

NEBRASKA RAILROAD STATUTES

Nebraska Statute §17-225

Railroads; blocking crossings; penalty.

It shall be unlawful for any railroad company or for any of its officers, agents, servants or employees to obstruct with car or cars, engine or engines, or with any other rolling stock, for more than ten minutes at a time, any public highway, street or alley in any unincorporated town or village in the State of Nebraska. Any corporation, person, firm or individual violating any provision of this section shall, upon conviction thereof, be fined in any sum not less than ten dollars nor more than one hundred dollars.

Source:

Laws 1907, c. 109, § 1, p. 384; Laws 1907, c. 109, § 2, p. 384;
R.S.1913, § 5075; C.S.1922, § 4247; C.S.1929, § 17-225.

Nebraska Statute §25-1640

Employee; penalized due to jury service; prohibited; penalty.

Any person who is summoned to serve on jury duty shall not be subject to discharge from employment, loss of pay, loss of sick leave, loss of vacation time, or any other form of penalty, as a result of his or her absence from employment due to such jury duty, upon giving reasonable notice to his or her employer of such summons. Any person who is summoned to serve on jury duty shall be excused upon request from any shift work for those days required to serve as a juror without loss of pay. No employer shall subject an employee to discharge, loss of pay, loss of sick leave, loss of vacation time, or any other form of penalty on account of his or her absence from employment by reason of jury duty, except that an employer may reduce the pay of an employee by an amount equal to any compensation, other than expenses, paid by the court for jury duty. Any person violating the provisions of this section shall be guilty of a Class IV misdemeanor.

Source:

Laws 1979, LB 234, § 17
Laws 1980, LB 733, § 4

Nebraska Statute §48-237

Employer; prohibited use of social security numbers; exceptions; violations; penalty; conviction; how treated.

(1) For purposes of this section:

(a) Employer means a person which employs any individual within this state as an employee;

(b) Employee means any individual permitted to work by an employer pursuant to an employment relationship or who has contracted to sell the goods of an employer and to be compensated by commission. Services performed by an individual for an employer shall be deemed to be employment, unless it is shown that (i) such individual has been and will continue to be free from control or direction

over the performance of such services, both under his or her contract of service and in fact, (ii) such service is either outside the usual course of business for which such service is performed or such service is performed outside of all the places of business of the enterprise for which such service is performed, and (iii) such individual is customarily engaged in an independently established trade, occupation, profession, or business. This subdivision is not intended to be a codification of the common law and shall be considered complete as written;

(c) Person means the state or any individual, partnership, limited liability company, association, joint-stock company, trust, corporation, political subdivision, or personal representative of the estate of a deceased individual, or the receiver, trustee, or successor thereof;

(d) Temporary employee means an employee of a temporary help firm assigned to work for the clients of such temporary help firm; and

(e) Temporary help firm means a firm that hires its own employees and assigns them to clients to support or supplement the client's workforce in work situations such as employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects.

(2) Except as otherwise provided in subsection (3) of this section, an employer shall not:

(a) Publicly post or publicly display in any manner more than the last four digits of an employee's social security number, including intentional communication of more than the last four digits of the social security number or otherwise making more than the last four digits of the social security number available to the general public or to an employee's coworkers;

(b) Require an employee to transmit more than the last four digits of his or her social security number over the Internet unless the connection is secure or the information is encrypted;

(c) Require an employee to use more than the last four digits of his or her social security number to access an Internet web site unless a password, unique personal identification number, or other authentication device is also required to access the Internet web site; or

(d) Require an employee to use more than the last four digits of his or her social security number as an employee number for any type of employment-related activity.

(3)(a) Except as otherwise provided in subdivision (b) of this subsection, an employer shall be permitted to use more than the last four digits of an employee's social security number only for:

(i) Compliance with state or federal laws, rules, or regulations;

(ii) Internal administrative purposes, including provision of more than the last four digits of social security numbers to third parties for such purposes as administration of personnel benefit provisions for the employer and employment screening and staffing; and

(iii) Commercial transactions freely and voluntarily entered into by the employee with the employer for the purchase of goods or services.

