

FISCAL NOTE
 LEGISLATIVE FISCAL ANALYST ESTIMATE

| ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates) | | | | |
|---|-------------------|---------|-------------------|---------|
| | FY 2025-26 | | FY 2026-27 | |
| | EXPENDITURES | REVENUE | EXPENDITURES | REVENUE |
| GENERAL FUNDS | | | | |
| CASH FUNDS | | | | |
| FEDERAL FUNDS | | | | |
| OTHER FUNDS | | | | |
| TOTAL FUNDS | | | | |

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

LB175 amends Nebraska §74-1335 by adding a definition for a successor in interest to be:

- 1) An agent, successor, assignee, trustee, receiver, or other person acquiring interests or rights in railroad land;
- 2) The owner or holder of any servient estate; or
- 3) The owner or holder of any right of reversion to the railroad land.

Additionally, this bill provides that railroads or their successors in interest, shall provide and keep in repair at least one adequate right-of-way crossing, for anyone owning land on both sides of the right-of-way. If the interested landowner of both sides of the right-of-way does not consider the crossing to be adequate or safe, a written complaint can be filed with the Nebraska Department of Transportation (NDOT). The NDOT shall perform an investigation and possibly require a correction to be made by the railroad or their successor in interest.

The NDOT has estimated that the agency would be able to perform the duties associated with this bill within their current appropriation.

The Nebraska Game and Parks Commission (NGPC) has indicated there would not be an insignificant fiscal impact to their agency, as the bill is currently written. However, NGPC noted that if this bill were to apply to inactive railroad rights-of-way, there would then be a significant fiscal impact to costs incurred for the Cowboy Trail.

The Lower Platte South Natural Resources District (NRD) and the Nebraska Association of Resources Districts have both specified no fiscal impact.

There is no basis to disagree with these estimations of fiscal impact by NDOT, NGPC, the Lower Platte South NRD, nor the Nebraska Association of Resources Districts.

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| ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE | | | |
| LB: 175 | AM: | AGENCY/POLT. SUB: : Nebraska Department of Transportation | |
| REVIEWED BY: Joe Massey | DATE: 3/7/2025 | PHONE: (402) 471-4181 | |
| COMMENTS: Nebraska Department of Transportation's assessment of no net fiscal impact from LB175 appears reasonable. | | | |

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| ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE | | | |
| LB: 175 | AM: | AGENCY/POLT. SUB: Nebraska Game & Park Commission | |
| REVIEWED BY: Joe Massey | DATE: 1/21/2025 | PHONE: (402) 471-4181 | |
| COMMENTS: No basis to disagree with the Nebraska Game & Park Commission's assessment of no fiscal impact from LB 175 | | | |

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| ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE | | |
| LB: 175 | AM: | AGENCY/POLT. SUB: Nebraska Association of Resources Districts |
| REVIEWED BY: Joe Massey | DATE: 1/21/2025 | PHONE: (402) 471-4181 |
| COMMENTS: No basis to disagree with the Nebraska Association of Resources Districts' assessment of no fiscal impact from LB 175 | | |

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|--|-----------------|---|
| ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE | | |
| LB: 175 | AM: | AGENCY/POLT. SUB: Lower Platte South Natural Resources District |
| REVIEWED BY: Joe Massey | DATE: 1/22/2025 | PHONE: (402) 471-4181 |
| COMMENTS: No basis to disagree with the Lower Platte South Natural Resources District's assessment of no fiscal impact from LB 175 | | |

Please complete ALL (5) blanks in the first three lines.

