

## House Bill 162

By: Representatives Bannister of the 77<sup>th</sup>, Parsons of the 40<sup>th</sup>, Davis of the 60<sup>th</sup>, Manning of the 32<sup>nd</sup> and Maddox of the 72<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 2 of Article 6 of Chapter 6 of Title 32 of the Official Code of Georgia  
2 Annotated, relating to railroads, so as to authorize counties and municipalities to seek  
3 injunctions and damages, including attorney's fees, for a railroad's violating its duty to  
4 permit passage at certain railroad crossings; to amend Article 5 of Chapter 8 of Title 46 of  
5 the Official Code of Georgia Annotated, relating to construction, improvement, and repair  
6 of rail lines, depots, and roads, so as to change certain provisions relating to obstructions  
7 located at crossing, disrepair of crossing, and removal of obstruction or repair of crossing by  
8 county or municipality upon failure of company to remove obstruction or repair crossing; to  
9 provide an effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Part 2 of Article 6 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated,  
13 relating to railroads, is amended by striking Code Section 32-6-190, relating to the duty of  
14 railroads to maintain grade crossings, and inserting in lieu thereof a new Code Section  
15 32-6-190 to read as follows:

16 "32-6-190.

17 (a) Any railroad whose track or tracks cross a public road at grade shall have a duty to  
18 maintain such grade crossings in such condition as to permit the safe and convenient  
19 passage of public traffic. Such duty of maintenance shall include that portion of the public  
20 road lying between the track or tracks and for two feet beyond the ends of the crossties on  
21 each side of such crossing.

22 (b) The county or municipality in which a grade crossing subject to subsection (a) of this  
23 Code section is located shall have a cause of action for damages for the railroad's failure  
24 or refusal to permit the safe and convenient passage of public traffic at such crossing,  
25 including reasonable attorney's fees, and may also seek an injunction to prohibit the  
26 railroad's continuing failure or refusal to permit such passage."