(b) The following uses for internal administrative purposes described in subdivision (a)(ii) of this subsection shall not be permitted:

- (i) As an identification number for occupational licensing;
 - (ii) As an identification number for drug-testing purposes except when required by state or federal law;
 - (iii) As an identification number for company meetings;
 - (iv) In files with unrestricted access within the company;
 - (v) In files accessible by any temporary employee unless the temporary employee is bonded or insured under a blanket corporate surety bond or equivalent commercial insurance; or
 - (vi) For posting any type of company information.
- (4) An employer who violates this section is guilty of a Class V misdemeanor.
- (5) Evidence of a conviction under this section is admissible in evidence at a civil trial as evidence of the employer's negligence.

Source:

Laws 2007, LB674, § 16

Operative date September 1, 2008

Nebraska Statute §60-6,232

Rotating or flashing amber light; when permitted.

A rotating or flashing amber light or lights shall be displayed on the roof of any motor vehicle being operated by any rural mail carrier outside the corporate limits of any municipality in this state on or near any highway in the process of delivering mail.

A rotating or flashing amber light or lights may be displayed on (1) any vehicle of the Military Department while on any state emergency mission, (2) any motor vehicle being operated by any public utility, vehicle service, or towing service or any publicly or privately owned construction or maintenance vehicle while performing its duties on or near any highway, (3) any motor vehicle being operated by any member of the Civil Air Patrol, (4) any pilot vehicle escorting an overdimensional load, (5) any vehicle while actually engaged in the moving of houses, buildings, or other objects of extraordinary bulk, including unbaled livestock forage as authorized by subdivision (2)(f) of section 60-6,288, or **(6) any motor vehicle owned by or operated on behalf of a railroad carrier that is stopped to load or unload passengers.**

Source:

Laws 1969, c. 327, § 4, p. 1171

Laws 1971, LB 365, § 1

R.S.Supp.,1972, § 39-788.03

Laws 1977, LB 427, § 1

R.S.1943, (1988), § 39-6,150

Laws 1993, LB 370, § 328

Laws 1995, LB 59, § 7

Laws 2000, LB 1361, § 4
Laws 2005, LB 471, § 1

Nebraska Statute §60-652

Railroad train, defined.

Railroad train shall mean a steam engine or an engine with an electric or other motor, with or without cars coupled thereto, operated upon rails.

Source:

Laws 1993, LB 370, § 148.

Nebraska Statute §74-594

Train, yard, or engine crew; blocking street or highway; liability; exempt.

No member of a train crew, yard crew, or engine crew of a railroad shall be held personally responsible or found guilty of violating any state laws or any municipal ordinances regulating or intended to regulate the occupying or blocking of any street, road, or highway crossing-at-grade by trains or passenger or freight cars upon reasonable proof that the occupying or blocking of the street, road, or highway crossing-at-grade was necessary to comply with orders or instructions either written or oral of his or her employer or its officers or supervisory officials. This section shall not relieve the employer or railroad from any responsibility placed upon the employer or railroad by any such state laws or by such municipal ordinances. This section shall be supplemental to any other law.

Source:

Laws 1967, c. 473, § 1, p. 1468; R.S.Supp.,1967, § 75-594;
Laws 1994, LB 414, § 10.

Nebraska Statute §74-596

Speed limitation ordinance; requirements for enactment.

No speed limitation ordinance which would directly affect the operations of an interstate railroad shall be valid or enforceable unless its adoption is in compliance with this section. Before the first reading of the proposed ordinance, each railroad the operations of which would be directly affected by the ordinance shall be given written notice by United States mail of the proposed ordinance and the date, time, and place of such reading. Such notice shall be given at least ten days prior to the reading. Each affected railroad shall have an opportunity to be heard at the first reading. After enactment, each railroad the operations of which would be directly affected shall be provided a written or printed copy of the ordinance by United States mail.

Source:

Laws 1981, LB 437, § 1; Laws 1994, LB 414, § 12.

Nebraska Statute §74-597

Railroad accident or unlawful operation; prohibited law enforcement procedures.

