

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) PI-200
Public Service Commission, on)
its own motion, to investigate)
the blocking of railroad) ORDER OPENING INVESTIGATION
crossings in eastern Cass)
County, Nebraska.)
ENTERED: SEPTEMBER 29, 2015

BY THE COMMISSION:

O P I N I O N S A N D F I N D I N G S

The Nebraska Public Service Commission (Commission) hereby opens the above-captioned investigation into the blocking of railroad crossings in eastern Cass County, Nebraska, specifically near and around Plattsmouth, Louisville, and South Bend. In recent weeks, the Commission has been made aware of blockages occurring where the only road serving as the point of entry or exit into area housing developments or business locations cross a railroad track.

For example, a blockage was reported to the Commission that occurred at a railroad crossing located at Treasure Island Road near Plattsmouth, Cass County, Nebraska on August 22, 2015. Based upon reports received by the Commission, a storm knocked down trees onto a portion of a nearby single-line track owned and operated by Burlington Northern-Santa Fe Railroad (BNSF). A train ran into the downed trees, resulting in the re-routing of trains around this single-line track until the train involved in the accident could be inspected for damage and the tracks cleared of debris. During this time, an empty coal car was re-routed to the track which crosses Treasure Island Road and stopped in order for a priority "Z" train to pass through. The empty coal car blocked the Treasure Island Road crossing for about two to three hours. Treasure Island Road is the only point of entry or exit into a housing development of several private residences, and residents were unable to enter or leave the development while the empty coal car blocked the crossing.

The Commission seeks information from railroad companies that run trains through this eastern area of Cass County, Nebraska. The Commission requests assistance from railroad companies by providing the following information:

- a. The circumstances surrounding the August 22, 2015 railroad crossing blockage at Treasure Island Road, including:
 - i. Any additional crossings in the area affected by the storm;
 - ii. How many trains were re-routed to the track which crosses Treasure Island Road or other tracks in the area?
 - iii. How long any of these trains were stopped on the track crossing Treasure Island Road or other similar single entry/exit roads in the area?
 - iv. How many complaints the railroad company has received related to this incident? How and when were these complaints addressed?
- b. Generally, how many single entry/exit railroad track crossings are located in eastern Cass County, Nebraska?
 - i. How often do trains stop on these railroad track crossings?
 - ii. Why?
 - iii. For how long?
- c. Has your company received complaints from the public regarding past blockages of Treasure Island Road or other similar single entry/exit railroad crossings?
 - i. Have the complaints been resolved?
 - ii. If so, how?
 - iii. If not, why?
- d. Is your company involved in or aware of any efforts to alleviate the number of stops which may block the single entry/exit railroad crossings in the eastern Cass County area? If so, please explain.
 - i. Any issues related to allowing traffic to cross these single entry/exit roads while a train is stopped at the crossing?

The Commission also seeks comment from other interested parties, especially those who live in and around the locations in question. The Commission would request comment on how often trains have been stopped on railroad crossings with a single entry or exit road in the past and how you may have been affected by the blockages, including any blockages during the storm on August 22, 2015.

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The Commission seeks written comment regarding these questions. All interested parties should file written comments with the Commission no later than **5:00 p.m. on October 23, 2015**. Those commenting shall file five (5) paper copies and one (1) electronic copy, which can be emailed to jamie.reyes@nebraska.gov. The Commission will determine what steps are appropriate after all comments are received and reviewed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned investigation be, and is hereby opened.

IT IS FURTHER ORDERED that questions for comment detailed in this order are released for written comment to be filed by all interested parties no later than **5:00 p.m., October 23, 2015** pursuant to this order.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska this 29th day of September, 2015.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Tim Schram

Crystal Inwaller

Reed Jensen

//s//Gerald L. Vap

Chairman *Gerald L. Vap*

ATTEST:

Jeffrey L. Pugh

Executive Director