

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT
LB31

Hearing Date: Monday March 06, 2023
Committee On: Transportation and Telecommunications
Introducer: Jacobson
One Liner: Require train crews of at least two individuals as prescribed

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	6	Senators Bostelman, Brandt, Cavanaugh, M., DeBoer, DeKay, Fredrickson
Nay:	1	Senator Moser
Absent:		
Present Not Voting:	1	Senator Bosn

Testimony:

Proponents:

Senator Mike Jacobson
RICHARD L. SCHMELING
CHRIS BRUNS
PAT PFEIFER
JAMES TOOBE
JEFF COOLEY
ANDREW FOUST
RANDY DOYLE
JAMES MICHAEL BOUERS
ADAM HAUSMAN
JOHN FOOTE
AMANDA SNIDE
JERRY STILMOCK
SONNY FANKHOUSER
JOE SWANSON
A.J. MCAFEE
JAKOB FORSGVEN
PATRICK KENNY
CARSON CLAYTON
BRYAN W. COLE
LANCE FLOUR
JASON MEYERS

Representing:

Opening Presenter
SELF
LINCOLN COUNTY
NE STATE LEGISLATIVE BOARD
SMART TD
SMART 200
SMART TD
SMART TD RETIRED BNSF
SELF
BLET/WSLD
RETIRED CONDUCTOR - SELF
SMART TD
NE STATE VOLUNTEER FIREFIGHTER ASSOC
SELF
SELF
SELF
BWMED
LOCAL 367
SELF
THE PUBLIC OF NEBRASKA
SELF
SMART TD RAILROAD EMPLOYEE

Opponents:

ROD DOEVR

Representing:

UNION PACIFIC RAILROAD



NICHOLE BOGEN

JEFFREY N. DAVIS
RON SEDLACEK

Neutral:
MITCH HARRIS

TIM SCHRAM

CLIENT NE CENTRAL RR, RIO GRANDE PACIFIC
CORP
BNSF RAILWAY
NE CHAMBER OF COMMERCE

Representing:
NE CENTRAL RR, RIO GRANDE PACIFIC CORP
(PARENT COMPANY)
PUBLIC SERVICE COMMISSION

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

Enacts a new provision of law.

Provides that no train or light engine used in connection with the movement of freight shall be operated in this Nebraska unless it has a crew consisting of at least two individuals.

Train or light engine does not include trains operated under the following circumstances:

- 1) Hostler Service;
- 2) Helper Service;
- 3) Utility Employees; or
- 4) When loading or unloading freight or grain and not operating more than 10 MPH.

Persons violating the Act are subject to fine:

First offense within a 3-year period- not less than \$250, or more than \$1,000;

Second offense within a 3-year period- not less than \$1,000, or more than \$5,000;

Third offense within a 3-year period- not less than \$5,000, nor more than \$10,000.

Enforcement of the Act is assigned to the Public Service Commission.

Explanation of amendments:

The Committee considered and adopted an amendment to LB 31 - AM2019

LB 31 as introduced excludes the following rail operations from the two-person crew requirements:

Hostler Services;

Helper Services;

Utility Employee operations; and

The loading or unloading of freight or grain so long as the train or light engine is not moving faster than ten miles per hour.

AM2019 accomplishes the following:

Defines a "utility employee" pursuant to 49 CFR 218.5 as a railroad employee assigned to and functioning as a temporary member of a train or yard crew whose primary function is to assist the train or yard crew in the assembly or classification of railcars, or operation of trains.

Modifies the exclusion for the loading or unloading of freight or grain by eliminating the 10 mph maximum speed.

Adds new language excluding from the bill Class III rail carriers.

A Class III rail carrier is one which generates less than \$40.4 million in revenue.

(Class I carriers- \$900 Million or more in revenue- Class II carriers less than \$900 million and more than \$40.4 million in revenue.)



Mike Moser, Chairperson



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