----------------------------------|
| Dist. 3  | Eric Johnson, R-Savannah     | Rene Kemp, D-Hinesville          |
| Dist. 4  | Jack Hill, R-Reidsville      | Hugh Gillis, D-Soperton          |
| Dist. 9  | Don Balfour, R-Snellville    | Renee Untermann, R- Loganville   |
| Dist. 21 | Tom Price, R- Roswell*       | Dan Moody, R-Alpharetta          |
| Dist. 28 | Mitch Seabaugh, R-Sharpsburg | Bill Hamrick, R-Douglasville     |
| Dist. 29 | Dan Lee, R-LaGrange          | Seth Harp, R-Midland             |
| Dist. 33 | Chuck Clay, R-Marietta*      | Steve Thompson, D-Powder Springs |
| Dist. 41 | Steve Henson, D-Tucker       | Liane Levetan, D-Atlanta         |

## House

|            |  |                                  |
|------------|--|----------------------------------|
| Dist. 3A   | Ron Forster, R-Ringgold  | Roger Williams, R-Dalton         |
| Dist. 6    | Jack White, R-Blue Ridge   | David Ralston, R-Blue Ridge      |
| Dist. 13A  | Buddy Childers, D-Rome   | Paul Smith, D-Rome               |
| Dist. 14A  | Tom Knox, R-Cumming  | Jack Murphy, R-Cumming           |
| Dist. 18   | Mark Butler, R-Carrollton  | Chuck Harper, R- Carrollton      |
| Dist. 24   | Mike Coan, R-Lawrenceville   | Donna Sheldon, R-Dacula          |
| Dist. 27   | Bill Heath, R-Bremen   | Howard Maxwell, R-Dallas         |
| Dist. 29   | Don Parsons, R-Marietta  | Matt Dollar, R-Marietta          |
| Dist. 34B  | Doug Stoner, D-Smyrna  | Rich Golick, R-Smyrna            |
| Dist. 34C  | Don Wix, D-Smyrna  | Alisha Thomas, D-Austell         |
| Dist. 41   | Tom Campbell, R-Roswell*   | Joe Wilkinson, R-Atlanta         |
| Dist. 42A  | Doug Teper, D-Atlanta  | Pat Gardner, D-Atlanta           |
| Dist. 42D  | Stephanie Benfield,/Jo Ann McClinton,/ George Maddox, all D. Atlanta |                                  |
| Dist. 44   | Rob Teilhet, D-Atlanta   | John Noel, D-Atlanta             |
| Dist. 47   | Tyrone Brooks, D-Atlanta   | Bob Holmes, D-Atlanta            |
| Dist. 49   | Katy Ashe, D-Atlanta   | Douglas Dean, D-Atlanta          |
| Dist. 50   | Georganna Sinkfield, D-Atlanta                                       | Ron Dodson, D-Lake City          |
| Dist. 55   | Michele Henson, D-Stone Mtn.   | Billy Mitchell, D-Stone Mountain |
| Dist. 60C  | Pam Stephenson/Stam Watson/Teresea Greene-Johnson, all D. Atlanta    |                                  |
| Dist. 61A  | Ron Sailor, D-Decatur  | Barbara Bunn, R-Conyers          |
| Dist. 64   | Mark Burkhalter, R-Alpharetta  | Tom Rice, R-Norcross             |
| Dist. 70B  | David Casas, R/Hugh Floyd,D/Charles Bannister,R all of Gwinnett      |                                  |
| Dist. 84A  | Victor Hill, D-Jonesboro   | Darryl Jordan, D-Riverdale       |
| Dist. 111  | Calvin Smyre/Tom Buck/Carolyn Hugley, all D-Columbus                 |                                  |
| Dist. 115  | Larry Walker, D-Perry*   | Larry O'Neal, R-Warner Robins    |
| Dist. 116  | Debbie Buckner, D-Junction City                                      | Jimmy Skipper, D-Americus        |
| Dist. 121A | Terry Barnard, R-Glenville   | Bert Oliver, D-Glenville         |
| Dist. 124B | Lester Jackson, D-Savannah   | Mickey Stephens, D-Savannah      |
| Dist. 128  | Buddy Deloach, I-Hinesville  | Al Williams, D-Midland           |
| Dist. 133  | Bob Hanner, D-Parrott  | Ed Rynders, R-Albany             |
| Dist. 134  | Gerald Greene, D-Cuthbert  | Hugh Broome, D-Donalsonville     |
| Dist. 143  | Penny Houston, D-Nashville   | Jay Shaw, D-Lakeland             |

\*not expected to seek re-election

## 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                                   | Atlas Railroad Construction   |
| 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.                 |
| Lanier Steel Products, Inc             | L. B. Foster                  |
| 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  
Trinity Rail Group

Tifton Terminal Railway Museum  
Zurich North America

**Are you the mystery member?**

GRA has received a dues check with no company identification. The check and envelope are marked only with "Corporate Offices, P.O. Box 1401, Abingdon, MD 21009." If this is your dues check, please let us know.

**GRA Spring Conference in Savannah.**

Make plans to attend GRA's 6th Annual Transportation Conference, June 2 – 4 at the new Westin Resort in Savannah. For more information and a link to the Westin Resort, visit the GRA website at [www.georgiarailroad.org](http://www.georgiarailroad.org).

Remember to use the GRA website when shopping for goods and services. It's fast and easy! Just go to [www.georgiarailroad.org](http://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."