

LEGISLATIVE BILL 837

Approved by the Governor April 21, 2008

Introduced by Karpisek, 32; Dubas, 34; Louden, 49.

FOR AN ACT relating to railroads; to amend section 74-1334, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to railroad crossings; and to repeal the original section.

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

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

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

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

(3) An interested party may object to an action taken under subsection (2) of this section only if a written request is submitted to the Department of Roads by a professional engineer licensed to practice in the State of Nebraska. The engineer shall state in writing that the engineer is familiar with the requirements in this section and with all relevant aspects of the railroad crossing. The engineer shall also provide a detailed explanation of why subsection (2) of this section should not apply to the railroad crossing in question and a statement that the railroad crossing corridor has been examined by the engineer and the engineer believes that the railroad crossing will be safe as designed. Such a written request shall exempt a railroad crossing from being closed under subsection (2) of this section.

Sec. 2. Original section 74-1334, Revised Statutes Cumulative Supplement, 2006, is repealed.