

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Jamie L. Reyes,) Application No. DC-98
Director of the Motor)
Transportation Department of the)
Nebraska Public Service)
Commission,)
)
Complainant,) COMPLAINT DISMISSED
v.)
)
Union Pacific Railroad Company)
and Nebraska Central Railroad)
Company.,)
)
Respondents.) Entered: September 15, 2020

BY THE COMMISSION:

On July 30, 2020, Jamie L. Reyes, Director of the Motor Transportation Department ("Department") of the Nebraska Public Service Commission ("Commission"), filed this departmental complaint requesting the Commission to administratively fine Union Pacific Railroad Company ("UPRR") and Nebraska Central Railroad Company ("NCRC") for violation of Neb. Admin. Code, Title 291, Ch. 4, § 002.09D. A copy of the Complaint was mailed to each Respondent via certified United States mail.

On August 14, 2020, UPRR filed a motion for an extension of time to Answer the Complaint. On August 17, 2020, NCRC also filed a motion for an extension of time to Answer the Complaint. On August 20, 2020, the Hearing Officer entered Orders granting, in part, UPRR's and NCRC's motions and setting a responsive pleading deadline of September 3, 2020 for both Respondents. On August 31, 2020, UPRR and NCRC filed motions for an additional fifteen (15) day extension to answer the Complaint in order to give the parties additional time to reach a settlement. On August 31, 2020, a Hearing Officer Order was entered granting UPRR's and NCRC's motions and setting a responsive pleading deadline of September 18, 2020.

Complainant signed a stipulation with UPRR on September 4, 2020, and NCRC on September 9, 2020, in which Respondents agreed to continue a new process to mitigate blocked crossing occurrences

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at the Grand Island interchange between UPRR and NCRC. In turn, Complainant requests that the Commission dismiss both UPRR and NCRC from the above-mentioned Complaint.

The Commission reiterates that blocked crossings present countless safety issues to a community. The Commission is appreciative of Respondents' efforts to find a workable solution to this problem and provide long-awaited relief to the affected community. The Commission will continue work with citizens, the city of Grand Island, and Hall County to monitor the Respondents' mitigation progress. Should any issues arise, the Commission encourages the community to contact the Commission.

Based on the above, the Commission finds that the signed stipulations are satisfactory and therefore Union Pacific Railroad and Nebraska Central Railroad Company should be dismissed from the Complaint. Respondents are on notice that future blocked crossing allegations may result in subsequent Commission action.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Union Pacific Railroad Company and Nebraska Central Railroad Company be, and are hereby, dismissed from the Departmental Complaint.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 15th day of September, 2020.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



Chair

ATTEST:



Executive Director

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Commissioners Rhoades and Watermeier, concurring:

We support and appreciate the effort made by the railroads to resolve the blocked rail crossings. However, it is also appropriate to acknowledge the hardship, inconvenience, and threats to public safety caused by the blocked crossings. Problems at the crossing were reported to the railroads many times, by many residents, and the railroad should have begun working to resolve these issues long before intervention was necessary by this Commission. We believe, given the duration and severity of the problem, a fine would have been appropriate in this case. Going forward it is our expectation that reasonable and timely efforts are made to resolve these safety issues. The railroads should be advised that failure to do so is likely to result in the Commission pursuing all applicable remedies.

By: 

Commissioner Crystal Rhoades

By: 

Commissioner Dan Watermeier