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controlled access. We might be controlling an overpass, you know, there are certainly places that we're going to have to put overpasses, and if I lived in Auburn...not Auburn, in that town that Kremer lives in, I'd get that railroad to get those two double tracks, I'd get them the same height, at least.

PRESIDENT: The Chair recognizes Senator Murphy.

SENATOR MURPHY: I have a question and I guess Senator Cullan...

PRESIDENT: Senator Cullan, will you respond?

SENATOR CULLAN: Yes, sir.

SENATOR MURPHY: Sam, if we cannot mandate that the railroads shall participate in construction, how in the world can we mandate that they shall make expenditures for maintenance?

SENATOR CULLAN: They sign an agreement, and you're not really mandating that they do that. They do sign an agreement relative to the funding and the maintenance, and they, of course, have to agree to that, but as Senator DeCamp has said, any time a device is constructed, they do agree to the maintenance because it's in their advantage.

SENATOR MURPHY: Then our putting "shall" in this law doesn't mean a blessed thing unless the railroad is willing to sign an agreement voluntarily.

SENATOR CULLAN: That's correct. That's the only way that you can do that.

SENATOR MURPHY: Well, I wanted to make that point, and then I also think this Legislature should make it clear as far as intent in this legislation goes that the responsibility for maintenance of those signals lies with the railroad, and accordingly that we specifically provide that any liability resulting from failure to maintain those signals likewise lies with the railroad, and I think it should be expressly stated as a matter of intent of this Legislature, if we proceed with this bill. So I am offering that as a positive statement of intent, that the railroads shall have full liability for any accidents resulting from a failure to maintain those signals.

PRESIDENT: The Chair recognizes Senator Haberman.