

LEGISLATIVE BILL 144

Approved by the Governor February 13, 1973

Introduced by Earnett, 26

AN ACT to amend sections 39-7,136 and 39-7,137, Revised Statutes Supplement, 1972, relating to the Grade Crossing Protection Fund; to restate the purpose and change expenditures of the fund; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 39-7,136, Revised Statutes Supplement, 1972, be amended to read as follows:

39-7,136. In order to promote public safety at the intersection of railroad lines and all classes of highways, excepting those highways for which federal aid is available, there is hereby created a special fund known as the Grade Crossing Protection Fund which shall be established in the state treasury to be used in furnishing financial assistance in the improvement of the safety of railroad grade crossings in this state including the elimination of such crossings and the construction of automatic crossing protection, ~~at railroad-grade-crossings-in-this-state~~. Any money in the Grade Crossing Protection Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Sec. 2. That section 39-7,137, Revised Statutes Supplement, 1972, be amended to read as follows:

39-7,137. The Department of Roads is hereby empowered to administer the funds deposited in the Grade Crossing Protection Fund as follows:

(1) When any political subdivision of this state determines that public safety will be improved by eliminating a crossing or by the installation of automatic railroad grade crossing protection ~~is--required~~ where a street, road, or highway intersects with the line of the railroad company within its jurisdiction, and demand is made upon the railroad company concerned, either the railroad company or the political subdivision shall inform the Department of Roads of such fact;

(2) Upon receiving such notice, or upon its own determination, the Department of Roads shall forthwith

examine the crossing concerned, in conjunction with representatives of the political subdivision and the particular railroad company involved, to arrive at an estimate of the cost and the type of automatic railroad grade crossing protection that should be required, and the justification of the expenditure for such protection; and, if it is agreed by the Department of Roads, the railroad, and the political subdivision involved that such grade crossing should be eliminated by closing the street, road, or highway, such political subdivision as shall make such closing shall receive two thousand dollars or the actual cost thereof but not to exceed twelve thousand dollars from the Grade Crossing Protection Fund or, if pursuant to section 74-1305, it is agreed by the Department of Roads, the railroad, and the political subdivision involved that such crossing should be eliminated by the removal of such rail line, the political subdivision paying for such removal, if any, shall receive two thousand dollars or the actual cost thereof but not to exceed twelve thousand dollars from the Grade Crossing Protection Fund;

(3) In order to facilitate and protect the interest of the public as a whole, and to compensate for the statewide use of such crossing by the public, the Department of Roads shall pay ~~sixty-five~~ eighty per cent of the cost of such automatic railroad grade crossing protection from the Grade Crossing Protection Fund, and the balance of the cost shall be borne ~~twenty-five~~ ten per cent by the railroad company and ten per cent by the political subdivision involved, except that in any county in which a Railroad Transportation Safety District has been formed, such balance shall be borne ~~ten-per-cent-by the-railroad-company-and-twenty-five-per-cent~~ entirely by the political subdivision involved;

(4) The Department of Roads shall allocate the amount to be borne by the Grade Crossing Protection Fund for the construction and installation of the automatic device for the protection of the railroad grade crossing concerned;

(5) The Department of Roads shall enter into and enforce agreements involving such Grade Crossing Protection Fund as well as the supervision of the construction of such automatic safety devices and the auditing and collection of the bills covering the cost thereof. The Department of Roads is further authorized to enter into such contracts with any railroad companies and political subdivisions affected which are necessary to carry out the provisions of sections 39-7,136 and 39-7,137; and

(6) All automatic railroad grade crossing protection devices constructed in whole or in part by money from the Grade Crossing Protection Fund established by section 39-7,136 shall, after their construction, be the sole responsibility of the railroad company at whose railroad crossing such devices are constructed.

Sec. 3. That original sections 39-7,136 and 39-7,137, Revised Statutes Supplement, 1972, are repealed.