

House Bill 715

By: Representatives Jones of the 44th, Fludd of the 66th, Sims of the 151st, Rynders of the 152nd, Smith of the 129th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 32-6-200 of the Official Code of Georgia Annotated, relating to the
2 installation of protective devices at railroad grade crossings, so as to require the Department
3 of Transportation, county governing authorities, and municipal governing authorities to order
4 the upgrade of protective devices at passive railroad crossings routinely used by school
5 buses; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 WHEREAS, following an investigation of a deadly collision of a train and a school bus that
7 took the lives of three children in Tennessee in 2002, the National Transportation Safety
8 Board recommended that states make it a high priority to improve safety at ungated railroad
9 crossings used by school buses; and

10 WHEREAS, vehicles and trains collide an average of nine times a day; and

11 WHEREAS, nationally, there were more than 3,400 reported collisions at railroad grade
12 crossings in 2004 resulting in nearly 400 fatalities and more than 1,300 injuries; and

13 WHEREAS, children's lives can and will be saved if states adopt the simple safety measures
14 that the National Transportation Safety Board recommended.

15 NOW, THEREFORE, BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

16 Code Section 32-6-200 of the Official Code of Georgia Annotated, relating to the installation
17 of protective devices at railroad grade crossings, is amended by striking subsection (a) and
18 inserting in lieu thereof a new subsection (a) to read as follows:

19 "(a) Whenever, in the judgment of the department in respect to the state highway system,
20 a county in respect to its county road system, or a municipality in respect to its municipal
21 street system, such protection is reasonably necessary for the safety of the traveling public,
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1 the department or the county or the municipality may order the protection of a grade
2 crossing by the installation of protective devices; provided, however, that the department
3 in respect to the state highway system, a county in respect to its county road system, and
4 a municipality in respect to its municipal street system shall gather information as to which
5 passive grade crossings are crossed routinely by public school buses transporting pupils as
6 part of a regular assigned route and shall order the upgrade of such passive grade crossings
7 by the installation and maintenance of active protective devices including flashing light
8 signals, bells, and automated gates. Prompt notice of such order shall be given to the
9 railroad or railroads involved; and within 30 days thereafter the representatives of the
10 department, the county, or the municipality and of the railroad or railroads involved shall
11 meet and, within 90 days, agree to a plan and specifications for the acquisition and
12 installation of protective devices. If an agreement is not reached within 90 days, the
13 department, the county, or the municipality may order the railroad company or companies
14 involved to proceed with the acquisition and installation of protective devices, as indicated
15 in the plan and specifications accompanying its order. However, no work leading to the
16 installation of protective devices at a grade crossing on a county or municipal public road
17 system shall commence until and unless the plan and specifications for such device are
18 approved by the department. It shall be the duty of the railroad or railroads to proceed with
19 acquisition and installation of protective devices within 60 days after receipt of an order
20 to that effect and to complete such acquisition and installation within six months
21 thereafter."

22 **SECTION 2.**

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