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FLOOR DEBATE

April 10, 2006 LB 79

a railroad via a bridge, and last fall the railroad closed the bridge, and by doing this, they closed the public road and, as a direct result, have interfered with the landowners' access to their fields. The railroad had promised to correct this problem, and they haven't. Now here it is, six months later, almost the middle of April, and time is fast approaching for planting time. The conduct on the part of the railroad is wrong. There is a process in place in the law for closing a crossing, and this was not followed. So this amendment creates a mechanism for providing notice of bridge closings, sets out a time line for the railroad to divulge their plans for reopening the crossings, and it sets forth financial penalties for the railroad's failure to abide by the law. The amendment, if you have had a chance to look at it, is rather strict. I do not intend to take this to a vote, but I wanted to make everyone aware of the fact that there is a problem, the railroad has not, up to this point, corrected the problem. I have been in conversation with Senator Baker, who has been visiting with the railroad, and it is my impression, at least, that something will be done. So I will leave this open just for a minute, to see if anyone wants to talk about it, and then I'll withdraw the amendment.

SENATOR CUDABACK: Thank you, Senator Hudkins. Open for discussion. Senator Baker, followed by Senator Louden.

SENATOR BAKER: Thank you, Mr. President, members. I have to rise in opposition to Senator Hudkins' amendment. I have looked...and I've worked with senators who had various concerns over this bill, and in no case...I know we've had a meeting with railroad officials in Senator Stuhr's office last week. I think we had a good discussion there. I know that we're working with Senator Hudkins, her staff, and so on, with the railroad, and in this case I was distracted, but this is a bridge over the railroad tracks, which is...the bridge is apparently owned by BNSF. It's on a minimum maintenance road, and their concerns are that there are large tractors and loaded trucks and things going over this road, and it's not rated for those kind of loads, and there's a potential...very significant safety issue here, so they had no alternative, but we will get these folks together. We already made some progress on this since the bill