

LEGISLATIVE BILL 477

Approved by the Governor April 7, 1993

Introduced by Kristensen, 37

AN ACT relating to railroads; to amend section 74-1318, Reissue Revised Statutes of Nebraska, 1943; to change provisions for payments to political subdivisions for grade crossing elimination; and to repeal the original section.

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

Section 1. That section 74-1318, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

74-1318. The Department of Roads is hereby empowered to administer the funds deposited in the Grade Crossing Protection Fund as follows:

(1) If the department and the political subdivision with jurisdiction over the crossing agree that a grade crossing should be eliminated by closing the street, road, or highway, the political subdivision making such closing shall receive ~~two~~ five thousand dollars ~~or from the fund and five thousand dollars from the railroad involved and~~ the actual cost ~~but of closure~~ not to exceed twelve thousand dollars from the ~~Grade Crossing Protection Fund or, if~~ fund. If pursuant to section 74-1305; it is agreed by the ~~Department of Roads~~ department 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~~ fund;

(2) Except as otherwise provided in section 74-1315, in order to facilitate and protect the interest of the public as a whole; and to compensate for the statewide use of such crossings by the public, the ~~Department of Roads~~ department shall pay ninety-five percent of the cost of overpasses, underpasses, and automatic railroad grade crossing protection measures or devices from the ~~Grade Crossing Protection Fund~~ fund for all such projects in which an agreement among the department, the railroad, and the political subdivision is executed on or after May 24, 1979, and the balance of the cost shall be borne 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 entirely by the political subdivision, ~~involved~~. For all such projects in which an agreement among the department, the railroad, and the political subdivision was executed prior to May 24, 1979, the costs shall continue to be borne in the same manner as they were prior to such date;

(3) It shall be the sole responsibility of the railroad

company involved to maintain all automatic railroad grade crossing protection devices existing in this state;

(4) The ~~Department of Roads~~ department shall allocate the amount to be borne by the ~~Grade-Crossing-Protection-Fund~~ fund for the cost of construction, installation, or substantial modification or improvement of the automatic devices for the protection of the railroad grade crossing concerned under ~~sections 74-1317 and 74-1318~~ this section and section 74-1317; and

(5) The ~~Department of Roads~~ department shall enter into and enforce agreements involving ~~such Grade-Crossing-Protection-Fund~~ as well as the fund and the supervision of the construction, installation, substantial modification or improvement, and the maintenance of such overpasses, underpasses, and automatic safety devices for which any part of the cost is borne from the ~~Grade-Crossing-Protection-Fund~~ fund and the auditing and collection of the bills covering the cost thereof. The ~~Department of Roads~~ department 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 74-1317 and 74-1318~~ this section and section 74-1317.

Sec. 2. That original section 74-1318, Reissue Revised Statutes of Nebraska, 1943, is repealed.