

House Bill 1473

By: Representatives Burchett of the 176<sup>th</sup>, LaHood of the 175<sup>th</sup>, Corbett of the 174<sup>th</sup>, and Gambill of the 15<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 3 of Article 6 of Chapter 8 of Title 46 of the Official Code of Georgia  
2 Annotated, relating to operation of trains at crossings, so as to prohibit the operation of a  
3 train in a manner that occupies or blocks a street, road, or highway grade crossing longer than  
4 a certain amount of time; to provide for exceptions; to provide for immunity from penalty  
5 in certain instances; to provide for penalties; to provide for related matters; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 3 of Article 6 of Chapter 8 of Title 46 of the Official Code of Georgia Annotated,  
10 relating to operation of trains at crossings, is amended by revising Code Section 46-8-197,  
11 relating to legal responsibility of member of train crew, yard crew, or engine crew for  
12 occupying or blocking street, road, or highway grade crossing pursuant to employer's order,  
13 as follows:

14 "46-8-197.

15 (a) No railroad common carrier shall authorize the operation of a train in a manner that  
16 occupies or blocks any street, road, or highway grade crossing by engines or passenger or

H. B. 1473

17 freight cars longer than 15 consecutive minutes unless the train is in motion or such  
 18 blockage is:

19 (1) Due to a power brake failure or other mechanical failure;

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

21 (3) Due to a derailment or other accident; or

22 (4) In order to comply with a federal safety directive or regulation or other federal law.

23 (b) No member of a train crew, yard crew, or engine crew of a railroad common carrier  
 24 shall be held personally responsible under, or found guilty of violating, any this Code  
 25 section or any other state laws or municipal ordinances regulating or intended to regulate  
 26 the occupying or blocking of any street, road, or highway grade crossing by engines or  
 27 passenger or freight cars, upon reasonable proof by the provided by such crew member that  
 28 the occupying or blocking of the grade crossing was necessary to comply with the orders  
 29 or instructions, either written or oral, of his or her employer or of the officers or  
 30 supervisory officials of the company owning the railroad over which the engine or cars are  
 31 operated; provided, however, that this Code section subsection shall not relieve the such  
 32 employer or railroad such company owning the railroad from any responsibility placed  
 33 upon such employee or railroad company by any such company owning the railroad by this  
 34 Code section or any other state laws or municipal ordinances.

35 (c)(1) The commission shall be authorized to impose a civil monetary penalty upon any  
 36 railroad common carrier determined to have violated this Code section.

37 (2) Any civil monetary penalty assessed pursuant to this subsection shall be \$500.00 for  
 38 every five minutes a train blocks or occupies a street, road, or highway grade crossing  
 39 beyond the time allowed pursuant subsection (a) of this Code section."

40 **SECTION 2.**

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