

LEGISLATIVE BILL 790

Approved by the Governor April 11, 1984

Introduced by Warner, 25

AN ACT relating to the Public Service Commission; to provide powers and duties relating to railroad crossings; and to provide a penalty.

Be it enacted by the people of the State of Nebraska,

Section 1. (1) Unless otherwise provided by city or village ordinance, the Public Service Commission, upon complaint or on its own motion, as to the crossing which is the subject of the complaint or motion, may direct that at such crossing any railroad car that is stored or parked on a railroad track which may be obstructing or obscuring the traveling public's view of any oncoming train be stored or parked at a minimum distance from the crossing of such railroad and public road. The minimum distance shall be that deemed by the commission to be reasonable and necessary to provide a sight distance at the crossing adequate to protect the safety of the traveling public, but in no instance shall any person who is authorized to control the movement of such railroad car or cars within such distance be prevented from reasonably conducting his or her business.

(2) Any company, its officers, agents, or employees, or any other person subject to subsection (1) of this section who fails, neglects, or refuses to promptly comply with an order of the commission issued under this section shall be guilty of a Class IV misdemeanor, but shall be fined not more than two hundred dollars for each offense. Each day of such neglect, refusal, or failure shall constitute a separate offense.