

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 837

FINAL READING

Introduced by Karpisek, 32; Dubas, 34; Louden, 49.

Read first time January 10, 2008

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to railroads; to amend section 74-1334,
2 Revised Statutes Cumulative Supplement, 2006; to change
3 provisions relating to railroad crossings; and to repeal
4 the original section.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 74-1334, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 74-1334 (1) Wherever any railroad track crosses any
4 public road in a cut, on a curve or side hill, in timber lands,
5 near buildings, or near any obstruction of view from the road,
6 the Department of Roads shall direct such precautions to be taken
7 as it deems necessary for the safety of the traveling public.
8 Each railroad carrier shall also provide and maintain such gates,
9 crossings, signs, signals, alarm bells, and warning personnel as
10 the department directs. The department may direct the placement of
11 special signs where the physical conditions of any crossing warrant
12 such action.

13 (2) Any Except as provided in subsection (3) of this
14 section, any public railroad crossing without gates, signals, alarm
15 bells, or warning personnel located within one-quarter mile from
16 a public railroad crossing with gates, signals, alarm bells, or
17 warning personnel shall be closed unless it is the only railroad
18 crossing which provides access to property.

19 (3) An interested party may object to an action taken
20 under subsection (2) of this section only if a written request is
21 submitted to the Department of Roads by a professional engineer
22 licensed to practice in the State of Nebraska. The engineer
23 shall state in writing that the engineer is familiar with the
24 requirements in this section and with all relevant aspects of
25 the railroad crossing. The engineer shall also provide a detailed

1 explanation of why subsection (2) of this section should not apply
2 to the railroad crossing in question and a statement that the
3 railroad crossing corridor has been examined by the engineer and
4 the engineer believes that the railroad crossing will be safe as
5 designed. Such a written request shall exempt a railroad crossing
6 from being closed under subsection (2) of this section.

7 Sec. 2. Original section 74-1334, Revised Statutes
8 Cumulative Supplement, 2006, is repealed.