



## The Capitol Report March 26, 2004

Provided by The Georgia Railroad Association  
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*The legislature is in recess until Wednesday, March 31, having completed 37 of the 40 legislative days. The schedule beyond next Wednesday will depend on progress within the budget conference committee. If the conferees make substantial progress, the legislature would likely meet for the 39th day on Thursday, and then finish on either Saturday or one day the following week.*

### **Liability measure awaits Governor's signature.**

GRA's bill to provide for a limitation on grade crossing liability for railroads and local governments passed the Senate this week without amendment, and now awaits the signature of Governor Sonny Perdue. Senator Robert Brown of Macon cast the only dissenting vote on the bill.

HB 1254 was the priority bill for GRA this year. It provides 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.

Without this legislation, plaintiff lawyers could be expected to use the new procedures for closing grade crossings as a way to make railroads liable for almost any grade crossing accident. GRA has provided the Governor's office with a summary of the bill's provisions and why they are needed.

HB 1254 was introduced by Rep. Mickey Channell of Greensboro, and was carried through the Senate by Senator Mike Crofts of Conyers. GRA members should express their appreciation to these legislators for their efforts on behalf of the rail industry.

### **Bill Status Report**

**SB 325** by Harp of Midland would have prohibited railroads from operating remote controlled locomotives. GRA opposed this bill. Remained in Senate Transportation Committee.

**SB 585** by Mullis of Chickamauga would have required local governments to share in the cost of maintaining road surfaces at railroad grade crossings. This GRA bill remained in the Senate Transportation Committee and cannot be considered further this year.

**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. Passed House. Remains in Senate Transportation Committee.

**HB 1235** by Roberts of Ocilla would have broadened truck weight variances for agricultural products within 150 mile radius of the originating farm. GRA opposed this bill. Remained in House Transportation Committee.

**HB 1324** by Watson of Decatur would have imposed stiff criminal penalties against railroads disciplining employees who suffer job-related injuries. GRA testified against this organized labor bill in a sub-committee hearing. Remained in House Industrial Relations Committee.

**HB 1456** by Rep. Gerald Greene of Cuthbert would increase penalties for hijacking and theft of cargo. Passed House and now in the Senate Judiciary Committee. Awaits action in Senate Rules Committee. GRA supports this bill which was initiated by the truckers.

#### **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
MBA of Md.	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](mailto:sharondunn@alltel.net)

Visit the GRA website at [www.georgiarailroad.org](http://www.georgiarailroad.org) for direct links to GRA associate members – the easy way to shop for goods and services.