In any circumstances involving a railroad accident or the operation of a train in violation of state law or local ordinance, no engineer or other crew member of the train shall be required to furnish a motor vehicle operator's license to any state or local law enforcement officer, nor shall any citation involving the operation of a train be issued against the motor vehicle operator's license of the engineer or any other crew member of the train.

Source:

Laws 1981, LB 437, § 2.

Nebraska Statute §74-1334.

Crossings; public; safety regulations; gates and alarms; closure; when.

(1) Wherever any railroad track crosses any public road in a cut, on a curve or side hill, in timber lands, near buildings, or near any obstruction of view from the road, the Department of Roads shall direct such precautions to be taken as it deems necessary for the safety of the traveling public. Each railroad carrier shall also provide and maintain such gates, crossings, signs, signals, alarm bells, and warning personnel as the department directs. The department may direct the placement of special signs where the physical conditions of any crossing warrant such action.

(2) Except as provided in subsection (3) of this section, any public railroad crossing without gates, signals, alarm bells, or warning personnel located within one-quarter mile from a public railroad crossing with gates, signals, alarm bells, or warning personnel shall be closed unless it is the only railroad crossing which provides access to property.

(3) An interested party may object to an action taken under subsection (2) of this section only if a written request is submitted to the Department of Roads by a professional engineer licensed to practice in the State of Nebraska. The engineer shall state in writing that the engineer is familiar with the requirements in this section and with all relevant aspects of the railroad crossing. The engineer shall also provide a detailed explanation of why subsection (2) of this section should not apply to the railroad crossing in question and a statement that the railroad crossing corridor has been examined by the engineer and the engineer believes that the railroad crossing will be safe as designed. Such a written request shall exempt a railroad crossing from being closed under subsection (2) of this section.

Source: Laws 1963, c. 425, art. IV, § 12, p. 1402; ; Laws 1994, LB 414, § 87; ; R.S.1943, (1996), § 75-412; ; Laws 1997, LB 255, § 6; ; Laws 2006, LB 79, § 1; ; Laws 2008, LB837, § 1.;
Effective date July 18, 2008

Nebraska Statute §75-109.01

Jurisdiction.

Except as otherwise specifically provided by law, the Public Service Commission shall have jurisdiction, as prescribed, over the following subjects:

- (1) Common carriers, generally, pursuant to sections 75-101 to 75-158;
- (2) Grain pursuant to the Grain Dealer Act and the Grain Warehouse Act and sections 89-1,104 to 89-1,108;
- (3) Manufactured homes and recreational vehicles pursuant to the Uniform Standard Code for Manufactured Homes and Recreational Vehicles;

- (4) Modular housing units pursuant to the Nebraska Uniform Standards for Modular Housing Units Act;
- (5) Motor carrier registration and safety pursuant to sections 75-301 to 75-322, 75-369.03, 75-370, 75-371, 75-383, and 75-384;
- (6) Pipeline carriers and rights-of-way pursuant to sections 57-1301 to 57-1307 and 75-501 to 75-503;
- (7) Railroad carrier safety pursuant to sections 74-918, 74-919, 74-1323, and 75-401 to 75-430;**
- (8) Telecommunications carriers pursuant to the Automatic Dialing-Announcing Devices Act, the Emergency Telephone Communications Systems Act, the Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call Regulation Act, the Nebraska Telecommunications Regulation Act, the Nebraska Telecommunications Universal Service Fund Act, the Telecommunications Relay System Act, the Telephone Consumer Slamming Prevention Act, and sections 86-574 to 86-580;
- (9) Transmission lines and rights-of-way pursuant to sections 70-301 and 75-702 to 75-724;
- (10) Water service pursuant to the Water Service Regulation Act; and
- (11) Jurisdictional utilities governed by the State Natural Gas Regulation Act. If the provisions of Chapter 75 are inconsistent with the provisions of the State Natural Gas Regulation Act, the provisions of the State Natural Gas Regulation Act control.

Nebraska Statute §75-401

Public Service Commission; jurisdiction; railroad safety; enforcement.

The commission shall exercise jurisdiction over the service, facilities, and equipment of all railroad carriers in this state. This jurisdiction shall extend and apply to the general public, as well as those having business relations with the railroad carrier. Sections 75-401 to 75-430 shall not be construed as giving the commission jurisdiction or control over the relations between any railroad carrier and its employees, or its employees' order, union, or other bargaining agent, either contractual or otherwise, except as provided in sections 75-419 to 75-426.

