

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 234

Introduced by Walz, 15; Aguilar, 35; Blood, 3; Brewer, 43; Day, 49;
Jacobson, 42.

Read first time January 10, 2023

Committee:

- 1 A BILL FOR AN ACT relating to railroads; to amend section 75-109.01,
- 2 Revised Statutes Cumulative Supplement, 2022; to state findings; to
- 3 provide for reporting blocked crossing complaints as prescribed; to
- 4 provide jurisdiction and duties for the Public Service Commission;
- 5 to provide a duty for the Revisor of Statutes; and to repeal the
- 6 original section.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) The Legislature finds that railroad crossings
2 blocked by railroad cars, engines, or other rolling stock can disrupt the
3 lives of Nebraskans, interfere with first responders, and create a public
4 safety risk. The extent to which railroad crossings in this state are
5 being blocked should be reported in a manner that helps appropriate
6 agencies of state government assess and address the problem of such
7 blocked crossings.

8 (2)(a) Beginning November 1, 2024, and by November 1 each year
9 thereafter, each railroad company operating in this state shall report to
10 the Public Service Commission and to the Nebraska State Patrol (i) how
11 many public complaints the railroad company has received about blocked
12 railroad crossings, (ii) the dates of such complaints, (iii) the
13 locations of the blocked crossings, (iv) the duration of time that each
14 crossing was blocked, and (v) the action taken by the railroad company to
15 resolve such complaints. The report shall be filed in a manner prescribed
16 by the commission.

17 (b) For purposes of this subsection, the reporting period shall run
18 from October 1 of the previous calendar year to September 30 of the year
19 the report is filed.

20 (3) The commission shall annually compile the reports described in
21 subsection (2) of this section, together with its own record of blocked
22 railroad crossing complaints received directly by the commission from the
23 public, and electronically submit a complete and detailed report of all
24 such complaints along with the commission's recommendations, if any, to
25 the Transportation and Telecommunications Committee of the Legislature no
26 later than December 1 of the corresponding reporting year.

27 Sec. 2. Section 75-109.01, Revised Statutes Cumulative Supplement,
28 2022, is amended to read:

29 75-109.01 Except as otherwise specifically provided by law, the
30 Public Service Commission shall have jurisdiction, as prescribed, over
31 the following subjects:

1 (1) Common carriers, generally, pursuant to sections 75-101 to
2 75-158;

3 (2) Grain pursuant to the Grain Dealer Act and the Grain Warehouse
4 Act and sections 89-1,104 to 89-1,108;

5 (3) Manufactured homes and recreational vehicles pursuant to the
6 Uniform Standard Code for Manufactured Homes and Recreational Vehicles;

7 (4) Modular housing units pursuant to the Nebraska Uniform Standards
8 for Modular Housing Units Act;

9 (5) Motor carrier registration, licensure, and safety pursuant to
10 sections 75-301 to 75-343, 75-369.03, 75-370, and 75-371;

11 (6) Pipeline carriers and rights-of-way pursuant to the Major Oil
12 Pipeline Siting Act, the State Natural Gas Regulation Act, and sections
13 75-501 to 75-503. If the provisions of Chapter 75 are inconsistent with
14 the provisions of the Major Oil Pipeline Siting Act, the provisions of
15 the Major Oil Pipeline Siting Act control;

16 (7) Railroad carrier safety pursuant to sections 74-918, 74-919,
17 74-1323, and 75-401 to 75-430 and section 1 of this act;

18 (8) Telecommunications carriers pursuant to the Automatic Dialing-
19 Announcing Devices Act, the Emergency Telephone Communications Systems
20 Act, the Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call
21 Regulation Act, the Nebraska Telecommunications Regulation Act, the
22 Nebraska Telecommunications Universal Service Fund Act, the
23 Telecommunications Relay System Act, the Telephone Consumer Slamming
24 Prevention Act, and sections 86-574 to 86-579, 86-1307, and 86-1308;

25 (9) Transmission lines and rights-of-way pursuant to sections 70-301
26 and 75-702 to 75-724;

27 (10) Water service pursuant to the Water Service Regulation Act; and

28 (11) Jurisdictional utilities governed by the State Natural Gas
29 Regulation Act. If the provisions of Chapter 75 are inconsistent with the
30 provisions of the State Natural Gas Regulation Act, the provisions of the
31 State Natural Gas Regulation Act control.

1 Sec. 3. The Revisor of Statutes shall assign section 1 of this act
2 to Chapter 74, article 13.

3 Sec. 4. Original section 75-109.01, Revised Statutes Cumulative
4 Supplement, 2022, is repealed.