

House Bill 375

By: Representatives Gullett of the 19th, Collins of the 68th, Efstoration of the 104th, Hitchens of the 161st, Gambill of the 15th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 6 of Chapter 8 of Title 46 of the Official Code of Georgia
2 Annotated, relating to operation of trains at crossings, so as to prohibit the operation of a
3 train in a manner that occupies or blocks a street, road, or highway grade crossing longer than
4 a certain amount of time; to provide for exceptions; to provide for immunity from penalty
5 in certain instances; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 3 of Article 6 of Chapter 8 of Title 46 of the Official Code of Georgia Annotated,
9 relating to operation of trains at crossings, is amended by revising Code Section 46-8-197,
10 relating to legal responsibility of member of train crew, yard crew, or engine crew for
11 occupying or blocking street, road, or highway grade crossing pursuant to employer's order,
12 as follows:

13 "46-8-197.

14 (a) No railroad common carrier shall authorize the operation of a train in a manner that
15 occupies or blocks any street, road, or highway grade crossing by engines or passenger or
16 freight cars longer than 15 consecutive minutes unless such blockage is:

17 (1) Necessary to comply with signals affecting the safety of the movement of the engine
18 or passenger or freight cars;

19 (2) Necessary to avoid striking any object or person on the track;

20 (3) Due to a reason of circumstances which are beyond the control of the railroad
21 common carrier; or

22 (4) In order to comply with a federal safety regulation or other federal law.

23 (b) No member of a train crew, yard crew, or engine crew of a railroad common carrier
24 shall be held personally responsible under, or found guilty of violating, this Code section
25 or any other state laws or municipal ordinances regulating or intended to regulate the
26 occupying or blocking of any street, road, or highway grade crossing by engines or

27 passenger or freight cars, upon reasonable proof provided by the such crew member that
28 the occupying or blocking of the grade crossing was necessary to comply with the orders
29 or instructions, either written or oral, of his or her employer or of the officers or
30 supervisory officials of the company owning the railroad over which the engine or cars are
31 operated; provided, however, that this Code section shall not relieve ~~the such~~ employer or
32 ~~railroad such~~ company owning the railroad from any responsibility placed upon such
33 employee or ~~railroad such~~ company owning the railroad by subsection (a) of this Code
34 section or any such other state laws or municipal ordinances.

35 **SECTION 2.**

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