

E AND R AMENDMENTS TO LB 1068

Introduced by Enrollment and Review Committee: McGill, 26,
Chairperson

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 39-1817, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 39-1817 The county board of any county may, in accordance
6 with sections 39-1817 to 39-1820, enter into an agreement with
7 any agency or political subdivision of the state approving
8 the construction of a water impoundment structure which, when
9 completed, may result in the occasional and temporary storage
10 or flowage of floodwaters upon, across, or adjacent to any road
11 classified as a local road or remote residential road. ~~by the Board~~
12 ~~of Public Roads Classifications and Standards.~~ Any such agreement
13 may include such terms regarding the maintenance of such road
14 or other matters incident to the construction and operation of
15 such water impoundment structure as the parties to the agreement
16 determine to be mutually acceptable. Conformance with sections
17 39-1817 to 39-1820 shall relieve the county board and all other
18 parties to any such agreement of any liability for personal injury
19 or property damage suffered by any person while utilizing any such
20 road for travel during a period of inundation.

21 Sec. 2. Section 39-1818, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 39-1818 A water impoundment structure which will result

1 in temporary storage and flowage of water upon, across, or adjacent
2 to a road upstream from such structure may be approved only
3 if such road would not be inundated because of the storage in
4 such structure of waters from a ten-year, twenty-four-hour or
5 lesser frequency storm. A water impoundment structure which will
6 also serve as a roadbed may be approved and constructed only if
7 the structure would contain the runoff from a twenty-five-year,
8 twenty-four-hour frequency storm without water overtopping such
9 structure or being discharged through its emergency spillway,
10 except that if the road which is subject to such inundation is
11 classified as a local road or remote residential road with current
12 average daily traffic of fifty vehicles or less, the containment of
13 a ten-year, twenty-four-hour frequency storm shall be sufficient.
14 In making the storm frequency determinations required by this
15 section, any recognized method may be used.

16 Sec. 3. Section 39-2103, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 39-2103 Rural highways are hereby divided into ~~eight~~ nine
19 functional classifications as follows:

20 (1) Interstate, which shall consist of the federally
21 designated National System of Interstate and Defense Highways;

22 (2) Expressway, which shall consist of a group of
23 highways following major traffic desires in Nebraska which rank
24 next in importance to the National System of Interstate and Defense
25 Highways. The expressway system is one which ultimately should be
26 developed to multilane divided highway standards;

27 (3) Major arterial, which shall consist of the balance

1 of routes which serve major statewide interests for highway
2 transportation. This system is characterized by high-speed,
3 relatively long-distance travel patterns;

4 (4) Scenic-recreation, which shall consist of highways or
5 roads located within or which provide access to or through state
6 parks, recreation or wilderness areas, other areas of geographical,
7 historical, geological, recreational, biological, or archaeological
8 significance, or areas of scenic beauty;

9 (5) Other arterial, which shall consist of a group of
10 highways of less importance as through-travel routes which would
11 serve places of smaller population and smaller recreation areas not
12 served by the higher systems;

13 (6) Collector, which shall consist of a group of highways
14 which pick up traffic from many local or land-service roads and
15 carry it to community centers or to the arterial systems. They are
16 the main school bus routes, mail routes, and farm-to-market routes;

17 (7) Local, which shall consist of all remaining rural
18 roads, except minimum maintenance roads and remote residential
19 roads; and

20 (8) Minimum maintenance, which shall consist of (a) roads
21 used occasionally by a limited number of people as alternative
22 access roads for areas served primarily by local, collector,
23 or arterial roads, or (b) roads which are the principal access
24 roads to agricultural lands for farm machinery and which are not
25 primarily used by passenger or commercial vehicles; and -

26 (9) Remote residential, which shall consist of roads or
27 segments of roads in remote areas of counties with (a) a population

1 density of no more than five people per square mile or (b) an
2 area of at least one thousand square miles, and which roads or
3 segments of roads serve as primary access to no more than seven
4 residences. For purposes of this subdivision, residence means a
5 structure which serves as a primary residence for more than six
6 months of a calendar year. Population shall be determined using
7 data from the most recent federal decennial census.

8 The rural highways classified under subdivisions (1)
9 ~~to~~ through (3) of this section should, combined, serve every
10 incorporated municipality having a minimum population of one
11 hundred inhabitants or sufficient commerce, a part of which will be
12 served by stubs or spurs, and along with rural highways classified
13 under subdivision (4) of this section, should serve the major
14 recreational areas of the state.

15 For purposes of this section, sufficient commerce shall
16 ~~mean~~ means a minimum of two hundred thousand dollars of gross
17 receipts under the Nebraska Revenue Act of 1967.

