

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 276

Introduced by Schimek, 27

Read first time January 10, 2007

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to state government; to amend sections
2 3-116, 12-1205, 13-912, 13-1203, 13-1212, 14-2113,
3 18-601, 18-613, 31-925, 39-102, 39-103, 39-202, 39-203,
4 39-204, 39-205, 39-206, 39-207, 39-208, 39-210, 39-211,
5 39-212, 39-213, 39-214, 39-216, 39-217, 39-218, 39-219,
6 39-220, 39-221, 39-222, 39-223, 39-224, 39-225, 39-308,
7 39-311, 39-312, 39-805, 39-822, 39-826.01, 39-826.02,
8 39-847, 39-847.01, 39-892, 39-1010, 39-1011, 39-1101,
9 39-1110, 39-1306.01, 39-1306.02, 39-1320, 39-1323.01,
10 39-1328.01, 39-1328.02, 39-1345.01, 39-1350, 39-1353,
11 39-1363, 39-1364, 39-1365.01, 39-1365.02, 39-1390,
12 39-1392, 39-1407, 39-1503, 39-1703, 39-1713, 39-1901,
13 39-2001, 39-2002, 39-2105, 39-2106, 39-2107, 39-2110,
14 39-2111, 39-2112, 39-2113, 39-2115, 39-2118, 39-2121,

1 39-2124, 39-2224, 39-2305, 39-2310, 39-2504, 39-2505,
 2 39-2507, 39-2508, 39-2514, 39-2515, 39-2517, 39-2518,
 3 39-2602, 46-251, 49-506, 57-1102, 60-507, 60-631,
 4 60-658.01, 60-680, 60-695, 60-699, 60-6,101, 60-6,102,
 5 60-6,103, 60-6,106, 60-6,107, 60-6,115, 60-6,118,
 6 60-6,120, 60-6,129, 60-6,130, 60-6,137, 60-6,138,
 7 60-6,139, 60-6,145, 60-6,153, 60-6,154, 60-6,159,
 8 60-6,164, 60-6,166, 60-6,167, 60-6,171, 60-6,176,
 9 60-6,177, 60-6,186, 60-6,188, 60-6,189, 60-6,190,
 10 60-6,193, 60-6,230, 60-6,250, 60-6,288, 60-6,292,
 11 60-6,299, 60-6,301, 60-6,311, 60-6,314, 60-6,335,
 12 60-6,376, 60-1301, 60-1302, 66-821, 66-822, 69-1701,
 13 70-309, 72-108, 72-221, 72-221.01, 72-817, 73-507,
 14 74-1310, 74-1314, 74-1318, 74-1319, 74-1329, 74-1331,
 15 74-1332, 74-1333, 74-1335, 74-1336, 74-1338, 74-1340,
 16 74-1341, 74-1342, 74-1405.02, 74-1419.02, 76-1224,
 17 77-3618, 79-604, 81-101, 81-102, 81-701.01, 81-701.02,
 18 81-701.04, 81-710, 81-916, 81-917, 81-1108.43, 81-1711,
 19 81-2801, 82-120, 83-137, 85-1008, 90-238, and 90-260,
 20 Reissue Revised Statutes of Nebraska, and sections
 21 13-1210, 25-2501, 39-1302, 39-1311, 39-2215, 60-6,126.01,
 22 60-6,144, 60-6,294, 60-6,298, 60-1303, 66-4,100,
 23 66-4,144, 74-1334, 74-1413, 81-188.01, 81-188.02,
 24 81-1108.15, 81-1108.22, 81-1114, 82-505, and 86-707,
 25 Revised Statutes Cumulative Supplement, 2006; to rename

1 the Department of Roads; to eliminate obsolete language;
2 to eliminate the Nebraska Transit and Rail Advisory
3 Council Act; to harmonize provisions; to repeal the
4 original sections; and to outright repeal sections
5 74-1343, 74-1501, 74-1502, 74-1503, 74-1504, 74-1505,
6 74-1506, 74-1507, 74-1508, 74-1509, 74-1510, 74-1511,
7 74-1512, 74-1513, and 74-1514, Reissue Revised Statutes
8 of Nebraska.

9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 3-116, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 3-116 It shall be the duty of the department, the
4 Director of Aeronautics, and every state, county, and municipal
5 officer, charged with the enforcement of state and municipal laws,
6 to enforce and assist in the enforcement of the State Aeronautics
7 Department Act, all rules and regulations issued pursuant thereto,
8 and all other laws of this state relating to aeronautics. In
9 the aid of such enforcement, general police powers are hereby
10 conferred upon the Director of Aeronautics, and such of the
11 officers and employees of the department as may be designated by
12 it, to exercise such powers. The department is further authorized,
13 in the name of this state, to enforce the act and the rules and
14 regulations issued pursuant thereto by injunction in the courts
15 of this state. Municipalities and persons owning privately owned
16 public use airports are authorized to cooperate with the department
17 in the development of aeronautics and aeronautical facilities in
18 this state. The department may use the facilities and services
19 of other agencies of the state to the utmost extent possible
20 and such agencies are authorized and directed to make available
21 such facilities and services. The department may also, with the
22 approval of the Governor, contract with or employ the Department
23 of Roads Transportation to maintain airports or perform necessary
24 engineering service in carrying out the act.

25 Sec. 2. Section 12-1205, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 12-1205 (1) Any person who encounters or discovers human
3 skeletal remains or burial goods associated with an unmarked human
4 burial in or on the ground shall immediately cease any activity
5 which may cause further disturbance of the unmarked human burial
6 and shall within forty-eight hours report the presence and location
7 of such remains or goods to a local law enforcement officer in the
8 county in which the remains or goods are found. Any person who
9 knowingly fails to make such a report shall be guilty of a Class
10 III misdemeanor.

11 (2) If human skeletal remains or burial goods associated
12 with an unmarked human burial in or on the ground are discovered
13 by any employee, contractor, or agent of the Department of
14 ~~Roads~~ Transportation in conjunction with highway construction,
15 any construction in the area immediately adjacent to such remains
16 or goods shall cease. The department or any of its employees,
17 contractors, or agents shall within forty-eight hours of the
18 discovery of the remains or goods report the presence and location
19 of the remains or goods to a local law enforcement officer in the
20 county in which the remains or goods are found. Any remains or
21 goods may then be removed from the site following an examination by
22 the appropriate agency in accordance with section 39-1363 and any
23 applicable federal requirements. Following removal, the remains or
24 goods shall be disposed of in accordance with the Unmarked Human
25 Burial Sites and Skeletal Remains Protection Act. The construction

1 project may continue once the remains or goods have been removed.

2 Sec. 3. Section 13-912, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 13-912 If any person suffers personal injury or loss of
5 life, or damage to his or her property by means of insufficiency
6 or want of repair of a highway or bridge or other public
7 thoroughfare, which a political subdivision is liable to keep
8 in repair, the person sustaining the loss or damage, or his or
9 her personal representative, may recover in an action against
10 the political subdivision, and if damages accrue in consequence
11 of the insufficiency or want of repair of a road or bridge or
12 other public thoroughfare, erected and maintained by two or more
13 political subdivisions, the action can be brought against all of
14 the political subdivisions liable for the repairs of the same;
15 and damages and costs shall be paid by the political subdivisions
16 in proportion as they are liable for the repairs. The procedure
17 for filing such claims and bringing suit shall be the same for
18 claims under this section as for other claims under the Political
19 Subdivisions Tort Claims Act and sections 16-727, 16-728, 23-175,
20 39-809, and 79-610. No political subdivision shall be liable
21 for damages occasioned by defects in state highways and bridges
22 thereon which the Department of ~~Roads~~ Transportation is required to
23 maintain, but the political subdivision shall not be relieved of
24 liability until the state has actually undertaken construction or
25 maintenance of such highways. It is the intent of the Legislature

1 that minimum maintenance highways and roads shall not be deemed to
2 be insufficient or in want of repair when they meet the minimum
3 standards for such highways and roads pursuant to section 39-2109.

4 Sec. 4. Section 13-1203, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 13-1203 For purposes of the Nebraska Public
7 Transportation Act, unless the context otherwise requires:

8 (1) Public transportation ~~shall mean~~ means the transport
9 of passengers on a regular and continuing basis by motor carrier
10 for hire, whether over regular or irregular routes, over any
11 public road in this state, including city bus systems, intercity
12 bus systems, special public transportation systems to include
13 portal-to-portal escorted service for the elderly or handicapped,
14 taxi, subscription, dial-a-ride, or other demand-responsive
15 systems, and those motor carriers for hire which may carry elderly
16 or handicapped individuals for a set fare, a donation, or at no
17 cost to such individuals. Public transportation shall not include
18 motor carriers for hire when engaged in the transportation of
19 school children and teachers to and from school and school-related
20 activities and shall not include private car pools;

21 (2) Department ~~shall mean~~ means the Department of Roads
22 Transportation;

23 (3) Director ~~shall mean~~ means the Director-State
24 Engineer;

25 (4) Elderly ~~shall mean~~ means any person sixty-two years

1 of age or older who is drawing social security and every person
2 sixty-five years of age and older;

3 (5) Handicapped ~~shall mean~~ means any individual who is
4 unable without special facilities or special planning or design to
5 utilize public transportation facilities and services;

6 (6) Municipality ~~shall mean~~ means any village or
7 incorporated city, except cities of the metropolitan class
8 operating under home rule charter;

9 (7) Qualified public-purpose organization ~~shall mean~~
10 means an incorporated private not-for-profit group or agency which:

11 (a) Has operated or proposes to operate only motor
12 vehicles having a seating capacity of twenty or less for the
13 transportation of passengers in the state;

14 (b) Has been approved as capable of providing public
15 transportation services by the appropriate city or county governing
16 body; and

17 (c) Operates or proposes to operate a public
18 transportation service in an area which the department has
19 identified as not being adequately served by existing public or
20 private transportation services pursuant to section 13-1205; and

21 (8) Intercity bus system ~~shall mean~~ means a system
22 of regularly scheduled bus service for the general public which
23 operates with limited stops over fixed routes connecting two or
24 more communities or areas not in close proximity which support
25 public transportation service. At least one terminus of the

1 intercity bus system shall be in an area that makes meaningful
2 connections with intercity service to more distant points.

3 Sec. 5. Section 13-1210, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 13-1210 The ~~Department of Roads~~ department shall annually
6 certify the amount of operating costs eligible for funding under
7 the public transportation assistance program established under
8 section 13-1209.

9 Sec. 6. Section 13-1212, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 13-1212 (1) The ~~Department of Roads~~ department shall
12 administer sections 13-1209 to 13-1212, and issue such rules
13 and regulations pursuant to the Administrative Procedure Act as
14 are necessary, including, but not limited, to defining eligible
15 operating costs, establishing contractual and other requirements
16 including standardized accounting and reporting requirements, which
17 shall include the applicant's proposed service area, the type
18 of service proposed, all routes and schedules, and any further
19 information needed for recipients to insure the maximum feasible
20 coordination and use of state funds, establishing application
21 procedures, and developing a policy for apportioning funds made
22 available for this program should they be insufficient to cover all
23 eligible projects. Priority on the allocation of all funds shall be
24 given to those proposed projects best suited to serve the needs of
25 the elderly and handicapped and to proposed projects with federal

1 funding participation.

2 (2) Any public-purpose organization proposing to provide
3 public transportation denied financial assistance as a result of
4 a determination by the ~~Department of Roads~~ department that an
5 area is adequately served by existing transportation services may
6 submit a petition to the department requesting the department to
7 reclassify the proposed service area as not being adequately served
8 by existing public transportation services. The petition submitted
9 to the department by the public-purpose organization shall bear
10 the signatures of at least fifty registered voters residing in the
11 proposed service area. Upon receipt of the petition the department
12 shall hold a public hearing in the proposed service area and after
13 such hearing shall determine whether the proposed service area is
14 already adequately served. In carrying out its duties under this
15 section the department shall comply with the provisions of the
16 Administrative Procedure Act. The department shall not be required
17 to conduct a reevaluation hearing for an area more frequently than
18 once a year.

19 Sec. 7. Section 14-2113, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 14-2113 The board of directors of the metropolitan
22 utilities district shall have general charge, supervision, and
23 control of all matters pertaining to the natural gas supply and the
24 water supply of the district for domestic, mechanical, public, and
25 fire purposes. This shall include the general charge, supervision,

1 and control of the design, construction, operation, maintenance,
2 and extension or improvement of the necessary plant to supply
3 natural gas, to develop power, and to pump water. It shall have
4 the authority to enter upon and utilize streets, alleys, and
5 public grounds therefor upon due notice to the proper authorities
6 controlling same, subject to the provisions of sections 39-1361
7 and 39-1362, except that while any permit hereafter granted by the
8 Department of ~~Roads~~ Transportation under such provisions shall not
9 be construed to be a contract as referred to within the provisions
10 of section 39-1304.02, such parties may separately contract in
11 relation to relocation of facilities and reimbursement therefor.
12 The board shall also have the power to appropriate private property
13 required by the district for natural gas and water service, to
14 purchase and contract for necessary materials, labor, and supplies,
15 and to supply water and natural gas without the district upon such
16 terms and conditions as it may deem proper. The authority and power
17 conferred in this section upon the board of directors shall extend
18 as far beyond the corporate limits of the metropolitan utilities
19 district as the board may deem necessary.

20 Sec. 8. Section 18-601, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 18-601 Any city or village shall have power by ordinance
23 to avail itself of federal funds for the construction within
24 the city or village limits of subways, viaducts, and approaches
25 thereto, over or under railroad tracks, and may authorize

1 agreements with the Department of ~~Roads~~ Transportation to construct
2 such viaducts or subways, which shall be paid for out of funds
3 furnished by the federal government. The ordinance shall approve
4 detailed plans and specifications for such construction, including
5 a map showing the exact location that such viaduct or subway is
6 to occupy, which shall then and thereafter be kept on file with
7 the city or village clerk and be open to public inspection. The
8 ordinance shall make provision for the assumption of liability
9 and payment of consequential damages to property owners resulting
10 from such proposed construction and payment of damages for
11 property taken therefor. The procedure to condemn property shall be
12 exercised in the manner set forth in sections 76-704 to 76-724.

13 Sec. 9. Section 18-613, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 18-613 The Department of ~~Roads~~ Transportation shall
16 be authorized to enter into contracts for the construction of
17 such viaduct or subway, in accordance with such plans and
18 specifications, immediately upon the approval by the voters of
19 such issuing of bonds.

20 Sec. 10. Section 25-2501, Revised Statutes Cumulative
21 Supplement, 2006, is amended to read:

22 25-2501 It is the intent and purpose of sections 25-2501
23 to 25-2506 to establish a uniform procedure to be used in acquiring
24 private property for a public purpose by the State of Nebraska
25 and its political subdivisions and by all privately owned public

1 utility corporations and common carriers which have been granted
2 the power of eminent domain. Such sections shall not apply to:

3 (1) Water transmission and distribution pipelines and
4 their appurtenances and common carrier pipelines and their
5 appurtenances;

6 (2) Public utilities and cities of all classes and
7 villages when acquiring property for a proposed project involving
8 the acquisition of rights or interests in ten or fewer separately
9 owned tracts or when the acquisition is within the corporate limits
10 of any city or village;

11 (3) Sanitary and improvement districts organized under
12 sections 31-727 to 31-762 when acquiring easements for a proposed
13 project involving the acquisition of rights or interests in ten or
14 fewer separately owned tracts;

15 (4) Counties and municipalities which acquire property
16 through the process of platting or subdivision or for street or
17 highway construction or improvements;

18 (5) Common carriers subject to regulation by the
19 Federal Railroad Administration of the United States Department of
20 Transportation; or

21 (6) The Department of ~~Roads~~ Transportation when acquiring
22 property for highway construction or improvements.

23 Sec. 11. Section 31-925, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 31-925 Where the cleaning of a ditch or watercourse

1 involves a state highway, the county board is authorized to make
2 any contract with the Department of ~~Roads~~ Transportation with
3 reference to bridges or culverts or if unable to agree therein, to
4 bring any action necessary to force the state to participate in
5 ~~said~~ such improvement.

6 Sec. 12. Section 39-102, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 39-102 In order to promote public safety, to preserve and
9 protect state highways, and to prevent immoderate and destructive
10 use of state highways, the Department of ~~Roads~~ Transportation may
11 formulate, adopt, and promulgate rules and regulations in regard
12 to the use of and travel upon the state highways consistent
13 with Chapter 39 and the Nebraska Rules of the Road. Such rules
14 and regulations may include specifications, standards, limitations,
15 conditions, requirements, definitions, enumerations, descriptions,
16 procedures, prohibitions, restrictions, instructions, controls,
17 guidelines, and classifications relative to the following:

18 (1) The issuance or denial of special permits for the
19 travel of vehicles or objects exceeding statutory size and weight
20 capacities upon the highways as authorized by section 60-6,298;

21 (2) Qualification and prequalification of contractors,
22 including, but not limited to, maximum and minimum qualifications,
23 ratings, classifications, classes of contractors or classes of
24 work, or both, and procedures to be followed;

25 (3) The setting of special load restrictions as provided

1 in Chapter 39 and the Nebraska Rules of the Road;

2 (4) The placing, location, occupancy, erection,
3 construction, or maintenance, upon any highway or area within the
4 right-of-way, of any pole line, pipeline, or other utility located
5 above, on, or under the level of the ground in such area;

6 (5) Protection and preservation of trees, shrubbery,
7 plantings, buildings, structures, and all other things located upon
8 any highway or any portion of the right-of-way of any highway by
9 the department;

10 (6) Applications for the location of ~~and location~~
11 ~~of~~ private driveways, commercial approach roads, facilities,
12 things, or appurtenances upon the right-of-way of state highways,
13 including, but not limited to, procedures for applications for
14 permits therefor and standards for the issuance or denial of such
15 permits, based on highway traffic safety, and the foregoing may
16 include reapplication for permits and applications for permits for
17 existing facilities, and in any event, issuance of permits may also
18 be conditioned upon approval of the design of such facilities;

19 (7) Outdoor advertising signs, displays, and devices in
20 areas where the department is authorized by law to exercise such
21 controls; and

22 (8) The Grade Crossing Protection Fund provided for in
23 section 74-1317, including, but not limited to, authority for
24 application, procedures on application, effect of application,
25 procedures for and effect of granting such applications, and

1 standards and specifications governing the type of control
2 thereunder.

3 This section shall not amend or derogate any other grant
4 of power or authority to the department to make or promulgate rules
5 and regulations but shall be additional and supplementary thereto.

6 Sec. 13. Section 39-103, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 39-103 Any person who operates a vehicle upon any highway
9 in violation of the rules and regulations of the Department of
10 ~~Roads~~ Transportation governing the use of state highways shall be
11 guilty of a Class III misdemeanor.

12 Sec. 14. Section 39-202, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 39-202 (1) Except as provided in sections 39-202 to
15 39-205, 39-215, 39-216, and 39-220, the erection or maintenance of
16 any advertising sign, display, or device beyond six hundred sixty
17 feet of the right-of-way of the National System of Interstate and
18 Defense Highways and visible from the main-traveled way of such
19 highway system is prohibited.

20 (2) The following signs ~~shall be~~ are permitted:

21 (a) Directional and official signs, ~~to include,~~
22 including, but not be limited to, signs and notices pertaining to
23 natural wonders, scenic attractions, and historical attractions.
24 Such signs shall comply with standards and criteria established
25 by regulations of the Department of ~~Roads~~ Transportation as

1 promulgated from time to time;

2 (b) Signs, displays, and devices advertising the sale or
3 lease of property upon which such media are located;

4 (c) Signs, displays, and devices advertising activities
5 conducted on the property on which such media are located; and

6 (d) Signs in existence in accordance with sections 39-212
7 to 39-222, to include landmark signs, signs on farm structures,
8 markers, and plaques of historical or artistic significance.

9 (3) For purposes of this section, visible ~~shall mean~~
10 means the message or advertising content of an advertising sign,
11 display, or device is capable of being seen without visual aid by
12 a person of normal visual acuity. A sign ~~shall be~~ is considered
13 visible even though the message or advertising content may be seen
14 but not read.

15 Sec. 15. Section 39-203, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 39-203 Just compensation shall be paid upon the removal
18 of any advertising sign, display, or device lawfully erected or
19 in existence prior to May 27, 1975, and not conforming to the
20 provisions of sections 39-202 to 39-205, 39-215, 39-216, and 39-220
21 except as otherwise authorized by such sections. The Department
22 of ~~Roads~~ Transportation shall not be required to expend any funds
23 under the provisions of such sections unless and until federal-aid
24 matching funds are made available for this purpose.

25 Sec. 16. Section 39-204, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 39-204 (1) Signs, displays, and devices giving specific
3 information of interest to the traveling public shall be erected
4 by or at the direction of the Department of ~~Roads~~ Transportation
5 and maintained within the right-of-way at appropriate distances
6 from interchanges on the National System of Interstate and Defense
7 Highways and from roads of the state primary system as shall
8 conform with the rules and regulations adopted and promulgated by
9 the department to carry out this section and section 39-205. Such
10 rules and regulations shall be consistent with national standards
11 promulgated from time to time by the appropriate authority of the
12 federal government pursuant to 23 U.S.C. 131(f).

13 (2) For purposes of this section, specific information of
14 interest to the traveling public ~~shall mean~~ means only information
15 about camping, lodging, food, and motor fuel and associated
16 services, including trade names.

17 (3) The minimum service that is required to be available
18 for each type of service ~~shall include+~~ includes:

19 (a) Motor fuel services including:

20 (i) Vehicle services, which ~~shall include~~ includes fuel,
21 oil, tire repair, and water;

22 (ii) Restroom facilities and drinking water;

23 (iii) Continuous operation of such services for at least
24 sixteen hours per day, seven days per week, for freeways and
25 expressways and continuous operation of such services for at least

1 twelve hours per day, seven days per week, for conventional roads;

2 and

3 (iv) Telephone services;

4 (b) Food services, including:

5 (i) Licensing or approval of such services, when
6 required;

7 (ii) Continuous operation of such services to serve three
8 meals per day, seven days per week; and

9 (iii) Telephone services;

10 (c) Lodging services, including:

11 (i) Licensing or approval of such services, when
12 required;

13 (ii) Adequate sleeping accommodations; and

14 (iii) Telephone services; and

15 (d) Camping services, including:

16 (i) Licensing or approval of such services, when
17 required;

18 (ii) Adequate parking accommodations; and

19 (iii) Modern sanitary facilities and drinking water.

20 Sec. 17. Section 39-205, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 39-205 (1) Applicants for business signs shall furnish
23 business signs to the Department of Roads Transportation and shall
24 pay to the department an annual fee for posting each business sign
25 and the actual cost of material for, fabrication of, and erecting

1 the specific information sign panels where specific information
2 sign panels have not been installed.

3 (2) Upon receipt of the business signs and the annual
4 fee, the department shall post or cause to be posted the business
5 signs where specific information sign panels have been installed.
6 The applicant shall not be required to remove any advertising
7 device to qualify for a business sign except any advertising device
8 which was unlawfully erected or in violation of section 39-202,
9 39-203, 39-204, 39-205, 39-206, 39-215, 39-216, or 39-220, any rule
10 or regulation of the department, or any federal rule or regulation
11 relating to informational signs. The specific information sign
12 panels and business signs shall conform to the requirements of
13 the Federal Beautification Act and the Manual on Uniform Traffic
14 Control Devices adopted pursuant to section 60-6,118.

15 (3) All revenue received for the posting or erecting
16 of business signs or specific information sign panels pursuant to
17 this section shall be deposited in the Highway Cash Fund, except
18 that any revenue received from the annual fee and for posting
19 or erecting such signs in excess of the state's costs shall be
20 deposited in the General Fund.

21 (4) For purposes of this section, unless the context
22 otherwise requires:

23 (a) Business sign ~~shall mean~~ means a sign displaying
24 a commercial brand, symbol, trademark, or name, or combination
25 thereof, designating a motorist service. Business signs shall be

1 mounted on a rectangular information panel; and

2 (b) Specific information sign panel ~~shall mean~~ means a
3 rectangular sign panel with:

4 (i) The word gas, food, lodging, or camping;

5 (ii) Directional information; and

6 (iii) One or more business signs.

7 (5) The department shall provide notice of space
8 available for business signs on any specific information sign panel
9 at least ninety days prior to accepting or approving the posting
10 of any business sign.

11 Sec. 18. Section 39-206, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 39-206 It is the intent of sections 39-204 and 39-205
14 to allow the erection of specific information sign panels on the
15 right-of-way of the state highways under the following conditions:

16 (1) No state funds shall be used for the erection,
17 maintenance, or servicing of such signs;

18 (2) Such signs shall be erected in accordance with
19 federal standards and the rules and regulations adopted and
20 promulgated by the Department of ~~Roads~~, Transportation;

21 (3) Such signs may be erected by the department or by a
22 contractor selected through the competitive bidding process; and

23 (4) The department shall charge an annual fee in an
24 amount equal to the fair market rental value of the sign site
25 and any other cost to the state associated with the erection,

1 maintenance, or servicing of specific information sign panels. If
2 such sign is erected by a contractor, the annual fee shall be
3 limited to the fair market rental value of the sign site.

