

March 27, 1981

LB 437

requirement for any special extra hearing procedure but does require notice to the railroads of a speed limitation ordinance being given first hearing by the city council. I would move the adoption of the committee amendments.

SENATOR CLARK: Is there any discussion on the committee amendments to LB 437? If not, all those in favor vote aye, opposed vote nay. Have you all voted on the committee amendments to LB 437?

CLERK: Senator Clark voting aye.

SENATOR CLARK: Record the vote.

CLERK: 25 ayes, 0 nays on adoption of committee amendments, Mr. President.

SENATOR CLARK: The committee amendments are adopted. On the bill itself, Senator Landis.

SENATOR LANDIS: This is a committee bill, Mr. Speaker, members of the Legislature. It was introduced in behalf of the railroads in the State of Nebraska brought to my by Phil Kenny and at the time of the hearing when we were looking at the green copy there was opposition by the League of Municipalities, however, as the bill has been amended I think we have substantially resolved all of the issues involved with this bill. The purpose, the net effect of LB 437 is to make sure that when a city is about to enact a speed limitation ordinance that railroads know that fact so that they can appear and testify. Oftentimes speed limitation ordinances are used as a way of getting the attention of the railroads for some related safety problem or a crossing problem or the contribution for some local projects and that kind of thing and the speed limitation ordinance is a sort of a double shuffle that cities will use to whack over the heads of the railroad, thereby getting the attention of the body so that they can make some other useful negotiation down the line. Well the difficulty is that this puts engineers, it puts the trains themselves into the problem of trying to comply with rules they don't even know exist. Railroads pass through villages and cities all the time and if there is constant fluctuation of those supposed speed limits you have the liabilities of the railroads and of course the engineers and that just creates for a very uncomfortable situation. Some of the most compelling testimony before the committee was from a member of the union of the engineers. They want to know the speed limits of the cities that they pass through. They do not want to be responsible