

House Bill 868

By: Representative Cox of the 102nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 32-6-202 of the Official Code of Georgia Annotated, relating to the
2 procedure to obtain maintenance of grade separation structures, protective devices, and grade
3 crossings, so as to change the procedure regarding appeal to the department from a refusal
4 to perform requested maintenance on a railroad; to provide for related matters; to provide for
5 an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 32-6-202 of the Official Code of Georgia Annotated, relating to the procedure
9 to obtain maintenance of grade separation structures, protective devices, and grade crossings,
10 is amended by revising subparagraph (a)(2)(A) as follows:

11 "(2)(A) If any railroad fails to comply with such an order of a county or municipality
12 within 30 days after receipt of such notice and order, the ~~county or municipal governing~~
13 ~~authority may~~ the railroad shall file with the department a written request for review of
14 the matter. Any such request for review shall be accompanied by a filing fee of
15 ~~\$500.00~~ \$1,000.00 per grade crossing and shall include a copy of the order of the
16 county or municipality. A copy of such request for review shall be served on the
17 ~~railroad~~ by the county or municipality by the railroad by certified mail or statutory
18 overnight delivery, return receipt requested. The department shall within 30 days after
19 the filing of such request investigate the matter, including undertaking consideration of
20 any statement of position filed by the ~~railroad~~ county or municipality within ten days
21 after the filing of the request for review, and issue an order either requiring the railroad
22 to take such action as is necessary for purposes of compliance with the maintenance
23 requirements of this part or nullifying the order of the local governing authority. As
24 part of such order, the department shall assess all its costs of investigating and
25 reviewing the matter against the railroad if a compliance order is issued or against the
26 county or municipality if the order of the local governing authority is nullified, and the

1 party so assessed shall be liable therefor to the department; provided, however, that any
2 filing fee paid to the department by a ~~county or municipality~~ railroad shall be applied
3 to any such amount assessed against the ~~county or municipality~~ railroad, and the
4 balance of such filing fee, if any, shall be refunded to the ~~county or municipality~~
5 railroad. Copies of any such order of the department shall be served upon the railroad
6 and the local governing authority by certified mail or statutory overnight delivery,
7 return receipt requested. The department shall keep detailed records of its costs of
8 investigation and review for purposes of this subparagraph, and such records shall be
9 subject to public inspection as provided by Article 4 of Chapter 18 of Title 50."

10 **SECTION 2.**

11 This Act shall become effective upon its approval by the Governor or upon its becoming law
12 without such approval.

13 **SECTION 3.**

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