4 Sec. 19. Section 39-207, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 39-207 Tourist-oriented directional sign panels shall
7 be erected and maintained by or at the direction of the
8 Department of ~~Roads~~ Transportation within the right-of-way of rural
9 highways which are part of the state highway system to provide
10 tourist-oriented information to the traveling public in accordance
11 with sections 39-207 to 39-211.

12 For purposes of such sections:

13 (1) Rural highways means (a) all public highways and
14 roads outside the limits of an incorporated municipality exclusive
15 of freeways and interchanges on expressways and (b) all public
16 highways and roads within incorporated municipalities having
17 a population of forty thousand people or less exclusive of
18 freeways and interchanges on expressways. Expressway, freeway, and
19 interchange are used in this subdivision as they are defined in
20 section 39-1302; and

21 (2) Sign panel means one or more individual signs mounted
22 as an assembly on the same supports.

23 Sec. 20. Section 39-208, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 39-208 (1) The Department of ~~Roads~~ Transportation shall

1 erect tourist-oriented directional sign panels on the right-of-way
2 of the rural highways pursuant to section 39-207 under the
3 following conditions:

4 (a) No state funds shall be used for the erection,
5 maintenance, or servicing of the sign panels;

6 (b) The sign panels shall be erected in accordance
7 with federal standards and the rules and regulations adopted and
8 promulgated by the department;

9 (c) The sign panels may be erected by the department or
10 by a contractor selected by the department through the competitive
11 negotiation process;

12 (d) No more than three sign panels shall be installed on
13 the approach to an intersection; and

14 (e) The department shall charge an annual fee in an
15 amount equal to the fair market rental value of the sign panel
16 site and any other cost to the state associated with the erection,
17 maintenance, or servicing of tourist-oriented directional sign
18 panels. If the sign panel is erected by a contractor, the annual
19 fee to the department shall be limited to the fair market rental
20 value of the sign panel site.

21 (2) All revenue received for the posting or erecting of
22 tourist-oriented directional sign panels pursuant to this section
23 shall be deposited in the Highway Cash Fund, except that any
24 revenue received from the annual fee and for posting or erecting
25 such sign panels in excess of the state's costs shall be deposited

1 in the General Fund.

2 Sec. 21. Section 39-210, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 39-210 To qualify to appear on a tourist-oriented
5 directional sign panel, an activity shall be licensed and approved
6 by the state and local agencies if required by law and be open
7 to the public at least eight hours per day, five days per week,
8 including Saturdays or Sundays, during the normal season of the
9 activity. The activity, before qualifying to appear on a sign
10 panel, shall provide to the Department of ~~Roads~~ Transportation
11 assurance of its conformity with all applicable laws relating to
12 discrimination based on race, creed, color, sex, national origin,
13 ancestry, political affiliation, or religion. If the activity
14 violates any of such laws, it shall lose its eligibility to appear
15 on a tourist-oriented directional sign panel. In addition, the
16 qualifying activity shall be required to remove any advertising
17 device which was unlawfully erected or which is in violation of
18 section 39-202, 39-203, 39-204, 39-205, 39-206, 39-215, 39-216, or
19 39-220, any rule or regulation of the department, or any federal
20 rule or regulation relating to tourist-oriented directional sign
21 panels. The tourist-oriented directional sign panels shall conform
22 to the requirements of the Federal Beautification Act and the
23 Manual on Uniform Traffic Control Devices as adopted pursuant to
24 section 60-6,118.

25 Sec. 22. Section 39-211, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 39-211 The Department of ~~Roads~~ Transportation shall adopt
3 and promulgate rules and regulations deemed necessary by the
4 department to carry out sections 39-207 to 39-211.

5 Sec. 23. Section 39-212, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 39-212 (1) The Department of ~~Roads~~ Transportation may
8 acquire the interest in real or personal property necessary to
9 exercise the power authorized by subdivision (2)(m) of section
10 39-1320 and to pay just compensation upon removal of the following
11 outdoor advertising signs, displays, and devices, as well as
12 just compensation for the disconnection and removal of electrical
13 service to the same:

14 (a) Those lawfully erected or in existence prior to March
15 27, 1972, and not conforming to the provisions of sections 39-212
16 to 39-222 except as otherwise authorized by such sections; and

17 (b) Those lawfully erected after March 27, 1972, which
18 become nonconforming after being erected.

19 (2) Such compensation for removal of such signs,
20 displays, and devices is authorized to be paid only for the
21 following:

22 (a) The taking from the owner of such sign, display,
23 or device or of all right, title, leasehold, and interest in
24 connection with such sign, display, or device, or both; and

25 (b) The taking from the owner of the real property on

1 which the sign, display, or device is located of the right to erect
2 and maintain such signs, displays, and devices thereon.

3 (3) In all instances where signs, displays, or devices
4 which are served electrically are taken under subdivision (2)(a)
5 of this section, the department shall pay just compensation to the
6 supplier of electricity for supportable costs of disconnection and
7 removal of such service to the nearest distribution line or, in the
8 event such sign, display, or device is relocated, just compensation
9 for removal of such service to the point of relocation.

10 ~~Except for expenditures for the removal of nonconforming~~
11 ~~signs erected between April 16, 1982, and May 27, 1983, the The~~
12 department shall not be required to expend any funds under sections
13 39-212 to 39-222 and 39-1320 unless and until federal-aid matching
14 funds are made available for this purpose.

15 Sec. 24. Section 39-213, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 39-213 (1) In order that this state may qualify for
18 the payments authorized in 23 U.S.C. 131(c) and (e), and to
19 comply with the provisions of 23 U.S.C. 131 as revised and
20 amended on October 22, 1965, by Public Law 89-285, the Department
21 of ~~Roads, Transportation,~~ for and in the name of the State of
22 Nebraska, is authorized to enter into an agreement, or agreements,
23 with the Secretary of Transportation of the United States, which
24 agreement or agreements shall include provisions for regulation
25 and control of the erection and maintenance of advertising signs,

1 displays, and other advertising devices and may include, among
2 other things, provisions for preservation of natural beauty,
3 prevention of erosion, landscaping, reforestation, development of
4 viewpoints for scenic attractions that are accessible to the public
5 without charge, and the erection of markers, signs, or plaques,
6 and development of areas in appreciation of sites of historical
7 significance.

8 (2) It is the intention of the Legislature that the
9 state shall be and is hereby empowered and directed to continue
10 to qualify for and accept bonus payments pursuant to 23 U.S.C.
11 131(j) and subsequent amendments as amended in the Federal Aid
12 Highway Acts of 1968 and 1970 for controlling outdoor advertising
13 within the area adjacent to and within six hundred sixty feet of
14 the edge of the right-of-way of the National System of Interstate
15 and Defense Highways constructed upon any part of the right-of-way
16 the entire width of which is acquired subsequent to July 1,
17 1956, and, to this end, to continue any agreements with, and make
18 any new agreements with the Secretary of Transportation of the
19 United States, to accomplish the same. Such agreement or agreements
20 shall also provide for excluding from application of the national
21 standards segments of the National System of Interstate and Defense
22 Highways which traverse commercial or industrial zones within
23 the boundaries of incorporated municipalities as they existed on
24 September 21, 1959, wherein the use of real property adjacent
25 to the National System of Interstate and Defense Highways is

1 subject to municipal regulation or control, or which traverse other
2 areas where the land use, as of September 21, 1959, is clearly
3 established by state law as industrial or commercial.

4 (3) It is also the intention of the Legislature that the
5 state shall comply with 23 U.S.C. 131, as revised and amended on
6 October 22, 1965, by Public Law 89-285, in order that the state
7 not be penalized by the provisions of subsection (b) thereof, and
8 that the department shall be and is hereby empowered and directed
9 to make rules and regulations in accord with the agreement between
10 the department and the United States Department of Transportation
11 dated October 29, 1968.

12 Sec. 25. Section 39-214, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 39-214 Whenever advertising rights are acquired by the
15 ~~department~~ Department of Transportation pursuant to subdivision
16 (2)(m) of section 39-1320 or an agreement has been entered into
17 as authorized by section 39-213, it shall be the duty of the
18 ~~Department of Roads~~ department to adopt and promulgate reasonable
19 rules and regulations for the control of outdoor advertising within
20 the area specified in such subdivision, which rules and regulations
21 shall have as their minimum requirements the provisions of 23
22 U.S.C. 131 and regulations adopted pursuant thereto, as amended on
23 March 27, 1972.

24 Sec. 26. Section 39-216, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 39-216 It shall be unlawful for any person to place or
2 cause to be placed any advertising sign, display, or device which
3 is visible from the main-traveled way of the Highway Beautification
4 Control System or upon land not owned by such person, without
5 first procuring a written lease from the owner of such land and a
6 permit from the Department of ~~Roads~~ Transportation authorizing such
7 display or device to be erected as permitted by the advertising
8 laws, rules, and regulations of this state.

9 Sec. 27. Section 39-217, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 39-217 (1) The Department of ~~Roads~~ Transportation may
12 designate portions of the state highway system as a scenic
13 byway when the highway corridor possesses unusual, exceptional,
14 or distinctive scenic, historic, recreational, cultural, or
15 archeological features. The department shall adopt and promulgate
16 rules and regulations establishing the procedure and criteria to be
17 utilized in making scenic byway designations.

18 (2) Any portion of a highway designated as a scenic byway
19 which is located within the limits of any incorporated municipality
20 shall not be designated as part of the scenic byway, except
21 when such route possesses intrinsic scenic, historic, recreational,
22 cultural, or archeological features which support designation of
23 the route as a scenic byway.

24 Sec. 28. Section 39-218, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 39-218 No sign shall be erected which is visible from the
2 main-traveled way of any scenic byway except (1) directional and
3 official signs to include, but not be limited to, signs and notices
4 pertaining to natural wonders, scenic attractions, and historical
5 attractions, (2) signs, displays, and devices advertising the sale
6 or lease of property upon which such media are located, and (3)
7 signs, displays, and devices advertising activities conducted on
8 the property on which such media are located. Signs which are
9 allowed shall comply with the standards and criteria established by
10 rules and regulations of the Department of ~~Roads~~ Transportation.

11 Sec. 29. Section 39-219, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 39-219 Outdoor advertising signs, displays, and devices
14 erected prior to March 27, 1972, may continue in zoned or unzoned
15 commercial or industrial areas, notwithstanding the fact that such
16 outdoor advertising signs, displays, and devices do not comply with
17 standards and criteria established by sections 39-212 to 39-222 or
18 rules and regulations of the Department of ~~Roads~~ Transportation.

19 Sec. 30. Section 39-220, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 39-220 The Department of ~~Roads~~ Transportation may at
22 its discretion require permits for advertising signs, displays, or
23 devices which are placed or allowed to exist along or upon any
24 interstate or primary highway or at any point visible from the
25 main-traveled way, except for signs located within an area of fifty

1 feet of any commercial or industrial building on the premises. Such
2 permits shall be renewed biennially. Each sign shall bear on the
3 side facing the highway the permit number in a readily observable
4 place for inspection purposes from the highway right-of-way. The
5 department is authorized to charge a fee to be not less than
6 twenty-five cents or not to exceed fifteen dollars for each permit
7 and renewal permit for each individual sign. The department shall
8 promulgate rules and regulations establishing, and from time to
9 time adjusting, the annual fees for the permits to cover the costs
10 of administering sections 39-212 to 39-226 and may by rule and
11 regulation provide exceptions from the payment of fees for signs
12 advertising eleemosynary or nonprofit public service activities,
13 signs designating historical sites, and farm and ranch directional
14 signs. The department may revoke the permit for noncompliance
15 reasons and remove the sign if, after thirty days' notification to
16 the sign owner, the sign remains in noncompliance. Printed sale
17 bills not exceeding two hundred sixteen square inches in size shall
18 not require a permit if otherwise conforming.

19 Sec. 31. Section 39-221, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 39-221 Any person, firm, company, or corporation
22 violating any of the provisions of sections 39-212 to 39-222
23 shall be guilty of a Class V misdemeanor. In addition to any
24 other available remedies, the Director-State Engineer, for the
25 Department of ~~Roads~~ Transportation and in the name of the State of

1 Nebraska, may apply to the district court having jurisdiction for
2 an injunction to force compliance with any of the provisions of
3 such sections or rules and regulations promulgated thereunder. When
4 any person, firm, company, or corporation deems its property rights
5 have been adversely affected by the application of the provisions
6 of such sections, such person, firm, company, or corporation shall
7 have the right to have damages ascertained and determined pursuant
8 to Chapter 76, article 7.

9 Sec. 32. Section 39-222, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 39-222 Sections 39-212 to 39-221 shall not be construed
12 to prevent the Department of ~~Roads~~ Transportation from (1)
13 exercising the power of eminent domain to accomplish the removal
14 of any sign or signs or (2) acquiring any interest in real or
15 personal property necessary to exercise the powers authorized by
16 such sections whether within or without zoned or unzoned commercial
17 or industrial areas.

18 Sec. 33. Section 39-223, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 39-223 Any community, board of county commissioners,
21 municipality, county, city, a specific region or area of the state,
22 or other governmental or quasi-governmental agency which is part of
23 a specific economic area located along the Highway Beautification
24 Control System of the State of Nebraska may petition the Department
25 of ~~Roads~~ Transportation for an exemption from mandatory removal of

1 any legal, nonconforming directional signs, displays, or devices as
2 defined by 23 U.S.C. 131(o), which signs, displays, or devices were
3 in existence on May 5, 1976. The petitioning agency shall supply
4 such documents as are supportive of its petition for exemption.

5 The Department of Roads Transportation is hereby
6 authorized to seek the exemptions authorized by 23 U.S.C. 131(o) in
7 accordance with the federal regulations promulgated thereunder, 23
8 C.F.R., part 750, subpart E, if the petitioning agency shall supply
9 the necessary documents to justify such exemptions.

10 Sec. 34. Section 39-224, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 39-224 Upon receipt of such petition, the Department
13 of Roads Transportation shall make request of the United States
14 Department of Transportation for permission to retain the
15 directional signs, displays, or devices which provide information
16 for the specific economic area responsible for the petition.

17 Sec. 35. Section 39-225, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 39-225 The Department of Roads Transportation shall adopt
20 future programs to assure that removal of directional signs,
21 displays, or devices, providing directional information about
22 goods and services in the interest of the traveling public,
23 not otherwise exempted by economic hardship, be deferred until all
24 other nonconforming signs, on a statewide basis, are removed.

25 Sec. 36. Section 39-308, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 39-308 It shall be the duty of the owner of real property
3 to remove from such property any tree, plant, shrub, or other
4 obstruction, or part thereof, which, by obstructing the view of
5 any driver, constitutes a traffic hazard. When the Department of
6 ~~Roads~~ Transportation or any local authority determines upon the
7 basis of engineering and traffic investigation that such a traffic
8 hazard exists, it shall notify the owner and order that the
9 hazard be removed within ten days. Failure of the owner to remove
10 such traffic hazard within ten days shall constitute a Class V
11 misdemeanor, and every day such owner fails to remove it shall be
12 a separate offense.

13 Sec. 37. Section 39-311, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 39-311 (1) No person shall throw or deposit upon any
16 highway:

17 (a) Any glass bottle, glass, nails, tacks, wire, cans, or
18 other substance likely to injure any person or animal or damage any
19 vehicle upon such highway; or

20 (b) Any burning material.

21 (2) Any person who deposits or permits to be deposited
22 upon any highway any destructive or injurious material shall
23 immediately remove such or cause it to be removed.

24 (3) Any person who removes a wrecked or damaged vehicle
25 from a highway shall remove any glass or other injurious substance

1 deposited on the highway from such vehicle.

2 (4) The Department of ~~Roads~~ Transportation or a local
3 authority as defined in section 60-628 may procure and place at
4 reasonable intervals on the side of highways under its respective
5 jurisdiction appropriate signs showing the penalty for violating
6 this section. Such signs shall be of such size and design as to be
7 easily read by persons on such highways, but the absence of such a
8 sign shall not excuse a violation of this section.

9 (5) It shall be the duty of all Nebraska State Patrol
10 officers, conservation officers, sheriffs, deputy sheriffs, and
11 other law enforcement officers to enforce this section and to make
12 prompt investigation of any violations of this section reported by
13 any person.

14 (6) Any person who violates any provision of this section
15 shall be guilty of (a) a Class III misdemeanor for the first
16 offense, (b) a Class II misdemeanor for the second offense, and (c)
17 a Class I misdemeanor for the third or subsequent offense.

18 Sec. 38. Section 39-312, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 39-312 It shall be unlawful to camp on any state or
21 county public highway, roadside area, park, or other property
22 acquired for highway or roadside park purposes except at such
23 places as are designated campsites by the Department of ~~Roads~~
24 Transportation or the county or other legal entity of government
25 owning or controlling such places. This provision shall not apply

1 to lands originally acquired for highway purposes which have been
2 transferred or leased to the Game and Parks Commission or a natural
3 resources district or to other lands owned or controlled by the
4 Game and Parks Commission where camping shall be controlled by the
5 provisions of section 37-305 or by a natural resources district
6 where camping shall be controlled by the provisions of section
7 2-3292.

8 For purposes of this section, camping means temporary
9 lodging out of doors and presupposes the occupancy of a shelter
10 designed or used for such purposes, such as a sleeping bag,
11 tent, trailer, station wagon, pickup camper, camper-bus, or other
12 vehicle, and the use of camping equipment and camper means an
13 occupant of any such shelter.

14 Any person who camps on any state or county public
15 highway, roadside area, park, or other property acquired for
16 highway or roadside park purposes, which has not been properly
17 designated as a campsite, or any person who violates any lawfully
18 promulgated rules or regulations properly posted to regulate
19 camping at designated campsites shall be guilty of a Class V
20 misdemeanor and shall be ordered to pay any amount as determined
21 by the court which may be necessary to reimburse the department or
22 the county for the expense of repairing any damage to such campsite
23 resulting from such violation.

24 Sec. 39. Section 39-805, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 39-805 Whenever any public highway within this state
2 shall cross or be crossed by any ditch or channel of any public
3 drainage or irrigation district it shall be the duty of the
4 governing board of the drainage or irrigation district and the
5 governing board of the county or municipal corporation involved to
6 negotiate and agree for the building and maintenance of bridges
7 and approaches thereto on such terms as shall be equitable, all
8 things considered, between such drainage or irrigation district and
9 such county or municipality. If such boards for any reason shall
10 fail to agree with reference to ~~said~~ such matter, it shall be the
11 duty of the drainage or irrigation district to build the necessary
12 bridges and approaches, and restore the highway in question to its
13 former state as nearly as may be as it was laid out prior to the
14 construction of the ditch or channel in question, and it shall
15 be the duty of the county or municipal corporation involved to
16 maintain ~~said~~ such bridges and approaches. When ~~+~~ ~~PROVIDED,~~ ~~where~~
17 more than seventy-five percent of the water passing through any
18 such ditch or channel is used by any person, firm, or corporation
19 for purposes other than irrigation or drainage, it shall be
20 the duty of such person, firm, or corporation, so using such
21 seventy-five percent or more of such water, to build and maintain
22 solely at his, her, their, or its expense, all such bridges and
23 approaches thereto. Any bridge that may be built by any drainage
24 or irrigation district or by any person, firm, or corporation
25 under the provisions of this section shall be constructed under

1 the supervision of the Department of ~~Roads~~, Transportation, if on
2 a state highway, and under the supervision of the county board or
3 governing body of a municipality, if under the jurisdiction of such
4 board or governing body of such municipality.

5 Sec. 40. Section 39-822, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 39-822 The county board shall keep in the office of
8 the county clerk of the county a sufficient supply of the prints
9 of the plans and the printed copies of the specifications and
10 estimates of the cost of construction mentioned in section 39-821,
11 to be furnished by the Director-State Engineer for distribution to
12 prospective bidders and taxpayers of the county. No contract shall
13 be entered into under the provisions of sections 39-810 to 39-826
14 for the construction or erection of any bridge or bridges unless,
15 for the period of thirty days immediately preceding the time of
16 entering into such contract, there shall have been available for
17 distribution by the county clerk ~~the~~ such plans and specifications.
18 ~~as aforesaid.~~ The county boards of the several counties shall
19 prepare and transmit to the Department of ~~Roads~~ Transportation a
20 statement accompanied by the plans and specifications, showing the
21 cost of all bridges built in their counties under the provisions of
22 ~~said~~ such sections, and state therein whether they were built under
23 a contract or by the county.

24 Sec. 41. Section 39-826.01, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 39-826.01 The Department of ~~Roads~~ Transportation or the
2 county board shall, prior to the design or construction of a new
3 bridge or culvert in a new or existing highway or road within
4 its jurisdiction, notify in writing, by first-class mail, the
5 natural resources district in which such bridge or culvert will be
6 located. The natural resources district shall, pursuant to section
7 39-826.02, determine whether it would be beneficial to the district
8 to have a dam constructed in lieu of the proposed bridge or
9 culvert. If the district shall determine that a dam would be more
10 beneficial, the Department of ~~Roads~~ Transportation or the county
11 board and the natural resources district shall jointly determine
12 the feasibility of constructing a dam to support the road in lieu
13 of a bridge or culvert. If the Department of ~~Roads~~ Transportation
14 or the county board and the natural resources district cannot agree
15 regarding the feasibility of a dam, the decision of the Department
16 of ~~Roads~~, Transportation, in the case of the state highway system,
17 or the county board, in the case of the county road system, shall
18 be controlling.

19 Sec. 42. Section 39-826.02, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 39-826.02 If a natural resources district shall receive
22 notice of a proposed bridge or culvert, pursuant to section
23 39-826.01, the district shall make a study to determine whether it
24 would be practicable to construct a dam at or near the proposed
25 site which could be used to support a highway or road. In making

1 the study, such district shall consider the benefit which would
2 be derived and the feasibility of such a dam. After it has made
3 its determination, the natural resources district shall notify the
4 Department of ~~Roads~~ Transportation or the county board and shall,
5 if the district favors such a dam, assist in the joint feasibility
6 study and provide any other assistance which may be required.

7 Sec. 43. Section 39-847, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 39-847 (1) Any county board may apply, in writing, to the
10 Department of ~~Roads~~ Transportation for state aid in the replacement
11 of any bridge under the jurisdiction of such board. The application
12 shall contain a description of the bridge, with a preliminary
13 estimate of the cost of replacement thereof, and a certified
14 copy of the resolution of such board, pledging such county to
15 furnish fifty percent of the cost of replacement of such bridge.
16 The county's share of replacement cost may be from any source
17 except the State Aid Bridge Fund. Where ~~PROVIDED, that where~~
18 there is any bridge which is the responsibility of two counties,
19 either county may make application to the department and, if the
20 application is approved by the department, such county and the
21 department may replace such bridge and recover, by suit, one-half
22 of the county's cost of such bridge from the county failing or
23 refusing to join in such application. All requests for bridge
24 replacement under sections 39-846 to 39-847.01 shall be forwarded
25 by the department to the Board of Public Roads Classifications

1 and Standards. Such board shall establish priorities for bridge
2 replacement based on critical needs. The board shall, in June and
3 December of each year, consider such applications and establish
4 priorities for a period of time consistent with sections 39-2115 to
5 39-2119. The board shall return the applications to the department
6 with the established priorities.

7 (2) The plans and specifications for each bridge shall
8 be furnished by the Department of ~~Roads~~ Transportation and
9 replacement shall be under the supervision of the Department
10 of ~~Roads~~ Transportation and the county board.

11 (3) Any contract for the replacement of any such bridge
12 shall be made by the Department of ~~Roads~~ Transportation consistent
13 with procedures for contracts for state highways and federal-aid
14 secondary roads.

15 (4) After the replacement of any such bridge and the
16 acceptance thereof by the Department of ~~Roads~~, Transportation, any
17 county having jurisdiction over it shall have sole responsibility
18 for maintenance.

19 Sec. 44. Section 39-847.01, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 39-847.01 The State Treasurer shall transfer monthly
22 thirty-two thousand dollars from the Department of ~~Roads~~
23 Transportation's share of the Highway Trust Fund and thirty-two
24 thousand dollars from the counties' share of the Highway Trust Fund
25 which is allocated to bridges to the State Aid Bridge Fund.

