

March 9, 1981

LB 190

CLERK: Mr. President, Senator Koch had an amendment, and, of course, he is excused, so Senator Kahle now has an amendment that is found on page 787 of the Legislative Journal.

SENATOR KAHLE: Mr. Speaker, members, I am not against what Senator DeCamp has said about the way the tax is going to be collected. I am not sure which is the best method and I am sure the railroads are going to fight the ton mile tax and maybe on trains going both ways is more to our advantage than the other. The part that I am concerned about is Section 75-416 and also 75-415. Now 75-415 has not been eliminated from the statutes but 75-416 has and I will read a little statement here that I have and then try to explain them. The purpose of my amendment is to reinstate some sections of the statutes that LB 190 repeals. These sections can be reinstated without harming LB 190 and the train mile tax. The stricken sections provide a method for getting the railroads to sit down and negotiate to improve a grade crossing. Under these sections, cities may sit as a local board of equalization to determine the amount of money the railroads should pay to help with the project. For counties the statutes provide for the county board negotiating with the railroad for an amount, and if the parties fail to agree, the case is submitted to the Public Service Commission for a ruling. It is true that there is another statute that refers to the federal law which appears to say a railroad cannot be forced to pay more than ten percent of the project. Now the most important part is that these statutes provide a method for getting the railroads to sit down with local governments to determine grade crossing needs. In the many years these statutes have existed no local government has had to force a railroad through the entire procedure. It has been used by the cities and counties in many instances to reach a compromise. Without these statutes the locals will not have this bargaining point to get the railroads to take them seriously. The railroads have never been forced to pay five percent or any other amount under these statutes. However, they have voluntarily compromised when cities and counties operated under these statutes. Now, personally, I just don't feel that is unreasonable. We have the Public Service Commission that is supposed to handle these problems that come up between counties, cities and railroads and other entities of government. So I think it was a mistake to take this part out of the statute and I hope that you will vote to adopt this amendment and I think we can move this bill along. Thank you.

SPEAKER MARVEL: Senator Haberman, do you wish to speak? Senator Kremer, do you wish to speak on the amendment?

SENATOR KREMER: Mr. Chairman, I rise to oppose the amendment.