

March 16, 1979

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qualified to explain them since they are the bill so I am going to yield to Senator Cullan, Mr. Speaker, if he will take it.

SPEAKER MARVEL: Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, as Senator Kremer has indicated the amendments do substantially change the bill and so I would refer you to, if you are examining the bill, to the standing committee amendments that are in your bill book just in front of the bill. In its original form the bill would have established a separate statutory division within the Department of Roads and the idea, of course, was to more clearly affix responsibility within the Department of Roads with respect to who is responsible for the safety crossing program in the State of Nebraska. What we are doing now, I have eliminated that language in the committee amendments for several reasons. The major reason is to allow the Governor to organize that department and internally within the Department of Roads as he sees fit and not to too severely hamper the authority of the Governor to organize the internal functioning of one of his own departments. I will briefly go through the bill as it is or through the committee amendments and ignore pretty much the aspects of the bill, so I will go through the committee amendments now. Section 1 is a definition section. Section 2 gives the Department of Roads the authority to determine which crossings should be eliminated in conjunction with approval from the railroads and the local political subdivision. That is as far as eliminating a crossing. It also gives the Department of Roads the authority to make a decision as to where devices are needed, crossing arms and so forth, with respect, at what particular rail crossings within the State of Nebraska, and also it allows them to make a determination as to what other safety devices or safety improvements will be made at a particular rail crossing. This differs from current law where there must be an agreement reached between the Department of Roads and the local community and the railroads. Now the major change, the major purpose for this change is that under the current system three different parties must come to an agreement. That includes the railroads, the Department of Roads and the political subdivision participating in the crossing, whether it be a county or a city. Now as I see it, the problem with the existing system is that we have a lack of accountability. It is difficult to determine who is holding up a project and for what reason. All you can find out most of the time is that there is no agreement.