2025

LB⁽¹⁾ 175 – Duties for Successor in Interest of Railroad

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Game & Park Commission

Prepared by: ⁽³⁾ Christina Peters Date Prepared: ⁽⁴⁾ January 15, 2025 Phone: ⁽⁵⁾ (402) 471-5403

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

| | <u>FY 2025-26</u> | | <u>FY 2026-27</u> | |
|---------------|---------------------|----------------|---------------------|----------------|
| | <u>EXPENDITURES</u> | <u>REVENUE</u> | <u>EXPENDITURES</u> | <u>REVENUE</u> |
| GENERAL FUNDS | _____ | _____ | _____ | _____ |
| CASH FUNDS | _____ | _____ | _____ | _____ |
| FEDERAL FUNDS | _____ | _____ | _____ | _____ |
| OTHER FUNDS | _____ | _____ | _____ | _____ |
| TOTAL FUNDS | ===== | ===== | ===== | ===== |

Explanation of Estimate:

The proposed bill provides duties for the successor in interest a railroad, specifically providing for a safe crossing of such right-of-way for landowners with land on both sides of the rail.

NGPC understands the intent of this language change would apply only to active railroad lines. This would not have a fiscal impact on the Agency.

If this were to apply to inactive railroad rights-of-way, such as those rails banked and managed as trails, this would have significant fiscal impact on the Cowboy Trail, managed by the Agency.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

| <u>POSITION TITLE</u> | <u>NUMBER OF POSITIONS</u> | | <u>2025-26 EXPENDITURES</u> | <u>2026-27 EXPENDITURES</u> |
|---------------------------|----------------------------|--------------|---------------------------------|---------------------------------|
| | <u>25-26</u> | <u>26-27</u> | | |
| Benefits..... | _____ | _____ | _____ | _____ |
| Operating..... | _____ | _____ | _____ | _____ |
| Travel..... | _____ | _____ | _____ | _____ |
| Capital outlay..... | _____ | _____ | _____ | _____ |
| Aid..... | _____ | _____ | _____ | _____ |
| Capital improvements..... | _____ | _____ | _____ | _____ |
| TOTAL..... | _____ | _____ | _____ | _____ |

Please complete ALL (5) blanks in the first three lines.

2025

LB⁽¹⁾ 175

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Association of Resources Districts

Prepared by: ⁽³⁾ Dean Edson Date Prepared: ⁽⁴⁾ January 19, 2025 Phone: ⁽⁵⁾ 402.432.1692

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

| | <u>FY 2025-26</u> | | <u>FY 2026-27</u> | |
|---------------|---------------------|----------------|---------------------|----------------|
| | <u>EXPENDITURES</u> | <u>REVENUE</u> | <u>EXPENDITURES</u> | <u>REVENUE</u> |
| GENERAL FUNDS | _____ | _____ | _____ | _____ |
| CASH FUNDS | _____ | _____ | _____ | _____ |
| FEDERAL FUNDS | _____ | _____ | _____ | _____ |
| OTHER FUNDS | _____ | _____ | _____ | _____ |
| TOTAL FUNDS | ===== | ===== | ===== | ===== |

Explanation of Estimate:

The bill would have minimal impact on local NRD recreational trails acquired from abandoned rail lines. The NRDs have worked with landowners that own property on both sides of existing trails to provide access. There are no existing disputes that we are aware of.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

| <u>POSITION TITLE</u> | <u>NUMBER OF POSITIONS</u> | | <u>2025-26</u> | <u>2026-27</u> |
|---------------------------|----------------------------|--------------|---------------------|---------------------|
| | <u>25-26</u> | <u>26-27</u> | <u>EXPENDITURES</u> | <u>EXPENDITURES</u> |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| Benefits..... | _____ | _____ | _____ | _____ |
| Operating..... | _____ | _____ | _____ | _____ |
| Travel..... | _____ | _____ | _____ | _____ |
| Capital outlay..... | _____ | _____ | _____ | _____ |
| Aid..... | _____ | _____ | _____ | _____ |
| Capital improvements..... | _____ | _____ | _____ | _____ |
| TOTAL..... | _____ | _____ | _____ | _____ |

Please complete ALL (5) blanks in the first three lines.

