



The Capitol Report March 30th, 2007

Provided by The Georgia Railroad Association

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The Georgia General Assembly will be in recess next week, and will reconvene for the 34th legislative day on April 10. With the passage of the 30th day this week, all bills still in their House of origin are ineligible for further consideration this year, but will carry over to the 2008 legislative session. Veteran legislators are saying that the 2007 legislative session has spawned the most rancorous atmosphere in their memory. The rancor is not between Republicans and Democrats, but between members of the Senate and the House of Representatives. Divisions are so deep that the future of many bills could be affected.

HB 430 passes out of the House

Early on "crossover" day the House took up and overwhelmingly passed the GRA initiative to protect railroad rights of way. HB 430 is now in the Senate Economic Development committee chaired by Senator Chip Pearson. Sen. Pearson will also present the bill on the floor of the Senate should it reach that point. The committee will meet either Tuesday or Wednesday when they return from the week recess. After the bill passes out of committee it then goes back to the Senate to be read for the second time then goes back to the Rules Committee where it becomes eligible for the full vote on the floor. The major obstacle to passage of the bill at this point is time.

Railroad Labor Union resolution passes Senate Transportation

Despite testimony from GRA members SR 428 easily passed out of committee this week. The resolution sponsored by Senate Transportation Chairman Jeff Mullis calls for a study committee of railroad safety. SR 428 recognizes the energy efficiency of shipping freight by rail and notes the importance of freight rail to the national and state economies. However, SR 428 does not appear to recognize the outstanding safety record of freight railroads, as it calls for five member Senate Study Committee to recommend legislation for improving railroad safety.

Since the study committee proposal was advanced by organized labor, GRA believes that SR 428 is more about labor unions leveraging railroad management through the Georgia General Assembly than it is about rail safety.

GRA will ask the Georgia Chamber of Commerce Governmental Affairs committee to take a position of opposition to this legislation. The resolution is currently in the Senate Rules committee.

Gun bill left on Senate calendar

With SB 43 next on the calendar, the Senate recessed Tuesday almost two hours before the midnight deadline for bills to cross over to the other chamber. When Lt. Governor Cagle gavelled the session to a close with the gun bill next in line, it became abundantly clear that many Senators did not want to vote on the measure.

SB 43 was a no-win vote for most members of the Senate. The measure pits employers against the National Rifle Association, which mounted an all-out effort to get SB 43 through the Senate. SB 43 would prohibit employers from banning guns in employee parking lots.

While Tuesday's inaction makes ultimate passage of the bill less likely, the NRA is still looking for "vehicles" to which it could be attached. In addition, the NRA is advancing various "compromise" versions of the bill designed to break off various opposing groups. The Georgia Chamber of Commerce, which leads the opposition effort, remains strongly opposed to SB 43 or any compromise version.

GRA Spring Conference

Don't forget to register for the GRA Spring Conference at St. Simons on May 29-31. Registration forms went out last week for the GRA Spring Conference. The format will be similar to past conferences. May 29th there will be a reception and dinner on your own. The meetings on the 30th and 31st will be half day meetings. The golf tournament will be on the 30th and a group dinner at the hotel that evening. The room rates are as follows: Oceanfront Rooms - \$175 Oceanview Rooms - \$160 Resortview Rooms - \$150. The number for reservations is 800-342-0212. There is a link to the King & Prince Resort at www.georgiarailroad.org

Other Bills of Interest

HB 268 Davis 109th, Franklin 43rd, Lane 167th to amend Article 9 of Chapter 9 of Title 46, relating to the Georgia Rail Passenger Authority, so as to repeal said article in its entirety; to provide for related matters. Transportation

HB 269 Davis 109th, Lakly 72nd to amend Chapter 9 of Title 32, relating to mass transportation, so as to provide for a referendum to approve funding for a commuter rail project within or through a county or municipality. Transportation

HB 289 Roberts 154th Freeman 140th Williams 178th Sims 119th Hatfield 177th Peake 137th to amend Article 11 of Chapter 5 of Title 48, relating to ad valorem taxation of public utilities, so as to provide an exemption for eligible expenses for maintenance, repairs, and improvements of a railroad equipment company's railroad cars; to provide for related matters; to provide for a referendum. Rules Consideration Calendar

HB 426 Jones 44th, Fludd 66th, Sims 151st, Rynders 152nd, Smith 129th to amend Code Section 32-6-200, relating to the installation of protective devices at railroad grade crossings, so as to provide for legislative findings; to define a certain term; to provide that local school districts shall provide the Department of Transportation with information regarding rail crossings without active warning devices that are used by school buses; to provide that local school districts shall use best efforts to reroute buses to minimize use of such crossings. Rules Consideration Calendar

