

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 255**

Final Reading

(Second)

Introduced by Transportation and Telecommunications Committee:  
Fischer, 43, Chairperson; Campbell, 25; Dubas, 34;  
Hadley, 37; Janssen, 15; Lautenbaugh, 18; Louden, 49;  
Price, 3.

Read first time January 11, 2011

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Public Service Commission; to amend  
2 sections 74-1313, 75-401, and 75-426, Reissue Revised  
3 Statutes of Nebraska; to eliminate certain duties of the  
4 Public Service Commission relating to railroads; to  
5 harmonize provisions; and to repeal the original  
6 sections.

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

1           Section 1. Section 74-1313, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           74-1313 In establishing the priority list under section  
4 74-1312, the department shall consult with governmental subdivisions  
5 to determine where railroad crossing safety measures are needed. The  
6 department shall consider the accident history of the crossing, the  
7 amount of traffic at the crossing, traffic speed limits, population  
8 density, visibility of the crossing, any information provided by  
9 notices filed with the commission under section 74-1316, ~~the results~~  
10 ~~of any investigations conducted by the Public Service Commission~~  
11 ~~under section 75-426,~~ and similar factors.

12           Sec. 2. Section 75-401, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           75-401 The commission shall exercise jurisdiction over  
15 the service, facilities, and equipment of all railroad carriers in  
16 this state. This jurisdiction shall extend and apply to the general  
17 public, as well as those having business relations with the railroad  
18 carrier. Sections 75-401 to 75-430 shall not be construed as giving  
19 the commission jurisdiction or control over the relations between any  
20 railroad carrier and its employees, or its employees' order, union,  
21 or other bargaining agent, either contractual or otherwise, except as  
22 provided in sections 75-419 to 75-426.

23           ~~The commission shall enforce the standards of railroad~~  
24 ~~safety set forth in 49 C.F.R. parts 213, 215, 223, 229, 231, and 232.~~

25           Sec. 3. Section 75-426, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           75-426 Upon the occurrence of any serious personal injury  
3 or loss of life to persons other than railroad employees resulting  
4 from an accident at a railroad crossing or from an accident involving  
5 an explosion, fire, or release of noxious fumes occurring upon any  
6 railroad within the State of Nebraska, the corporation which operates  
7 the railroad upon which the accident occurred shall report such  
8 accident in writing or by telephone to the commission within twenty-  
9 four hours of the time such accident occurred. ~~The commission shall~~  
10 ~~promptly investigate any such accident and a report shall be made a~~  
11 ~~part of the commission's official files.~~ The corporation which  
12 operates the railroad shall also furnish to the commission a copy of  
13 the same report that it is required to furnish to the Federal  
14 Railroad Administration. Neither of such reports shall be evidence or  
15 referred to in any case in any court. Any railroad carrier violating  
16 any of the provisions of this section shall be guilty of a Class IV  
17 misdemeanor.

18           Sec. 4. Original sections 74-1313, 75-401, and 75-426,  
19 Reissue Revised Statutes of Nebraska, are repealed.