

AMENDMENTS TO LB 837

Introduced by Transportation and Telecommunications.

1 1. Strike original section 1 and insert the following new
2 section:

3 Section 1. Section 74-1334, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 74-1334 (1) Wherever any railroad track crosses any
6 public road in a cut, on a curve or side hill, in timber lands,
7 near buildings, or near any obstruction of view from the road,
8 the Department of Roads shall direct such precautions to be taken
9 as it deems necessary for the safety of the traveling public.
10 Each railroad carrier shall also provide and maintain such gates,
11 crossings, signs, signals, alarm bells, and warning personnel as
12 the department directs. The department may direct the placement of
13 special signs where the physical conditions of any crossing warrant
14 such action.

15 (2) Any Except as provided in subsection (3) of this
16 section, any public railroad crossing without gates, signals, alarm
17 bells, or warning personnel located within one-quarter mile from
18 a public railroad crossing with gates, signals, alarm bells, or
19 warning personnel shall be closed unless it is the only railroad
20 crossing which provides access to property.

21 (3) An interested party may object to an action taken
22 under subsection (2) of this section only if a written request is
23 submitted to the Department of Roads by a professional engineer

1 licensed to practice in the State of Nebraska. The engineer
2 shall state in writing that the engineer is familiar with the
3 requirements in this section and with all relevant aspects of
4 the railroad crossing. The engineer shall also provide a detailed
5 explanation of why subsection (2) of this section should not apply
6 to the railroad crossing in question and a statement that the
7 railroad crossing corridor has been examined by the engineer and
8 the engineer believes that the railroad crossing will be safe as
9 designed. Such a written request shall exempt a railroad crossing
10 from being closed under subsection (2) of this section.