The commission shall enforce the standards of railroad safety set forth in 49 C.F.R. parts 213, 215, 223, 229, 231, and 232.

Nebraska Statute §75-402

Terms, defined.

As used in sections 75-401 to 75-430, and in all rules and regulations prescribed by the commission, unless the context otherwise requires:

(1) Railroad carrier shall mean any common carrier engaged in the carrying of freight or passengers over any line of railroad, or part thereof, within the State of Nebraska; and

(2) Railroad shall mean any line of railroad track, or part thereof, located within the State of Nebraska.

Source:

Laws 1963, c. 425, art. IV, § 2, p. 1398; Laws 1994, LB 414, § 84.

Nebraska Statute §75-419

Employees; hours of labor.

It shall be unlawful for any railroad carrier, its officers or agents, to require or permit any employee to be or remain on duty for a longer period than sixteen consecutive hours. For the purposes of this section, employees shall mean any person actually engaged in or connected with the movements of any train. Whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours, he shall be relieved and not be permitted or required to again go on duty without having at least ten consecutive hours' rest off duty, and no such employee, who has been on duty sixteen hours in the aggregate in any twenty-four-hour period, shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty; PROVIDED, no operator, train dispatcher, or other employee who by the use of the telegraph, or telephone, dispatches reports, or transmits, receives, or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine hours in any twenty-four-hour period in all towers, offices, places, and stations continuously operated day and night nor for a longer period than thirteen hours in all towers, offices, places, and stations operated only during the daytime, except in cases of emergency, when the employees named in this proviso may be permitted to be or remain on duty for four additional hours in a twenty-four-hour period and not to exceed three days in any one week. The commission may, after full hearing in a particular case, and for good cause shown, extend the period within which a common carrier shall comply with the provisions of this section.

Source:

Laws 1963, c. 425, art. IV, § 19, p. 1405

Nebraska Statute §75-420

Employees; hours of labor; violation; penalty.

Any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be or remain on duty in violation of section 75-419, shall be liable to a penalty of not to exceed five hundred dollars for each and every violation thereof, to be recovered in a suit or suits to be brought by the county attorney of the county in the state having jurisdiction in the locality where the violation shall have been committed. It shall be the duty of such county attorney to bring such suits upon satisfactory information being lodged with him, but no such suit shall be brought after the expiration of one year from the date of such violations as may come to his knowledge. In all prosecutions under this section the common carrier shall be deemed to have had knowledge of all acts of its officers and agents. The provisions of sections 75-419 and 75-420 shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officers and agents in charge of such employee at the time such employee left a terminal, and which could not have been foreseen; nor to the crews of wrecking or relief trains.

Source:

Laws 1963, c. 425, art. IV, § 20, p. 1405

Nebraska Statute §75-426

Accidents; reports; filing; investigation; violation; penalty.

Upon the occurrence of any serious personal injury or loss of life to persons other than railroad employees resulting from an accident at a railroad crossing or from an accident involving an explosion, fire, or release of noxious fumes occurring upon any railroad within the State of Nebraska, the corporation which operates the railroad upon which the accident occurred shall report such accident in writing or by telephone to the commission within twenty-four hours of the time such accident occurred. The commission shall promptly investigate any such accident and a report shall be made a part of the

commission's official files. The corporation which operates the railroad shall also furnish to the commission a copy of the same report that it is required to furnish to the Federal Railroad Administration. Neither of such reports shall be evidence or referred to in any case in any court. Any railroad carrier violating any of the provisions of this section shall be guilty of a Class IV misdemeanor.

Nebraska Statute §75-429

Switch stand lights and signals; operation; violation; penalty.

