

The Senate Committee on Judiciary offers the following substitute to SB 90:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 32-6-193.1 of the Official Code of Georgia Annotated, relating to  
2 elimination of railroad grade crossings, so as to require an order from the Department of  
3 Transportation or a local governing authority prior to the elimination of a railroad grade  
4 crossing; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 32-6-193.1 of the Official Code of Georgia Annotated, relating to elimination  
8 of railroad grade crossings, is amended by revising subsection (b) as follows:

9 "(b)(1) Any railroad ~~may~~ shall file a written petition requesting an order to eliminate a  
10 grade crossing on a public road by physical removal of the grade crossing and barricading  
11 or removing the approaches thereto without construction of an underpass or overpass  
12 prior to taking any action to eliminate such crossing. Any such petition shall be filed by  
13 certified mail or statutory overnight delivery, return receipt requested, with the  
14 department in respect to the state highway system, a county governing authority in  
15 respect to its county road system, or a municipal governing authority in respect to its  
16 municipal street system.

17 (2) Any petition by a railroad under this subsection shall include without limitation  
18 information as to each of the factors set forth in paragraphs (1) through (5) of  
19 subsection (a) of this Code section.

20 (3) The department or the local governing authority, whichever is applicable, shall  
21 conduct a public hearing on the matter prior to deciding whether to grant or deny such a  
22 petition.

23 ~~(4)(A) No railroad shall have a duty to file a petition for elimination of a grade crossing~~  
24 ~~as authorized by this subsection.~~

25 ~~(B)~~ Neither the failure of a railroad to file such a petition nor any decision by the  
26 department or any local governing authority regarding such a petition shall give rise to

27 a cause of action against the railroad, the department, or a local governing authority by  
28 a person for injuries or damages arising from the existence or use of such crossing."

29 **SECTION 2.**

30 All laws and parts of laws in conflict with this Act are repealed.