



The Capitol Report: March 27th, 2002

Provided by The Georgia Railroad Association

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The General Assembly completed its 33rd legislative day yesterday, effectively killing all bills that had not cleared their House of origin. The lawmakers recessed after today's session, and will return for the 35th legislative day on Monday.

Legislative leaders expect to receive very soon instructions from the federal courts on necessary changes in Georgia's re-districting plan. They also expect that changes will be required in just three state senate districts. If those expectations prove accurate, the legislature could run straight through next week, adjourning sine die on Saturday

Security bill clears House committee.

The House Special Judiciary Committee today approved a bill that would greatly improve security and property protections for railroads and other transportation companies. SB 330 passed the Senate last week and was engrossed upon first reading in the House. Engrossed bills cannot be amended in any way, and must be accepted or rejected as written.

SB 330 would set criminal penalties of five to ten years in prison and fines up to \$100,000 for intentionally disabling or inhibiting the operation or effectiveness of any safety device or for rendering any item or substance less safe when said item or substance is in any freight of a transportation company, or in a terminal. The word "terminal" is broadly defined and includes rail depots or "any such transportation facility or infrastructure relating thereto," including parking lots and other adjacent areas. Similar penalties would apply for anyone convicted of intentionally rendering inoperable or partially inoperable "any device designed or operated for traffic control that is owned, operated, or maintained by or for the benefit of a transportation company." Other provisions in the bill would:

- Set penalties of up to 20 years in prison and fines up to \$15,000 for placing on a vehicle or in a container or freight of any transportation company, any firearm, hazardous substance, explosive, destructive device, or hoax device.
- Include in the definition of "terroristic act" the release of any hazardous substance or simulated hazardous substance for the purpose of terrorizing another or of causing the evacuation of a building, place of assembly, or facility of public transportation. Penalties for committing a terroristic act include a fine of up to \$100,000 and imprisonment for up to 20 years.
- Provide a broad definition of rail vehicle hijacking to include, through threat of force or violence, substantially hindering, disturbing, disrupting, or interfering with the "operation of any transportation company or all or any part of a transportation facility."
- Set stiff penalties for avoiding or interfering with a security measure, especially with the intent to commit a felony.

The bill also provides for restitution to be made to any affected public or private entity for the reasonable costs or damages resulting from offenses under the act.

Originally intended as airport security measure, SB 330 and HB 1060, were amended early in the process to include railroad and other transportation facilities. HB 1060 passed the House Transportation Committee earlier in the session, but has been held in the House Rules Committee due to concerns that unrelated amendments might be added on the House floor. Since SB 330 is engrossed and cannot be amended, it has a better chance of approval in the House Rules Committee.

SB 330 was introduced by Senator Greg Hecht, and HB 1060 was introduced by Rep. Mike Barnes, both of Jonesboro.

Amendment planned to delete cost sharing from grade crossing bill.

The Georgia Municipal Association is lobbying the Georgia Senate to build support for an amendment that would delete the maintenance cost-sharing provision from the grade crossing bill. The cost-sharing amendment was added by the Senate Transportation Committee at the request of the Georgia Railroad Association.

GMA is also asking Senators to delete a provision that would remove existing requirements for railroads to bear all of the cost for protective devices at “permitted” crossings. The Georgia Railroad Association is actively opposing both amendments, but the influence of numerous mayors and city councilmen appears to be eroding support for cost-sharing.

The original draft of HB 1382 would have required railroads to complete grade crossing maintenance demanded by local governments within 15 days or face a \$1000 per day fine per crossing. Working with the sponsor, Rep. Mickey Channell, GRA was able to remove the most troublesome aspects of those early drafts. The maintenance provisions in the bill now focus on safety instead of “smoothness,” and a \$500 filing fee should prevent multiple or frivolous maintenance orders from local governments. Moreover, the bill gives the DOT, not local governments, the final authority to close a crossing, even if the crossing is on a city street or county road. The bill also sets specific, safety related issues to be considered in determining whether to close a crossing.

Although the House-passed version of the bill is no longer objectionable to GRA, the Senate-passed version with its cost sharing and permitted crossing provisions would be a very positive measure for Georgia’s rail industry. GRA members are encouraged to contact their Senators in support of the Senate Committee substitute to HB 1382.

At long last...

...the Georgia Railroad Association web site is back on line and ready for your link.

The new web site address is www.georgiarailroad.org. The web site will be an easy place for GRA members to shop for goods and services, and *all* GRA members can link to the web site free of charge. The web site will also used to provide information on GRA activities and membership.

If you would like to link to the GRA website, just contact us by email through the web site. Thank you for your patience during the period when we were unable to complete links.

Other bills of interest...

HB 318: Holmes of the 53rd, to enact the “Neighborhood Protection Act” creating a cause of action for property owners against adjacent property owners for adversely affecting the “quietude” recreational or historic value, minerals, animals, plants, air, water, land, timber, and soil. Held House Natural Resources Committee and ineligible for further consideration.

HB 342: House Committee Substitute, to provide for increased benefits for unemployment compensation, to provide for an alternative base period for calculating benefits, and to remove a surcharge on employers. This is the Administration’s bill, which no longer provides for benefits to victims of domestic violence out of the Employment Security Trust Fund. Passed House March 26.

HB 433: Hammontree of the 4th, to amend Title 40 to further regulate the use of off-road vehicles on state and county rights-of-way. Off-road vehicles have caused damage to railroad rights-of-way. See also HB 526. Held in House Motor Vehicles Committee and ineligible for further consideration.

HB 928: Royal of the 164th, to provide that railroad company shall be allowed a credit against the tax imposed on all fuel purchased and delivered within the state and fuel purchased outside this state and stored in this state regardless of the place of its subsequent use in an amount equal to 100 per cent of the amount invested in the improvement of rights of way. Held in House Ways & Means Committee and ineligible for further consideration.

HB 1273: Massey of the 86th, would amend Chapter 3 of Title 22 relating to eminent domain, so as to require railroads and public utilities to gain permission of the affected county or municipality before commencing condemnation proceedings. Held in House Judiciary Committee and ineligible for further consideration.

SB 342: Harp of the 16th, would amend Title 46 regarding public utilities and transportation so as to increase the statute of limitations for actions against railroads and electric utilities; to provide venue for such actions where the principal office or place of business is located, in addition to county of residence of a registered agent. Held in Senate Finance and Public Utilities Committee and ineligible for further consideration.

SB 386: Dean of the 31st, would amend Code Section 32-6-26 relating to weights of vehicles and loads so to provide an exemption for ready-mix concrete trucks. Passed Senate and favorably reported by House Transportation Committee. Currently in House Rules Committee.

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