1 Sec. 45. Section 39-892, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 39-892 For purposes of the Interstate Bridge Act of 1959,
4 unless the context otherwise requires:

5 (1) Approach ~~shall mean~~ means that portion of any
6 interstate bridge which allows the highway access to the bridge
7 structure. It shall be measured along the centerline of the highway
8 from the end of the bridge structure to the nearest right-of-way
9 line of the closest street or road where traffic may leave the
10 highway to avoid crossing the bridge, but in no event shall such
11 approach exceed a distance of one mile. The term shall be construed
12 to include all embankments, fills, grades, supports, drainage
13 facilities, and appurtenances necessary therefor;

14 (2) Appurtenances ~~shall include,~~ includes, but shall not
15 be limited to, sidewalks, storm sewers, guardrails, handrails,
16 steps, curb or grate inlets, fire plugs, retaining walls, lighting
17 fixtures, and all other items of a similar nature which the
18 department deems necessary for the proper operation of any
19 interstate bridge or for the safety and convenience of the
20 traveling public;

21 (3) Boundary line bridge ~~shall mean~~ means any bridge
22 upon which no toll, fee, or other consideration is charged for
23 passage thereon and which connects the state highway systems of the
24 State of Nebraska and an adjoining state in the same manner as an
25 interstate bridge. Such bridges shall be composed of right-of-way,

1 bridge structure, approaches, and road in the same manner as an
2 interstate bridge but shall be distinguished from an interstate
3 bridge in that no part of such bridge shall be a part of the
4 state highway system, the title to such bridge being vested in a
5 person other than the State of Nebraska, or the State of Nebraska
6 and an adjoining state jointly. Any boundary line bridge purchased
7 or acquired by the department, or the department and an adjoining
8 state jointly, and added to the state highway system shall be
9 deemed an interstate bridge;

10 (4) Boundary line toll bridge ~~shall mean~~ means any
11 boundary line bridge upon which a fee, toll, or other consideration
12 is charged traffic for the use thereof. Any boundary line toll
13 bridge purchased or acquired by the department, or by the
14 department and an adjoining state jointly, and added to the
15 state highway system shall be deemed an interstate bridge;

16 (5) Bridge structure ~~shall mean~~ means the superstructure
17 and substructure of any interstate bridge having a span of not less
18 than twenty feet between undercopings of extreme end abutments, or
19 extreme ends of openings of multiple boxes, when measured along
20 the centerline of the highway thereon, and shall be construed
21 to include the supports therefor and all appurtenances deemed
22 necessary by the department;

23 (6) Construction ~~shall mean~~ means the erection,
24 fabrication, or alteration of the whole or any part of any
25 interstate bridge. For purposes of this subdivision, alteration

1 shall be construed to be the performance of construction by which
2 the form or design of any interstate bridge is changed or modified;

3 (7) Department ~~shall mean~~ means the Department of Roads,
4 Transportation;

5 (8) Emergency ~~shall include,~~ includes, but shall not be
6 limited to, acts of God, invasion, enemy attack, war, flood, fire,
7 storm, traffic accidents, or other actions of similar nature which
8 usually occur suddenly and cause, or threaten to cause, damage
9 requiring immediate attention;

10 (9) Expressway ~~shall be defined in the manner provided by~~
11 has the same meaning as in section 39-1302;

12 (10) Freeway ~~shall be defined in the manner provided by~~
13 has the same meaning as in section 39-1302;

14 (11) Highway ~~shall mean~~ means a road, street, expressway,
15 or freeway, including the entire area within the right-of-way,
16 which has been designated a part of the state highway system;

17 (12) Interstate bridge ~~shall mean~~ means the right-of-way,
18 approaches, bridge structure, and highway necessary to form a
19 passageway for highway traffic over the boundary line of the
20 State of Nebraska from a point within the State of Nebraska to a
21 point within an adjoining state for the purpose of spanning any
22 obstruction or obstructions which would otherwise hinder the free
23 and safe flow of traffic between such points, such bridge being a
24 part of the state highway system with title vested in the State
25 of Nebraska or in the State of Nebraska and an adjoining state

1 jointly;

2 (13) Interstate bridge purposes ~~shall include,~~ includes,
3 but is not be limited to, the applicable provisions of subdivisions
4 (2) (a) through (1) of section 39-1320;

5 (14) Maintenance ~~shall mean~~ means the act, operation, or
6 continuous process of repair, reconstruction, or preservation of
7 the whole or any part of any interstate bridge for the purpose
8 of keeping it at or near its original standard of usefulness and
9 shall include the performance of traffic services for the safety
10 and convenience of the traveling public. For purposes of this
11 subdivision, reconstruction shall be construed to be the repairing
12 or replacing of any part of any interstate bridge without changing
13 or modifying the form or design of such bridge;

14 (15) Person ~~shall include~~ includes bodies politic
15 and corporate, societies, communities, the public generally,
16 individuals, partnerships, limited liability companies, joint-stock
17 companies, and associations;

18 (16) Right-of-way ~~shall mean~~ means land, property, or
19 interest therein, usually in a strip, acquired for or devoted to an
20 interstate bridge;

21 (17) State highway system ~~shall mean~~ means the highways
22 within the State of Nebraska as shown on the map provided for in
23 section 39-1311 and as defined by section 39-1302;

24 (18) Street ~~shall be defined in the manner provided by~~
25 has the same meaning as in section 39-1302;

1 (19) Title ~~shall mean~~ means the evidence of right to
2 property or the right itself; and

3 (20) Traffic services ~~shall mean~~ means the operation
4 of an interstate bridge facility, and the services incidental
5 thereto, to provide for the safe and convenient flow of traffic
6 over such bridge. Such services ~~shall include,~~ includes, but
7 is not ~~be~~ limited to, erection of snow fence, snow and ice
8 removal, painting, repairing, and replacing signs, guardrails,
9 traffic signals, lighting standards, pavement stripes and markings,
10 adding conventional traffic control devices, furnishing power for
11 road lighting and traffic control devices, and replacement of
12 parts.

13 Sec. 46. Section 39-1010, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 39-1010 All mailboxes shall be placed such that no part
16 of the mailbox extends beyond the shoulder line of any highway and
17 the mailbox support shall be placed a minimum of one foot outside
18 the shoulder line of any gravel-surfaced highway, and of any
19 hard-surfaced highway having a shoulder width of six feet or more
20 measured from the edge of the hard surfacing. Along hard-surfaced
21 highways having a shoulder width of less than six feet, the
22 Department of ~~Roads~~ Transportation shall, on new construction or
23 reconstruction, where feasible, provide a shoulder width of not
24 less than six feet, or provide for a minimum clear traffic lane
25 of ten feet in width at such mailbox turnouts. On highways built

1 before October 9, 1961, having a shoulder width of less than
2 six feet, the ~~Department of Roads~~ department may, where feasible
3 and deemed advisable, provide a shoulder width of not less than
4 six feet or provide for minimum clear traffic lane of ten feet
5 in width at such mailbox turnouts. It shall be the duty of the
6 ~~Department of Roads~~ department to notify the owner of all mailboxes
7 in violation of the provisions of this section and the department
8 may remove such mailboxes if the owner fails or refuses to remove
9 the same after a reasonable time after he or she is notified of
10 such violations.

11 Sec. 47. Section 39-1011, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 39-1011 The Department of Roads Transportation shall
14 provide and maintain gravel, crushed-rock, or hard-surface turnouts
15 for delivery of mail to all mailboxes placed on the highway
16 rights-of-way to conform with the provisions of section 39-1010.

17 Sec. 48. Section 39-1101, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 39-1101 There is hereby created in the Department of
20 ~~Reads~~ Transportation a State Highway Commission which shall consist
21 of eight members to be appointed by the Governor with the consent
22 of a majority of all the members of the Legislature. One member
23 shall at all times be appointed from each of the eight districts
24 designated in section 39-1102. Each member of the commission shall
25 be (1) a citizen of the United States, (2) not less than thirty

1 years of age, and (3) a bona fide resident of the State of Nebraska
2 and of the district from which he or she is appointed for at
3 least three years immediately preceding his or her appointment.
4 Not more than four members shall be of the same political party.
5 The Director-State Engineer shall be an ex officio member of the
6 commission who shall vote in case of a tie.

7 Sec. 49. Section 39-1110, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 39-1110 (1) It shall be the duty of the State Highway
10 Commission:

11 (a) To conduct studies and investigations and to act
12 in an advisory capacity to the Director-State Engineer in the
13 establishment of broad policies for carrying out the duties and
14 responsibilities of the Department of ~~Roads~~ Transportation;

15 (b) To advise the public regarding the policies,
16 conditions, and activities of the ~~Department of Roads~~ department;

17 (c) To hold hearings, make investigations, studies, and
18 inspections, and do all other things necessary to carry out the
19 duties imposed upon it by law;

20 (d) To advance information and advice conducive to
21 providing adequate and safe highways in the state;

22 (e) When called upon by the Governor, to advise him or
23 her relative to the appointment of the Director-State Engineer; and

24 (f) To submit to the Governor its written advice
25 regarding the feasibility of each relinquishment or abandonment

1 of a fragment of a route, section of a route, or a route on the
2 state highway system proposed by the department. The chairperson of
3 the commission shall designate one or more of the members of the
4 commission, prior to submitting such advice, to personally inspect
5 the fragment of a route, section of a route, or a route to be
6 relinquished or abandoned, who shall take into consideration the
7 following factors: Cost to the state for maintenance, estimated
8 cost to the state for future improvements, whether traffic
9 service provided is primarily local or otherwise, whether other
10 facilities provide comparable service, and the relationship to
11 an integrated state highway system. The department shall furnish
12 to the commission all needed assistance in making its inspection
13 and study. If the commission, after making such inspection and
14 study, shall fail to reach a decision as to whether or not the
15 fragment of a route, section of a route, or a route should be
16 relinquished or abandoned, it may hold a public hearing on such
17 proposed relinquishment or abandonment. The commission shall give
18 a written notice of the time and place of such hearing, not less
19 than two weeks prior to the time of the hearing, to the political
20 or governmental subdivisions or public corporations wherein such
21 portion of the state highway system is proposed to be relinquished
22 or abandoned. The commission shall submit to the Governor, within
23 two weeks after such hearing, its written advice upon such proposed
24 relinquishment or abandonment.

25 (2) All funds rendered available by law to the Department

1 of ~~Roads~~, Transportation, including funds already collected for
2 such purposes, may be used by the State Highway Commission in
3 administering and effecting such purposes, to be paid upon approval
4 by the Director-State Engineer.

5 (3) All data and information of the Department of ~~Roads~~
6 Transportation shall be available to the State Highway Commission.

7 (4) The State Highway Commission may issue bonds under
8 the Nebraska Highway Bond Act.

9 Sec. 50. Section 39-1302, Revised Statutes Cumulative
10 Supplement, 2006, is amended to read:

11 39-1302 For purposes of sections 39-1301 to 39-1392,
12 unless the context otherwise requires:

13 (1) Abandon ~~shall mean~~ means to reject all or part of the
14 department's rights and responsibilities relating to all or part of
15 a fragment, section, or route on the state highway system;

16 (2) Alley ~~shall mean~~ means an established passageway for
17 vehicles and pedestrians affording a secondary means of access in
18 the rear to properties abutting on a street or highway;

19 (3) Approach or exit road ~~shall mean~~ means any highway or
20 ramp designed and used solely for the purpose of providing ingress
21 or egress to or from an interchange or rest area of a highway. An
22 approach road shall begin at the point where it intersects with
23 any highway not a part of the highway for which such approach road
24 provides access and shall terminate at the point where it merges
25 with an acceleration lane of a highway. An exit road shall begin at

1 the point where it intersects with a deceleration lane of a highway
2 and shall terminate at the point where it intersects any highway
3 not a part of a highway from which the exit road provides egress;

4 (4) Arterial highway ~~shall mean~~ means a highway primarily
5 for through traffic, usually on a continuous route;

6 (5) Beltway ~~shall mean~~ means the roads and streets
7 not designated as a part of the state highway system and that
8 are under the primary authority of a county or municipality, if
9 the location of the beltway has been approved by (a) record of
10 decision or finding of no significant impact by the federal highway
11 administration and (b) the applicable local planning authority as a
12 part of the comprehensive plan;

13 (6) Business ~~shall mean~~ means any lawful activity
14 conducted primarily for the purchase and resale, manufacture,
15 processing, or marketing of products, commodities, or other
16 personal property or for the sale of services to the public or by a
17 nonprofit corporation;

18 (7) Channel ~~shall mean~~ means a natural or artificial
19 watercourse;

20 (8) Commercial activity ~~shall mean~~ means those activities
21 generally recognized as commercial by zoning authorities in this
22 state, and industrial activity ~~shall mean~~ means those activities
23 generally recognized as industrial by zoning authorities in this
24 state, except that none of the following shall be considered
25 commercial or industrial:

1 (a) Outdoor advertising structures;

2 (b) General agricultural, forestry, ranching, grazing,
3 farming, and related activities, including wayside fresh produce
4 stands;

5 (c) Activities normally or regularly in operation less
6 than three months of the year;

7 (d) Activities conducted in a building principally used
8 as a residence;

9 (e) Railroad tracks and minor sidings; and

10 (f) Activities more than six hundred sixty feet from the
11 nearest edge of the right-of-way of the road or highway;

12 (9) Connecting link ~~shall mean~~ means the roads, streets,
13 and highways designated as part of the state highway system and
14 which are within the corporate limits of any city or village in
15 this state;

16 (10) Controlled-access facility ~~shall mean~~ means a
17 highway or street especially designed for through traffic and over,
18 from, or to which owners or occupants of abutting land or other
19 persons have no right or easement or only a controlled right or
20 easement of access, light, air, or view by reason of the fact that
21 their property abuts upon such controlled-access facility or for
22 any other reason. Such highways or streets may be freeways, or they
23 may be parkways;

24 (11) Department ~~shall mean~~ means the Department of Roads,
25 Transportation;

1 (12) Displaced person ~~shall mean~~ means any individual,
2 family, business, or farm operation which moves from real property
3 acquired for state highway purposes or for a federal-aid highway;

4 (13) Easement ~~shall mean~~ means a right acquired by public
5 authority to use or control property for a designated highway
6 purpose;

7 (14) Expressway ~~shall mean~~ means a divided arterial
8 highway for through traffic with full or partial control of access
9 which may have grade separations at intersections;

10 (15) Family ~~shall mean~~ means two or more persons living
11 together in the same dwelling unit who are related to each other by
12 blood, marriage, adoption, or legal guardianship;

13 (16) Farm operation ~~shall mean~~ means any activity
14 conducted primarily for the production of one or more agricultural
15 products or commodities for sale and home use and customarily
16 producing such products or commodities in sufficient quantity to be
17 capable of contributing materially to the operator's support;

18 (17) Federal-aid primary roads ~~shall mean~~ means roads,
19 streets, and highways, whether a part of the state highway system,
20 county road systems, or city streets, which have been designated
21 as federal-aid primary roads by the department and approved by the
22 United States Secretary of Transportation and shown on the maps
23 provided for in section 39-1311;

24 (18) Freeway ~~shall mean~~ means an expressway with full
25 control of access;

1 (19) Frontage road ~~shall mean~~ means a local street or
2 road auxiliary to an arterial highway for service to abutting
3 property and adjacent areas and for control of access;

4 (20) Full control of access ~~shall mean~~ means that the
5 right of owners or occupants of abutting land or other persons
6 to access or view is fully controlled by public authority having
7 jurisdiction and that such control is exercised to give preference
8 to through traffic by providing access connections with selected
9 public roads only and by prohibiting crossings or intersections at
10 grade or direct private driveway connections;

11 (21) Grade separation ~~shall mean~~ means a crossing of two
12 highways at different levels;

13 (22) Highway ~~shall mean~~ means a road or street, including
14 the entire area within the right-of-way, which has been designated
15 a part of the state highway system;

16 (23) Individual ~~shall mean~~ means a person who is not a
17 member of a family;

18 (24) Interchange ~~shall mean~~ means a grade-separated
19 intersection with one or more turning roadways for travel between
20 any of the highways radiating from and forming part of such
21 intersection;

22 (25) Map ~~shall mean~~ means a drawing or other illustration
23 or a series of drawings or illustrations which may be considered
24 together to complete a representation;

25 (26) Mileage ~~shall mean~~ means the aggregate distance in

1 miles without counting double mileage where there are one-way or
2 divided roads, streets, or highways;

3 (27) Parking lane ~~shall mean~~ means an auxiliary lane
4 primarily for the parking of vehicles;

5 (28) Parkway ~~shall mean~~ means an arterial highway for
6 noncommercial traffic, with full or partial control of access, and
7 usually located within a park or a ribbon of park-like development;

8 (29) Relinquish ~~shall mean~~ means to surrender all or
9 part of the rights and responsibilities relating to all or part
10 of a fragment, section, or route on the state highway system to
11 a political or governmental subdivision or public corporation of
12 Nebraska;

13 (30) Right of access ~~shall mean~~ means the rights of
14 ingress and egress to or from a road, street, or highway and the
15 rights of owners or occupants of land abutting a road, street, or
16 highway or other persons to a way or means of approach, light, air,
17 or view;

18 (31) Right-of-way ~~shall mean~~ means land, property, or
19 interest therein, usually in a strip, acquired for or devoted to a
20 road, street, or highway;

21 (32) Road ~~shall mean~~ means a public way for the
22 purposes of vehicular travel, including the entire area within
23 the right-of-way. A road designated as part of the state highway
24 system may be called a highway, while a road in an urban area may
25 be called a street;

1 (33) Roadside ~~shall mean~~ means the area adjoining the
2 outer edge of the roadway. Extensive areas between the roadways of
3 a divided highway may also be considered roadside;

4 (34) Roadway ~~shall mean~~ means the portion of a highway,
5 including shoulders, for vehicular use;

6 (35) Separation structure ~~shall mean~~ means that part of
7 any bridge or road which is directly overhead of the roadway of any
8 part of a highway;

9 (36) State highway purposes ~~shall have the meaning set~~
10 ~~forth~~ has the same meaning as in subsection (2) of section 39-1320;

11 (37) State highway system ~~shall mean~~ means the roads,
12 streets, and highways shown on the map provided for in section
13 39-1311 as forming a group of highway transportation lines for
14 which the department shall be the primary authority. The state
15 highway system ~~shall include,~~ includes, but is not be limited
16 to, rights-of-way, connecting links, drainage facilities, and
17 the bridges, appurtenances, easements, and structures used in
18 conjunction with such roads, streets, and highways;

19 (38) Street ~~shall mean~~ means a public way for the
20 purposes of vehicular travel in a city or village and ~~shall include~~
21 includes the entire area within the right-of-way;

22 (39) Structure ~~shall mean~~ means anything constructed or
23 erected, the use of which requires permanent location on the ground
24 or attachment to something having a permanent location;

25 (40) Title ~~shall mean~~ means the evidence of a person's

1 right to property or the right itself;

2 (41) Traveled way ~~shall mean~~ means the portion of the
3 roadway for the movement of vehicles, exclusive of shoulders and
4 auxiliary lanes;

5 (42) Unzoned commercial or industrial area for purposes
6 of control of outdoor advertising ~~shall mean~~ means all areas within
7 six hundred sixty feet of the nearest edge of the right-of-way of
8 the interstate and federal-aid primary systems which are not zoned
9 by state or local law, regulation, or ordinance and on which there
10 is located one or more permanent structures devoted to a business
11 or industrial activity or on which a commercial or industrial
12 activity is conducted, whether or not a permanent structure is
13 located thereon, the area between such activity and the highway,
14 and the area along the highway extending outward six hundred feet
15 from and beyond each edge of such activity and, in the case of
16 the primary system, may include the unzoned lands on both sides
17 of such road or highway to the extent of the same dimensions if
18 those lands on the opposite side of the highway are not deemed
19 scenic or having aesthetic value as determined by the department.
20 In determining such an area, measurements shall be made from the
21 furthest or outermost edges of the regularly used area of the
22 commercial or industrial activity, structures, normal points of
23 ingress and egress, parking lots, and storage and processing areas
24 constituting an integral part of such commercial or industrial
25 activity;

1 (43) Visible, for purposes of section 39-1320, in
2 reference to advertising signs, displays, or devices, ~~shall mean~~
3 means the message or advertising content of such sign, display, or
4 device is capable of being seen without visual aid by a person
5 of normal visual acuity. A sign shall be considered visible even
6 though the message or advertising content may be seen but not read;

7 (44) Written instrument ~~shall mean~~ means a deed or any
8 other document that states a contract, agreement, gift, or transfer
9 of property; and

10 (45) Zoned commercial or industrial areas ~~shall mean~~
11 means those areas within six hundred sixty feet of the nearest
12 edge of the right-of-way of the Highway Beautification Control
13 System defined in section 39-201.01, zoned by state or local zoning
14 authorities for industrial or commercial activities.

15 Sec. 51. Section 39-1306.01, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 39-1306.01 Unused funds shall be made available by the
18 ~~Department of Roads~~ department to other political or governmental
19 subdivisions or public corporations for an additional period of six
20 months. The department shall likewise make available unused funds
21 from allotments which have been made prior to December 25, 1969.
22 The department shall separately classify all unused funds referred
23 to in section 39-1306 from their sources on the basis of the type
24 of political or governmental subdivision or public corporation to
25 which they were allotted. It is the intent of the Legislature

1 that such funds which were allotted to counties and were unused be
2 made available to other counties, and that such funds which were
3 allotted to cities and villages and were unused be made available
4 to other cities and villages. The funds in each classification
5 shall be made available by the department to other subdivisions
6 which have utilized all of the federal funds available to them,
7 and shall be subject to the same conditions as apply to funds
8 received under section 39-1306. Such funds shall be reallocated
9 upon application therefor by the subdivisions.

10 Sec. 52. Section 39-1306.02, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 39-1306.02 When any political or governmental subdivision
13 or any public corporation of this state has an allotment of
14 federal-aid funds made available to it by the federal government,
15 the ~~Department of Roads~~ department shall give notice to the
16 political or governmental subdivision of the amount of such funds
17 the department has allotted to it, and, that the duration of
18 the allotment to the political or governmental subdivision or
19 public corporation is for not less than an eighteen-month period,
20 which notice shall state the last date of such allotment to the
21 subdivision or political corporation. The department shall give
22 notice a second time six months before the last date of such
23 allotment of the impending six months expiration of the allotment
24 and of the amount of funds remaining.

25 Sec. 53. Section 39-1311, Revised Statutes Cumulative

1 Supplement, 2006, is amended to read:

2 39-1311 (1) The ~~Department of Roads~~ department at all
3 times shall maintain a current map of the state, which shall show
4 all the roads, highways, and connecting links which have been
5 designated, located, created, or constituted as part of the state
6 highway system, including all corridors. All changes in designation
7 or location of highways constituting the state highway system, or
8 additions thereto, shall be indicated upon the map. The department
9 shall also maintain six separate and additional maps. These maps
10 shall include (a) the roads, highways, and streets designated as
11 federal-aid primary roads as of March 27, 1972, (b) the National
12 System of Interstate and Defense Highways, (c) the roads designated
13 as the federal-aid primary system as it existed on June 1, 1991,
14 (d) the National Highway System, (e) the Highway Beautification
15 Control System as defined in section 39-201.01, and (f) scenic
16 byways as defined in section 39-201.01. The National Highway System
17 is the system designated as such under the federal Intermodal
18 Surface Transportation Efficiency Act of 1991. The maps shall be
19 available at all times for public inspection at the offices of the
20 Director-State Engineer and shall be filed with the Legislature of
21 the State of Nebraska each biennium.

22 (2) Whenever the department has received a corridor
23 location approval for a proposed state highway or proposed beltway
24 to be located in any county or municipality, it shall prepare
25 a map of such corridor sufficient to show the location of

1 such corridor on each parcel of land to be traversed. If the
2 county or municipality in which such corridor is located does not
3 have a requirement for the review and approval of a preliminary
4 subdivision plat or a requirement that a building permit be
5 obtained prior to commencement of a structure, the department shall
6 send notice of the approval of such corridor by certified mail
7 to the owner of each parcel traversed by the corridor at the
8 address shown for such owner on the county tax records. Such notice
9 shall advise the owner of the requirement of sections 39-1311
10 to 39-1311.05 for preliminary subdivision plats and for building
11 permits.

12 (3) For any beltway proposed under sections 39-1311 to
13 39-1311.05, the duties of the department shall be assumed by the
14 county or municipality that received approval for the beltway
15 project.

16 Sec. 54. Section 39-1320, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 39-1320 (1) The ~~Department of Roads~~ department is hereby
19 authorized to acquire, either temporarily or permanently, lands,
20 real or personal property or any interests therein, or any
21 easements deemed to be necessary or desirable for present or future
22 state highway purposes by gift, agreement, purchase, exchange,
23 condemnation, or otherwise. Such lands or real property may be
24 acquired in fee simple or in any lesser estate. It is the intention
25 of the Legislature that all property leased or purchased from the

1 owner shall receive a fair price.

