

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. PI-201
Public Service Commission, on)
its own motion, to investigate)
the blocking of railroad) ORDER RELEASING FINDINGS
crossings in Nebraska.) AND CLOSING DOCKET
)
)
) Entered: September 27, 2016

BY THE COMMISSION:

On October 6, 2015, the Nebraska Public Service Commission ("Commission") opened the above-captioned investigation into the blocking of railroad crossings in Nebraska. The Commission sought written comment on questions related to single entry/exit railroad crossings, public complaints about blockages, and any efforts to address blocked crossings across the state.

Written comments were received from BNSF Railway Company ("BNSF") and Union Pacific Railroad Company ("UPRR"). The Commission also received written comment and telephone calls from members of the public to express concerns regarding blocked crossings in various areas of the state, including areas of Lincoln, Crete, Fairmont, Plattsmouth, and Denton.

In its comments, BNSF stated that it attempts to limit the amount of time that its trains block railroad crossings. However, BNSF noted that certain conditions might necessitate a stopped train, such as equipment malfunctions, track defects, train traffic, and weather conditions. BNSF stated that breaking a train to create an opening for road traffic at the crossing could extend the amount of time that the train would be stopped at the crossing due the amount of time needed to perform required inspections after recoupling and before departure.

UPRR also submitted written comments. UPRR stated that while its operating rules forbid blocking road crossings if a train is being laid down or secured for an extended period of time, there are circumstances related to safety, regulator, network or operational issues which may result in a blocked crossing. As with BNSF, UPRR stated that decoupling a train into segments is feasible if the train will block the crossing for an extended period of time. According to UPRR, breaking the train apart can take a minimum of an hour and rejoining the train can take at least another hour due to the inspections and tests that must be performed before the train can depart. UPRR commented

that it analyzes train movements to ensure safety and network efficiency. UPRR also works with states' Roads departments and local municipalities on grade crossing issues.

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

The Commission recognizes the jurisdiction of both the Nebraska Department of Roads ("NDOR") and the Federal Railroad Administration ("FRA") in the area of railroad grade crossings. Although the Commission has limited jurisdiction in the area of railroad safety, the Commission is concerned about the potential safety risks associated with long blockages of railroad crossings over roads that serve as the only road to enter or exit residential or business areas. The Commission appreciates the comments of BNSF and UPRR and their willingness to engage in dialogue with the Commission regarding complaints and concerns received from the public regarding these single entry/exit crossings.

The Commission finds that a joint effort is necessary in order to reduce the frequency and duration of blocked crossings. The Commission will continue to monitor these blockages as they occur, and will work in partnership with the NDOR, FRA and railroad companies to find meaningful solutions whenever possible.

In addition, the Commission will engage with the public regarding blockages. The Commission recommends the following:

1. When a railroad crossing is blocked, the public should use the Emergency Notification Number located on the notification sign posted at every at-grade crossing in the state. Make note of the date, time, and locomotive or crossing number, if possible, for the emergency number operator. This information is helpful in pinpointing the location being blocked.
2. Members of the public may contact the Commission or the Nebraska Department of Roads. Each agency has certain areas of jurisdiction, and may be able to work together with the industry to resolve issues.

The Commission is committed to doing what it can to increase public awareness of what one should or should not do when a train approaches a crossing or when a train seems to be stopped and is blocking a crossing.

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Based on the above, the Commission finds that this investigation should be closed.

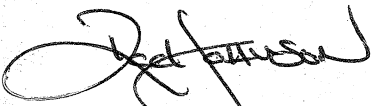
O R D E R


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

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 27th day of September, 2016.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


//s//Frank E. Landis
//s//Tim Schram
//s//Crystal Rhoades


Chairman

ATTEST:


Deputy Director