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LB 190

We talked about this very issue in committee. The response from the railroads were that they would go along, they were reluctant to go along with the train mile tax. However, with the provision that the bill would get favorable action as it was written, they would go along. Now if we strike or we accept or adopt the Kahle amendment, I think we have got a real fight on our hands by the railroads again. We will go back to the ton mile tax and then we will again have a fight and we will delay and delay. It is time we get started on the construction on these grade separation facilities. Many of us would like to have the whole loaf always. Most of the time we settle for a half loaf or it is a compromising situation. I, too, was reluctant in going along with the railroads in saying that the bill should be written this way and strike the sections that are addressed in the bill itself. Senator Kahle, I am very fearful if we adopt your amendment we will find ourselves in deep trouble in getting acceptance from the railroads, and if we do not, I question we are going to get anything at all. Therefore, I oppose the amendment and let's go with the bill. Senator DeCamp has worked diligently and for a number of years on getting something we have never had before. This grade crossing is becoming a real problem in many of our cities that are in route of the moving of the coal trains and my counsel at this point is let's take what we can get. We can have it and I would hate to see it fail.

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: Mr. President, members of the Legislature, I certainly support the amendments offered by Senator Kahle. When this bill was before the Public Works Committee, this concern was brought up primarily by Senator Koch, that the cities and counties were giving up some of their authority under the provisions of the bill and I certainly don't see the reason why we should do that. As was mentioned in the committee, we voted to bring the bill out but there was no agreement as to whether or not these sections should be eliminated and I, for one, voted to bring the bill out but I think everyone realized I was not in agreement with the elimination of these sections as Senator Kahle has mentioned. Now I don't think we should be all that afraid of what the railroads are going to do. After all, this is a reasonable bill and these amendments that Senator Kahle would like to keep in there have not been used all that much and they may never be used but they are there. They are sort of an impetus that will provide a little bit of a lever for the cities and counties to use and not unreasonable to leave them in there. I would urge the adoption of the amendment.