

AMENDMENTS TO LB 1168

1 1. Insert the following new sections:

2 "Sec. 5. (1) No Class I 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) Class I has the meaning as in 49 C.F.R. 1201, as such
8 regulation existed on January 1, 2002;

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

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

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

24 Sec. 7. Any railroad company that violates section 5 of

1 this act is subject to a first offense fine of not less than one
2 hundred dollars, a second offense fine of not less than two hundred
3 fifty dollars, and a third offense fine of five hundred dollars.
4 All fines shall apply to each freight train or locomotive operated
5 on each day of operation in this state, shall be enforced by the
6 Public Service Commission, and shall be remitted to the State
7 Treasurer for credit to the permanent school fund.

8 Sec. 8. Section 74-1415.04, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 74-1415.04. No investment in any acquisition,
11 rehabilitation or improvement, operation, or rail facility
12 construction project ~~shall be approved unless the council's~~
13 ~~investment is secured by a first lien on any combination of real~~
14 ~~and personal property the value of which is at least one hundred~~
15 ~~twenty percent of the amount of the investment.~~ in which the
16 council loans funds shall be approved unless the borrower provides
17 a guarantee and collateral for the loan which is acceptable to the
18 council as sufficient security to protect the interests of the
19 council.

20 Sec. 9. Section 74-1415.05, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 74-1415.05. The council shall not acquire any property
23 or ~~invest~~ loan funds in any acquisition, rehabilitation or
24 improvement, operation, or rail facility construction project
25 unless an independent certified appraiser verifies that the value
26 of the property proposed to be acquired or to be held as security
27 is at least ~~one hundred twenty percent of the purchase price to be~~

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1 ~~paid~~ equal to the amount the council determines is sufficient to
2 protect the interests of the council. The council shall select the
3 independent certified appraiser. The entity requesting the
4 financial assistance shall bear the cost of the appraisal.

5 Sec. 10. If any section in this act or any part of any
6 section is declared invalid or unconstitutional, the declaration
7 shall not affect the validity or constitutionality of the remaining
8 portions, therefor, such portions shall be severable.

9 Sec. 11. Original sections 74-1415.04 and 74-1415.05,
10 Reissue Revised Statutes of Nebraska, are repealed."

11 2. Insert underscoring in the original sections and all
12 amendments thereto.

13 3. Renumber the remaining section accordingly.