18 Sec. 4. Section 39-2105, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 39-2105 Jurisdictional responsibility for the various
21 functional classifications of public highways and streets shall be
22 as follows:

23 (1) The state shall have the responsibility for the
24 design, construction, reconstruction, maintenance, and operation
25 of all roads classified under the category of rural highways
26 as interstate, expressway, and major arterial, and the municipal
27 extensions thereof, except that the state shall not be responsible

1 for that portion of a municipal extension which exceeds the design
2 of the rural highway leading into the municipality. When the design
3 of a rural highway differs at the different points where it leads
4 into the municipality, the state's responsibility for the municipal
5 extension thereof shall be limited to the lesser of the two
6 designs. The state shall be responsible for the entire interstate
7 system under either the rural or municipal category, and for
8 connecting links between the interstate and the nearest existing
9 state highway system in rural areas, except that ~~PROVIDED~~ if
10 such a connecting link has not been improved and a sufficient study
11 by the Department of Roads results in the determination that a link
12 to an alternate state highway would provide better service for the
13 area involved, the department shall have the option of providing
14 the alternate route, subject to satisfactory local participation in
15 the additional cost of the alternate route;

16 (2) The various counties shall have the responsibility
17 for the design, construction, reconstruction, maintenance, and
18 operation of all roads classified as other arterial, collector,
19 local, ~~and~~ minimum maintenance, and remote residential under the
20 rural highway category;

21 (3) The various incorporated municipalities shall have
22 the responsibility for the design, construction, reconstruction,
23 maintenance, and operation of all streets classified as expressway
24 which are of a purely local nature, that portion of municipal
25 extensions of rural expressways and major arterials which
26 exceeds the design of the rural portions of such systems, and
27 responsibility for those streets classified as other arterial,

1 collector, and local within their corporate limits; and

2 (4) Jurisdictional responsibility for all
3 scenic-recreation roads and highways shall remain with the
4 governmental subdivision which had jurisdictional responsibility
5 for such road or highway prior to its change in classification
6 to scenic-recreation made pursuant to this section and sections
7 39-2103, ~~39-2105~~, 39-2109, and 39-2113.

8 Sec. 5. Section 39-2109, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 39-2109 (1) The Board of Public Roads Classifications and
11 Standards shall develop the specific criteria for each functional
12 classification set forth in sections 39-2103 and 39-2104, which
13 criteria shall be consistent with the general criteria set forth
14 in those sections. No such criteria shall be adopted until after
15 public hearings have been held thereon at such times and places as
16 to assure interested parties throughout the state an opportunity
17 to be heard thereon. Following their adoption, such criteria shall
18 be printed and published and copies thereof shall be deposited
19 with the Secretary of State, the Clerk of the Legislature, the
20 county clerk of each county, and the clerk of each incorporated
21 municipality.

22 ~~(2) Within six months from July 19, 1980, the Board~~
23 ~~of Public Roads Classifications and Standards shall adopt and~~
24 ~~promulgate the specific criteria for scenic-recreation roads and~~
25 ~~highways pursuant to sections 39-2103, 39-2105, 39-2109, and~~
26 ~~39-2113.~~

27 ~~(3) Within six months from August 26, 1983, the Board~~

1 of Public Roads Classifications and Standards shall adopt and
2 promulgate the specific criteria for minimum maintenance roads and
3 highways.

4 (2) Within eighteen months after the effective date
5 of this act, the Board of Public Roads Classifications and
6 Standards shall adopt and promulgate the specific criteria for
7 remote residential roads.

8 Sec. 6. Section 39-2110, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 39-2110 Following adoption and publication of the
11 specific criteria required by section 39-2109, the Department of
12 Roads, after consultation with the appropriate local authorities
13 in each instance, shall assign a functional classification to
14 each segment of highway, road, and street in this state. Before
15 assigning any such classification, the department shall make
16 reasonable effort to resolve any differences of opinion between
17 the department and any county or municipality. Whenever a new road
18 or street is to be opened or an existing road or street is to be
19 extended, the department shall, upon a request from the operating
20 jurisdiction, assign a functional classification to such segment
21 in accordance with the specific criteria established under section
22 39-2109.

23 Sec. 7. Section 39-2112, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 39-2112 Any county or municipality may, based on changing
26 traffic patterns or volume or a change in jurisdiction, request the
27 Department of Roads to reclassify any segment of highway, road,

1 or street. Any county that wants to use the minimum maintenance,
2 remote residential, or scenic-recreation functional classification
3 or wants to return a road to its previous functional classification
4 may request the department to reclassify an applicable segment of
5 highway or road. If a county board wants a road or a segment
6 of road to be classified as remote residential, it shall hold a
7 public hearing on the matter prior to requesting the department
8 to reclassify such road or segment of road. The department shall
9 review such request and either grant or deny the reclassification
10 in whole or in part. Any county or municipality dissatisfied with
11 the action taken by the department under this section, may appeal
12 to the Board of Public Roads Classifications and Standards in the
13 manner provided in section 39-2111.

