

You don't know which party is not agreeing. You don't know why, and it is very difficult under the existing system to know why something is not being done, and so this bill places that responsibility specifically with the Department of Roads. It requires that they consult with the railroads and with the political subdivisions, but one state agency rather than three different groups would be responsible for making that decision and I think that is important. Section 3 of the bill requires that they establish a priority list for these crossings based upon criteria outlined in that particular section, based upon engineering criteria, accident history and other factors. That priority list in the original bill was to have been published. In section 3 the priority list is not published. The reason the priority list is not published is concerns about liability. If you fund forty crossings in a particular year, someone gets killed on crossing number forty-two, then perhaps it would be argued that that was placed improperly in the priority list and therefore there should be some compensation for the failure to protect that particular crossing. So that is the reason that we have eliminated the requirement that that list be published and submitted to the Legislature. Section 4 outlines some of the factors to consider in establishing a priority list. Section 5 allows the local communities to request assistance from the state and also to request a review of their particular place on the priority list so that they can say to the Department of Roads, we think we are too low on the priority list, this is why, and the Department of Roads will take another look at it. Section 6 relates to funding and states that the maximum percentage that would be required of a political subdivision in participating in a crossing device would be 5%. That is a federally funded program. One of the reasons...currently they fund, in most cases, 10%, and we are attempting to lower the burden for the political subdivisions because in many cases when a political subdivision, a small village perhaps, wants to install some crossing devices, they run into some problems on funding because these devices are expensive. The smaller ones cost at least \$40,000. The more expensive ones sometimes up into the \$100,000 or \$120,000 and when a small political subdivision, a very small village, puts in a number of these devices, it is a very significant portion of their budget and that makes it difficult to get the kinds of devices installed where we need them in the State of Nebraska, and so we are lowering the share of funds to be contributed by the local community and that share is being assumed by the state. Section 7 relates to accident reports and requires that accident