



The Capitol Report April 2nd, 2004

Provided by The Georgia Railroad Association

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The Georgia General Assembly completed its 39th legislative day late yesterday, and will reconvene Wednesday, April 7, for the 40th and final day of the 2004 session.

Senate action would strike joint and several liability.

The tort reform measure passed by the Senate Wednesday deals primarily with medical malpractice, but a provision to require apportionment of damages would apply in all multi-defendant civil cases. HB 1028 has been referred to a House/Senate conference committee where major changes could be made in the bill.

As passed by the Senate, HB 1028 would require "apportionment of damages according to the degree of fault of each person," and would provide that there "shall not be a joint liability among the persons liable..." If this language can survive in the conference committee, it would be a major victory for the Georgia Chamber of Commerce and all Georgia business. Under joint and several liability, "deep pocket" defendants are often required to pay damages far exceeding their level of fault.

Transportation bank measure clears Senate.

The Senate passed legislation Wednesday creating the Georgia Transportation Infrastructure Bank, to finance road and transit projects, including rail. HB 1136 now awaits the Governor's signature.

Projects eligible for financing under the Act would include "bridges, air transport, airport, rails or transit" projects which provide public benefits by "enhancing mobility and safety, promoting economic development, or increasing the quality of life and general welfare of the public." The bill specifically includes railroad sidings and lead tracks, bridges, causeways, and railroad terminals. Eligible costs would include costs of preliminary engineering, traffic and revenue studies, environmental studies, right of way acquisition, legal and financial services associated with the development of qualified projects, construction, construction management, facilities, and other costs necessary for the qualified project."

The bank will have the authority to issue bonds, and may be further capitalized by: (1) appropriations from the General Assembly; (2) Federal funds not already dedicated to another purpose, including Surface Transportation Program and Congestion Mitigation and Air Quality funds; (3) contributions, donations and deposits from government units, private entities and other sources; and (4) moneys paid or credited to the bank, including interest on loans.

The Georgia Transportation Infrastructure Bank will come under the State Road and Tollway Authority.

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.

HB 1022 by Tom McCall of Elberton would have made technical corrections and eliminated 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. Favorably reported by Senate Transportation Committee, but did not clear Rules Committee in time for further consideration.

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 1254 by Channell of Greensboro, to provide that there can be no cause of civil action against a railroad simply because the railroad did not petition close a railroad grade crossing. Likewise, there can be no cause of action against a local government for not granting a railroad's petition to close a crossing. GRA bill passed House and Senate, awaiting Governor's signature.

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 will increase penalties for hijacking and theft of cargo. Passed House and Senate. Awaits Governor's signature.

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