Each operator of any railroad in this state shall equip with proper lights all switch stands to each switch leading from all main tracks of such road on which trains are generally operated at night except lines fully equipped with automatic block signals. Lights or other signals may be ordered by the commission to be installed on switch stands to other switches, including crossover switches and lead track switches in yards adjacent to main tracks, when they are found reasonably necessary to safe operation after hearing held upon complaint or upon the commission's own motion. The lights upon such switch stands shall be in good condition constantly and shall be lighted and kept burning between sundown and sunrise and at such other times when, by reason of excessively foggy weather, the condition of such lights or signals would render operations unsafe both for the employees of such railroad and for the general public. Signals with reflex lenses may be substituted for lighted lamps under regulations prescribed by the commission and subject to the jurisdiction of the commission to order the removal of them, after complaint and hearing, if the signals with reflex lenses are found to be unsafe.

Any operator of a railroad in this state who violates any of the provisions of this section or who permits any such violation on the part of any employee shall be guilty of a Class V misdemeanor.

Source:

Laws 1963, c. 425, art. IV, § 29, p. 1410
Laws 1977, LB 39, § 203
Laws 1994, LB 414, § 95

Nebraska Statute §75-430

Railroad signals; interference with view; authority of commission.

It shall be unlawful to locate, maintain, or allow to remain any light at any place within this state in such a place or manner that the light interferes with the view of any railroad signal to an extent which causes danger in the operation of trains.

Whenever any light has been located, maintained, or allowed to remain in such a place or manner that it interferes with the view of any railroad signal to an extent which causes danger in the operation of trains, the commission shall, upon its own motion or upon the complaint of an affected owner of a railroad or other interested party, set the complaint for hearing and issue a formal order to enforce compliance with this section if it finds that the light does interfere to such an extent.

Source:

Laws 1963, c. 425, art. IV, § 30, p. 1411
Laws 1994, LB 414, § 96

Nebraska Statute §74-608

Right-of-way; cover for wildlife; vegetation; exceptions.

In order to provide cover for wildlife, the vegetation other than noxious weeds within the fenced right-of-way of all railroads outside the corporate limits of any city or village in Nebraska shall not be destroyed, except that

(1) such vegetation shall be destroyed from the space between points a distance of seven feet from the outside of each outermost rail each year between May 1 and August 15 or at such places as may be deemed necessary by the railroad for proper operation or maintenance and (2) the county board or board of supervisors of any county may, by written notice, direct any railroad to spray, mow, or otherwise treat specified portions of such fenced right-of-way to kill or destroy vegetation.

Source:

Laws 1897, c. 17, § 1, p. 183; R.S.1913, § 6040; C.S.1922, § 5401; C.S.1929, § 74-606; R.S.1943, § 74-608; Laws 1959, c. 337, § 1, p. 1219; Laws 1969, c. 599, § 1, p. 2454; Laws 1994, LB 414, § 18.

Nebraska Statute §74-609

Right-of-way; vegetation; treatment; charge by county; collection.

If any railroad neglects or refuses to cause its right-of-way to be mowed, sprayed, or otherwise treated as provided in section 74-608, the county board or board of supervisors in which county the right-of-way is located shall, after the time in which the railroad is required to act, cause the vegetation on the railroad right-of-way to be mowed, sprayed, or otherwise treated and the county may charge the railroad the reasonable cost thereof. The county clerk shall include such amounts in making the county tax list as an assessment against such railroad, and the assessment shall be collected in the same manner and at the same time as other taxes.

Source:

Laws 1897, c. 17, § 2, p. 183; Laws 1909, c. 99, § 1, p. 407; R.S.1913, § 6041; Laws 1915, c. 105, § 1, p. 251; C.S.1922, § 5402; Laws 1925, c. 162, § 1, p. 424; C.S.1929, § 74-607; R.S.1943, § 74-609; Laws 1959, c. 337, § 2, p. 1220; Laws 1994, LB 414, § 19.

Nebraska Statute §74-919

Margins along tracks; keep free from debris and vegetation; enforcement.

Each railroad in this state shall keep and maintain the margins alongside its tracks where railroad employees are required to walk in the course of their duties reasonably free from debris and vegetation which affect the safety of such employees while working. The Public Service Commission shall enforce and prosecute any violation of this section.

Source:

Laws 1973, LB 177, § 1; Laws 1994, LB 414, § 24.

Section 74-921

Locomotive operators; conductors; intoxication; penalty.

