

Senate Bill 371

By: Senators Gooch of the 51st, Beach of the 21st, Jones of the 25th, Butler of the 55th, Harper of the 7th 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 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) Eligible projects under the Georgia Freight Railroad Program shall include rail
21 enhancement projects to acquire, lease, or improve railways or railroad equipment,
22 including rail crossings, rolling stock, rights of way, or rail facilities; rail preservation
23 projects to acquire, lease, or improve short line railways or assist other appropriate entities
24 to acquire, lease, or improve short line railways; and rail industrial projects to build,
25 construct, restructure, or improve industrial access to railroad tracks and related facilities.

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

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

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

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.