2 (2) State highway purposes, as referred to in subsection
3 (1) of this section or otherwise in sections 39-1301 to 39-1362,
4 ~~shall include~~ includes provision for, but shall not be limited to,
5 the following:

6 (a) The construction, reconstruction, relocation,
7 improvement, and maintenance of the state highway system. The
8 right-of-way for such highways shall be of such width as is deemed
9 necessary by the department;

10 (b) Adequate drainage in connection with any highway,
11 cuts, fills, or channel changes and the maintenance thereof;

12 (c) Controlled-access facilities, including air, light,
13 view, and frontage and service roads to highways;

14 (d) Weighing stations, shops, storage buildings and
15 yards, and road maintenance or construction sites;

16 (e) Road material sites, sites for the manufacture of
17 road materials, and access roads to such sites;

18 (f) The preservation of objects of attraction or scenic
19 value adjacent to, along, or in close proximity to highways and the
20 culture of trees and flora which may increase the scenic beauty of
21 such highways;

22 (g) Roadside areas or parks adjacent to or near any
23 highway;

24 (h) The exchange of property for other property to be
25 used for rights-of-way or other purposes set forth in subsection

1 (1) or (2) of this section if the interests of the state will be
2 served and acquisition costs thereby reduced;

3 (i) The maintenance of an unobstructed view of any
4 portion of a highway so as to promote the safety of the traveling
5 public;

6 (j) The construction and maintenance of stock trails and
7 cattle passes;

8 (k) The erection and maintenance of marking and warning
9 signs and traffic signals;

10 (l) The construction and maintenance of sidewalks and
11 highway illumination;

12 (m) The control of outdoor advertising which is visible
13 from the nearest edge of the right-of-way of the Highway
14 Beautification Control System as defined in section 39-201.01 to
15 comply with the provisions of 23 U.S.C. 131, as amended;

16 (n) The relocation of or giving assistance in the
17 relocation of individuals, families, businesses, or farm operations
18 occupying premises acquired for state highway or federal-aid road
19 purposes; and

20 (o) The establishment and maintenance of wetlands to
21 replace or to mitigate damage to wetlands affected by highway
22 construction, reconstruction, or maintenance. The replacement lands
23 shall be capable of being used to create wetlands comparable to
24 the wetlands area affected. The area of the replacement lands
25 may exceed the wetlands area affected. Lands may be acquired to

1 establish a large or composite wetlands area, sometimes called a
2 wetlands bank, not larger than an area which is one hundred fifty
3 percent of the lands reasonably expected to be necessary for the
4 mitigation of future impact on wetlands brought about by highway
5 construction, reconstruction, or maintenance during the six-year
6 plan in effect upon acquisition of the lands. For purposes of this
7 section, wetlands shall have the definition found in 33 C.F.R.
8 328.3(b).

9 (3) The procedure to condemn property authorized by
10 subsection (1) of this section or elsewhere in sections 39-1301
11 to 39-1362 shall be exercised in the manner set forth in sections
12 76-704 to 76-724 or as provided by section 39-1323, as the case may
13 be.

14 Sec. 55. Section 39-1323.01, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 39-1323.01 The ~~Department of Roads,~~ department, subject
17 to the approval of the Governor, and the United States Department
18 of Transportation if such department has a financial interest, is
19 authorized to lease, rent, or permit for use, any area, or land and
20 the buildings thereon, which area or land was acquired for highway
21 purposes. The Director-State Engineer, for the department, and in
22 the name of the State of Nebraska, may execute all leases, permits,
23 and other instruments necessary to accomplish the foregoing. Such
24 instruments may contain any conditions, covenants, exceptions,
25 and reservations which the department deems to be in the public

1 interest, including, but not limited to, the provision that upon
2 notice that such property is needed for highway purposes the
3 use and occupancy thereof shall cease. If so leased, rented, or
4 permitted to be used by a municipality, the property may be used
5 for such governmental or proprietary purpose as the governing body
6 of the municipality shall determine, and such governing body may
7 let the property to bid by private operators for proprietary uses.
8 All money received as rent shall be deposited in the state treasury
9 and by the State Treasurer placed in the Highway Cash Fund, subject
10 to reimbursement, if requested, to the United States Department of
11 Transportation for its proportionate financial contribution.

12 Sec. 56. Section 39-1328.01, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 39-1328.01 Whenever a highway not a freeway, which
15 formerly traversed the corporate limits of a municipality of
16 not more than five thousand inhabitants, is relocated and is
17 made a controlled-access facility, and the ~~Department of Roads~~
18 department is or is not providing any frontage road as authorized
19 by section 39-1328, near an intersection with a roadway connecting
20 with such municipality, the department shall, when consistent with
21 requirements of traffic safety, and when the cost of drainage
22 structures does not exceed five thousand dollars, and upon the
23 conditions hereinafter set out construct such frontage roads if
24 requested to do so by such municipality, the county, or by the
25 owners of sixty percent of the property abutting on such relocated

1 highway if such request is made prior to the purchase, lease, or
2 lease with option to purchase of right-of-way by the department.
3 The quadrant of such intersection in which the frontage road or
4 roads shall be located shall be designated by the governing board
5 of such municipality. The department shall at the request of the
6 county or municipality procure the right-of-way for such frontage
7 road by lease or lease-option to buy or in the same manner as
8 though it were for state highway purposes after receiving from the
9 county or municipality reasonable assurance of reimbursement for
10 such right-of-way costs. The responsibility for the maintenance of
11 such frontage road shall be as provided in section 39-1372.

12 Sec. 57. Section 39-1328.02, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 39-1328.02 Whenever a highway not a freeway, which
15 formerly traversed the corporate limits of a municipality, has
16 been relocated since January 1, 1960, and has been made or will
17 be made a controlled-access facility, and the ~~Department of Roads~~
18 department has not provided any frontage road as authorized by
19 section 39-1328, near an intersection with a roadway connecting
20 with such municipality, the department shall, when consistent with
21 requirements of traffic safety, and when the cost of drainage
22 structures does not exceed five thousand dollars, and upon the
23 conditions hereinafter set out construct such frontage roads if
24 requested to do so by such municipality, the county, or by the
25 owners of sixty percent of the property abutting on such relocated

1 highway within two years after November 18, 1965, or within two
2 years after the highway is made a controlled-access facility. If
3 agreements exist with the federal government requiring its consent
4 to the relinquishment of control of access, the department shall
5 make a bona fide effort to secure such consent, but upon failure
6 to obtain such consent, the frontage road shall not be constructed,
7 or, if conditions are imposed by the federal government, the
8 department shall construct such frontage roads only in accordance
9 with such conditions. The ~~PROVIDED, that the~~ municipality,
10 county, or owners requesting such frontage road shall reimburse the
11 department for any damages which it paid for such control of access
12 and also for payment to the federal government of such sum, if
13 any, demanded by it for the relinquishment of the access control.
14 The quadrant of such intersection in which the frontage road may
15 be located shall be designated by the governing board of such
16 municipality. The department shall at the request of the county
17 or municipality procure the right-of-way for such frontage road in
18 the same manner as though it were for state highway purposes after
19 receiving from the county or municipality reasonable assurance of
20 reimbursement for such right-of-way costs. The responsibility for
21 the maintenance of such frontage road shall be as provided in
22 section 39-1372.

23 Sec. 58. Section 39-1345.01, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 39-1345.01 Whenever the ~~Department of Roads,~~ department,

1 under the authority of section 39-1345, permits the public use of
2 a highway undergoing construction, repair, or maintenance in lieu
3 of a detour route, the contractor shall not be held responsible for
4 damages to those portions of the project upon which the department
5 has permitted public use, when such damages are the result of no
6 proximate act or failure to act on the part of the contractor.

7 Sec. 59. Section 39-1350, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 39-1350 The department shall have the authority to act
10 for any political or governmental subdivision or public corporation
11 of this state for the purpose of taking bids or letting contracts
12 for the construction, reconstruction, improvement, maintenance, or
13 repair of roads, bridges, and their appurtenances. The department,
14 while so acting, may take such bids and let such contracts at
15 the offices of the Department of Roads, Transportation, Lincoln,
16 Nebraska, if ~~PROVIDED, that~~ the department has the written
17 consent of the political or governmental subdivision or public
18 corporation where the work is to be done.

19 Sec. 60. Section 39-1353, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 39-1353 Proposal forms for submitting bids, on any
22 contract for the construction, reconstruction, improvement,
23 maintenance, or repair of roads, bridges, and their appurtenances
24 to be let by the department, shall be issued at the offices of the
25 Department of Roads, Transportation, Lincoln, Nebraska, not later

1 than 5 p.m. of the day before the letting of the contract. Such
2 proposal forms shall be issued only to those persons previously
3 qualified by the department and bids shall be accepted only from
4 such qualified persons.

5 Sec. 61. Section 39-1363, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 39-1363 To more effectually preserve the historical,
8 archeological, and paleontological remains of the state, the
9 ~~Department of Roads~~ department is authorized to enter into
10 agreements with the appropriate agencies of the state charged
11 with preserving historical, archeological, and paleontological
12 remains to have these agencies remove and preserve such remains
13 disturbed or to be disturbed by highway construction and to use
14 highway funds, when appropriated, for this purpose. This authority
15 specifically extends to highways which are part of the National
16 System of Interstate and Defense Highways as defined in the Federal
17 Aid Highway Act of 1956, Public Law 627, 84th Congress, and the use
18 of state funds on a matching basis with federal funds therein.

19 Sec. 62. Section 39-1364, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 39-1364 The ~~Department of Roads~~ department shall, upon
22 the request of any citizen of this state, disclose to such citizen
23 full information concerning any highway construction, alteration,
24 maintenance, or repair project in this state, whether completed,
25 presently in process, or contemplated for future action, and permit

1 an examination of the plans, specifications, and records concerning
2 such project. Any ~~PROVIDED~~, any information received by the
3 department as confidential by the laws of this state shall not
4 be disclosed. Any person who willfully fails to comply with the
5 provisions of this section shall be guilty of official misconduct.
6 By the provisions of this section, the officials of the ~~Department~~
7 ~~of Roads~~ department will not be required to furnish information on
8 the right-of-way of any proposed highway until such information can
9 be made available to the general public.

10 Sec. 63. Section 39-1365.01, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 39-1365.01 The ~~Department of Roads~~ department shall be
13 responsible for developing a specific and long-range state highway
14 system plan. The department shall annually formulate plans to
15 meet the state highway system needs of all facets of the state
16 and shall assign priorities for such needs. The department shall,
17 on or before December 1 of each year, present such plans to
18 the Legislature. The plans shall be referred to the appropriate
19 standing committees of the Legislature for review. In establishing
20 priorities, the department shall consider a variety of factors,
21 including, but not limited to, current and projected traffic
22 volume, safety requirements, economic development needs, current
23 and projected demographic trends, and maintenance and enhancement
24 of the quality of life for all Nebraska citizens. The state highway
25 system plan shall include the designation of those portions of the

1 state highway system which shall be expressways.

2 Sec. 64. Section 39-1365.02, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 39-1365.02 (1) The ~~Department of Roads~~ department shall
5 apply for and make maximum use of available federal funding,
6 including discretionary funding, on all highway construction
7 projects which are eligible for such assistance.

8 (2) The ~~Department of Roads~~ department shall transmit
9 to the Legislature, by December 1 of each year, a report on the
10 needs of the state highway system and the department's planning
11 procedures. Such report shall include:

12 (a) The criteria by which highway needs are determined;

13 (b) The standards established for each classification of
14 highways;

15 (c) An assessment of current and projected needs of
16 the state highway system, such needs to be defined by category
17 of improvement required to bring each segment up to standards.
18 Projected fund availability shall not be a consideration by which
19 needs are determined;

20 (d) Criteria and data, including factors enumerated in
21 section 39-1365.01, upon which decisions may be made on possible
22 special priority highways for commercial growth; and

23 (e) A review of the department's procedure for selection
24 of projects for the annual construction program, the five-year
25 planning program, and extended planning programs.

1 Sec. 65. Section 39-1390, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 39-1390 The State Recreation Road Fund is created. The
4 money in the fund shall be transferred by the State Treasurer,
5 on the first day of each month, to the ~~Department of Roads~~
6 department and shall be expended by the Director-State Engineer
7 with the approval of the Governor for construction and maintenance
8 of dustless-surface roads to be designated as state recreation
9 roads as provided in this section, except that for the period
10 beginning July 1, 2003, and ending June 30, 2005, transfers may
11 be made to the General Fund at the direction of the Legislature.
12 Except as to roads under contract as of March 15, 1972, only
13 those roads, excluding state highways, giving direct and immediate
14 access to or located within state parks, state recreation areas,
15 or other recreational or historical areas, shall be eligible for
16 designation as state recreation roads. Such eligibility shall
17 be determined by the Game and Parks Commission and certified
18 to the Director-State Engineer, who shall, after receiving such
19 certification, be authorized to commence construction on such
20 recreation roads as funds are available. After construction of
21 such roads they shall be shown on the map provided by section
22 39-1311. Preference in construction shall be based on existing
23 or potential traffic use by other than local residents. Unless
24 the State Highway Commission otherwise recommends, such roads upon
25 completion of construction shall be incorporated into the state

1 highway system. If such a road is not incorporated into the state
2 highway system, the ~~Department of Roads~~ department and the county
3 within which such road is located shall enter into a maintenance
4 agreement establishing the responsibility for maintenance of the
5 road, the maintenance standards to be met, and the responsibility
6 for maintenance costs. Any money in the State Recreation Road Fund
7 available for investment shall be invested by the state investment
8 officer pursuant to the Nebraska Capital Expansion Act and the
9 Nebraska State Funds Investment Act.

10 Sec. 66. Section 39-1392, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 39-1392 The ~~Department of Roads~~ department shall develop
13 and file with the Governor and the Legislature a one-year and a
14 long-range five-year plan of scheduled design, construction, and
15 improvement for all exterior access roads and interior service
16 roads as certified to it by the Game and Parks Commission. The
17 first such plans shall be filed on or before January 1, 1974. The
18 plans shall be reviewed and extended annually, on or before January
19 1 of each year, so that there shall always be a current one-year
20 and five-year plan on file. The department shall also, at the time
21 it files such plans and extensions thereof, report the design,
22 construction, and improvement accomplished during each of the two
23 immediately preceding calendar years.

24 Sec. 67. Section 39-1407, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 39-1407 Whenever contracts are to be let for road
2 improvements it shall be the duty of the county board to ~~cause to~~
3 ~~be prepared and filed~~ prepare and file with the county clerk an
4 estimate of the nature of the work and the cost thereof. After
5 such estimate has been filed, bids for such contracts shall be
6 advertised by publication of a notice thereof once a week for
7 three consecutive weeks in a legal newspaper of the county prior
8 to the date set for receiving bids. Bids shall be let to the
9 lowest responsible bidder. The board shall have the discretionary
10 power to reject any and all bids for sufficient cause. If all bids
11 are rejected, the county board shall have the power to negotiate
12 any contract for road improvements, but the county board shall
13 adhere to all specifications that were required for the initial
14 bids on contracts. The board shall have the discretionary power
15 to authorize the Department of Roads Transportation to take and
16 let bids on behalf of the county at the offices of the department
17 in Lincoln, Nebraska. When the bid is accepted the bidder shall
18 enter into a sufficient bond for the use and benefit of the
19 county, precinct, or township, for the faithful performance of the
20 contract, and for the payment of all laborers employed in the
21 performance of the work, and for the payment of all damages which
22 the county, precinct, or township may sustain by reason of any
23 failure to perform the work in the manner stipulated. It shall be
24 the duty of the county to determine whether or not the work is
25 performed in keeping with such contract before paying for ~~the same.~~

1 such contract.

2 Sec. 68. Section 39-1503, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 39-1503 It shall be the duty of the county board in
5 commissioner-type counties having a county highway superintendent
6 and in township-type counties having adopted a county road unit
7 system to:

8 (1) Give notice to the public of the date set for public
9 hearings upon the proposed county highway program of the county
10 highway superintendent for the forthcoming year by publication once
11 a week for three consecutive weeks in a legal newspaper published
12 in the county or, if none is published in the county, in a legal
13 newspaper of general circulation in the county. The notice shall
14 clearly state the purpose, time, and place of such public hearings;

15 (2) Adopt a county highway annual program no later
16 than March 1 of each year which shall include a schedule of
17 construction, repair, and maintenance projects and the order of
18 priority of such projects to be undertaken and carried out by the
19 county and a list of equipment to be purchased and the priority of
20 such purchases, within the limits of the estimated funds available
21 during the next twelve months;

22 (3) Adopt standards to be applied in road and bridge
23 repair, maintenance, and construction;

24 (4) Advertise for and take and let bids for all or any
25 portion of the county road work when letting bids, except that

1 when the Department of ~~Roads~~ Transportation takes bids on behalf
2 of the county, the county shall have authority to permit such bids
3 to be taken and let at the offices of the Department of ~~Roads,~~
4 Transportation, Lincoln, Nebraska; and

5 (5) Cause investigations, studies, and inspections to be
6 made, hold public hearings, and do all other things necessary to
7 carry out the duties imposed upon it by law.

8 Sec. 69. Section 39-1703, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 39-1703 The county board of any county and the governing
11 authority of any city or village may acquire land owned, occupied,
12 or controlled by the state or any state institution, board, agency,
13 or commission, whenever such land is necessary to construct,
14 reconstruct, improve, relocate, or maintain a county road or
15 a city or village street or to provide adequate drainage for
16 such roads or streets. The procedure for such acquisition shall,
17 as nearly as possible, be that provided in sections 72-224.02
18 and 72-224.03. Prior to taking any land for any of the above
19 purposes, a certificate that the taking of such land is in the
20 public interest must be obtained from the Governor and from the
21 Department of ~~Roads,~~ Transportation, and be filed in the office
22 of the Department of Administrative Services and a copy thereof
23 in the office of the Board of Educational Lands and Funds. The
24 damages assessed in such proceedings shall be paid to the Board of
25 Educational Lands and Funds, and shall be remitted by that board to

1 the State Treasurer for credit to the proper account.

2 Sec. 70. Section 39-1713, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 39-1713 (1) When any person presents to the county board
5 an affidavit satisfying it (a) that he or she is the owner of
6 the real estate described therein located within the county, (b)
7 that such real estate is shut out from all public access, other
8 than a waterway, by being surrounded on all sides by real estate
9 belonging to other persons, or by such real estate and by water,
10 (c) that he or she is unable to purchase from any of such persons
11 the right-of-way over or through the same to a public road or that
12 it cannot be purchased except at an exorbitant price, stating the
13 lowest price for which the same can be purchased by him or her,
14 and (d) asking that an access road be provided in accordance with
15 section 39-1716, the county board shall appoint a time and place
16 for hearing the matter, which hearing shall be not more than thirty
17 days after the receipt of such affidavit. The application for an
18 access road may be included in a separate petition instead of in
19 such affidavit.

20 (2) For purposes of sections 39-1713 to 39-1719:

21 (a) Access road means a right-of-way open to the general
22 public for ingress to and egress from a tract of isolated land
23 provided in accordance with section 39-1716; and

24 (b) State of Nebraska includes the Board of Educational
25 Lands and Funds, Board of Regents of the University of Nebraska,

1 Board of Trustees of the Nebraska State Colleges, Department of
2 ~~Roads, Transportation, Department of Aeronautics, Department of~~
3 Administrative Services, and Game and Parks Commission and all
4 other state agencies, boards, departments, and commissions.

5 Sec. 71. Section 39-1901, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 39-1901 All damages caused by the laying out, altering,
8 opening, or discontinuing of any county road shall be paid
9 by warrant on the general fund of the county in which such
10 road is located. The ~~÷ PROVIDED, that the~~ Department of ~~Roads~~
11 Transportation shall pay the damages, if any, which a person
12 sustains and is legally entitled to recover because of the
13 barricading of a county or township road pursuant to the provisions
14 of section 39-1728. Upon the failure of the party damaged and the
15 county to agree upon the amount of damages the damaged party, in
16 addition to any other available remedy, may file a petition as
17 provided for in section 76-705.

18 Sec. 72. Section 39-2001, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 39-2001 (1) The county board of each county shall select
21 and designate, from the laid out and platted public roads within
22 the county, certain roads to be known as primary and secondary
23 county roads. Primary county roads shall include (a) direct
24 highways leading to and from rural schools where ten or more
25 grades are being taught, (b) highways connecting cities, villages,

1 and market centers, (c) rural mail route and star mail route roads,
2 (d) main traveled roads, and (e) such other roads as are designated
3 as such by the county board. All county roads not designated as
4 primary county roads shall be secondary county roads.

5 (2) As soon as the primary county roads are designated
6 as provided by subsection (1) of this section, the county board
7 shall ~~cause~~ plainly mark such primary county roads ~~to be plainly~~
8 ~~marked~~ on a map to be deposited with the county clerk and be open
9 to public inspection. Upon filing the map the county clerk shall
10 at once fix a date of hearing thereon, which shall not be more
11 than twenty days nor less than ten days from the date of filing.
12 Notice of the filing of ~~said~~ such map and of the date of such
13 hearing shall be published prior to the hearing in one issue of
14 each newspaper published in the English language in the county.

15 (3) At any time before the hearing provided for by
16 subsection (2) of this section is concluded, any ten freeholders of
17 the county may file a petition with the county clerk asking for any
18 change in the designated primary county roads, setting forth the
19 reason for the proposed change. Such petition shall be accompanied
20 by a plat showing such proposed change.

21 (4) The roads designated on the map by the county board
22 shall be conclusively established as the primary roads. If ~~+~~
23 ~~PROVIDED,~~ if no agreement is reached between the county board and
24 the petitioners at the hearing, the county clerk shall forward the
25 map, together with all petitions and plats, to the Department of

1 ~~Reads~~ Transportation.

2 (5) The department shall, upon receipt of ~~the said~~ such
3 maps, petitions, and plats, proceed to examine the same, and
4 shall determine the lines to be followed by ~~the said~~ such county
5 roads, having regard to volume of traffic, continuity, and cost
6 of construction. The department shall, not later than twenty days
7 from the receipt thereof, return the papers to the county clerk,
8 together with the decision of the department in writing, duly
9 certified, and accompanied by a plat showing the lines of the
10 county roads as finally determined. The county clerk shall file the
11 papers and record the decision, and the same shall be conclusive as
12 to the lines of the county roads established therein.

13 Sec. 73. Section 39-2002, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 39-2002 The county board of each county shall select and
16 designate, within six months from January 1, 1958, the roads which
17 will be county primary roads and which will constitute the county
18 primary road system. Such roads shall be selected from those roads
19 which already have been designated as primary county roads pursuant
20 to the provisions of section 39-2001, or from those roads which
21 were maintained by the Department of ~~Reads~~ Transportation under
22 the provisions of section 39-1309. The primary county roads shall
23 include only the more important county roads as determined by the
24 actual or potential traffic volumes and other traffic survey data.

25 The county board of each county shall have authority to

1 redesignate the county primary roads from time to time by naming
2 additional roads as primary roads and by rescinding the designation
3 of existing county primary roads. The ~~PROVIDED,~~ ~~the~~ county board
4 shall follow the same procedure for redesignation as is required by
5 law for initially designating the county primary roads. The ~~AND~~
6 ~~PROVIDED FURTHER,~~ ~~that~~ the principle of designating only the more
7 important county roads as primary roads as determined by the actual
8 or potential traffic volumes and other traffic survey data shall be
9 adhered to.

10 A copy of a current map of the county roads showing the
11 location of roads and bridges and reflecting the county primary
12 road system as designated in this section shall be kept on file and
13 available to public inspection at the office of the county clerk
14 and with the Department of Roads- Transportation.

15 Sec. 74. Section 39-2105, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 39-2105 Jurisdictional responsibility for the various
18 functional classifications of public highways and streets shall be
19 as follows:

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

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

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

19 (3) The various incorporated municipalities shall have
20 the responsibility for the design, construction, reconstruction,
21 maintenance, and operation of all streets classified as expressway
22 which are of a purely local nature, that portion of municipal
23 extensions of rural expressways and major arterials which
24 exceeds the design of the rural portions of such systems, and
25 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 sections 39-2103, 39-2105,
7 39-2109, and 39-2113.

8 Sec. 75. Section 39-2106, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 39-2106 To assist in developing the functional
11 classification system, there is hereby established the Board of
12 Public Roads Classifications and Standards which shall consist of
13 eleven members to be appointed by the Governor with the approval
14 of the Legislature. Of the members of such board, two shall be
15 representatives of the Department of Roads, Transportation, three
16 shall be representatives of the counties, one of whom shall
17 be a licensed county highway superintendent in good standing
18 and two of whom shall be county board members, three shall be
19 representatives of the municipalities who shall be either public
20 works directors or licensed city street superintendents in good
21 standing, and three shall be lay citizens who shall represent the
22 three congressional districts of the state. The county members
23 on the board shall represent the various classes of counties, as
24 defined in section 23-1114.01, in the following manner: One shall
25 be a representative from either a Class 1 or Class 2 county;

1 one shall be a representative from either a Class 3 or Class 4
2 county; and one shall be a representative from either a Class
3 5, Class 6, or Class 7 county. The municipal members of the
4 board shall represent municipalities of the following sizes by
5 population: One shall be a representative from a municipality of
6 less than two thousand five hundred population; one shall be a
7 representative from a municipality of two thousand five hundred to
8 fifty thousand population; and one shall be a representative from
9 a municipality of over fifty thousand population. In making such
10 appointments, the Governor shall consult with the Director-State
11 Engineer and with the appropriate county and municipal officials
12 and may consult with organizations representing such officials or
13 representing counties or municipalities as may be appropriate.
14 At the expiration of the existing term, one member from the
15 county representatives, the municipal representatives, and the lay
16 citizens shall be appointed for a term of two years; two members
17 from the county representatives, the municipal representatives, and
18 the lay citizens shall be appointed for terms of four years. One
19 representative from the Department of ~~Roads~~ Transportation shall be
20 appointed for a two-year term and the other representative shall be
21 appointed for a four-year term. Thereafter, all such appointments
22 shall be for terms of four years each. Members of such board shall
23 receive no compensation for their services as such, except that the
24 lay members shall receive the same compensation as members of the
25 State Highway Commission, and all members shall be reimbursed for

1 their actual and necessary expenses incurred in the performance of
2 their official duties as provided in sections 81-1174 to 81-1177
3 for state employees. All expenses of such board shall be paid by
4 the Department of ~~Roads~~ Transportation.

