

AMENDMENTS TO LB 1168

1 1. Insert the following new sections:

2 "Sec. 5. (1) No railroad company shall allow the
3 operation of any freight train or locomotive in over-the-road
4 movements in this state unless the freight train or locomotive has
5 a crew of at least two railroad company employees.

6 (2) For purposes of sections 5 to 7 of this act:

7 (a) Over-the-road movements means the transport of
8 locomotives attached to freight cars or other locomotives and does
9 not include hostler and helper movements or mechanical or
10 incidental movements; and

11 (b) Railroad company means any individual, partnership,
12 firm, limited liability company, corporation, company, society, or
13 association managing, maintaining, operating, or in possession of a
14 railroad in whole or in part within this state whether as owner or
15 contractor. The term also includes any form of nonhighway ground
16 transportation that runs on rails or electromagnetic guideways and
17 any entity providing such transportation.

18 Sec. 6. Section 5 of this act does not apply if the
19 United States Secretary of Transportation, through the Federal
20 Railroad Administration, prescribes a regulation or issues an order
21 covering the subject matter of the state requirement.

22 Sec. 7. Any railroad company that violates section 5 of
23 this act is subject to a first offense fine of not less than one
24 hundred dollars, a second offense fine of not less than two hundred

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1 fifty dollars, and a third offense fine of five hundred dollars.
2 All fines shall apply to each freight train or locomotive operated
3 on each day of operation in this state, shall be enforced by the
4 Public Service Commission, and shall be remitted to the State
5 Treasurer for credit to the permanent school fund.

6 Sec. 8. If any section in this act or any part of any
7 section is declared invalid or unconstitutional, the declaration
8 shall not affect the validity or constitutionality of the remaining
9 portions, therefor, such portions shall be severable."

10 2. Renumber the remaining section accordingly.