Any person who is intoxicated while in charge of a locomotive running upon the track of any railroad or while acting as the conductor of a car or train of cars on any railroad shall be guilty of a Class I misdemeanor.

Section 74-1323

Railroad car; obstructing view at crossing; violation; penalty.

(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.

Source:

Laws 1984, LB 790, § 1

Nebraska Statute §74-1601

Midwest Interstate Passenger Rail Compact; adoption.

Section 1. MIDWEST INTERSTATE PASSENGER RAIL COMPACT

The contracting states solemnly agree:

ARTICLE I: STATEMENT OF PURPOSE

The purposes of this compact are, through joint or cooperative action:

- (1) to promote development and implementation of improvements to intercity passenger rail service in the Midwest;
- (2) to coordinate interaction among Midwestern state elected officials and their designees on passenger rail issues;
- (3) to promote development and implementation of long-range plans for high-speed rail passenger service in the Midwest and among other regions of the United States;
- (4) to work with the public and private sectors at the federal, state, and local levels to ensure coordination among the various entities having an interest in passenger rail service and to promote Midwestern interests regarding passenger rail; and
- (5) to support efforts of transportation agencies involved in developing and implementing passenger rail service in the Midwest.

ARTICLE II: ESTABLISHMENT OF COMMISSION

To further the purposes of the compact, a commission is created to carry out the duties specified in this compact.

ARTICLE III: COMMISSION MEMBERSHIP

The manner of appointment of commission members, terms of office consistent with the terms of this compact, provisions for removal and suspension, and manner of appointment to fill vacancies shall be determined by each member state pursuant to its laws, but each commissioner shall be a resident of the state of appointment. Commission members shall serve without compensation from the commission. The commission shall consist of four resident members of each state as follows: The Governor or the Governor's designee who shall serve during the tenure of office of the Governor, or until a successor is named; one member of the private sector who shall be appointed by the Governor and shall serve during the tenure of office of the Governor, or until a successor is named; and two legislators, one from each legislative chamber (or two legislators from any unicameral legislature), who shall serve two-year terms, or until successors are appointed, and who shall be appointed by the appropriate appointing authority in each legislative chamber (or unicameral legislature). All vacancies shall be filled in accordance with the laws of the appointing states. Any commissioner appointed to fill a vacancy shall serve until the end of the incomplete term. Each member state shall have equal voting privileges, as determined by the commission bylaws.

ARTICLE IV: POWERS AND DUTIES OF THE COMMISSION

The duties of the commission are to:

- (1) Advocate for the funding and authorization necessary to make passenger rail improvements a reality for the region;
- (2) Identify and seek to develop ways that states can form partnerships, including with rail industry and labor, to implement improved passenger rail in the region;
- (3) Seek development of a long-term, interstate plan for high-speed rail passenger service implementation;
- (4) Cooperate with other agencies, regions, and entities to ensure that the Midwest is adequately represented and integrated into national plans for passenger rail development;
- (5) Adopt bylaws governing the activities and procedures of the commission and addressing, among other subjects: Powers and duties of officers, voting rights of commission members, voting procedures, commission business, and any other purposes necessary to fulfill the duties of the commission;
- (6) Expend such funds as required to carry out the powers and duties of the commission; and
- (7) Report on the activities of the commission to the legislatures and Governor of the member states on an annual basis.

In addition to its exercise of these duties, the commission is empowered to:

- (1) Provide multistate advocacy necessary to implement passenger rail systems or plans, as approved by the commission;
- (2) Work with local elected officials, economic development planning organizations, and similar entities to raise the visibility of passenger rail service benefits and needs;
- (3) Educate other state officials, federal agencies, other elected officials and the public on the advantages of passenger rail as an integral part of an intermodal transportation system in the region;
- (4) Work with federal agency officials and members of Congress to ensure the funding and authorization necessary to develop a long-term, interstate plan for high-speed rail passenger service implementation;
- (5) Make recommendations to member states;
- (6) If requested by each state participating in a particular project and under the terms of a formal agreement approved by the participating states and the commission, implement or provide oversight for specific rail projects;
- (7) Establish an office and hire staff as necessary;

- (8) Contract for or provide services;
- (9) Assess dues, in accordance with the terms of this compact;
- (10) Conduct research; and
- (11) Establish committees.