5 Sec. 76. Section 39-2107, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 39-2107 The Department of ~~Roads~~ Transportation shall
8 furnish the Board of Public Roads Classifications and Standards
9 with necessary office space, furniture, equipment, and supplies as
10 well as necessary professional, technical, and clerical assistants.

11 Sec. 77. Section 39-2110, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 39-2110 Following adoption and publication of the
14 specific criteria required by section 39-2109, the Department of
15 ~~Roads~~, Transportation, after consultation with the appropriate
16 local authorities in each instance, shall assign a functional
17 classification to each segment of highway, road, and street in this
18 state. Before assigning any such classification, the department
19 shall make reasonable effort to resolve any differences of opinion
20 between the department and any county or municipality.

21 Sec. 78. Section 39-2111, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 39-2111 The county or municipality may appeal to the
24 Board of Public Roads Classifications and Standards from any
25 action taken by the Department of ~~Roads~~ Transportation in assigning

1 any functional classification under the provisions of section
2 39-2110. Upon the taking of such an appeal, the board shall
3 review all information pertaining to the assignment, hold a hearing
4 thereon if deemed advisable, and render a decision on the assigned
5 classification. The decision of the board may be appealed, and the
6 appeal shall be in accordance with the Administrative Procedure
7 Act.

8 Sec. 79. Section 39-2112, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 39-2112 Any county or municipality may, based on changing
11 traffic patterns or volume, request the Department of Roads
12 Transportation to reclassify any segment of highway, road, or
13 street. The department shall review such request and either grant
14 or deny the reclassification in whole or in part. Any county or
15 municipality dissatisfied with the action taken by the department
16 under this section, may appeal to the Board of Public Roads
17 Classifications and Standards in the manner provided in section
18 39-2111.

19 Sec. 80. Section 39-2113, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 39-2113 (1) In addition to the duties imposed upon it
22 by section 39-2109, the Board of Public Roads Classifications and
23 Standards shall develop minimum standards of design, construction,
24 and maintenance for each functional classification set forth in
25 sections 39-2103 and 39-2104. Except for scenic-recreation road

1 standards, such standards shall be such as to assure that each
2 segment of highway, road, or street will satisfactorily meet the
3 requirements of the area it serves and the traffic patterns and
4 volumes which it may reasonably be expected to bear.

5 (2) The standards for a scenic-recreation road
6 and highway classification shall insure a minimal amount of
7 environmental disruption practicable in the design, construction,
8 and maintenance of such highways, roads, and streets by the use
9 of less restrictive, more flexible design standards than other
10 highway classifications. Design elements of such a road or highway
11 shall incorporate parkway-like features which will allow the
12 user-motorist to maintain a leisurely pace and enjoy the scenic
13 and recreational aspects of the route and include rest areas and
14 scenic overlooks with suitable facilities. The board may stipulate
15 that speed limits consistent with scenic-recreation use apply to
16 any such highway or road.

17 (3) The standards developed for a minimum maintenance
18 road and highway classification shall provide for a level of
19 minimum maintenance sufficient to serve farm machinery and
20 the occasional or intermittent use by passenger and commercial
21 vehicles. The standards shall provide that any defective bridges,
22 culverts, or other such structures on, in, over, under, or part of
23 the minimum maintenance road may be removed by the county in order
24 to protect the public safety and need not be replaced by equivalent
25 structures except when deemed by the county board to be essential

1 for public safety or for the present or future transportation needs
2 of the county. The standards for such minimum maintenance roads
3 shall include the installation and maintenance by the county at
4 entry points to minimum maintenance roads and at regular intervals
5 thereon of appropriate signs to adequately warn the public that the
6 designated section of road has a lower level of maintenance effort
7 than other public roads and thoroughfares. Such signs shall conform
8 to the requirements in the Manual on Uniform Traffic Control
9 Devices adopted pursuant to section 60-6,118.

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

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

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

6 Sec. 81. Section 39-2115, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 39-2115 The Department of ~~Roads~~, Transportation, and each
9 county and municipality shall develop and file with the Board of
10 Public Roads Classifications and Standards a long-range, six-year
11 plan of highway, road, and street improvements based on priority of
12 needs and calculated to contribute to the orderly development of an
13 integrated statewide system of highways, roads, and streets. Each
14 such plan shall be filed with the board promptly upon preparation
15 but in no event later than March 1, 1971. If any county or
16 municipality, or the ~~Department of Roads~~, department, shall fail to
17 file its plan on or before such date, the board shall so notify the
18 local governing board, the Governor, and the State Treasurer, who
19 shall suspend distribution of any highway-user revenue allocated
20 to such county or municipality, or the ~~Department of Roads~~,
21 department, until the plan has been filed. Such funds shall be held
22 in escrow for six months until the county or municipality complies.
23 If the county or municipality complies within the six-month period
24 it shall receive the money in escrow, but after six months, if the
25 county or municipality fails to comply, the money in the escrow

1 account shall be lost to the county or municipality.

2 Sec. 82. Section 39-2118, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 39-2118 The Department of ~~Roads~~ Transportation shall
5 annually prepare and file with the Board of Public Roads
6 Classifications and Standards a plan for specific highway
7 improvements for the current year. The annual plan shall be filed
8 on or before July 1 of each year. In so doing, the department shall
9 take into account all federal funds which will be available to the
10 department for such year. The board shall review each such annual
11 plan to determine whether it is consistent with the department's
12 current six-year plan. The department shall be required to justify
13 any inconsistency with the six-year plan to the satisfaction of
14 the board.

15 Sec. 83. Section 39-2121, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 39-2121 (1) The department and each county and
18 municipality shall make the reports provided for by section
19 39-2120.

20 (2) If any county or municipality or the Department of
21 ~~Roads~~ Transportation fails to file such report on or before its
22 due date, the Board of Public Roads Classifications and Standards
23 shall so notify the local governing board, the Governor, and the
24 State Treasurer who shall suspend distribution of any highway-user
25 revenue allocated to such county or municipality or the ~~Department~~

1 ~~of Roads~~ department until the report has been filed. Such funds
2 shall be held in escrow for six months until the county or
3 municipality complies. If the county or municipality complies
4 within the six-month period it shall receive the money in escrow,
5 but after six months, if the county or municipality fails to
6 comply, the money in the escrow account shall be lost to the county
7 or municipality.

8 (3) If any county or municipality either (a) files a
9 materially false report or (b) constructs any highway, road, or
10 street below the minimum standards developed under section 39-2113,
11 without having received prior approval thereof, such county's or
12 municipality's share of highway-user revenue allocated during the
13 following calendar year shall be reduced by ten percent and the
14 amount of any such reduction shall be distributed among the other
15 counties or municipalities, as appropriate, in the manner provided
16 by law for allocation of highway-user revenue. The penalty for
17 filing a materially false report and the penalty for constructing
18 a highway, road, or street below established minimum standards
19 without prior approval shall be assessed by the board only after
20 a review of the facts involved in such case and the holding of a
21 public hearing on the matter. The decision thereafter rendered by
22 the board may be appealed, and the appeal shall be in accordance
23 with the Administrative Procedure Act.

24 Sec. 84. Section 39-2124, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 39-2124 It is the intent of the Legislature to recognize
2 the responsibilities of the Department of ~~Roads~~, Transportation,
3 of the counties, and of the municipalities in their planning
4 programs as authorized by state law and by home rule charter and
5 to encourage the acceptance and implementation of comprehensive,
6 continuing, cooperative, and coordinated planning by the state, the
7 counties, and the municipalities. Sections 13-914 and 39-2101 to
8 39-2125 are not intended to prohibit or inhibit the actions of the
9 counties and of the municipalities in their planning programs and
10 their subdivision regulations, nor are sections 13-914 and 39-2101
11 to 39-2125 intended to restrict the actions of the municipalities
12 in their creation of street improvement districts and in their
13 assessment of property for special benefits as authorized by state
14 law or by home rule charter.

15 Sec. 85. Section 39-2215, Revised Statutes Cumulative
16 Supplement, 2006, is amended to read:

17 39-2215 (1) There is hereby created in the state treasury
18 a special fund to be known as the Highway Trust Fund.

19 (2) All funds credited to the Highway Trust Fund pursuant
20 to sections 66-4,140, 66-4,147, and 66-6,108, and related penalties
21 and interest, shall be allocated as provided in such sections.

22 (3) All other motor vehicle fuel taxes, diesel fuel
23 taxes, compressed fuel taxes, and alternative fuel taxes related to
24 highway use retained by the state, all motor vehicle registration
25 fees retained by the state other than those fees credited to

1 the State Recreation Road Fund pursuant to subdivision (3) of
2 section 60-3,156, and other highway-user taxes imposed by state
3 law and allocated to the Highway Trust Fund, except for the
4 proceeds of the sales and use taxes derived from motor vehicles,
5 trailers, and semitrailers credited to the fund pursuant to section
6 77-27,132, are hereby irrevocably pledged for the terms of the
7 bonds issued prior to January 1, 1988, to the payment of the
8 principal, interest, and redemption premium, if any, of such bonds
9 as they mature and become due at maturity or prior redemption
10 and for any reserves therefor and shall, as received by the State
11 Treasurer, be deposited in the fund for such purpose.

12 (4) Of the money in the fund specified in subsection
13 (3) of this section which is not required for the use specified
14 in such subsection, (a) an amount equal to three dollars times
15 the number of motorcycles registered during the previous month
16 shall be placed in the Motorcycle Safety Education Fund, (b) an
17 amount to be determined annually by the Legislature through the
18 appropriations process may be transferred to the Motor Fuel Tax
19 Enforcement and Collection Cash Fund for use as provided in section
20 66-738 on a monthly or other less frequent basis as determined by
21 the appropriation language, (c) an amount to be determined annually
22 by the Legislature through the appropriations process shall be
23 transferred to the License Plate Cash Fund as certified by the
24 Director of Motor Vehicles, and (d) the remaining money may be
25 used for the purchase for retirement of the bonds issued prior to

1 January 1, 1988, in the open market.

2 (5) The State Treasurer shall monthly transfer, from the
3 proceeds of the sales and use taxes credited to the Highway Trust
4 Fund and any money remaining in the fund after the requirements of
5 subsections (2) through (4) of this section are satisfied, thirty
6 thousand dollars to the Grade Crossing Protection Fund.

7 (6) Except as provided in subsection (7) of this
8 section, the balance of the Highway Trust Fund shall be allocated
9 fifty-three and one-third percent, less the amount provided for
10 in section 39-847.01, to the Department of ~~Roads~~, Transportation,
11 twenty-three and one-third percent, less the amount provided for in
12 section 39-847.01, to the various counties for road purposes, and
13 twenty-three and one-third percent to the various municipalities
14 for street purposes. If bonds are issued pursuant to subsection
15 (2) of section 39-2223, the portion allocated to the ~~Department~~
16 ~~of Roads~~ department shall be credited monthly to the Highway
17 Restoration and Improvement Bond Fund, and if no bonds are
18 issued pursuant to such subsection, the portion allocated to
19 the department shall be credited monthly to the Highway Cash
20 Fund. The portions allocated to the counties and municipalities
21 shall be credited monthly to the Highway Allocation Fund and
22 distributed monthly as provided by law. Vehicles accorded prorated
23 registration pursuant to section 60-3,198 shall not be included in
24 any formula involving motor vehicle registrations used to determine
25 the allocation and distribution of state funds for highway purposes

1 to political subdivisions.

2 (7) If it is determined by December 20 of any year that a
3 county will receive from its allocation of state-collected highway
4 revenue and from any funds relinquished to it by municipalities
5 within its boundaries an amount in such year which is less than
6 such county received in state-collected highway revenue in calendar
7 year 1969, based upon the 1976 tax rates for highway-user fuels
8 and registration fees, the Department of Roads Transportation
9 shall notify the State Treasurer that an amount equal to the sum
10 necessary to provide such county with funds equal to such county's
11 1969 highway allocation for such year shall be transferred to such
12 county from the Highway Trust Fund. Such makeup funds shall be
13 matched by the county as provided in sections 39-2501 to 39-2510.
14 The balance remaining in the fund after such transfer shall then be
15 reallocated as provided in subsection (6) of this section.

16 (8) The State Treasurer shall disburse the money in the
17 Highway Trust Fund as directed by resolution of the commission.
18 All disbursements from the fund shall be made upon warrants drawn
19 by the Director of Administrative Services. Any money in the fund
20 available for investment shall be invested by the state investment
21 officer pursuant to the Nebraska Capital Expansion Act and the
22 Nebraska State Funds Investment Act and the earnings, if any,
23 credited to the fund.

24 Sec. 86. Section 39-2224, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 39-2224 (1) The proceeds of the sale of bonds authorized
2 by subsection (1) of section 39-2223 are hereby appropriated to
3 the Highway Cash Fund of the Department of ~~Roads~~, Transportation,
4 for the biennium ending June 30, 1977, for expenditure for the
5 construction of highways.

6 (2) The proceeds of the sale of bonds authorized by
7 subsection (2) of section 39-2223 are hereby appropriated to the
8 Highway Cash Fund of the Department of ~~Roads~~ Transportation for
9 expenditure for highway construction, resurfacing, reconstruction,
10 rehabilitation, and restoration and for the elimination or
11 alleviation of cash-flow problems resulting from the receipt of
12 federal funds.

13 Sec. 87. Section 39-2305, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 39-2305 The board of examiners shall be furnished
16 necessary office space, furniture, equipment, stationery, and
17 clerical assistance by the Department of ~~Roads~~. Transportation.
18 The board shall organize itself by selecting from among its
19 members a chairperson and such other officers as it may find
20 desirable. The board shall meet at such times at the ~~Department~~
21 ~~of Roads~~ department headquarters in Lincoln as may be necessary
22 for the administration of the County Highway and City Street
23 Superintendents Act.

24 Sec. 88. Section 39-2310, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 39-2310 All funds received under the County Highway and
2 City Street Superintendents Act shall be remitted to the State
3 Treasurer for credit to the Highway Cash Fund. Expenses of the
4 members of the board of examiners as provided in section 39-2304
5 shall be paid by the Department of ~~Roads~~ Transportation from the
6 Highway Cash Fund.

7 Sec. 89. Section 39-2504, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 39-2504 (1) A reduced incentive payment shall be made to
10 any county or municipal county having in its employ either (a) a
11 licensed county highway superintendent for only a portion of the
12 calendar year preceding the year in which the payment is made or
13 (b) two or more successive licensed county highway superintendents
14 for the calendar year preceding the year in which the payment
15 is made. Such reduced payment shall be in the proportion of the
16 payment amounts listed in section 39-2503 as the number of full
17 months each such licensed superintendent was employed is of twelve.

18 (2) Any county or municipal county that contracts for the
19 services of a consulting engineer licensed under the County Highway
20 and City Street Superintendents Act or any other person licensed
21 under the act to perform the duties outlined in section 39-2502
22 rather than employing a licensed county highway superintendent
23 shall be entitled to an incentive payment equal to two-thirds
24 the payment amount provided in section 39-2503 or two-thirds of
25 the reduced incentive payment provided in subsection (1) of this

1 section, as determined by the Department of ~~Roads~~ Transportation
2 pursuant to section 39-2505.

3 (3) Any county or municipal county that contracts with
4 another county or municipal county or with any city or village
5 for the services of a licensed county highway superintendent as
6 provided in section 39-2114 shall be entitled to the incentive
7 payment provided in section 39-2503 or the reduced incentive
8 payment provided in subsection (1) of this section.

9 Sec. 90. Section 39-2505, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 39-2505 The Department of ~~Roads~~ Transportation shall, in
12 January of each year, ~~commencing in 1970,~~ determine and certify
13 to the State Treasurer the amount of each incentive payment to
14 be made under the provisions of sections 39-2501 to 39-2505. The
15 State Treasurer shall, on or before February 15, make the incentive
16 payments in accordance with such certification.

17 Sec. 91. Section 39-2507, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 39-2507 The following factors and weights shall be used
20 in determining the amount to be allocated to each of the counties
21 or municipal counties for road purposes each year:

22 (1) Rural population of each county or municipal county,
23 as determined by the most recent federal census, twenty percent;

24 (2) Total population of each county or municipal county,
25 as determined by the most recent federal census, ten percent;

1 (3) Lineal feet of bridges twenty feet or more in
2 length and all overpasses in each county or municipal county,
3 as determined by the most recent inventory available within
4 the Department of ~~Roads~~, Transportation, ten percent, and for
5 purposes of this subdivision a bridge or overpass located partly
6 in one county or municipal county and partly in another shall be
7 considered as being located one-half in each county or municipal
8 county;

9 (4) Total motor vehicle registrations, other than
10 prorated commercial vehicles, in the rural areas of each county or
11 municipal county, as determined from the most recent information
12 available from the Department of Motor Vehicles, twenty percent;

13 (5) Total motor vehicle registrations, other than
14 prorated commercial vehicles, in each county or municipal county
15 as determined from the most recent information available from the
16 Department of Motor Vehicles, ten percent;

17 (6) Total miles of county or municipal county and
18 township roads within each county or municipal county, as
19 determined by the most recent inventory available within the
20 Department of ~~Roads~~, Transportation, twenty percent; and

21 (7) Value of farm products sold from each county or
22 municipal county, as determined from the most recent federal Census
23 of Agriculture, ten percent.

24 Sec. 92. Section 39-2508, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 39-2508 The Department of ~~Roads~~ Transportation shall
2 compute the amount allocated to each county or municipal county
3 under each of the factors listed in section 39-2507 and shall
4 then compute the total allocation to each such county or municipal
5 county and transmit such information to the local governing board
6 and the State Treasurer, who shall disburse funds accordingly.

7 Sec. 93. Section 39-2514, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 39-2514 (1) A reduced incentive payment shall be made to
10 any municipality or municipal county having in its employ either
11 (a) a licensed city street superintendent for only a portion of the
12 calendar year preceding the year in which the payment is made or
13 (b) two or more successive licensed city street superintendents for
14 the calendar year preceding the year in which the payment is made.
15 Such reduced payment shall be in the proportion of the payment
16 amounts listed in section 39-2513 as the number of full months each
17 such licensed superintendent was employed is of twelve.

18 (2) Any municipality or municipal county that contracts
19 for the services of a consulting engineer licensed under the County
20 Highway and City Street Superintendents Act or any other person
21 licensed under the act to perform the duties outlined in section
22 39-2512 rather than employing a licensed city street superintendent
23 shall be entitled to an incentive payment as provided in section
24 39-2513 or to the reduced incentive payment provided in subsection
25 (1) of this section, as determined by the Department of ~~Roads~~

1 Transportation pursuant to section 39-2515.

2 (3) Any municipality or municipal county that contracts
3 with another municipality, county, or municipal county for the
4 services of a licensed city street superintendent as provided in
5 section 39-2114 shall be entitled to the incentive payment provided
6 in section 39-2513 or the reduced incentive payment provided in
7 subsection (1) of this section.

8 Sec. 94. Section 39-2515, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 39-2515 The Department of ~~Roads~~ Transportation shall, in
11 January of each year, ~~commencing in 1970,~~ determine and certify
12 to the State Treasurer the amount of each incentive payment to
13 be made under the provisions of sections 39-2511 to 39-2520. The
14 State Treasurer shall, on or before February 15, make the incentive
15 payments in accordance with such certification.

16 Sec. 95. Section 39-2517, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 39-2517 The following factors and weights shall be
19 used in determining the amount to be allocated to each of the
20 municipalities or municipal counties for street purposes each year:

21 (1) Total population of each incorporated municipality or
22 the urbanized area of a municipal county, as determined by the most
23 recent federal census figures certified by the Tax Commissioner as
24 provided in section 77-3,119, fifty percent;

25 (2) Total motor vehicle registrations, other than ~~prorate~~

1 prorated commercial vehicles, in each incorporated municipality or
2 the urbanized area of a municipal county, as determined from the
3 most recent information available from the Department of Motor
4 Vehicles, thirty percent; and

5 (3) Total number of miles of traffic lanes of streets in
6 each incorporated municipality or the urbanized area of a municipal
7 county, as determined by the most recent inventory available within
8 the Department of ~~Roads~~, Transportation, twenty percent.

9 Sec. 96. Section 39-2518, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 39-2518 The Department of ~~Roads~~ Transportation shall
12 compute the amount allocated to each municipality or municipal
13 county under the factors listed in section 39-2517 and shall then
14 compute the total allocation to each such municipality or municipal
15 county and transmit such information to the local governing body
16 and the State Treasurer, who shall disburse funds accordingly.

17 Sec. 97. Section 39-2602, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 39-2602 For purposes of sections 39-2601 to 39-2612,
20 unless the context otherwise requires:

21 (1) Junk means old or scrap copper, brass, rope,
22 rags, batteries, paper, trash, rubber debris, waste or junked,
23 dismantled, or wrecked automobiles, or parts thereof, iron, steel,
24 and other old or scrap ferrous or nonferrous material;

25 (2) Automobile graveyard means any establishment or

1 place of business which is maintained, operated, or used for
2 storing, keeping, buying, or selling wrecked, scrapped, ruined, or
3 dismantled motor vehicles or motor vehicle parts;

4 (3) Junkyard means an establishment or place of business
5 which is maintained, operated, or used for storing, keeping,
6 buying, or selling junk or for the maintenance or operation of
7 an automobile graveyard, and includes garbage dumps and sanitary
8 fills;

9 (4) Highway Beautification Control System has the same
10 meaning as in section 39-201.01;

11 (5) Scenic byway has the same meaning as in section
12 39-201.01;

13 (6) Main-traveled way means the traveled portion of an
14 interstate or primary highway on which through traffic is carried
15 and, in the case of a divided highway, the traveled portion of each
16 of the separated roadways;

17 (7) Person means any natural person, partnership, limited
18 liability company, association, corporation, or governmental
19 subdivision; and

20 (8) Department means the Department of ~~Roads-~~
21 Transportation.

22 Sec. 98. Section 46-251, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 46-251 All persons desirous of constructing any of the
25 works provided for in sections 46-244 to 46-250 shall have the

1 right to occupy state lands and obtain right-of-way over and across
2 any highway in this state for such purpose without compensation,
3 except public school lands. All bridges or crossings over such
4 ditches, laterals, and canals shall be constructed under the
5 supervision of the Department of ~~Roads~~, Transportation, if on
6 a state highway, and under the supervision of the county board
7 or governing body of a municipality, if on a highway under the
8 jurisdiction of such board or governing body. All such persons may
9 obtain a right-of-way not to exceed sixteen feet in width, for a
10 like purpose along, parallel to, and upon one side of any highway
11 by condemnation proceedings where the ~~same~~ right-of-way does not
12 interfere with the proper drainage of such highway. In such cases
13 the abutting landowner and the county may grant such right-of-way,
14 or in case of their refusal notice shall be served upon them and
15 proceedings had as in other cases. Not more than one such ditch or
16 lateral shall be permitted along the side of the same highway.

17 Sec. 99. Section 49-506, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 49-506 After the Secretary of State has made the
20 distribution provided by section 49-503, he or she shall deliver
21 additional copies of the session laws and the journal of the
22 Legislature pursuant to this section in print or electronic format
23 as he or she determines, upon recommendation by the Clerk of the
24 Legislature and approval of the Executive Board of the Legislative
25 Council.

