



The Capitol Report: April 21st, 2003

Provided by The Georgia Railroad Association

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House Speaker Terry Coleman last week cast the one vote necessary to reach a majority and pass a \$178 million tobacco tax increase. To balance the budget and avoid a special session, the Senate must now suspend its rules and pass the House bill containing the tobacco tax, or it must attach the tobacco tax to a germane bill previously passed by the House. The final two legislative days of the 40-day session are scheduled for Tuesday and Thursday of this week.

Crossing regs go to DOT Board committee.

The DOT Board last week delayed final action on regulations to implement last year's grade crossing bill, referring the crossing closure provision to a committee for further study. On the maintenance issue, the Board required that DOT staff continue to work with the railroads, cities and counties. GRA had raised concerns that certain aspects of the draft were inappropriate or inconsistent with legislative intent. GRA contends that the AASHTO Standards for new crossings is inappropriate and it would be improper to attempt to enforce these standards. AASHTO Standards apply to an area that extends 30 feet beyond the rail and this is outside the area of responsibility of a railroad, while under the new grade crossing law, railroads are responsible only for that portion within 10 feet of the rails.

DOT Board member Jimmy Lester will chair the committee considering the proposed new rules on grade crossing closure. Like the legislation passed in 2002, the draft rules relate to crossing maintenance and crossing closures.

Crossing safety bill faces final hurdles.

A motor vehicle safety bill with favorable provisions on grade crossing safety has passed the Senate and awaits clearance in the House Rules Committee for possible action on the final day of the session. Similar provisions in other states have met strong opposition from plaintiffs' lawyers, but so far no opposition has surfaced to the bill in Georgia.

SB 173 would make comprehensive amendments to the motor vehicle code in Title 40. It specifies the duties and responsibilities of motorists crossing railroad tracks. For instance, it provides that:

- ▶ No person shall drive a vehicle over a railroad grade crossing when a train is approaching.
- ▶ No person shall drive a vehicle over a grade crossing if there is insufficient space to drive completely through the crossing without stopping.
- ▶ No person shall drive a vehicle over a grade crossing if there is insufficient undercarriage clearance for the vehicle to negotiate the crossing.
- ▶ Where there is no electric or mechanical signal device, all drivers shall slow to a reasonable and prudent speed, slow enough to allow the driver to stop before reaching the nearest rail.

While these appear to be common sense rules, plaintiff lawyers in other states obviously believe they will inhibit their ability to win large awards against railroads.

SB 173 was introduced by Senator Tommie Williams of Lyons, chairman of the Senate Transportation Committee.

Remote controlled locomotives will be an issue for '04.

Legislation to prohibit railroads from using remote-controlled locomotives remains in the Senate Transportation Committee and will carry over to the 2004 legislative session. Meanwhile, at the request of GRA, Rep. Johnny Floyd is preparing a resolution in the House and Sen. Mike Crotts is preparing a resolution in the Senate commending the safety record of remote controlled locomotives.

Sponsored by Senators Rene Kemp and Seth Harp, SB 325 is similar to bills introduced in numerous states by unions for railroad engineers. Other railroad unions have opposed the legislation in Georgia and other states.

Transportation Study Proposed.

Rep. Mickey Channell has introduced a resolution calling for creation of a House study committee on meeting state transportation needs through the year 2025. A similar resolution is expected in the Senate.

HR 760 notes that the state's transportation system includes 4,853 miles of railroads, and that the goals of the Statewide Transportation Plan are to "preserve the existing system, enhance safety, reduce congestion, improve levels of service, facilitate interregional connectivity, improve access and mobility, facilitate economic growth, and enhance quality of life..." The resolution further notes that transportation costs between 2001 and 2025 are expected to exceed \$51 billion, while revenues dedicated to transportation during that same period are estimated at about \$36 billion.

The study committee would consist of five members of the House of Representatives to be appointed by the Speaker. The study committee would report its findings by December 1 of this year.

Rail excursion bill will likely carry-over.

The Senate Transportation Committee last week amended and passed legislation to create a new railroad excursion authority in South Georgia. However, HB 497 has not yet cleared the Senate Rules Committee, which means it is unlikely the bill can be considered by the full Senate this year. If the bill does not pass the Senate this year, it will be recommitted to the Senate Transportation Committee where it can be brought up again in the 2004 legislative session

At the request of GRA, two amendments were added to the bill in the Senate Transportation Committee. One amendment deletes a provision for the use of condemnation to acquire rights of way for excursion trains. The other specifies that freight trains have priority over excursion trains in using tracks.

Introduced by Speaker Pro Tempore DuBose Porter and other members of House leadership, HB 497 provides for an authority to be established "for the purposes of construction, financing, operation, and development of rail passenger excursion projects utilizing any state-owned railway in Bibb, Twiggs, Wilkinson, Laurens, Treutlen, Montgomery, Wheeler, Telfair, Burke, Emanuel and Toombs counties.

Sponsors of the bill say they envision only three or four excursion trains a year, to be run for special events and holidays.

Tort reform revival attempt set for final days.

The Georgia Chamber of Commerce is leading an attempt to restore key provisions to SB 133, the civil justice reform bill gutted in the Senate earlier this year. SB 133 passed the Senate only after striking important provisions such as the elimination of joint and several liability, offsets for collateral sources, and a \$250,000 cap on non-economic damages in medical malpractice cases.

House to consider unemployment bill.

Legislation to head off an impending 75% surcharge on employer assessments to the Employment Security Trust Fund is on the House calendar for tomorrow. SB 167 would also extend unemployment benefits to part-time workers.

Under current law, assessment rates for employers would increase 75% if the reserve ratio reaches 1.25% before the end of this year. SB 167 extends the implementation of this increase until the end of 2004, and provides that the Commissioner of Labor shall set the increase at 40% for most employers when the reserve ratio is less than 1.0%.

A floor amendment to eliminate the extension of benefits to part-time workers is anticipated.

GRA Associate Members for 2003

Adams-Warnock Inc.	Lanier Steel Products
A & K Railroad Materials	LB Foster Company
Atlas Railroad Construction	Lindsey Bridge Contractors
Bankhead Railway Services, Inc.	Neel-Schaffer Inc.
Century Group Inc.	Palmer & Cay Insurance
Crouch Engineering	Performance Railway Services
Dixie Precast, Inc.	Pointer Smith Contracting
Full Service Railroad Construction Company	Railcar Management
GE Capital Rail Services	Ralph Whitehead Associates
Georgia Operation Lifesaver, Inc.	RW Alexander Contractors
Georgia Ports Authority	Sumter Bank & Trust
Georgia Rail Consultants	Tifton Terminal Railway Museum
Hulcher Services	Trinity Rail Group
Joseph Transportation	Volunteer Trackworks LLC
Koppers Industries	Zurich North America

Just a reminder:

The GRA Spring Conference is June 8-10 at Brasstown Valley Resort in Young Harris, Georgia. Registration forms have been e-mailed to all members, [additional registration forms are available on the GRA website](#). Registration forms are due to the GRA office by April 25, 2003 and your room reservations must be made by April 24, 2003. You may contact the Brasstown Valley Resort directly at **800-201-3205** to make your room reservation.
