

Senate Bill 89

By: Senators Shafer of the 48th, Gooch of the 51st, Cowsert of the 46th, Albers of the 56th,
Mullis of the 53rd and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 3 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated,
2 relating to officers in the Department of Transportation, so as to provide for state investment
3 in railways and railroad facilities and equipment; to provide that the commissioner of
4 transportation may administer a Georgia Freight Railroad Program; to provide for
5 subprograms within such program; to provide for annual reporting; to provide for a short
6 title; to provide for legislative findings; to provide for related matters; to repeal conflicting
7 laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Georgia Right Track Act."

11 **SECTION 2.**

12 The General Assembly finds that:

- 13 (1) There are 4,643 miles of main line railroad track in Georgia;
- 14 (2) The State of Georgia owns approximately 1,012 miles of such track, with over 500
15 route miles operated under leases to various railroad companies;
- 16 (3) There are 189 million tons of freight moved by rail in Georgia by 3.9 million rail cars
17 originating in or traveling through this state;
- 18 (4) The Department of Transportation developed its State Rail Plan in 2015 for the
19 purpose of guiding the state's rail freight and passenger transportation planning through
20 the year 2040;
- 21 (5) The expansion of the Port of Savannah will place significantly more traffic on the
22 rails and roads of this state by 2040;
- 23 (6) The 2015 Rail Plan estimates that total highway freight truck travel demand will
24 grow by 41 percent by 2040;

- 25 (7) Additional freight rail capacity will be needed to provide highway traffic congestion
 26 relief;
- 27 (8) The promotion and enhancement of rail safety will require funding for the public
 28 grade crossing improvement program;
- 29 (9) Railroad facilities will need substantial improvement and maintenance to ensure safe
 30 travel on the roads and highways of this state;
- 31 (10) The state notes that shippers need increased rail access and service to existing and
 32 prospective new businesses and industries within this state, which could decrease overall
 33 shipping costs, better optimize the state's rail network, and remove more trucks from tax
 34 maintained roads;
- 35 (11) The Georgia Freight Rail program would increase safety and reduce the number of
 36 trucks on state maintained highways, while providing Georgia businesses safe access to
 37 national and international markets via this state's rail networks, including state owned
 38 railroad facilities and ports;
- 39 (12) This Georgia Freight Railroad Program is designed to enhance the state's investment
 40 in eligible freight rail projects and is not intended to supplant current funding;
- 41 (13) Rail has particularly important impacts on rural areas, as agricultural,
 42 manufacturing, and local industries connect with global and national marketplaces; and
- 43 (14) It is in this state's public interest that a safe, balanced, and efficient transportation
 44 system is consistently improved upon, developed, and maintained.

45 SECTION 3.

46 Article 3 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated, relating to
 47 officers in the Department of Transportation, is amended by adding a new Code section to
 48 read as follows:

49 "32-2-41.3.

50 (a) The Georgia Freight Railroad Program shall be administered, subject to appropriations,
 51 at the discretion of the commissioner, in order to enhance the state's investment in freight
 52 rail projects for public benefit and to support a safe and balanced transportation system for
 53 the state.

54 (b) The Georgia Freight Railroad Program shall be composed of three subprograms as
 55 follows:

56 (1) The Rail Enhancement Plan shall acquire, lease, or improve railways or railroad
 57 equipment, including rail crossings, rolling stock, rights of way, or rail facilities;

58 (2) The Rail Preservation Plan shall acquire, lease, or improve short line railways or
 59 assist other appropriate entities to acquire, lease, or improve short line railways; and

60 (3) The Rail Industrial Plan shall build, construct, restructure, or improve industrial
61 access to railroad tracks and related facilities.

62 (c) In administering the program, the commissioner shall make every effort to balance
63 such program among all regions of this state and among the various applicants.

64 (d) Following the end of each fiscal year, the commissioner, or his or her appointee, shall
65 submit an annual report on the activities of the Georgia Freight Railroad Program to the
66 Governor, the Lieutenant Governor, and the Speaker of the House of Representatives and
67 shall make such report available to the members of the General Assembly.

68 (e) Nothing authorized by this Code section shall violate the gratuities clause."

69 **SECTION 4.**

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