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FLOOR DEBATE

April 3, 2006

LB 79

the crossing not to exceed \$12,000. Now that's a guideline. I've been involved with railroad crossing issues a number of years. As an EMT, I've worked more railroad crossing accidents than I care to talk about and I can think of a couple of them that were fatal. And the railroads typically will work with the local entities, whether it's a village, a city, or a county, on this issue. And the railroad...I need to also state that the railroads did not bring this bill to me. I brought this as a public person, citizen, who works on an ambulance, a volunteer ambulance. I could see the need and see how difficult it is sometimes for public officials to close a crossing at a small town or rural area. But the bill itself simply states that if there's a public railroad crossing without gates, signals, alarm bells, or warning personnel within a quarter of a mile of a guard, what we call a guarded crossing, then that unguarded crossing within a quarter mile will be closed. I would be glad to forgo any further information now. There is a committee amendment which takes care of some concerns we had in the hearing. Thank you, Senator Cudaback.

SENATOR CUDABACK: Thank you, Senator Baker. As stated, there are committee amendments. Chairman of the committee, Senator Baker, you're recognized to open on the committee amendments to LB 79.

SENATOR BAKER: Thank you, Senator Cudaback. The committee amendment allows an interested party...at the hearing, we did have some good testimony concerning, what if there is a crossing that would fall under these guidelines to be crossed and it was the only means of access for, say, an elevator company? I believe there was an elevator...there was a person who testified at the hearing dealing with that very...Nebraska Cooperative Council. So we drafted the committee amendment that allows an interested party to object to an action under this proposed change in the statute so that an engineer, a licensed professional engineer licensed to practice in the state of Nebraska shall state in writing that they are familiar with the requirements of this section, with all relevant aspects of the railroad crossing. This is the escape clause that says if they can get a professional engineer to look at the crossing and provide a statement to the Department of Roads...and you have to