2025

LB⁽¹⁾ 175

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Department of Transportation

Prepared by: ⁽³⁾ Jenessa Boynton Date Prepared: ⁽⁴⁾ 3/3/2025 Phone: ⁽⁵⁾ 402-479-4691

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

| | <u>FY 2025-26</u> | | <u>FY 2026-27</u> | |
|--------------------|---------------------|----------------|---------------------|----------------|
| | <u>EXPENDITURES</u> | <u>REVENUE</u> | <u>EXPENDITURES</u> | <u>REVENUE</u> |
| GENERAL FUNDS | _____ | _____ | _____ | _____ |
| CASH FUNDS | _____ | _____ | _____ | _____ |
| FEDERAL FUNDS | _____ | _____ | _____ | _____ |
| OTHER FUNDS | _____ | _____ | _____ | _____ |
| TOTAL FUNDS | ===== | ===== | ===== | ===== |

Explanation of Estimate:

LB175 proposes to add successor in interest to accommodate landowners of a parcel of land which is bisected by the railroad if the railroad right of way is no longer owned by the railroad. A successor in interest is defined as any agent, successor, assignee, trustee, receiver, or other person acquiring interests or rights in railroad land, including the owner or holder of the any servient estate or right of reversion relating to the railroad. The successor in interest would be required to provide and keep in repair at least one adequate means for the landowner to cross the right of way. If requirement is not met a written complaint may be filed with the Department of Transportation for review and investigation.

If enacted, the Department would be able to review, investigate, and issue orders deemed necessary with regards to the complaint within the existing appropriation.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

| <u>POSITION TITLE</u> | <u>NUMBER OF POSITIONS</u> | | <u>2025-26 EXPENDITURES</u> | <u>2026-27 EXPENDITURES</u> |
|---------------------------|----------------------------|--------------|---------------------------------|---------------------------------|
| | <u>25-26</u> | <u>26-27</u> | | |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| Benefits..... | _____ | _____ | _____ | _____ |
| Operating..... | _____ | _____ | _____ | _____ |
| Travel..... | _____ | _____ | _____ | _____ |
| Capital outlay..... | _____ | _____ | _____ | _____ |
| Aid..... | _____ | _____ | _____ | _____ |
| Capital improvements..... | _____ | _____ | _____ | _____ |
| TOTAL..... | ===== | ===== | ===== | ===== |

Please complete ALL (5) blanks in the first three lines.

2025

LB⁽¹⁾ 175

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Lower Platte South Natural Resources District

Prepared by: ⁽³⁾ Chris Barber Date Prepared: ⁽⁴⁾ 1/16/2025 Phone: ⁽⁵⁾ 402-476-2729

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

| | <u>FY 2025-26</u> | | <u>FY 2026-27</u> | |
|---------------|---------------------|----------------|---------------------|----------------|
| | <u>EXPENDITURES</u> | <u>REVENUE</u> | <u>EXPENDITURES</u> | <u>REVENUE</u> |
| GENERAL FUNDS | _____ | _____ | _____ | _____ |
| CASH FUNDS | _____ | _____ | _____ | _____ |
| FEDERAL FUNDS | _____ | _____ | _____ | _____ |
| OTHER FUNDS | _____ | _____ | _____ | _____ |
| TOTAL FUNDS | ===== | ===== | ===== | ===== |

Explanation of Estimate:

No fiscal impact

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

| <u>POSITION TITLE</u> | <u>NUMBER OF POSITIONS</u> | | <u>2025-26</u> | <u>2026-27</u> |
|---------------------------|----------------------------|--------------|---------------------|---------------------|
| | <u>25-26</u> | <u>26-27</u> | <u>EXPENDITURES</u> | <u>EXPENDITURES</u> |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| Benefits..... | _____ | _____ | _____ | _____ |
| Operating..... | _____ | _____ | _____ | _____ |
| Travel..... | _____ | _____ | _____ | _____ |
| Capital outlay..... | _____ | _____ | _____ | _____ |
| Aid..... | _____ | _____ | _____ | _____ |
| Capital improvements..... | _____ | _____ | _____ | _____ |
| TOTAL..... | _____ | _____ | _____ | _____ |