



One Hundred First Legislature - First Session - 2009
Introducer's Statement of Intent
LB 217

Chairperson: Deb Fischer
Committee: Transportation and Telecommunications
Date of Hearing: February 9, 2009

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 217 establishes standard for contracts between railroads and electrical entities. The bill provides that unless otherwise agreed to by all parties, if an electrical entity places a wire across a railroad right-of-way it shall pay a one-time standard crossing fee of \$1,250 for each crossing. No other fees or charges may be assessed to reimburse the railroad .

If special circumstances exists for the placement of a wire across the railroad right-of-way either party may petition the other party for additional requirements or for relief from the standard crossing fee, whichever is applicable. Parties must come to an agreement for additional requirements or other modification.

LB 217 prohibits contract language that would indemnify the railroad from liability for any loss or damage resulting from negligence or intentional acts or omissions of the company, its agents, employees or contractors.

LB 217 further prohibits a requirement for insurance purchase by the electrical entity unless the railroad proves a history of risk or liability on the part of the entity.

Principal Introducer: _____
Senator LeRoy J. Loudon