

FISCAL NOTE
 LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2009-10		FY 2010-11	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS	Up to \$65,000		Up to \$65,000	
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	Up to \$65,000		Up to \$65,000	

*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

LB 245 would transfer from the Public Service Commission to the Department of Roads the responsibility for investigating complaints regarding trains blocking streets and highways at railroad crossings.

The Public Service Commission indicates that the time they spend investigating railroad crossing complaints is minimal, and for that reason the elimination of this responsibility from their agency would not result in a material cost savings.

The Department of Roads (NDOR) has estimated that the additional duties placed on them by LB 245 would require the hiring of one additional employee at a cost of \$60,000 per year. They also estimate operating expenses related to hearings and certified mailings to be \$5,000 per year, for a total estimated cost of \$65,000 annually. These expenses would be funded from the Roads Operations Cash Fund.

In regards to the investigation of crossing complaints, the actual workload impact on NDOR will depend on the number of complaints received. The bill provides that the party making the complaint shall first contact the railroad for resolution, and if that fails, then they may contact NDOR who is then required to hold a hearing on the complaint. Given that the Public Service Commission has estimated their workload associated with crossing complaints is minimal, and the fact that complainants are required to seek resolution from the railroads before contacting NDOR, this provision of the bill may have a minimal impact on the agency.

The other duty placed on NDOR is the investigation of crossings when requested by state, county, or municipal officials. In this capacity the agency can issue orders concerning permissible standing times for trains. If there are a sufficient number of requests from local officials, the required investigations could be time consuming. However, until the number of requests submitted to NDOR is known, and this number justifies additional staff, it is unknown whether the additional position is required.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Joe Wilcox	DATE	2/6/09	PHONE	471-2526
COMMENTS					
PUBLIC SERVICE COMMISSION: Concur with agency analysis. DEPARTMENT OF ROADS: No basis to dispute agency analysis.					