

ONE HUNDRED SEVENTH LEGISLATURE - SECOND SESSION - 2022
COMMITTEE STATEMENT
LB1234

Hearing Date: Tuesday February 15, 2022
Committee On: Transportation and Telecommunications
Introducer: Friesen
One Liner: Provide for an expedited method of authorizing telecommunications wires to cross railroad rights-of-way

Roll Call Vote - Final Committee Action:
Indefinitely postponed

Vote Results:

| | | |
|----------------------------|---|--|
| Aye: | 7 | Senators Albrecht, Bostelman, Cavanaugh, M., Friesen, Geist, Hughes, Moser |
| Nay: | | |
| Absent: | 1 | Senator DeBoer |
| Present Not Voting: | | |

Oral Testimony:

Proponents:

Senator Curt Friesen
Tip O'Neill
Dan Watermeier

Representing:

Introducer
NTA
NE PSC

Opponents:

Representing:

Neutral:

Jim Hild
Jeff Davis

Representing:

Union Pacific Railroad
BNSF

Summary of purpose and/or changes:

A REVISED VERSION OF LB1234 WAS AMENDED INTO LB1144. REFER TO THE LB1144 COMMITTEE STATEMENT FOR FURTHER INFORMATION.

Amends section 86-1234; Telecommunications facilities crossing railroad rights-of way.

This section currently provides the following process for the crossing of railroad track right-of-way by telecommunications carriers:

A telecommunications company must request permission and apply to the railroad to place telecommunications facilities in the railroad right-of-way.

The telecommunications carrier and railroad may enter into a wireline crossing agreement.

If an agreement is not reached within 60 days of application either party may petition the Public Service Commission (PSC) for a hearing on disputed terms of the agreement.

The PSC must hold a hearing within 60 days of receipt of the petition, and release a decision within 30 days of the hearing.

Within 15 days of the decision by the PSC the parties must file a conforming wireline agreement. The PSC has an additional 15 days to approve or reject the agreement. If the PSC does not act within the 15 days, the agreement shall be deemed approved. If the PSC rejects the agreement the parties shall file an agreement that conforms to the PSC's decision.

The telecommunications company must pay a one-time standard crossing fee of \$1,250. Additionally the telecommunications carrier shall reimburse the railroad for actual flagging expenses involved in the placement of the telecommunications facility.

LB 1234 would amend the current telecommunications facility placement process as follows:

In the event a railroad carrier fails to respond in writing to an initial crossing application, within 30 days of the application's filing by a telecommunications carrier, the telecommunications carrier may petition the PSC for an expedited wire-crossing permit.

The PSC shall enter the order within 15 days of the filing issuing a permit. The permit shall authorize the permit for the placement of the facility in the right-of-way in a manner that is not unreasonable or against the public interest.

Curt Friesen, Chairperson