

about, Senator George, if my reading is correct. As I read the bill that a railroad with right-of-way could in effect cast the deciding vote as to whether or not a street should be improved but would never have to pay the cost for the improvement of that street. Is that correct, Senator George?

SENATOR GEORGE: Well, we could not stop the petition as such but, yes, you are right but again as I pointed out previously, whenever this happened and a typical case would be that somebody wants to build or pave a road right along a railroad track and then send the railroad the bill for 50% of the cost. Invariably the railroad will go to court and you have to show benefit and if there is absolutely no railroad installation there, just track, a railroad has absolutely no benefit and court decisions invariably said that the railroad has no benefit and therefore could not be assessed. Therefore, all what we do right now is really finally put into law what has been done continuously by court decisions.

SENATOR JOHNSON: Mr. Speaker, members of the body, I don't have any problem in putting into law that which has been done by court decisions but I guess that one of the other difficulties I then have with the bill is because the railroad has got a voting right on a matter that it doesn't pay for, it could also take the other side of the coin and literally vote against or withhold its vote for the improvement which the owners of property on the other side of the street would want to have done but by virtue of its owning one side of the street, that is the land on 50% of the street, it could have the total negative vote thereby keeping that street from ever being improved. Now that is sort of a dog in the manger approach since they would never have to pay for the improvement but it could by the same token, railroads I suppose just like any other corporation or individual, are capable of capricious and arbitrary conduct and it seems to me that this bill basically reflects fairly...not very good public policy in giving the railroads that kind of benefit over whether or not streets, alleys and what have you that happen to abut right-of-ways would have. Therefore, I think that the better part of discretion is to vote against this bill.

SENATOR GEORGE: If I may answer that briefly, Senator Johnson, if the city in creating, for instance, this particular street improvement district would write the ordinance in such a way that it is clear who benefits and who doesn't, there would be no particular problem