HB 430 Ralston 7th, Roberts 154th, Hatfield 177th, Crawford 127th to amend Title 44 of the O.C.G.A., relating to property, so as to clarify the scope of the provisions applicable to the acquisition of title to land by adverse possession, the acquisition of easements and private ways through prescription, and the acquisition of land by railroad corporations or railroad companies; to amend Article 2 of Chapter 4 of Title 24 of the O.C.G.A., relating to presumptions and estoppel, so as to provide that occupancy of a railroad right of way is by permission; to amend Code Section 46-8-100 of the O.C.G.A., relating to the general powers of railroad companies, so as to provide that issues arising as to the dimensions of property acquired by a railroad corporation or railroad company prior to 1913 shall be

determined by reference to the official map filed with the Interstate Commerce Commission pursuant to the Railroad Valuation Act of March 1, 1913. Floor of the House on 3/27

HB 434 Martin 47th, Royal 171st, Burns 157th, Benefield 85th, Fludd 66th to amend Title 48 relating to revenue and taxation, so as to provide for a regional sales and use tax for transportation; to provide for definitions; to provide for the levy and collection of such tax; to provide for procedures, conditions, and limitations; to provide for expenditure of proceeds; to provide for collection and administration; to provide for powers, duties, and authority of the state revenue commissioner; to amend Part 1 of Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, relating to the Georgia State Road and Tollway Authority, so as to provide for a Georgia Regional Transportation Fund to finance transportation projects. Ways & Means

HR 149 Epps 128th, Buckner 130th, Nix 69th A RESOLUTION creating the Joint Study Committee on the Viability of Commuter Rail Service from Atlanta to West Point; and for other purposes. Transportation

HR 509 Smith 129th Floyd 147th A RESOLUTION proposing an amendment to the Constitution so as to provide for the creation of a Transportation Trust Fund; to provide for a levy of a 1 percent sales and use tax on the purchase of tangible goods and certain services at retail; to provide for the deposit of the proceeds of such tax into such trust fund; to provide for the governance of such trust fund by the State Transportation Board and oversight of such trust fund by a Transportation Trust Fund Oversight Committee; to provide for the administration of such fund by a Transportation Trust Fund Agency; to provide for purposes and limitations on expenditures from such trust fund; to provide for the periodic submission of the continuance of such levy to the people for approval or disapproval. Transportation

SB 43 Rogers 21st, Whitehead 24th, Williams 19th, Johnson 1st, Heath 31st, Mullis 53rd to amend Part 3 of Article 4 of Chapter 11 of Title 16, relating to carrying and possession of firearms, so as to prohibit certain employers from prohibiting employees from lawfully carrying and possessing firearms in locked motor vehicles; to provide for immunity for employers who allow employees to possess firearms in locked vehicles on the premises of such employer; to provide for civil remedies. Senate Rules committee

SB 179 Staton 18th, Powell 23rd, Unterman 45th, Hudgens 47th, Murphy 27th, Butler 55th to amend Article 2 of Chapter 5 of Title 21, relating to campaign contributions, so as to repeal the prohibition against persons acting on behalf of a public utility regulated by the Public Service Commission contributing to political campaigns; to prohibit public utilities regulated by the Public Service Commission from contributing to Public Service Commission candidates or campaign committees for such candidates; to prohibit electric membership corporations from contributing to political campaigns. Favorably reported Senate Ethics

SB 203 Harp 29th, Staton 18th, Mullis 53rd, Shafer 48th, Hamrick 30th to amend Article 14 of Chapter 1 of Title 10, Code Section 16-8-12, and Chapter 1 of Title 46 of the O.C.G.A., relating to secondary metals recyclers, penalties for certain theft crimes, and general provisions for public utilities and public transportation, respectively, so as to provide for increased penalties for certain crimes involving public utility property; to change certain provisions relating to inspection by law enforcement officers; to change provisions relating to actions to recover property; to change provisions relating to penalties for violating Article 14 of Chapter 1 of Title 10; to provide for forfeiture of certain property and procedure therefor; to provide for legislative findings and preemption; to provide for the Governor to

appoint certain special officers for purposes of investigating certain thefts of public utility property. Passed Senate

SR 263 Balfour 9th, Hudgens 47th, Cowser 46th, Unterman 45th, Shafer 48th, Thompson 5th, urging the Congress of the United States to provide funding for the engineering, construction, and land acquisition and other necessary costs for commuter rail connecting Athens to Atlanta. House Transportation

SR 365 Mullis 53rd, Pearson 51st, Whitehead 24th, Hill 32nd, Goggans 7th, Reed 35th A RESOLUTION creating the Joint Study Committee on Transportation Funding. Transportation

SR 428 Mullis 53rd, Staton 18th, Goggans 7th, Douglas 17th, Stoner 6th A RESOLUTION to create the Senate Railroad Safety and Security Study Committee. Rules

Thanks to the following associate members who have rejoined the association:

Adams - Warnock
Atlas Railroad Construction
Aon Risk Services Inc.
Atlantic Track & Turnout
Boatright Enterprises Inc.
Century Group
C & S Signaling
Crouch Engineering
Dixie Precast
Hatch & Kirk
Hulcher Services
Holland LP
Johnson Railway

Koppers Inc
Lanier Steel Products
LB Foster Co.
McCord Tie & Timber
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National Railway Equipment Co.
Progress Rail Services
Railcar Management
Railworks Track Group
Railway Tie Association
Tangent Rail
Trinity Rail Group
Zurich North America

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