

March 27, 1979

LB 42

SENATOR DeCAMP: The words in the statute...the word is "may", and the theory is that the state's going to pay half of it.

SENATOR NEWELL: Well who...

SENATOR DeCAMP: For their own protection, the railroads have been maintaining them at a hundred percent, and have not gotten a penny back from the state.

SENATOR NEWELL: Okay, so what is happening right now is the railroads are, in fact, maintaining the crossings and paying for part of the construction of new crossings. Isn't that correct?

SENATOR DeCAMP: Well, as a practical matter, getting the railroads particularly on some of the older lines or the lines that aren't so wealthy, getting the railroads to voluntarily, which is the way it has to work, pay for these crossings, has resulted in no crossings getting built. The cost of the crossings has gone up far, far more than the ten percent theoretically you were going to get out of the railroads.

SENATOR NEWELL: Alright, Senator DeCamp, you mentioned another thing that sort of bothered me. You were saying earlier that there's no way...no way we can get the railroads to do this. You were saying earlier that there was... that they, you know, there was no way...now what guarantees do we have, if we go with this compromise, that the railroads are, in fact, going to maintain those crossings if they don't want to?

SENATOR DeCAMP: Senator Newell, I think I would be just simply repeating exactly everything I said to Senator Kahle. I just went through this line of questioning in detail. It's to their own advantage. First of all it's in state law. Second of all, if a crossing isn't working and somebody goes into a train, and there is a law saying they were to maintain it, they've got horrendous liability. It's to their advantage, plus it's a law.

SENATOR NEWELL: Alright, thank you. Senator Cullan, would you answer a question?

SENATOR CULLAN: I would attempt, Senator Newell.

SENATOR NEWELL: Alright, Senator Cullan, the way the bill stands now, what is the arrangements between the railroads