

House Bill 139

By: Representatives Mainor of the 56th, Dukes of the 154th, McClain of the 100th, Mallow of the 163rd, and Thomas of the 65th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 6 of Chapter 6 of Title 32 and Part 3 of Article 6 of Chapter 8 of
2 Title 46 of the Official Code of Georgia Annotated, relating to regulation of maintenance and
3 use of public roads and railroads and the operation of trains at crossings, respectively, so as
4 to require certain signage by railroad companies; to prohibit the operation of a train in a
5 manner that occupies or blocks a street, road, or highway grade crossing longer than a certain
6 amount of time; to provide for exceptions; to provide for immunity from penalty in certain
7 instances; to provide for annual reporting; to provide for a fine for noncompliance; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Part 2 of Article 6 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated,
12 relating to regulation of maintenance and use of public roads and railroads, is amended by
13 revising Code Section 32-6-190, relating to duty to maintain grade crossings, as follows:

14 "32-6-190.

15 (a) Any railroad whose track or tracks cross a public road at grade shall have a duty to
16 maintain such grade crossings in such condition as to permit the safe and reasonable

17 passage of public traffic. Such duty of maintenance shall include that portion of the public
 18 road lying between the track or tracks and for two feet beyond the ends of the crossties on
 19 each side and extending four feet beyond the traveled way or flush with the edge of a paved
 20 shoulder, whichever is greater, of such crossing.

21 (b)(1) No later than February 1 of each year, a railroad shall submit to the Department
 22 of Transportation a report on maintenance required by subsection (a) of this Code section.
 23 Any report which includes an instance of an environmental hazard shall be forwarded to
 24 the Environmental Protection Division of the Department of Natural Resources.

25 (2) In the event the Department of Transportation does not receive an annual report from
 26 a railroad on or before the date such report was due, the department shall notify the
 27 railroad and shall be authorized to fine such railroad an amount not to exceed \$100.00 per
 28 day for every day of such untimely report.

29 (3) The Department of Transportation shall provide a copy of such annual reports to the
 30 Governor, the President of the Senate, the Speaker of the House of Representatives, and
 31 the chairpersons of the House Committee on Transportation and the Senate
 32 Transportation Committee."

33 SECTION 2.

34 Part 3 of Article 6 of Chapter 8 of Title 46 of the Official Code of Georgia Annotated,
 35 relating to operation of trains at crossings, is amended by revising Code Section 46-8-196,
 36 relating to use of standard signs for highway crossings and for advertising or other purposes;
 37 mutilation, destruction, and defacement of standard signs; and removal of unauthorized signs
 38 by county authorities, as follows:

39 "46-8-196.

40 ~~(a)(1) It shall be the duty of the Public Service Commission to designate a standard sign~~
 41 ~~or signs and to require the use of same by railroad companies to indicate crossings of~~
 42 ~~public highways across railroads. It shall be unlawful for any person to use a sign similar~~

43 ~~thereto~~ to a street, road, or highway grade crossing sign for advertising or for any other
 44 purpose; and it shall be unlawful to mutilate, destroy, or deface any crossing sign. The
 45 county authorities in charge of the roads of any county where a sign is erected contrary
 46 to this law shall have the duty of removing and destroying that sign.

47 ~~(b)(2)~~ Any person who violates this ~~Code section~~ subsection shall be guilty of a
 48 misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding
 49 ~~\$50.00 or by imprisonment for a period not to exceed 12 months~~ the cost of replacement
 50 of any mutilated, destroyed, or defaced sign or not less than 20 hours of community
 51 service as set forth in Article 3 of Chapter 3 of Title 42, or both.

52 (b) The railroad company owning the railroad over which an engine or cars are operated
 53 at a street, road, or highway grade crossing shall, at each intersection of such street, road,
 54 or highway, place and maintain signs which conform to the Department of Transportation
 55 regulations promulgated under the authority of Code Section 32-6-50 and identify the
 56 railroad company. Each such sign shall contain notice that a train which occupies the
 57 crossing longer than 15 consecutive minutes may be in violation of Code Section 46-8-197
 58 and include a telephone number for purposes of contacting the company for alleged
 59 violations."

60 SECTION 3.

61 Said part is further amended by revising Code Section 46-8-197, relating to legal
 62 responsibility of member of train crew, yard crew, or engine crew for occupying or blocking
 63 street, road, or highway grade crossing pursuant to employer's order, as follows:

64 "46-8-197.

65 (a) No railroad company shall authorize the operation of a train in a manner that occupies
 66 or blocks any street, road, or highway grade crossing by engines or passenger or freight
 67 cars longer than 15 consecutive minutes unless such blockage is:

68 (1) Necessary to comply with signals affecting the safety of the movement of the engine
69 or passenger or freight cars;

70 (2) Necessary to avoid striking any object or person on the track;

71 (3) Due to circumstances which are beyond the control of the railroad company; or

72 (4) Necessary to comply with a federal safety regulation or other federal law.

73 (b) No member of a train crew, yard crew, or engine crew of a railroad ~~common carrier~~
74 company shall be held personally responsible under, or found guilty of violating, this Code
75 section or any other state laws or municipal ordinances regulating or intended to regulate
76 the occupying or blocking of any street, road, or highway grade crossing by engines or
77 passenger or freight cars, upon reasonable proof provided by the such crew member that
78 the occupying or blocking of the grade crossing was necessary to comply with the orders
79 or instructions, either written or oral, of his or her employer or of the officers or
80 supervisory officials of the company owning the railroad over which the engine or cars are
81 operated; provided, however, that this Code section shall not relieve the such employer or
82 railroad company from any responsibility placed upon such employee or railroad company
83 by subsection (a) of this Code section or any such other state laws or municipal ordinances.

84 (c)(1) No later than February 1 of each year, a railroad company shall submit to the
85 Department of Transportation a report on the telephone calls relating to any alleged
86 violations of this Code section received the preceding calendar year. Such report shall
87 include the total number of allegations and a corresponding description of each location
88 where such alleged violations occurred.

89 (2) In the event the Department of Transportation does not receive an annual report from
90 a railroad company on or before the date such report was due, the department shall notify
91 the railroad company and shall be authorized to fine such railroad company an amount
92 not to exceed \$100.00 per day for every day of such untimely report.

93 (3) The Department of Transportation shall provide a copy of such annual reports to the
94 Governor, the President of the Senate, the Speaker of the House of Representatives, and

95 the chairpersons of the House Committee on Transportation and the Senate
96 Transportation Committee."

97 **SECTION 4.**

98 All laws and parts of laws in conflict with this Act are repealed.