14 Sec. 8. Section 39-2113, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 39-2113 (1) In addition to the duties imposed upon it
17 by section 39-2109, the Board of Public Roads Classifications and
18 Standards shall develop minimum standards of design, construction,
19 and maintenance for each functional classification set forth in
20 sections 39-2103 and 39-2104. Except for scenic-recreation road
21 standards, such standards shall be such as to assure that each
22 segment of highway, road, or street will satisfactorily meet the
23 requirements of the area it serves and the traffic patterns and
24 volumes which it may reasonably be expected to bear.

25 (2) The standards for a scenic-recreation road
26 and highway classification shall insure a minimal amount of
27 environmental disruption practicable in the design, construction,

1 and maintenance of such highways, roads, and streets by the use
2 of less restrictive, more flexible design standards than other
3 highway classifications. Design elements of such a road or highway
4 shall incorporate parkway-like features which will allow the
5 user-motorist to maintain a leisurely pace and enjoy the scenic
6 and recreational aspects of the route and include rest areas and
7 scenic overlooks with suitable facilities. ~~The board may stipulate~~
8 ~~that speed limits consistent with scenic-recreation use apply to~~
9 ~~any such highway or road.~~

10 (3) The standards developed for a minimum maintenance
11 road and highway classification shall provide for a level of
12 minimum maintenance sufficient to serve farm machinery and
13 the occasional or intermittent use by passenger and commercial
14 vehicles. The standards shall provide that any defective bridges,
15 culverts, or other such structures on, in, over, under, or part of
16 the minimum maintenance road may be removed by the county in order
17 to protect the public safety and need not be replaced by equivalent
18 structures except when deemed by the county board to be essential
19 for public safety or for the present or future transportation needs
20 of the county. The standards for such minimum maintenance roads
21 shall include the installation and maintenance by the county at
22 entry points to minimum maintenance roads and at regular intervals
23 thereon of appropriate signs to adequately warn the public that the
24 designated section of road has a lower level of maintenance effort
25 than other public roads and thoroughfares. Such signs shall conform
26 to the requirements in the Manual on Uniform Traffic Control
27 Devices adopted pursuant to section 60-6,118.

1 (4) The standards developed for a remote residential road
2 classification shall provide for a level of maintenance sufficient
3 to provide access to remote residences, farms, and ranches by
4 passenger and commercial vehicles. The standards shall allow for
5 one-lane traffic where sight distance is adequate to warn motorists
6 of oncoming traffic. The standards for remote residential roads
7 shall include the installation and maintenance by the county at
8 entry points to remote residential roads of appropriate signs to
9 adequately warn members of the public that they are traveling on
10 a one-lane road. Such signs shall conform to the requirements in
11 the Manual on Uniform Traffic Control Devices adopted pursuant to
12 section 60-6,118.

13 ~~(4)~~ (5) The board shall by rule provide for the
14 relaxation of standards for any functional classification in those
15 instances in which their application is not feasible because of
16 peculiar, special, or unique local situations.

17 ~~(5)~~ (6) Any county or municipality which believes that
18 the application of standards for any functional classification to
19 any segment of highway, road, or street would work a special
20 hardship, or any other interested party which believes that the
21 application of standards for scenic-recreation roads and highways
22 to any segment of highway, road, or street would defeat the purpose
23 of the scenic-recreation functional classification contained in
24 section 39-2103, may request the board to relax the standards
25 for such segment. The Department of Roads, when it believes that
26 the application of standards for any functional classification to
27 any segment of highway that is not hard surfaced would work a

1 special hardship, may request the board to relax such standards.
2 The board shall review any request made pursuant to this section
3 and either grant or deny it in whole or in part. The provisions
4 of this section shall not be construed to apply to removal of a
5 road or highway from the state highway system pursuant to section
6 39-1315.01.

7 Sec. 9. Original sections 39-1817, 39-1818, 39-2103,
8 39-2105, 39-2109, 39-2110, 39-2112, and 39-2113, Reissue Revised
9 Statutes of Nebraska, are repealed.

10 2. On page 1, line 2, after "39-2109," insert "39-2110,";
11 and in line 4 after the semicolon insert "to change and eliminate
12 provisions relating to functional classification of roads;".