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LB 79

wouldn't you have drafted the bill differently and say that if it is a public railroad crossing that does not have a gate, a signal, or an alarm bell, that the railroad has an obligation to install such a safety device? If we're truly concerned about safety, is that possible?

SENATOR BAKER: To me...well, to answer your question, this came about from my personal experience with crossings that should be closed, Senator Bourne, that weren't. And it's a local jurisdictional issue, I know it is--county commissioners, in the case of country crossings, and villages, county...or city, village boards, whatever, in town. It's hard to do politically. And we drafted this originally to include anything within a mile. And I think this was a bill I had four years ago or three years ago now. And we narrowed it down just a quarter mile because, quite honestly, I can't justify an unguarded crossing a quarter of a mile from a guarded crossing. In my poster child town...and I ride a train back and forth from McCook, which is division headquarters for BNSF, to Lincoln each year...Exeter, Nebraska, Exeter out west here has five, basically five, maybe six streets north and south; they had four crossings. I'm off and I'm using your time, Senator Bourne, but...

SENATOR BOURNE: Well, that's all right.

SENATOR BAKER: ...glad to give you some of mine. But to answer your question, these redundant crossings are dangerous and I can't expect the railroad to go in there, each one of these crossings, signal gate apparatuses is, I think, around \$250,000. And most of these crossings are going to be closed or are in small towns, rural areas, that don't have that much traffic across them. They may have 20 trains a day but they're still dangerous and the railroad can't be expected, as far as I'm concerned anyway. This is my view. And the railroads didn't ask me to do this bill.

SENATOR BOURNE: Oh, I understand. So right now how it works is that if the county or a municipality wants that crossing closed, then they take the action to do that?

SENATOR BAKER: That's correct.