

House Bill 1254 (AS PASSED HOUSE AND SENATE)

By: Representative Channell of the 77<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 32-6-193.1 of the Official Code of Georgia Annotated, relating to  
2 elimination of grade crossings on public roads and related procedures, so as to provide that  
3 railroads shall not have a duty to petition to eliminate any such grade crossings; to provide  
4 that failure to file such a petition shall not give rise to certain causes of action; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 32-6-193.1 of the Official Code of Georgia Annotated, relating to elimination  
9 of grade crossings on public roads and related procedures, is amended by striking subsection  
10 (b) and inserting in lieu thereof the following:

11 "(b)(1) Any railroad may file a written petition requesting an order to eliminate a grade  
12 crossing on a public road by physical removal of the grade crossing and barricading or  
13 removing the approaches thereto without construction of an underpass or overpass. Any  
14 such petition shall be filed by certified mail or statutory overnight delivery, return receipt  
15 requested, with the department in respect to the state highway system, a county governing  
16 authority in respect to its county road system, or a municipal governing authority in  
17 respect to its municipal street system.

18 (2) Any petition by a railroad under this subsection shall include without limitation  
19 information as to each of the factors set forth in paragraphs (1) through (5) of  
20 subsection (a) of this Code section.

21 (3) The department or the local governing authority, whichever is applicable, shall  
22 conduct a public hearing on the matter prior to deciding whether to grant or deny such a  
23 petition.

24 (4)(A) No railroad shall have a duty to file a petition for elimination of a grade crossing  
25 as authorized by this subsection.

1 (B) Neither the failure of a railroad to file such a petition nor any decision by the  
2 department or any local governing authority regarding such a petition shall give rise to  
3 a cause of action against the railroad, the department, or a local governing authority by  
4 a person for injuries or damages arising from the existence or use of such crossing."

5 **SECTION 2.**

6 All laws and parts of laws in conflict with this Act are repealed.