1 One copy of the session laws shall be delivered to
2 the Lieutenant Governor, the State Treasurer, the Auditor of
3 Public Accounts, the Reporter of the Supreme Court and Court of
4 Appeals, the State Court Administrator, the State Fire Marshal,
5 the Department of Administrative Services, the Department of
6 Aeronautics, the Department of Agriculture, the Department of
7 Banking and Finance, the State Department of Education, the
8 Department of Environmental Quality, the Department of Insurance,
9 the Department of Labor, the Department of Motor Vehicles, the
10 Department of Property Assessment and Taxation, the Department of
11 Revenue, the Department of ~~Roads~~, Transportation, the Department
12 of Veterans' Affairs, the Department of Natural Resources, the
13 Military Department, the Nebraska State Patrol, the Nebraska
14 Commission on Law Enforcement and Criminal Justice, each of
15 the Nebraska state colleges, the Game and Parks Commission,
16 the Nebraska Library Commission, the Nebraska Liquor Control
17 Commission, the Nebraska Accountability and Disclosure Commission,
18 the Public Service Commission, the State Real Estate Commission,
19 the Nebraska State Historical Society, the Public Employees
20 Retirement Board, the Risk Manager, the Legislative Fiscal Analyst,
21 the Public Counsel, the materiel division of the Department of
22 Administrative Services, the State Records Administrator, the
23 budget division of the Department of Administrative Services, the
24 Department of Health and Human Services, the Department of Health
25 and Human Services Regulation and Licensure, the Department of

1 Health and Human Services Finance and Support, the Tax Equalization
2 and Review Commission, the inmate library at all state penal
3 and correctional institutions, the Commission on Public Advocacy,
4 and the Library of Congress; two copies to the Governor, the
5 Secretary of State, the Nebraska Workers' Compensation Court, the
6 Commission of Industrial Relations, and the Coordinating Commission
7 for Postsecondary Education, one of which shall be for use by
8 the community colleges; four copies to the Nebraska Publications
9 Clearinghouse; five copies to the Attorney General; nine copies to
10 the Revisor of Statutes; sixteen copies to the Supreme Court and
11 the Legislative Council; and thirty-five copies to the University
12 of Nebraska College of Law.

13 One copy of the journal of the Legislature shall be
14 delivered to the Governor, the Lieutenant Governor, the State
15 Treasurer, the Auditor of Public Accounts, the Reporter of the
16 Supreme Court and Court of Appeals, the State Court Administrator,
17 the Nebraska State Historical Society, the Legislative Fiscal
18 Analyst, the Tax Equalization and Review Commission, the Commission
19 on Public Advocacy, and the Library of Congress; two copies to
20 the Secretary of State, the Commission of Industrial Relations,
21 and the Nebraska Workers' Compensation Court; four copies to the
22 Nebraska Publications Clearinghouse; five copies to the Attorney
23 General and the Revisor of Statutes; eight copies to the Clerk
24 of the Legislature; thirteen copies to the Supreme Court and the
25 Legislative Council; and thirty-five copies to the University of

1 Nebraska College of Law. The remaining copies shall be delivered
2 to the State Librarian who shall use the ~~same~~, copies, so far as
3 required for exchange purposes, in building up the State Library
4 and in the manner specified in sections 49-507 to 49-509.

5 Sec. 100. Section 57-1102, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 57-1102 Any such person, company, corporation, or
8 association, in the laying, relaying, operation, and maintenance
9 of any such pipeline within the State of Nebraska, shall have the
10 right to enter upon and cross, with such pipeline, any public road
11 or highway, under such reasonable regulations and restrictions as
12 may be prescribed by the Department of ~~Roads~~, Transportation, if
13 it is a state or federal highway, or by the county board of each
14 county, as to all other public roads and highways within such
15 county, and shall also have the right to lay, relay, operate, and
16 maintain such pipeline in and along any public road or highway.

17 Sec. 101. Section 60-507, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 60-507 (1) Within ninety days after the receipt by the
20 Department of ~~Roads~~ Transportation of a report of a motor vehicle
21 accident within this state which has resulted in bodily injury
22 or death, or damage to the property of any one person, including
23 such operator, to an apparent extent in excess of one thousand
24 dollars, the Department of Motor Vehicles shall suspend (a) the
25 license of each operator of a motor vehicle in any manner involved

1 in such accident and (b) the privilege, if such operator is a
2 nonresident, of operating a motor vehicle within this state, unless
3 such operator deposits security in a sum which shall be sufficient,
4 in the judgment of the Department of Motor Vehicles, to satisfy
5 any judgment or judgments for damages resulting from such accident
6 which may be recovered against such operator and unless such
7 operator gives proof of financial responsibility.

8 Notice of such suspension shall be sent by the Department
9 of Motor Vehicles by first-class mail to such operator not less
10 than twenty days prior to the effective date of such suspension
11 at his or her last-known mailing address as shown by the records
12 of the department and shall state the amount required as security
13 and the requirement of proof of financial responsibility. In the
14 event a person involved in a motor vehicle accident within this
15 state fails to make a report to the Department of Motor Vehicles
16 indicating the extent of his or her injuries or the damage to
17 his or her property within thirty days after the accident, and
18 the department does not have sufficient information on which to
19 base an evaluation of such injury or damage, the department, after
20 reasonable notice to such person, may not require any deposit
21 of security for the benefit or protection of such person. If
22 the operator fails to respond to the notice on or before twenty
23 days after the date of the notice, the director shall summarily
24 suspend the operator's license or privilege and issue an order of
25 suspension.

1 (2) The order of suspension provided for in subsection
2 (1) of this section shall not be entered by the Department of Motor
3 Vehicles if the department determines that in its judgment there is
4 no reasonable possibility of a judgment being rendered against such
5 operator.

6 (3) In determining whether there is a reasonable
7 possibility of judgment being rendered against such operator, the
8 department shall consider all reports and information filed in
9 connection with the accident.

10 (4) The order of suspension provided for in subsection
11 (1) of this section shall advise the operator that he or she has
12 a right to appeal the order of suspension in accordance with the
13 provisions set forth in section 60-503.

14 (5) The order of suspension provided for in subsection
15 (1) of this section shall be sent by registered or certified mail
16 to the person's last-known mailing address as shown by the records
17 of the department.

18 Sec. 102. Section 60-631, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 60-631 Manual shall mean the Manual on Uniform Traffic
21 Control Devices adopted by the Department of ~~Roads~~ Transportation
22 pursuant to section 60-6,118.

23 Sec. 103. Section 60-658.01, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 60-658.01 School crossing zone means the area of a

1 roadway designated to the public by the Department of ~~Roads~~
2 Transportation or any county, city, or village as a school crossing
3 zone through the use of a sign or traffic control device as
4 specified by the department or any county, city, or village in
5 conformity with the manual but does not include any area of a
6 freeway. A school crossing zone starts at the location of the first
7 sign or traffic control device identifying the school crossing zone
8 and continues until a sign or traffic control device indicates that
9 the school crossing zone has ended.

10 Sec. 104. Section 60-680, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 60-680 (1) Any local authority with respect to highways
13 under its jurisdiction and within the reasonable exercise of the
14 police power may:

15 (a) Regulate or prohibit stopping, standing, or parking;

16 (b) Regulate traffic by means of peace officers or
17 traffic control devices;

18 (c) Regulate or prohibit processions or assemblages on
19 the highways;

20 (d) Designate highways or roadways for use by traffic
21 moving in one direction;

22 (e) Establish speed limits for vehicles in public parks;

23 (f) Designate any highway as a through highway or
24 designate any intersection as a stop or yield intersection;

25 (g) Restrict the use of highways as authorized in section

1 60-681;

2 (h) Regulate operation of bicycles and require
3 registration and inspection of such, including requirement of a
4 registration fee;

5 (i) Regulate operation of electric personal assistive
6 mobility devices;

7 (j) Regulate or prohibit the turning of vehicles or
8 specified types of vehicles;

9 (k) Alter or establish speed limits authorized in the
10 Nebraska Rules of the Road;

11 (l) Designate no-passing zones;

12 (m) Prohibit or regulate use of controlled-access
13 highways by any class or kind of traffic except those highways
14 which are a part of the state highway system;

15 (n) Prohibit or regulate use of heavily traveled highways
16 by any class or kind of traffic it finds to be incompatible
17 with the normal and safe movement of traffic, except that such
18 regulations shall not be effective on any highway which is part
19 of the state highway system unless authorized by the Department of
20 ~~Roads~~, Transportation;

21 (o) Establish minimum speed limits as authorized in the
22 rules;

23 (p) Designate hazardous railroad grade crossings as
24 authorized in the rules;

25 (q) Designate and regulate traffic on play streets;

1 (r) Prohibit pedestrians from crossing a roadway in a
2 business district or any designated highway except in a crosswalk
3 as authorized in the rules;

4 (s) Restrict pedestrian crossings at unmarked crosswalks
5 as authorized in the rules;

6 (t) Regulate persons propelling push carts;

7 (u) Regulate persons upon skates, coasters, sleds, and
8 other toy vehicles;

9 (v) Notwithstanding any other provision of law, adopt and
10 enforce an ordinance or resolution prohibiting the use of engine
11 brakes on the National System of Interstate and Defense Highways
12 that has a grade of less than five degrees within its jurisdiction.
13 For purposes of this subdivision, engine brake means a device
14 that converts a power producing engine into a power-absorbing air
15 compressor, resulting in a net energy loss;

16 (w) Adopt and enforce such temporary or experimental
17 regulations as may be necessary to cover emergencies or special
18 conditions; and

19 (x) Adopt other traffic regulations except as prohibited
20 by state law or contrary to state law.

21 (2) No local authority, except an incorporated city with
22 more than forty thousand inhabitants, shall erect or maintain any
23 traffic control device at any location so as to require the traffic
24 on any state highway or state-maintained freeway to stop before
25 entering or crossing any intersecting highway unless approval in

1 writing has first been obtained from the Department of ~~Roads-~~
2 Transportation.

3 (3) No ordinance or regulation enacted under subdivision
4 (1)(d), (e), (f), (g), (j), (k), (l), (m), (n), (p), (q), or (s)
5 of this section shall be effective until traffic control devices
6 giving notice of such local traffic regulations are erected upon or
7 at the entrances to such affected highway or part thereof affected
8 as may be most appropriate.

9 Sec. 105. Section 60-695, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 60-695 It shall be the duty of any peace officer who
12 investigates any traffic accident in the performance of his or
13 her official duties in all instances of an accident resulting in
14 injury or death to any person or in which estimated damage exceeds
15 one thousand dollars to the property of any one person to submit
16 an original report of such investigation to the Accident Records
17 Bureau of the Department of Roads Transportation within ten days
18 after each such accident. The department shall have authority to
19 collect accident information it deems necessary and shall prescribe
20 and furnish appropriate forms for reporting.

21 Sec. 106. Section 60-699, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 60-699 (1) The operator of any vehicle involved in an
24 accident resulting in injuries or death to any person or damage
25 to the property of any one person, including such operator, to

1 an apparent extent of more than one thousand dollars shall within
2 ten days forward a report of such accident to the Department of
3 ~~Reads- Transportation~~. If the operator is physically incapable of
4 making the report, the owner of the motor vehicle involved in the
5 accident shall, within ten days from the time he or she learns
6 of the accident, report the matter in writing to the Department
7 of ~~Reads- Transportation~~. The Department of ~~Reads Transportation~~
8 or Department of Motor Vehicles may require operators involved
9 in accidents to file supplemental reports of accidents upon forms
10 furnished by it whenever the original report is insufficient in
11 the opinion of either department. The operator or the owner of the
12 motor vehicle shall make such other and additional reports relating
13 to the accident as either department requires. Such records shall
14 be retained for the period of time specified by the State Records
15 Administrator pursuant to the Records Management Act.

16 (2) The report of an accident required by this section
17 shall be in two parts. Part I shall be in such form as the
18 Department of ~~Reads Transportation~~ may prescribe and shall disclose
19 full information concerning the accident. Part II shall be in
20 such form as the Department of Motor Vehicles may prescribe and
21 shall disclose sufficient information to disclose whether or not
22 the financial responsibility requirements of the Motor Vehicle
23 Safety Responsibility Act are met through the carrying of liability
24 insurance. The form used for the report shall be so perforated that
25 the parts may be readily separated.

1 (3) Upon receipt of a report of accident, the Department
2 of ~~Roads~~ Transportation shall determine the reportability and
3 classification of the accident and enter all information into
4 a computerized data base. Upon completion, the department shall
5 separate the parts of the accident report and shall forward Part II
6 of the report to the Department of Motor Vehicles for processing as
7 provided in section 60-506.01.

8 (4) Such reports shall be without prejudice. All reports
9 made by peace officers, made to or filed with peace officers in
10 their respective offices or departments, or filed with or made by
11 or to any other law enforcement agency of the state shall be open
12 to public inspection, but accident reports filed by the operator
13 or owner of a motor vehicle pursuant to this section shall not be
14 open to public inspection. The fact that a report by an operator
15 or owner has been so made shall be admissible in evidence solely
16 to prove compliance with this section, but no such report or any
17 part of or statement contained in the report shall be admissible
18 in evidence for any other purpose in any trial, civil or criminal,
19 arising out of such accidents nor shall the report be referred to
20 in any way or be any evidence of the negligence or due care of
21 either party at the trial of any action at law to recover damages.

22 (5) The failure by any person to report an accident as
23 provided in this section or to correctly give the information
24 required in connection with the report shall be a Class V
25 misdemeanor.

1 Sec. 107. Section 60-6,101, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-6,101 Any coroner or other official performing the
4 duties of coroner shall report in writing to the Department of
5 ~~Reads~~ Transportation the death of any person within his or her
6 jurisdiction as the result of an accident involving a motor vehicle
7 and the circumstances of such accident. Such report by the coroner
8 shall be made within ten days after such death.

9 Sec. 108. Section 60-6,102, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 60-6,102 In the case of a driver who dies within four
12 hours after being in a motor vehicle accident, including a motor
13 vehicle accident in which one or more persons in addition to such
14 driver is killed, and of a pedestrian sixteen years of age or older
15 who dies within four hours after being struck by a motor vehicle,
16 the coroner or other official performing the duties of coroner
17 shall examine the body and cause such tests to be made as are
18 necessary to determine the amount of alcohol or drugs in the body
19 of such driver or pedestrian. Such information shall be included
20 in each report submitted pursuant to sections 60-6,101 to 60-6,104
21 and shall be tabulated on a monthly basis by the Department of
22 ~~Reads-~~ Transportation. Such information, including the identity of
23 the deceased and any such amount of alcohol or drugs, shall be
24 public information and may be released or disclosed as provided in
25 rules and regulations of the department.

1 Sec. 109. Section 60-6,103, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-6,103 Any surviving driver or pedestrian sixteen years
4 of age or older who is involved in a motor vehicle accident in
5 which a person is killed shall be requested, if he or she has
6 not otherwise been directed by a peace officer to submit to a
7 chemical test under section 60-6,197, to submit to a chemical test
8 of blood, urine, or breath as the peace officer directs for the
9 purpose of determining the amount of alcohol or drugs in his or her
10 body fluid. The results of such test shall be reported in writing
11 to the Director-State Engineer who shall tabulate such results on
12 a monthly basis. Such information, including the identity of such
13 driver or pedestrian and any such amount of alcohol or drugs,
14 shall be public information and may be released or disclosed as
15 provided in rules and regulations of the Department of ~~Roads-~~
16 Transportation. The provisions of sections 60-6,199, 60-6,200, and
17 60-6,202 shall, when applicable, apply to the tests provided for in
18 this section.

19 Sec. 110. Section 60-6,106, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 60-6,106 The Department of ~~Roads~~ Transportation shall
22 reimburse any county for expenses and costs incurred by the county
23 pursuant to sections 60-6,101 to 60-6,105. The department shall
24 provide the official in each county with the appropriate reporting
25 form.

1 Sec. 111. Section 60-6,107, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-6,107 (1) Except as provided in subsection (2) of this
4 section, the Department of Health and Human Services Regulation
5 and Licensure shall adopt necessary rules and regulations for the
6 administration of the provisions of sections 60-6,101 to 60-6,106.

7 (2) The Department of ~~Roads~~ Transportation shall adopt
8 and promulgate rules and regulations which shall provide for the
9 release and disclosure of the results of tests conducted under
10 sections 60-6,102 and 60-6,103.

11 Sec. 112. Section 60-6,115, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 60-6,115 Notwithstanding the provisions of subsection (1)
14 of section 60-6,119, when the Department of ~~Roads~~, Transportation,
15 any local authority, or its authorized representative or permittee
16 has closed, in whole or in part, by barricade or otherwise,
17 during repair or construction, any portion of any highway, the
18 restrictions upon the use of such highway shall not apply to
19 persons living along such closed highway or to persons who would
20 need to travel such highway during the normal course of their
21 operations if no other route of travel is available to such
22 person, but extreme care shall be exercised by such persons on such
23 highway.

24 Sec. 113. Section 60-6,118, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 60-6,118 Consistent with the provisions of the Nebraska
2 Rules of the Road, the Department of ~~Roads~~ Transportation may adopt
3 and promulgate rules and regulations adopting and implementing a
4 manual providing a uniform system of traffic control devices on
5 all highways within this state which, together with any supplements
6 adopted by the department, shall be known as the Manual on Uniform
7 Traffic Control Devices.

8 Sec. 114. Section 60-6,120, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 60-6,120 (1) The Department of ~~Roads~~ Transportation shall
11 place and maintain, or provide for such placing and maintaining,
12 such traffic control devices, conforming to the manual, upon all
13 state highways as it deems necessary to indicate and to carry out
14 the Nebraska Rules of the Road or to regulate, warn, or guide
15 traffic.

16 (2) (a) In incorporated cities and villages with less than
17 forty thousand inhabitants, the department shall have exclusive
18 jurisdiction regarding the erection and maintenance of traffic
19 control devices on the state highway system but shall not
20 place traffic control devices on the state highway system within
21 incorporated cities and villages of more than twenty-five hundred
22 inhabitants without consultation with the proper city officials.

23 (b) In incorporated cities of forty thousand or more
24 inhabitants, except on state-maintained freeways of the state
25 highway system where the department retains exclusive jurisdiction,

1 the city shall have jurisdiction regarding erection and maintenance
2 of traffic control devices on the state highway system after
3 consultation with the department, except that there shall be joint
4 jurisdiction with the department for such traffic control devices
5 for which the department accepts responsibility for the erection
6 and maintenance.

7 (3) No local authority shall place or maintain any
8 traffic control device upon any highway under the jurisdiction of
9 the department, except by permission of the department, or on any
10 state-maintained freeway of the state highway system.

11 (4) The placing of traffic control devices by the
12 department shall not be a departmental rule, regulation, or order
13 subject to the statutory procedures for such rules, regulations, or
14 orders but shall be considered as establishing precepts extending
15 the provisions of the Nebraska Rules of the Road as necessary to
16 regulate, warn, or guide traffic. Violation of such traffic control
17 devices shall be punishable as provided in the ~~rules.~~ Nebraska
18 Rules of the Road.

19 Sec. 115. Section 60-6,126.01, Revised Statutes
20 Cumulative Supplement, 2006, is amended to read:

21 60-6,126.01 Local authorities may place and maintain road
22 name signs on the same sign posts as signs under the jurisdiction
23 of the Department of Roads Transportation when highway visibility
24 would not be impaired. Local authorities may also place and
25 maintain road name signs in the right-of-way of any highway under

1 the jurisdiction of the Department of ~~Roads~~ Transportation when
2 highway visibility would not be impaired.

3 Sec. 116. Section 60-6,129, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 60-6,129 (1) No person shall, without lawful authority,
6 attempt to or in fact alter, deface, injure, knock down, or remove
7 any traffic control device, any railroad sign or signal, or any
8 part of such a device, sign, or signal.

9 (2) Any person who moves, alters, damages, or destroys
10 warning devices placed upon roads which the Department of ~~Roads~~
11 Transportation or any local authority or its representative has
12 closed in whole or in part for the protection of the public or
13 for the protection of the highway from damage during construction,
14 improvement, or maintenance operation and thereby causes injury
15 or death to any person or damage to any property, equipment, or
16 material thereon shall be liable, subject to sections 25-21,185 and
17 25-21,185.07 to 25-21,185.12, for the full or allocated amount of
18 such death, injury, or damage, and such amount may be recovered by
19 the injured or damaged party or his or her legal representative in
20 a civil action brought in any court of competent jurisdiction.

21 Sec. 117. Section 60-6,130, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 60-6,130 (1) Any person who willfully or maliciously
24 shoots upon the public highway and injures, defaces, damages,
25 or destroys any signs, monuments, road markers, traffic control

1 devices, traffic surveillance devices, or other public notices
2 lawfully placed upon such highways shall be guilty of a Class III
3 misdemeanor.

4 (2) No person shall willfully or maliciously injure,
5 deface, alter, or knock down any sign, traffic control device, or
6 traffic surveillance device.

7 (3) It shall be unlawful for any person, other than
8 a duly authorized representative of the Department of Roads,
9 Transportation, a county, or a municipality, to remove any sign,
10 traffic control device, or traffic surveillance device placed along
11 a highway for traffic control, warning, or informational purposes
12 by official action of the department, county, or municipality. It
13 shall be unlawful for any person to possess a sign or device which
14 has been removed in violation of this subsection.

15 (4) Any person violating subsection (2) or (3) of this
16 section shall be guilty of a Class II misdemeanor and shall be
17 assessed liquidated damages in the amount of the value of the sign,
18 traffic control device, or traffic surveillance device and the cost
19 of replacing it.

20 Sec. 118. Section 60-6,137, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 60-6,137 (1) The Department of Roads Transportation and
23 local authorities may determine those portions of any highway
24 under their respective jurisdictions where overtaking and passing
25 or driving to the left of the center of the roadway would be

1 especially hazardous and may by appropriate signs or markings on
2 the roadway indicate the beginning and end of such zones. When
3 such signs or markings are in place and clearly visible to an
4 ordinarily observant person, every driver of a vehicle shall obey
5 such indications.

6 (2) Where signs or markings are in place to define a
7 no-passing zone, no driver shall at any time drive on the left
8 side of the roadway within such no-passing zone or on the left
9 side of any pavement striping designed to mark such no-passing zone
10 throughout its length.

11 (3) This section shall not apply (a) under the conditions
12 described in subdivision (1)(b) of section 60-6,131 or (b) to the
13 driver of a vehicle turning left into or from an alley, private
14 road, or driveway unless otherwise prohibited by signs.

15 Sec. 119. Section 60-6,138, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 60-6,138 (1) The Department of ~~Roads~~ Transportation and
18 local authorities with respect to highways under their respective
19 jurisdictions may designate any highway, roadway, part of a
20 roadway, or specific lanes upon which vehicular traffic shall
21 proceed in one direction at all times or at such times as shall be
22 indicated by traffic control devices.

23 (2) Except for emergency vehicles, no vehicle shall
24 be operated, backed, pushed, or otherwise caused to move in
25 a direction which is opposite to the direction designated by

1 competent authority on any deceleration lane, acceleration lane,
2 access ramp, shoulder, or roadway.

3 (3) A vehicle which passes around a rotary traffic island
4 shall be driven only to the right of such island.

5 Sec. 120. Section 60-6,139, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 60-6,139 Whenever any roadway has been divided into two
8 or more clearly marked lanes for traffic, the following rules, in
9 addition to all others consistent with this section, shall apply:

10 (1) A vehicle shall be driven as nearly as practicable
11 within a single lane and shall not be moved from such lane until
12 the driver has first ascertained that such movement can be made
13 with safety;

14 (2) Upon a roadway which is divided into three lanes and
15 provides for two-way movement of traffic, a vehicle shall not be
16 driven in the center lane except (a) when overtaking and passing
17 another vehicle traveling in the same direction when such center
18 lane is clear of traffic within a safe distance, (b) in preparation
19 for making a left turn, or (c) when such center lane is at the
20 time allocated exclusively to traffic moving in the same direction
21 that the vehicle is proceeding and such allocation is designated by
22 traffic control devices;

23 (3) Traffic control devices may be erected by the
24 Department of ~~Roads~~ Transportation or local authorities to direct
25 specified traffic to use a designated lane or to designate those

1 lanes to be used by traffic moving in a particular direction
2 regardless of the center of the roadway and drivers of vehicles
3 shall obey the directions of every such device; and

4 (4) Traffic control devices may be installed by the
5 department or local authorities to prohibit the changing of lanes
6 on sections of roadway and drivers of vehicles shall obey the
7 directions of every such device.

8 Sec. 121. Section 60-6,144, Revised Statutes Cumulative
9 Supplement, 2006, is amended to read:

10 60-6,144 Use of a freeway and entry thereon by the
11 following shall be prohibited at all times except by permit
12 from the Department of Roads Transportation or from the local
13 authority in the case of freeways not under the jurisdiction of the
14 department:

15 (1) Pedestrians except in areas specifically designated
16 for that purpose;

17 (2) Hitchhikers or walkers;

18 (3) Vehicles not self-propelled;

19 (4) Bicycles, motor-driven cycles, motor scooters not
20 having motors of more than ten horsepower, and electric personal
21 assistive mobility devices;

22 (5) Animals led, driven on the hoof, ridden, or drawing
23 a vehicle;

24 (6) Funeral processions;

25 (7) Parades or demonstrations;

1 (8) Vehicles, except emergency vehicles, unable to
2 maintain minimum speed as provided in the Nebraska Rules of the
3 Road;

4 (9) Construction equipment;

5 (10) Implements of husbandry, whether self-propelled or
6 towed;

7 (11) Vehicles with improperly secured attachments or
8 loads;

9 (12) Vehicles in tow, when the connection consists of
10 a chain, rope, or cable, except disabled vehicles which shall be
11 removed from such freeway at the nearest interchange;

12 (13) Vehicles with deflated pneumatic, metal, or solid
13 tires or continuous metal treads except maintenance vehicles;

14 (14) Any person standing on or near a roadway for the
15 purpose of soliciting or selling to an occupant of any vehicle; or

16 (15) Overdimensional vehicles.

