



**Ninety-Seventh Legislature - First Session - 2001**  
**Committee Statement**  
**LB 310**

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**Hearing Date:** 3/12/01

**Committee On:** Transportation and Telecommunications

**Introducers:** (Coordsen)

**Title:** Require notice of railroad abandonment or discontinuation of service

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**Roll Call Vote – Final Committee Action:**

Advanced to General File

Advanced to General File with Amendments

X Indefinitely Postponed

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**Vote Results:**

5	Yes	Senators Jones, Baker, Robak, Byars and Bromm
	No	
2	Present, not voting	Senators Dw. Pedersen and Hudkins
1	Absent	Senator Brown

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**Proponents:**

Senator George Coordsen  
 Pat Ptacek  
 Kent Manning  
 Ed Woeppel  
 Richard L. Schmeling

**Representing:**

32<sup>nd</sup> District  
 Nebraska Grain & Feed Association  
 Manning Grain Company  
 Nebraska Cooperative Council  
 Pro Rail Nebraska

**Opponents:**

William Peters  
 Cliff Shoemaker

**Representing:**

BNSF  
 Union Pacific Railroad

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

The bill would require a railroad to file with the Nebraska Public Service Commission (PSC) 60 days *prior to* the required date of filing of a notice of intent to abandon rail service in accordance with 49 USC 10903 (the federal statute that requires filing and notice administered by the U.S. DOT, Surface Transportation Board). A filing under 49 CFR 115.22 (the federal rules and regs for abandonment promulgated by U.S.DOT, Surface Transportation Board) requires filing with the PSC on the same day or before. The bill further requires the PSC to give notice of the filings

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to affected communities and parties within three days. Notice shall be for three consecutive weeks via newspaper. The PSC shall also provide registered or certified mail notice to city councils, village boards and county boards in the area served, as well as rail service users and any other entity the PSC deems necessary.

Allows for the PSC to assess a civil penalty of \$500/day for violations of section 1.

**Explanation of amendments, if any:**

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**Senator Curt Bromm, Chairperson**