ARTICLE V: OFFICERS

The commission shall annually elect from among its members a chairperson, a vice-chairperson who shall not be a resident of the state represented by the chairperson, and others as approved in the commission bylaws. The officers shall perform such functions and exercise such powers as are specified in the commission bylaws.

ARTICLE VI: MEETINGS AND COMMISSION ADMINISTRATION

The commission shall meet at least once in each calendar year, and at such other times as may be determined by the commission. Commission business shall be conducted in accordance with the procedures and voting rights specified in the bylaws.

ARTICLE VII: FINANCE

Except as otherwise provided for, the monies necessary to finance the general operations of the commission in carrying forth its duties, responsibilities, and powers as stated herein shall be appropriated to the commission by the member states, when authorized by the respective legislatures, by equal apportionment among the member states. Nothing in this compact shall be construed to commit a member state to participate in financing a rail project except as provided by law of a member state.

The commission may accept, for any of its purposes and functions, donations, gifts, grants, and appropriations of money, equipment, supplies, materials, and services from the federal government, from any member state or from any department, agency, or municipality thereof, or from any institution, person, firm, or corporation. All expenses incurred by the commission in executing the duties imposed upon it by this compact shall be paid by the commission out of the funds available to it. The commission shall not issue any debt instrument. The commission shall submit to the officer designated by the laws of each member state, periodically as required by the laws of each member state, a budget of its actual past, and estimated future expenditures.

ARTICLE VIII: ENACTMENT, EFFECTIVE DATE, AND AMENDMENTS

The states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin are eligible to join this compact. Upon approval of the commission, according to its bylaws, other states may also be declared eligible to join the compact. As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law; provided that it shall not become initially effective until enacted into law by any three (3) party states incorporating the provisions of this compact into the laws of such states. Amendments to the compact shall become effective upon their enactment by the legislatures of all member states.

ARTICLE IX

WITHDRAWAL, DEFAULT, AND TERMINATION

Withdrawal from this compact shall be by enactment of a statute repealing the same and shall take effect one year after the effective date of such statute. A withdrawing state shall be liable for any obligations which it may have incurred prior to the effective date of withdrawal.

If any member state shall at any time default in the performance of any of its obligations, assumed or imposed, in accordance with the provisions of this compact, all rights, privileges, and benefits conferred by this compact or agreements hereunder shall be suspended from the effective date of such default as fixed by the commission, and the commission shall stipulate the conditions and maximum time for compliance under which the defaulting state may resume its regular status. Unless such default shall be remedied under the stipulations and within the time period set forth by the commission, this compact may be terminated with respect to such defaulting state by affirmative vote of a majority of the other commission members. Any such defaulting state may be reinstated, upon vote of the commission, by performing all acts and obligations as stipulated by the commission.

ARTICLE X

CONSTRUCTION AND SEVERABILITY

The provisions of this compact entered into hereunder shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected hereby. If this compact entered into hereunder shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof.

Source:

Laws 2001, LB 244, § 1

Nebraska Statute §74-1602

Participation by State of Nebraska; when authorized.

The State of Nebraska shall not participate in any rail project or appropriate funds for any rail project proposed by the Midwest Interstate Passenger Rail Compact unless the specific project is authorized by the enactment of a legislative bill. For purposes of this section, rail project includes the planning phase of such a project.

Source:

Laws 2001, LB 245, § 3

Cross References:

Midwest Interstate Passenger Rail Compact, see section 74-1601.

Nebraska Statute §74-1603

Midwest Interstate Passenger Rail Compact Cash Fund; created; use; investment.

The Midwest Interstate Passenger Rail Compact Cash Fund is created and shall consist of money appropriated by the Legislature and gifts, grants, or bequests from any source, including federal, state, public, and private sources. The money shall be used to carry out passenger rail initiatives under the Midwest Interstate Passenger Rail Compact. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Source:

Laws 2001, LB 245, § 4

Cross References:

Midwest Interstate Passenger Rail Compact, see section 74-1601.

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.