

AMENDMENTS TO LB398

Introduced by Hallstrom, 1.

1 1. Insert the following new sections:

2 **Sec. 27.** Section 74-1335, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 74-1335 (1) For purposes of this section, successor in interest
5 includes any agent, successor, assignee, trustee, receiver, or other
6 person acquiring interests or rights in railroad land, including the
7 owner or holder of any servient estate or right of reversion relating to
8 railroad land.

9 (2) Whenever any person owns land on both sides of the right-of-way
10 of any railroad or its successor in interest, such railroad or its
11 successor in interest shall provide and keep in repair at least one
12 adequate means for such landowner to cross the right-of-way. Any
13 interested landowner with land on both sides of the right-of-way of any
14 railroad or its successor in interest may file written complaint with the
15 Department of Transportation against any such railroad or its successor
16 in interest that the crossing is not adequate or is unsafe and dangerous
17 to the life and property of those who use it, and the department
18 thereupon shall make such investigation, hold such hearing, and issue
19 such orders as it deems necessary, proper, and adequate. If circumstances
20 warrant, the department may require overhead, underground, or grade
21 crossings and wing fences at underground crossings or may require
22 existing crossings to be relocated so as to be safe to those who use
23 them, but when a special crossing involves an expenditure of more than
24 one thousand five hundred dollars, the landowner shall bear one-half the
25 expenses in excess of one thousand five hundred dollars.

26 **Sec. 35.** Sections 27 and 36 of this act become operative three
27 calendar months after the adjournment of this legislative session. The

1 other sections of this act become operative on their effective date.

2 **Sec. 36.** Original section 74-1335, Reissue Revised Statutes of
3 Nebraska, is repealed.

4 2. Renumber the remaining sections accordingly.