17 Sec. 122. Section 60-6,145, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 60-6,145 The Department of Roads Transportation and local
20 authorities shall erect and maintain at appropriate locations
21 official signs on freeways under their respective jurisdictions
22 apprising motorists of the restrictions placed upon the use of such
23 highways by the Nebraska Rules of the Road. When the department
24 or local authority posts such signs, it need not follow the usual
25 rules and procedure of posting signs on or near freeways nor

1 shall the department be required to conform with the formalities
2 of public hearings. When such signs are erected, no person shall
3 violate the restrictions stated on such signs.

4 Sec. 123. Section 60-6,153, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 60-6,153 (1) Except at a point where a pedestrian tunnel
7 or overhead pedestrian crossing has been provided, when traffic
8 control signals are not in place or not in operation, the driver of
9 a vehicle shall yield the right-of-way to a pedestrian crossing the
10 roadway within a crosswalk who is in the lane in which the driver
11 is proceeding or is in the lane immediately adjacent thereto by
12 bringing his or her vehicle to a complete stop.

13 (2) No pedestrian shall suddenly leave a curb or other
14 place of safety and walk or run into the path of a vehicle which is
15 so close that it is impossible for the driver to stop.

16 (3) Whenever any vehicle is stopped at a marked crosswalk
17 or at any unmarked crosswalk at an intersection to permit a
18 pedestrian to cross the roadway, the driver of any other vehicle
19 approaching from the rear shall not overtake and pass such stopped
20 vehicle.

21 (4) The Department of Roads Transportation and local
22 authorities in their respective jurisdictions may, after an
23 engineering and traffic investigation, designate unmarked crosswalk
24 locations where pedestrian crossing is prohibited or where
25 pedestrians shall yield the right-of-way to vehicles. Such

1 restrictions shall be effective only when traffic control devices
2 indicating such restrictions are in place.

3 Sec. 124. Section 60-6,154, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 60-6,154 (1) Every pedestrian who crosses a roadway at
6 any point other than within a marked crosswalk, or within an
7 unmarked crosswalk at an intersection, shall yield the right-of-way
8 to all vehicles upon the roadway.

9 (2) Any pedestrian who crosses a roadway at a point
10 where a pedestrian tunnel or overhead pedestrian crossing has been
11 provided shall yield the right-of-way to all vehicles upon the
12 roadway.

13 (3) Between adjacent intersections at which traffic
14 control signals are in operation, pedestrians shall not cross
15 at any place except in a marked crosswalk.

16 (4) No pedestrian shall cross a roadway intersection
17 diagonally unless authorized by traffic control devices, and when
18 authorized to cross diagonally, pedestrians shall cross only in
19 accordance with the traffic control devices pertaining to such
20 crossing movements.

21 (5) Local authorities and the Department of Roads,
22 Transportation, by erecting appropriate official traffic control
23 devices, may, within their respective jurisdictions, prohibit
24 pedestrians from crossing any roadway in a business district
25 or any designated highway except in a crosswalk.

1 Sec. 125. Section 60-6,159, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-6,159 (1) Both the approach for a right turn and a
4 right turn shall be made as close as practicable to the right-hand
5 curb or edge of the roadway.

6 (2) The driver of a vehicle intending to turn left
7 at any intersection shall approach the intersection in the
8 extreme left-hand lane lawfully available to traffic moving in
9 the direction of travel of such vehicle and, after entering the
10 intersection, the left turn shall be made so as to leave the
11 intersection, as nearly as practicable, in the extreme left-hand
12 lane lawfully available to traffic moving in such direction upon
13 the roadway being entered. Whenever practicable, the left turn
14 shall be made in that portion of the intersection to the left of
15 the center of the intersection.

16 (3) The Department of Roads Transportation and local
17 authorities in their respective jurisdictions may cause traffic
18 control devices to be placed within or adjacent to intersections
19 and thereby require and direct that a different course from that
20 specified in this section be traveled by vehicles turning at an
21 intersection, and when such devices are so placed, no driver of
22 a vehicle shall turn a vehicle at an intersection other than as
23 directed and required by such devices.

24 Sec. 126. Section 60-6,164, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 60-6,164 (1) No person shall stop, park, or leave
2 standing any vehicle, whether attended or unattended, upon a
3 roadway outside of a business or residential district when it is
4 practicable to stop, park, or leave such vehicle off such part of
5 a highway, but in any event an unobstructed width of the roadway
6 opposite a standing vehicle shall be left for the free passage of
7 other vehicles and a clear view of such stopped vehicle shall be
8 available from a distance of two hundred feet in each direction
9 upon such highway. Such parking, stopping, or standing shall in no
10 event exceed twenty-four hours.

11 (2) No person shall stop, park, or leave standing any
12 vehicle on a freeway except in areas designated or unless so
13 directed by a peace officer, except that when a vehicle is disabled
14 or inoperable or the driver of the vehicle is ill or incapacitated,
15 such vehicle shall be permitted to park, stop, or stand on the
16 shoulder facing in the direction of travel with all wheels and
17 projecting parts of such vehicle completely clear of the traveled
18 lanes, but in no event shall such parking, standing, or stopping
19 upon the shoulder of a freeway exceed twelve hours.

20 (3) No person, except law enforcement, fire department,
21 emergency management, public or private ambulance, or authorized
22 Department of Roads Transportation or local authority personnel,
23 shall loiter or stand or park any vehicle upon any bridge, highway,
24 or structure which is located above or below or crosses over or
25 under the roadway of any highway or approach or exit road thereto.

1 (4) This section shall not apply to the driver of any
2 vehicle which is disabled while on the roadway in such manner
3 and to such extent that it is impossible to avoid stopping and
4 temporarily leaving such disabled vehicle in such position.

5 Sec. 127. Section 60-6,166, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 60-6,166 (1) Except when necessary to avoid conflict with
8 other traffic or when in compliance with law or the directions of a
9 peace officer or traffic control device, no person shall:

10 (a) Stop, stand, or park any vehicle:

11 (i) On the roadway side of any vehicle stopped or parked
12 at the edge or curb of a street;

13 (ii) On a sidewalk;

14 (iii) Within an intersection;

15 (iv) On a crosswalk;

16 (v) Between a safety zone and the adjacent curb or within
17 thirty feet of points on the curb immediately opposite the ends of
18 a safety zone unless the Department of Roads Transportation or the
19 local authority indicates a different length by signs or markings;

20 (vi) Alongside or opposite any street excavation or
21 obstruction when stopping, standing, or parking would obstruct
22 traffic;

23 (vii) Upon any bridge or other elevated structure over a
24 highway or within a highway tunnel;

25 (viii) On any railroad track; or

1 (ix) At any place where official signs prohibit stopping;

2 (b) Stand or park a vehicle, whether occupied or
3 not, except momentarily to pick up or discharge a passenger or
4 passengers:

5 (i) In front of a public or private driveway;

6 (ii) Within fifteen feet of a fire hydrant;

7 (iii) Within twenty feet of a crosswalk at an
8 intersection;

9 (iv) Within thirty feet of any flashing signal, stop
10 sign, yield sign, or other traffic control device located at the
11 side of a roadway;

12 (v) Within twenty feet of the driveway entrance to any
13 fire station and on the side of a street opposite the entrance to
14 any fire station within seventy-five feet of such entrance when
15 properly signposted; or

16 (vi) At any place where official signs prohibit standing;
17 or

18 (c) Park a vehicle, whether occupied or not, except
19 temporarily for the purpose of and while actually engaged in
20 loading or unloading merchandise or passengers:

21 (i) Within fifty feet of the nearest rail of a railroad
22 crossing; or

23 (ii) At any place where official signs prohibit parking.

24 (2) No person shall move a vehicle not lawfully under his
25 or her control into any such prohibited area or away from a curb

1 such a distance as shall be unlawful.

2 Sec. 128. Section 60-6,167, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 60-6,167 (1) Except as otherwise provided in this
5 section, any vehicle stopped or parked upon a two-way roadway
6 where parking is permitted shall be so stopped or parked with
7 the right-hand wheels parallel to and within twelve inches of the
8 right-hand curb or edge of such roadway. No vehicle shall be parked
9 upon a roadway when there is a shoulder adjacent to the roadway
10 which is available for parking.

11 (2) Except when otherwise provided by a local authority,
12 every vehicle stopped or parked upon a one-way roadway shall be so
13 stopped or parked parallel to the curb or edge of such roadway, in
14 the direction of authorized traffic movement, with its right-hand
15 wheels within twelve inches of the right-hand curb or edge of
16 the roadway or its left-hand wheels within twelve inches of the
17 left-hand curb or edge of such roadway.

18 (3) A local authority may permit angle or center parking
19 on any roadway, except that angle or center parking shall not be
20 permitted on any federal-aid highway or on any part of the state
21 highway system unless the Director-State Engineer has determined
22 that such roadway is of sufficient width to permit angle or center
23 parking without interfering with the free movement of traffic.

24 (4) The Department of Roads Transportation or a local
25 authority may prohibit or restrict stopping, standing, or parking

1 on highways under its respective jurisdiction outside the corporate
2 limits of any city or village and erect and maintain proper and
3 adequate signs thereon. No person shall stop, stand, or park any
4 vehicle in violation of the restrictions stated on such signs.

5 Sec. 129. Section 60-6,171, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 60-6,171 The Department of Roads Transportation and
8 local authorities on highways under their respective jurisdictions
9 may designate particularly dangerous highway grade crossings of
10 railroads and erect stop signs at the crossings. When such stop
11 signs are erected, the driver of any vehicle shall stop within
12 fifty feet but not less than fifteen feet from the nearest rail of
13 such railroad and shall proceed only upon exercising due care.

14 Sec. 130. Section 60-6,176, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 60-6,176 The Department of Roads Transportation shall
17 by rule and regulation adopt and promulgate uniform standards
18 for school bus loading area warning signs. Such standards shall
19 include requirements for the size, material, construction, and
20 required wording. No school district shall use a school bus loading
21 area warning sign unless such sign complies with all rules and
22 regulations adopted and promulgated by the department. The cost of
23 any sign shall be an obligation of the school district.

24 Sec. 131. Section 60-6,177, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 60-6,177 The Department of ~~Roads~~ Transportation shall
2 post on highways of the state highway system outside of business
3 and residential districts signs to the effect that it is unlawful
4 to pass school buses stopped to load or unload children. Such signs
5 shall be adequate in size and number to properly inform the public
6 of the provisions relative to such passing.

7 Sec. 132. Section 60-6,186, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 60-6,186 (1) Except when a special hazard exists that
10 requires lower speed for compliance with section 60-6,185, the
11 limits set forth in this section and sections 60-6,187, 60-6,188,
12 60-6,305, and 60-6,313 shall be the maximum lawful speeds unless
13 reduced pursuant to subsection (2) of this section, and no person
14 shall drive a vehicle on a highway at a speed in excess of such
15 maximum limits:

16 (a) Twenty-five miles per hour in any residential
17 district;

18 (b) Twenty miles per hour in any business district;

19 (c) Fifty miles per hour upon any highway that is not
20 dustless surfaced and not part of the state highway system;

21 (d) Fifty-five miles per hour upon any dustless-surfaced
22 highway not a part of the state highway system;

23 ~~(e)(i) Until September 1, 1996, fifty-five miles per hour~~
24 ~~upon any part of the state highway system other than an expressway~~
25 ~~or a freeway; and~~

1 ~~(ii) Beginning on and after September 1, 1996, sixty (e)~~
2 Sixty miles per hour upon any part of the state highway system
3 other than an expressway or a freeway, except that the Department
4 of ~~Reads~~ Transportation may, where existing design and traffic
5 conditions allow, according to an engineering study, authorize a
6 speed limit five miles per hour greater;

7 (f) Sixty-five miles per hour upon an expressway that is
8 part of the state highway system; and

9 (g) Seventy-five miles per hour upon a freeway that is
10 part of the state highway system and upon the National System
11 of Interstate and Defense Highways, except that the maximum speed
12 limit shall be sixty miles per hour for:

13 (i) Any portion of a freeway and the National System of
14 Interstate and Defense Highways located in Douglas County; and

15 (ii) That portion of the National System of Interstate
16 and Defense Highways designated as Interstate 180 in Lancaster
17 County and Interstate 129 in Dakota County.

18 (2) The maximum speed limits established in subsection
19 (1) of this section may be reduced by the Department of ~~Reads~~
20 Transportation or by local authorities pursuant to section 60-6,188
21 or 60-6,190.

22 (3) The Department of ~~Reads~~ Transportation and local
23 authorities may erect and maintain suitable signs along highways
24 under their respective jurisdictions in such number and at such
25 locations as they deem necessary to give adequate notice of the

1 speed limits established pursuant to subsection (1) or (2) of this
2 section upon such highways.

3 Sec. 133. Section 60-6,188, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 60-6,188 (1) The maximum speed limit through any
6 maintenance, repair, or construction zone on the state highway
7 system shall be thirty-five miles per hour in rural areas and
8 twenty-five miles per hour in urban areas.

9 (2) Such speed limits shall take effect only after
10 appropriate signs giving notice of the speed limit are erected
11 or displayed in a conspicuous place in advance of the area where
12 the maintenance, repair, or construction activity is or will be
13 taking place. Such signs shall conform to the manual and shall
14 be regulatory signs imposing a legal obligation and restriction
15 on all traffic proceeding into the maintenance, construction, or
16 repair zone. The signs may be displayed upon a fixed, variable, or
17 movable stand. While maintenance, construction, or repair is being
18 performed, the signs may be mounted upon moving Department of Roads
19 Transportation vehicles displaying such signs well in advance of
20 the maintenance zone.

21 (3) The Director-State Engineer may increase the speed
22 limit through any highway maintenance, repair, or construction
23 zone in increments of five miles per hour if the speed set
24 does not exceed the maximum speed limits established in sections
25 60-6,186, 60-6,187, 60-6,189, 60-6,190, 60-6,305, and 60-6,313.

1 The Director-State Engineer may delegate the authority to raise
2 speed limits through any maintenance, repair, or construction
3 zone to any department employee in a supervisory capacity or may
4 delegate such authority to a county, municipal, or local engineer
5 who has the duty to maintain the state highway system in such
6 jurisdiction if the maintenance is performed on behalf of the
7 department by contract with the local authority. Such increased
8 speed limit through a maintenance, repair, or construction zone
9 shall be effective when the Director-State Engineer or any officer
10 to whom authority has been delegated gives a written order for
11 such increase and signs posting such speed limit are erected or
12 displayed.

13 (4) The Department of Roads Transportation shall post
14 signs in maintenance, repair, or construction zones which inform
15 motorists that the fine for exceeding the posted speed limit in
16 such zones is doubled.

17 Sec. 134. Section 60-6,189, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 60-6,189 (1) No person shall drive a vehicle over any
20 public bridge, causeway, viaduct, or other elevated structure at
21 a speed which is greater than the maximum speed which can be
22 maintained with safety thereon when such structure is posted with
23 signs as provided in subsection (2) of this section.

24 (2) The Department of Roads Transportation or a local
25 authority may conduct an investigation of any bridge or other

1 elevated structure constituting a part of a highway under its
2 jurisdiction, and if it finds that such structure cannot safely
3 withstand vehicles traveling at the speed otherwise permissible,
4 the department or local authority shall determine and declare the
5 maximum speed of vehicles which such structure can safely withstand
6 and shall cause suitable signs stating such maximum speed to be
7 erected and maintained before each end of such structure.

8 (3) Upon the trial of any person charged with a violation
9 of subsection (1) of this section, proof of such determination of
10 the maximum speed by the department or local authority and the
11 existence of such signs shall constitute conclusive evidence of the
12 maximum speed which can be maintained with safety on such bridge or
13 structure.

14 Sec. 135. Section 60-6,190, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 60-6,190 (1) Whenever the Department of Roads
17 Transportation determines, upon the basis of an engineering and
18 traffic investigation, that any maximum speed limit is greater
19 or less than is reasonable or safe under the conditions found to
20 exist at any intersection, place, or part of the state highway
21 system outside of the corporate limits of cities and villages
22 as well as inside the corporate limits of cities and villages
23 on freeways which are part of the state highway system, it may
24 determine and set a reasonable and safe maximum speed limit for
25 such intersection, place, or part of such highway which shall be

1 the lawful speed limit when appropriate signs giving notice thereof
2 are erected at such intersection, place, or part of the highway,
3 except that the maximum rural and freeway limits shall not be
4 exceeded. Such a maximum speed limit may be set to be effective at
5 all times or at such times as are indicated upon such signs.

6 (2) The speed limits set by the department shall not be
7 a departmental rule, regulation, or order subject to the statutory
8 procedures for such rules, regulations, or orders but shall be
9 an authorization over the signature of the Director-State Engineer
10 and shall be maintained on permanent file at the headquarters of
11 the department. Certified copies of such authorizations shall
12 be available from the department at a reasonable cost for
13 duplication. Any change to such an authorization shall be made
14 by a new authorization which cancels the previous authorization
15 and establishes the new limit, but the new limit shall not become
16 effective until signs showing the new limit are erected as provided
17 in subsection (1) of this section.

18 (3) On county highways which are not part of the state
19 highway system or within the limits of any state institution or any
20 area under control of the Game and Parks Commission or a natural
21 resources district and which are outside of the corporate limits
22 of cities and villages, county boards shall have the same power
23 and duty to alter the maximum speed limits as the department if
24 the change is based on an engineering and traffic investigation
25 comparable to that made by the department. The limit outside of

1 a business or residential district shall not be decreased to less
2 than thirty-five miles per hour.

3 (4) On all highways within their corporate limits, except
4 on state-maintained freeways which are part of the state highway
5 system, incorporated cities and villages shall have the same power
6 and duty to alter the maximum speed limits as the department if the
7 change is based on engineering and traffic investigation, except
8 that no imposition of speed limits on highways which are part
9 of the state highway system in cities and villages under forty
10 thousand inhabitants shall be effective without the approval of the
11 department.

12 (5) The director of any state institution, the Game and
13 Parks Commission, or a natural resources district, with regard to
14 highways which are not a part of the state highway system, which
15 are within the limits of such institution or area under Game and
16 Parks Commission or natural resources district control, and which
17 are outside the limits of any incorporated city or village, shall
18 have the same power and duty to alter the maximum speed limits as
19 the department if the change is based on an engineering and traffic
20 investigation comparable to that made by the department.

21 (6) Not more than six such speed limits shall be set
22 per mile along a highway, except in the case of reduced limits at
23 intersections, and the difference between adjacent limits shall not
24 be more than twenty miles per hour.

25 (7) When the department or a local authority determines

1 by an investigation that certain vehicles in addition to those
2 specified in sections 60-6,187, 60-6,305, and 60-6,313 cannot
3 with safety travel at the speeds provided in sections 60-6,186,
4 60-6,187, 60-6,189, 60-6,305, and 60-6,313 or set pursuant to
5 this section or section 60-6,188 or 60-6,189, the department or
6 local authority may restrict the speed limit for such vehicles
7 on highways under its respective jurisdiction and post proper and
8 adequate signs.

9 Sec. 136. Section 60-6,193, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 60-6,193 (1) No person shall drive a motor vehicle
12 at such a slow speed as to impede the normal and reasonable
13 movement of traffic except when reduced speed is necessary for safe
14 operation or in compliance with law.

15 (2) On a freeway no motor vehicle, except emergency
16 vehicles, shall be operated at a speed of less than forty miles
17 per hour or at such a slow speed as to impede or block the
18 normal and reasonable movement of traffic except when reduced
19 speed is necessary for the safe operation of the motor vehicle
20 because of weather, visibility, roadway, or traffic conditions. All
21 vehicles entering or leaving such freeway from an acceleration or
22 deceleration lane shall conform with the minimum speed regulations
23 while they are within the roadway of the freeway. The minimum
24 speed of forty miles per hour may be altered by the Department of
25 ~~Reads~~ Transportation or local authorities on freeways under their

1 respective jurisdictions.

2 (3) Whenever the department or any local authority
3 within its respective jurisdiction determines on the basis of
4 an engineering and traffic investigation that low speeds on any
5 part of a highway consistently impede the normal and reasonable
6 movement of traffic, the department or such local authority may
7 determine and declare a minimum speed limit below which no person
8 shall drive a vehicle except when necessary for safe operation or
9 in compliance with law.

10 (4) Vehicular, animal, and pedestrian traffic prohibited
11 on freeways by the Nebraska Rules of the Road shall not travel on
12 any other roadway where minimum speed limits of twenty miles per
13 hour or more are posted.

14 (5) Any minimum speed limit which is imposed under
15 subsection (2) or (3) of this section shall not be effective
16 until appropriate and adequate signs are erected along the roadway
17 affected by such regulation apprising motorists of such limitation.

18 (6) On any freeway, or other highway providing for
19 two or more lanes of travel in one direction, vehicles shall
20 not intentionally impede the normal flow of traffic by traveling
21 side by side and at the same speed while in adjacent lanes.
22 This subsection shall not be construed to prevent vehicles from
23 traveling side by side in adjacent lanes because of congested
24 traffic conditions.

25 Sec. 137. Section 60-6,230, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 60-6,230 (1) Except as provided in sections 60-6,231 to
3 60-6,233 and subsections (4) and (5) of this section, no person
4 shall operate any motor vehicle or any equipment of any description
5 on any highway in this state with any rotating or flashing light.

6 (2) Except for stop lights and directional signals, which
7 may be red, yellow, or amber, no person shall display any color
8 of light other than red on the rear of any motor vehicle or any
9 equipment of any kind on any highway within this state.

10 (3) Blue and green lights may be displayed on vehicles of
11 the Military Department for purpose of convoy control when on any
12 state emergency mission.

13 (4) A single flashing white light may be displayed on
14 the roof of school transportation vehicles during extremely adverse
15 weather conditions.

16 (5) Blue and amber rotating or flashing lights may be
17 displayed on vehicles used for the movement of snow when operated
18 by the Department of Roads Transportation or any local authority.

19 Sec. 138. Section 60-6,250, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 60-6,250 (1) Every solid rubber tire on a vehicle moved
22 on any highway shall have rubber on its entire traction surface at
23 least one inch thick above the edge of the flange of the entire
24 periphery.

25 (2) No tire on a vehicle moved on a highway shall have

1 on its periphery any clock, stud, flange, cleat, or spike or any
2 other protuberance of any material other than rubber which projects
3 beyond the tread of the traction surface of the tire, except that:

4 (a) This prohibition shall not apply to pneumatic tires
5 with metal or metal-type studs not exceeding five-sixteenths of an
6 inch in diameter inclusive of the stud-casing with an average
7 protrusion beyond the tread surface of not more than seven
8 sixty-fourths of an inch between November 1 and April 1, except
9 that school buses, mail carrier vehicles, and emergency vehicles
10 shall be permitted to use metal or metal-type studs at any time
11 during the year;

12 (b) It shall be permissible to use farm machinery with
13 tires having protuberances which will not injure the highway; and

14 (c) It shall be permissible to use tire chains of
15 reasonable proportions upon any vehicle when required for safety
16 because of snow, ice, or other condition tending to cause a vehicle
17 to slide or skid.

18 (3) No person shall operate or move on any highway any
19 motor vehicle, trailer, or semitrailer (a) having any metal tire in
20 contact with the roadway or (b) equipped with solid rubber tires,
21 except that this subsection shall not apply to farm vehicles having
22 a gross weight of ten thousand pounds or less or to implements of
23 husbandry.

24 (4) The Department of ~~Roads~~ Transportation and local
25 authorities in their respective jurisdictions may, in their

1 discretion, issue special permits authorizing the operation upon a
2 highway of traction engines or tractors having movable tracks with
3 transverse corrugations upon the periphery of such movable tracks
4 or farm tractors or other farm machinery.

5 Sec. 139. Section 60-6,288, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 60-6,288 (1) No vehicle which exceeds a total outside
8 width of one hundred two inches, including any load but excluding
9 designated safety devices, shall be permitted on any portion
10 of the National System of Interstate and Defense Highways. The
11 Director-State Engineer shall adopt and promulgate rules and
12 regulations, consistent with federal requirements, designating
13 safety devices which shall be excluded in determining vehicle
14 width.

