

House Bill 820

By: Representatives Tanner of the 9<sup>th</sup>, Smyre of the 135<sup>th</sup>, Carpenter of the 4<sup>th</sup>, McCall of the 33<sup>rd</sup>, and Powell of the 32<sup>nd</sup>

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 for a definition; to provide that  
4 the commissioner of transportation may administer a Georgia Freight Railroad Program; to  
5 provide for subprograms within such program; to provide for annual reporting; to provide  
6 for standards for expenditure of funds; 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 Article 3 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated, relating to  
11 officers in the Department of Transportation, is amended by adding a new Code section to  
12 read as follows:

13 "32-2-41.3.

14 (a) For purposes of this Code section, the term 'short line railway' means any carrier  
15 designated as a Class III by the Surface Transportation Board.

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

20 (c) The Georgia Freight Railroad Program shall be composed of three subprograms as  
21 follows:

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

24 (2) The Rail Preservation Plan may acquire, lease, or improve short line railways or  
25 assist other appropriate entities to acquire, lease, or improve short line railways; and

26 (3) The Rail Industrial Plan may build, construct, restructure, or improve industrial  
27 access to railroad tracks and related facilities.

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

30 (e) Following the end of each fiscal year, the commissioner or his or her designee shall  
31 submit an annual report on the activities of the Georgia Freight Railroad Program to the  
32 Governor, the Lieutenant Governor, and the Speaker of the House of Representatives and  
33 shall make such report available to the members of the General Assembly.

34 (f) Prior to the expenditure of state funds, the commissioner shall make a determination  
35 whether such expenditure is ample consideration for a substantial public benefit in  
36 compliance with Article III, Section VI, Paragraph VI (a) of the Georgia Constitution."

37 **SECTION 2.**

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