



2014 Wrap-up Report

28 March 2014

2014 Georgia General Assembly Concludes

The Georgia General Assembly adjourned sine die last Thursday night at midnight after a long day of posturing and negotiating over the final issues to be resolved. For GRA, 2014 will be remembered as an excellent year as all of the bills of importance to rail were passed by the legislature and now head to the governor for his signature. Importantly, no legislation passed that raised the truck weight limits in Georgia.

In addition to the GRA Board and all those who participated in the Georgia Railroad Capitol Day in February, Lynne and Mark thank the full time lobbyists who labor at the Capitol each day: Craig Camuso (CSX), Joel Harrell (Norfolk Southern), Lee Hughes (CSX), and Linda Hamrick (G&W). Their collective wisdom, knowledge, and hard work were the key to accomplishing the GRA legislative agenda this year.

GRA Legislative Agenda 2014

- **HB 749: PASSED**

This bill by Rep. Geoff Duncan (R-Cumming), which provides for enhanced criminal penalties for cargo theft from rail cars and other vehicles, achieved final passage on Day 40 after the bill's author accepted an amendment that addressed a late arriving objection from the Sheriff's Association. The bill increased the penalties and fines for the theft of cargo from the current levels (up to 10 years, \$50,000 in fines) to increasingly substantial penalties that rise depending upon the value of the cargo and whether the cargo included controlled substances. For example, any theft of cargo valued at more than

\$10,000 will now be punishable by imprisonment up to 20 years and fines up to \$1 million.

- **HB 782: PASSED**

This bill by Rep. Bruce Williamson (R-Walton County) would exempt workers from railroad and other utilities from Georgia state taxes if they are in Georgia to assist with disaster relief. It temporarily allows out-of state companies and employees in a state for “state or national declared disaster or emergency” for repairing “infrastructure” not to be subject to stringent state or local business licensing or registration requirements or state and local taxes and fees during the “Disaster Period” (within 10 days of declaration until 60 days after the end of the Emergency). Currently, these ‘second responders’ are subject to Georgia income tax if the income from their Georgia work is greater than 5% of their total income, or they are in Georgia for more than 20 days.

- **HR 1158: PASSED**

Under this House Resolution by Rep. Chuck Martin (R-Alpharetta), the General Assembly will urge Congress to establish a national energy policy to strengthen access to and remove impediments to domestic sources of energy. The GRA is concerned about national policies that severely limit the use of coal to maintain an inexpensive, reliable, and safe electricity supply for the nation.

- **SB 117: PASSED**

This bill by Senator Rick Jeffares (R-Henry County) is designed to revise the “Call Before You Dig” law. The bill revised the statutory definition of ‘excavation’ to clarify that it does not include routine maintenance of railroad facility by railroad employees. This protects railroads from having to contact authorities to mark for underground facilities in these situations.

- **SB 125: PASSED**

This bill authored by Senator Jesse Stone (R-Waynesboro) codifies the standard of care owed by a landowner to trespassers. The Senate took action to agree to the House amendments at around 10 p.m. on the final day, bringing this hard fought victory to a close. This bill protects railroads from the national trend of expanding the duties owed when trespassers are injured on railroad property. Under the language of the bill, railroads owe trespassers no duty other than to not cause ‘wilful’ and ‘wanton’ harm. The

bill also incorporates by reference, the current Georgia case law relating to the attractive nuisance doctrine for minors.

- **HR 1573: PASSED**

This resolution by Transportation Chairman Jay Roberts (R-Ocilla) and amended by Senate Transportation Chairman Steve Gooch (R-Dahlonega), will set up a joint House/Senate study committee on transportation funding and infrastructure. Members of the committee include representatives from ACCG, GMA, and Metro and Georgia Chambers of Commerce.

- **Truck Weights:** The two House bills that were filed to raise truck weights did not pass. The Chairman of the House Transportation Committee held a committee meeting to review the bill and to advise the interested parties that action would be taken in the upcoming legislative session. Groups such as GDOT, ACCG, AAA, and GRA testified to concerns regarding the safety, maintenance, and cost issues raised by the legislation.