15 (2) No vehicle which exceeds a total outside width of
16 one hundred two inches, including any load but excluding designated
17 safety devices, shall be permitted on any highway which is not a
18 portion of the National System of Interstate and Defense Highways,
19 except that such prohibition shall not apply to:

20 (a) Farm equipment in temporary movement, during daylight
21 hours or during hours of darkness when the clearance light
22 requirements of section 60-6,235 are fully complied with, in
23 the normal course of farm operations;

24 (b) Combines eighteen feet or less in width, while in
25 the normal course of farm operations and while being driven during

1 daylight hours or during hours of darkness when the clearance light
2 requirements of section 60-6,235 are fully complied with;

3 (c) Combines in excess of eighteen feet in width, while
4 in the normal course of farm operations, while being driven during
5 daylight hours for distances of twenty-five miles or less on
6 highways and while preceded by a well-lighted pilot vehicle or
7 flagperson, except that such combines may be driven on highways
8 while in the normal course of farm operations for distances of
9 twenty-five miles or less and while preceded by a well-lighted
10 pilot vehicle or flagperson during hours of darkness when the
11 clearance light requirements of section 60-6,235 are fully complied
12 with;

13 (d) Combines and vehicles used in transporting combines
14 or other implements of husbandry, and only when transporting
15 combines or other implements of husbandry, to be engaged in
16 harvesting or other agricultural work, while being transported
17 into or through the state during daylight hours, when the total
18 width including the width of the combine or other implement of
19 husbandry being transported does not exceed fifteen feet, except
20 that vehicles used in transporting combines or other implements
21 of husbandry may, when necessary to the harvesting operation or
22 other agricultural work, travel unloaded for distances not to
23 exceed twenty-five miles, while the combine or other implement of
24 husbandry to be transported is engaged in a harvesting operation or
25 other agricultural work;

1 (e) Farm equipment dealers hauling, driving, delivering,
2 or picking up farm equipment, including portable livestock
3 buildings not exceeding fourteen feet in width, or implements of
4 husbandry during daylight hours;

5 (f) Livestock forage vehicles loaded or unloaded that
6 comply with subsection (2) of section 60-6,305;

7 (g) During daylight hours only, vehicles en route to
8 pick up, delivering, or returning unloaded from delivery of baled
9 livestock forage which, including the load if any, may be twelve
10 feet in width;

11 (h) Mobile homes or prefabricated livestock buildings not
12 exceeding sixteen feet in width and with an outside tire width
13 dimension not exceeding one hundred twenty inches moving during
14 daylight hours;

15 (i) A rubber-tired crane with a fixed load when:

16 (i) The crane will be transported on a state highway,
17 excluding any portion of the National System of Interstate and
18 Defense Highways, on a city street, or on a road within the
19 corporate limits of a city;

20 (ii) The city in which the crane is intended to be
21 transported has authorized a permit pursuant to section 60-6,298
22 for the transportation of the crane, specifying the route to be
23 used and the hours during which the crane can be transported,
24 except that no permit shall be issued by a city for travel
25 on a state highway containing a bridge or structure which is

1 structurally inadequate to carry the crane as determined by the
2 Department of ~~Roads~~, Transportation;

3 (iii) The crane's gross weight does not exceed
4 ninety-four thousand pounds, if a four-axle crane, or seventy-two
5 thousand pounds, if a three-axle crane; and

6 (iv) If a four-axle crane, the maximum weight on each set
7 of tandem axles does not exceed forty-seven thousand pounds, or if
8 a three-axle crane, the maximum weight on the front axle does not
9 exceed twenty-five thousand pounds and the total maximum weight on
10 the rear tandem axles does not exceed forty-seven thousand pounds;

11 (j) Vehicles which have been issued a permit pursuant to
12 section 60-6,299; or

13 (k) A motor home or travel trailer, as those terms are
14 defined in section 71-4603, which may exceed one hundred and two
15 inches if such excess width is attributable to an appurtenance that
16 extends no more than six inches beyond the body of the vehicle. For
17 purposes of this subdivision, the term appurtenance includes (i)
18 an awning and its support hardware and (ii) any appendage that is
19 intended to be an integral part of a motor home or travel trailer
20 and that is installed by the manufacturer or dealer. The term
21 appurtenance does not include any item that is temporarily affixed
22 or attached to the exterior of the motor home or travel trailer for
23 purposes of transporting the vehicular unit from one location to
24 another. Appurtenances shall not be considered in calculating the
25 gross trailer area as defined in section 71-4603.

1 (3) The Director-State Engineer, with respect to highways
2 under his or her jurisdiction, may designate certain highways upon
3 which vehicles of no more than ninety-six inches in width may be
4 permitted to travel. Highways so designated shall be limited to one
5 or more of the following:

6 (a) Highways with traffic lanes of ten feet or less;

7 (b) Highways upon which are located narrow bridges; and

8 (c) Highways which because of sight distance, surfacing,
9 unusual curves, topographic conditions, or other unusual
10 circumstances would not in the opinion of the Director-State
11 Engineer safely accommodate vehicles of more than ninety-six inches
12 in width.

13 Sec. 140. Section 60-6,292, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 60-6,292 (1) The Department of Roads Transportation may
16 issue permits for the use of extra-long vehicle combinations. Such
17 permits shall allow the extra-long vehicle combinations to operate
18 only on the National System of Interstate and Defense Highways and
19 only if such vehicles are empty and are being delivered for the
20 manufacturer or retailer, except that a highway located not more
21 than six miles from the National System of Interstate and Defense
22 Highways may also be designated in such permits if it is determined
23 by the Director-State Engineer that such designation is necessary
24 for the permitholder to have access to the National System of
25 Interstate and Defense Highways. An annual permit for such use

1 may be issued to each qualified carrier company or individual. The
2 carrier company or individual shall maintain a copy of such annual
3 permit in each truck-tractor operating as a part of an extra-long
4 vehicle combination. The fee for such permit shall be two hundred
5 fifty dollars per year.

6 (2) The permit shall allow operation of the following
7 extra-long vehicle combinations of not more than three cargo units
8 and not fewer than six axles nor more than nine axles:

9 (a) A truck-tractor, a semitrailer, and two trailers
10 having an overall combination length of not more than one hundred
11 five feet. Semitrailers and trailers shall be of approximately
12 equal lengths;

13 (b) A truck-tractor, semitrailer, and single trailer
14 having an overall length of not more than one hundred five feet.
15 Semitrailers and trailers shall be of approximately equal lengths;
16 and

17 (c) A truck-tractor, semitrailer, or single trailer, one
18 trailer of which is not more than forty-eight feet long, the other
19 trailer of which is not more than twenty-eight feet long nor less
20 than twenty-six feet long, and the entire combination of which is
21 not more than ninety-five feet long. The shorter trailer shall be
22 operated as the rear trailer.

23 For purposes of this subsection, a semitrailer used with
24 a converter dolly shall be considered a trailer.

25 (3) The department shall adopt and promulgate rules

1 and regulations governing the issuance of the permits, including,
2 but not limited to, selection of carriers, driver qualifications,
3 equipment selection, hours of operations, weather conditions, road
4 conditions, and safety considerations.

5 (4) Any person who violates this section shall be guilty
6 of a Class IV misdemeanor.

7 Sec. 141. Section 60-6,294, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 60-6,294 (1) Every vehicle, whether operated singly or in
10 a combination of vehicles, and every combination of vehicles
11 shall comply with subsections (2) and (3) of this section
12 except as provided in sections 60-6,294.01 and 60-6,297. The
13 limitations imposed by this section shall be supplemental to all
14 other provisions imposing limitations upon the size and weight of
15 vehicles.

16 (2) No wheel of a vehicle or trailer equipped with
17 pneumatic or solid rubber tires shall carry a gross load in excess
18 of ten thousand pounds on any highway nor shall any axle carry
19 a gross load in excess of twenty thousand pounds on any highway.
20 An axle load shall be defined as the total load transmitted to
21 the highway by all wheels the centers of which may be included
22 between two parallel transverse vertical planes forty inches apart
23 extending across the full width of the vehicle.

24 (3) No group of two or more consecutive axles shall carry
25 a load in pounds in excess of the value given in the following

1 table corresponding to the distance in feet between the extreme
 2 axles of the group, measured longitudinally to the nearest foot,
 3 except that the maximum load carried on any group of two or more
 4 axles shall not exceed eighty thousand pounds on the National
 5 System of Interstate and Defense Highways unless the Director-State
 6 Engineer pursuant to section 60-6,295 authorizes a greater weight.

7 8 9 10 11	Distance in feet between the extremes of any group of two or more	Maximum load in pounds carried on any group of two or more consecutive axles					
12 13	consecutive Two axles Axles	Three Axles	Four Axles	Five Axles	Six Axles	Seven Axles	
14	4	34,000					
15	5	34,000					
16	6	34,000					
17	7	34,000					
18	8	34,000	42,000				
19	9	39,000	42,500				
20	10	40,000	43,500				
21	11		44,000				
22	12		45,000	50,000			
23	13		45,500	50,500			
24	14		46,500	51,500			

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1	15	47,000	52,000			
2	16	48,000	52,500	58,000		
3	17	48,500	53,500	58,500		
4	18	49,500	54,000	59,000		
5	19	50,000	54,500	60,000		
6	20	51,000	55,500	60,500		
7	21	51,500	56,000	61,000		
8	22	52,500	56,500	61,500		
9	23	53,000	57,500	62,500		
10	24	54,000	58,000	63,000		
11	25	54,500	58,500	63,500	69,000	
12	26	55,500	59,500	64,000	69,500	
13	27	56,000	60,000	65,000	70,000	
14	28	57,000	60,500	65,500	71,000	
15	29	57,500	61,500	66,000	71,500	
16	30	58,500	62,000	66,500	72,000	
17	31	59,000	62,500	67,500	72,500	
18	32	60,000	63,500	68,000	73,000	
19	33		64,000	68,500	74,000	
20	34		64,500	69,000	74,500	
21	35		65,500	70,000	75,000	
22	36		66,000	70,500	75,500	
23	37		66,500	71,000	76,000	81,500
24	38		67,500	72,000	77,000	82,000
25	39		68,000	72,500	77,500	82,500

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1	40	68,500	73,000	78,000	83,500
2	41	69,500	73,500	78,500	84,000
3	42	70,000	74,000	79,000	84,500
4	43	70,500	75,000	80,000	85,000
5	44	71,500	75,500	80,500	85,500
6	45	72,000	76,000	81,000	86,000
7	46	72,500	76,500	81,500	87,000
8	47	73,500	77,500	82,000	87,500
9	48	74,000	78,000	83,000	88,000
10	49	74,500	78,500	83,500	88,500
11	50	75,500	79,000	84,000	89,000
12	51	76,000	80,000	84,500	89,500
13	52	76,500	80,500	85,000	90,500
14	53	77,500	81,000	86,000	91,000
15	54	78,000	81,500	86,500	91,500
16	55	78,500	82,500	87,000	92,000
17	56	79,500	83,000	87,500	92,500
18	57	80,000	83,500	88,000	93,000
19	58		84,000	89,000	94,000
20	59		85,000	89,500	94,500
21	60		85,500	90,000	95,000

22 (4) The distance between axles shall be measured to the
23 nearest foot. When a fraction is exactly one-half foot, the next
24 larger whole number shall be used, except that:

25 (a) Any group of three axles shall be restricted to a

1 maximum load of thirty-four thousand pounds unless the distance
2 between the extremes of the first and third axles is at least
3 ninety-six inches in fact; and

4 (b) The maximum gross load on any group of two axles,
5 the distance between the extremes of which is more than eight feet
6 but less than eight feet six inches, shall be thirty-eight thousand
7 pounds.

8 (5) The limitations of subsections (2) through (4) of
9 this section shall apply as stated to all main, rural, and
10 intercity highways but shall not be construed as inhibiting heavier
11 axle loads in metropolitan areas, except on the National System of
12 Interstate and Defense Highways, if such loads are not prohibited
13 by city ordinance.

14 (6) The weight limitations of wheel and axle loads as
15 defined in subsections (2) through (4) of this section shall be
16 restricted to the extent deemed necessary by the Department of
17 Roads Transportation for a reasonable period when road subgrades
18 or pavements are weak or are materially weakened by climatic
19 conditions.

20 (7) Two consecutive sets of tandem axles may carry a
21 gross load of thirty-four thousand pounds each when the overall
22 distance between the first and last axles of such consecutive sets
23 of tandem axles is thirty-six, thirty-seven, or thirty-eight feet
24 except as provided in section 60-6,297. Such vehicles shall be
25 subject to section 60-6,301.

1 (8) If any vehicle crosses a bridge with a total gross
2 load in excess of the posted capacity of such bridge and as a
3 result of such crossing any damage results to the bridge, the owner
4 of such vehicle shall be responsible for all of such damage.

5 (9) Vehicles equipped with a greater number of axles than
6 provided in the tables in subsection (3) of this section shall be
7 legal if they do not exceed the maximum load upon any wheel or
8 axle, the maximum load upon any group of two or more consecutive
9 axles, and the total gross weight, or any of such weights as
10 provided in subsections (2) and (3) of this section.

11 (10) Subsections (1) through (9) of this section shall
12 not apply to a vehicle which has been issued a permit pursuant to
13 section 60-6,299, a rubber-tired crane with a fixed load when the
14 requirements of subdivision (2)(i) of section 60-6,288 are met, or
15 an emergency vehicle when the requirements of subdivision (1)(a)(v)
16 of section 60-6,298 are met.

17 (11) Any two consecutive axles the centers of which are
18 more than forty inches and not more than ninety-six inches apart,
19 measured to the nearest inch between any two adjacent axles in
20 the series, shall be defined as tandem axles, and the gross weight
21 transmitted to the road surface through such series shall not
22 exceed thirty-four thousand pounds. No axle of the series shall
23 exceed the maximum weight permitted under this section for a single
24 axle.

25 (12) Dummy axles shall be disregarded in determining the

1 lawful weight of a vehicle or vehicle combination for operation on
2 the highway. Dummy axle shall mean an axle attached to a vehicle
3 or vehicle combination in a manner so that it does not articulate
4 or substantially equalize the load and does not carry at least
5 the lesser of eight thousand pounds or eight percent of the gross
6 weight of the vehicle or vehicle combination.

7 Sec. 142. Section 60-6,298, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 60-6,298 (1) (a) The Department of ~~Roads~~ Transportation
10 or the Nebraska State Patrol, with respect to highways under
11 its jurisdiction including the National System of Interstate and
12 Defense Highways, and local authorities, with respect to highways
13 under their jurisdiction, may in their discretion upon application
14 and good cause being shown therefor issue a special, continuing, or
15 continuous permit in writing authorizing the applicant or his or
16 her designee:

17 (i) To operate or move a vehicle, a combination of
18 vehicles, or objects of a size or weight of vehicle or load
19 exceeding the maximum specified by law when such permit is
20 necessary:

21 (A) To further the national defense or the general
22 welfare;

23 (B) To permit movement of cost-saving equipment to be
24 used in highway or other public construction or in agricultural
25 land treatment; or

1 (C) Because of an emergency, an unusual circumstance, or
2 a very special situation;

3 (ii) To operate vehicles, for a distance up to one
4 hundred twenty miles, loaded up to fifteen percent greater than the
5 maximum weight specified by law, up to ten percent greater than the
6 maximum length specified by law, except that for a truck-tractor
7 semitrailer trailer combination utilized to transport sugar beets
8 which may be up to twenty-five percent greater than the maximum
9 length specified by law, or both, when carrying grain or other
10 seasonally harvested products from the field where such grain or
11 products are harvested to storage, market, or stockpile in the
12 field or from stockpile to market or factory when failure to
13 move such grain or products in abundant quantities would cause an
14 economic loss to the person or persons whose grain or products are
15 being transported or when failure to move such grain or products
16 in as large quantities as possible would not be in the best
17 interests of the national defense or general welfare. The distance
18 limitation may be waived for vehicles when carrying dry beans from
19 the field where harvested to storage or market when dry beans
20 are not normally stored, purchased, or used within the permittee's
21 local area and must be transported more than one hundred twenty
22 miles to an available marketing or storage destination. No permit
23 shall authorize a weight greater than twenty thousand pounds on any
24 single axle;

25 (iii) To transport an implement of husbandry which does

1 not exceed twelve and one-half feet in width during daylight hours,
2 except that the permit shall not allow transport on holidays;

3 (iv) To operate one or more recreational vehicles, as
4 defined in section 71-4603, exceeding the maximum width specified
5 by law if movement of the recreational vehicles is prior to retail
6 sale and the recreational vehicles comply with subdivision (2)(k)
7 of section 60-6,288; or

8 (v) To operate an emergency vehicle for purposes of sale,
9 demonstration, exhibit, or delivery, if the applicant or his or her
10 designee is a manufacturer or sales agent of the emergency vehicle.
11 No permit shall be issued for an emergency vehicle which weighs
12 over sixty thousand pounds on a tandem axle.

13 (b) No permit shall be issued under subdivision (a)(i)
14 of this subsection for a vehicle carrying a load unless such
15 vehicle is loaded with an object which exceeds the size or weight
16 limitations, which cannot be dismantled or reduced in size or
17 weight without great difficulty, and which of necessity must be
18 moved over the highways to reach its intended destination. No
19 permit shall be required for the temporary movement on highways
20 other than dustless-surfaced state highways and for necessary
21 access to points on such highways during daylight hours of
22 cost-saving equipment to be used in highway or other public
23 construction or in agricultural land treatment when such temporary
24 movement is necessary and for a reasonable distance.

25 (2) The application for any such permit shall

1 specifically describe the vehicle, the load to be operated or
2 moved, whenever possible the particular highways for which permit
3 to operate is requested, and whether such permit is requested for a
4 single trip or for continuous or continuing operation.

5 (3) The department or local authority is authorized to
6 issue or withhold such permit at its discretion or, if such permit
7 is issued, to limit the number of days during which the permit
8 is valid, to limit the number of trips, to establish seasonal or
9 other time limitations within which the vehicles described may be
10 operated on the highways indicated, or to issue a continuous or
11 continuing permit for use on all highways, including the National
12 System of Interstate and Defense Highways. The permits are subject
13 to reasonable conditions as to periodic renewal of such permit
14 and as to operation or movement of such vehicles. The department
15 or local authority may otherwise limit or prescribe conditions
16 of operation of such vehicle or vehicles, when necessary to
17 assure against undue damage to the road foundations, surfaces, or
18 structures or undue danger to the public safety. The department or
19 local authority may require such undertaking or other security as
20 may be deemed necessary to compensate for any injury to any roadway
21 or road structure.

22 (4) Every such permit shall be carried in the vehicle
23 to which it refers and shall be open to inspection by any peace
24 officer, carrier enforcement officer, or authorized agent of any
25 authority granting such permit. Each such permit shall state the

1 maximum weight permissible on a single axle or combination of axles
2 and the total gross weight allowed. No person shall violate any
3 of the terms or conditions of such special permit. In case of any
4 violation, the permit shall be deemed automatically revoked and the
5 penalty of the original limitations shall be applied unless:

6 (a) The violation consists solely of exceeding the size
7 or weight specified by the permit, in which case only the penalty
8 of the original size or weight limitation exceeded shall be
9 applied; or

10 (b) The total gross load is within the maximum authorized
11 by the permit, no axle is more than ten percent in excess of the
12 maximum load for such axle or group of axles authorized by the
13 permit, and such load can be shifted to meet the weight limitations
14 of wheel and axle loads authorized by such permit. Such shift may
15 be made without penalty if it is made at the state or commercial
16 scale designated in the permit. The vehicle may travel from its
17 point of origin to such designated scale without penalty, and a
18 scale ticket from such scale, showing the vehicle to be properly
19 loaded and within the gross and axle weights authorized by the
20 permit, shall be reasonable evidence of compliance with the terms
21 of the permit.

22 (5) The department or local authority issuing a permit
23 as provided in this section may adopt and promulgate rules and
24 regulations with respect to the issuance of permits provided for in
25 this section.

1 (6) The department shall make available applications
2 for permits authorized pursuant to subdivisions (1)(a)(ii) and
3 (1)(a)(iii) of this section in the office of each county treasurer.
4 The department may make available applications for all other
5 permits authorized by this section to the office of the county
6 treasurer and may make available applications for all permits
7 authorized by this section to any other location chosen by the
8 department.

9 (7) The department or local authority issuing a permit
10 may require a permit fee of not to exceed twenty-five dollars,
11 except that:

12 (a) The fee for a continuous or continuing permit may not
13 exceed twenty-five dollars for a ninety-day period, fifty dollars
14 for a one-hundred-eighty-day period, or one hundred dollars for a
15 one-year period; and

16 (b) The fee for permits issued pursuant to subdivision
17 (1)(a)(ii) of this section shall be twenty-five dollars for a
18 thirty-day permit and fifty dollars for a sixty-day permit. Permits
19 issued pursuant to such subdivision shall be valid for thirty days
20 or sixty days and shall be renewable for a total number of days not
21 to exceed one hundred and twenty days per year.

22 A vehicle or combination of vehicles for which an
23 application for a permit is requested pursuant to this section
24 shall be registered under section 60-3,147 or 60-3,198 for the
25 maximum gross vehicle weight that is permitted pursuant to section

1 60-6,294 before a permit shall be issued.

2 Sec. 143. Section 60-6,299, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 60-6,299 (1) The Department of ~~Roads~~ Transportation may
5 issue permits for vehicles moving a building or objects requiring
6 specialized moving dollies. Such permits shall allow the vehicles
7 transporting buildings or objects requiring specialized dollies to
8 operate on highways under the jurisdiction of the department,
9 excluding any portion of the National System of Interstate
10 and Defense Highways. Such permit shall specify the maximum
11 allowable width, length, height, and weight of the building to
12 be transported, the route to be used, and the hours during which
13 such building or object may be transported. Any vehicle moving a
14 building or object requiring specialized moving dollies shall be
15 escorted by another vehicle or vehicles in the manner determined
16 by the department. Such vehicles shall travel at a speed which is
17 not in excess of five miles per hour when carrying loads which
18 are in excess of the maximum gross weight specified by law by
19 more than twenty-five percent. The permit shall not be issued
20 for travel on a state highway containing a bridge or structure
21 which is structurally inadequate to carry such building or object
22 as determined by the department. The department may prescribe
23 conditions of operation of such vehicle when necessary to assure
24 against damage to the road foundations, surfaces, or structures and
25 require such security as may be deemed necessary to compensate for

1 any injury to any roadway or road structure.

2 (2) The application for any such permit shall
3 specifically describe the vehicle, the load to be moved, and
4 whenever possible the particular highways for which the permit
5 is requested. The company or individual shall maintain a copy of
6 the permit in each vehicle moving a building or object requiring
7 specialized moving dollies which shall be open to inspection by any
8 peace officer, carrier enforcement officer, or authorized agent of
9 any authority granting such permit. The fee for such permit shall
10 be ten dollars.

11 (3) The department shall adopt and promulgate rules and
12 regulations governing the issuance of the permits. Such rules
13 and regulations shall include, but not be limited to, driver
14 qualifications, equipment selection, hours of operation, weather
15 conditions, road conditions, determination of any damage caused
16 to highways or bridges, cutting or trimming of trees, removal or
17 relocation of signs or other property of the state, raising or
18 lowering of electric supply and communication lines, and such other
19 safety considerations as the department deems necessary.

20 (4) Any person who violates the terms of a permit issued
21 pursuant to this section or otherwise violates this section shall
22 be guilty of a Class III misdemeanor.

23 Sec. 144. Section 60-6,301, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 60-6,301 When any motor vehicle, semitrailer, or trailer

1 is operated upon the highways of this state carrying a load in
2 excess of the maximum weight permitted by section 60-6,294, the
3 load shall be reduced or shifted to within such maximum tolerance
4 before being permitted to operate on any public highway of this
5 state, except that:

6 (1) If any motor vehicle, semitrailer, or trailer exceeds
7 the maximum load on only one axle, only one tandem axle, or only
8 one group of axles when (a) the distance between the first and last
9 axle of such group of axles is twelve feet or less, (b) the excess
10 axle load is no more than five percent in excess of the maximum
11 load for such axle, tandem axle, or group of axles permitted by
12 such section, while the vehicle or combination of vehicles is
13 within the maximum gross load, and (c) the load on such vehicle is
14 such that it can be shifted or the configuration of the vehicle can
15 be changed so that all axles, tandem axle, or groups of axles are
16 within the maximum permissible limit for such axle, tandem axle, or
17 group of axles, such shift or change of configuration may be made
18 without penalty;

19 (2) Any motor vehicle, semitrailer, or trailer carrying
20 only a load of livestock may exceed the maximum load as permitted
21 by such section on only one axle, only one tandem axle, or only one
22 group of axles when the distance between the first and last axle
23 of the group of axles is six feet or less if the excess load on
24 the axle, tandem axle, or group of axles is caused by a shifting
25 of the weight of the livestock by the livestock and if the vehicle

1 or combination of vehicles is within the maximum gross load as
2 permitted by such section;

3 (3) With a permit issued by the Department of ~~Roads~~
4 Transportation or the Nebraska State Patrol, a truck with an
5 enclosed body and a compacting mechanism, designed and used
6 exclusively for the collection and transportation of garbage or
7 refuse, may exceed the maximum load as permitted by such section
8 by no more than twenty percent on only one axle, only one tandem
9 axle, or only one group of axles when the vehicle is laden with
10 garbage or refuse if the vehicle is within the maximum gross load
11 as permitted by such section. There shall be a permit fee of ten
12 dollars per month or one hundred dollars per year. The permit may
13 be issued for one or more months up to one year, and the term of
14 applicability shall be stated on the permit;

15 (4) Any motor vehicle, semitrailer, or trailer carrying
16 any kind of a load, including livestock, which exceeds the legal
17 maximum gross load by five percent or less may proceed on its
18 itinerary and unload the cargo carried thereon to the maximum legal
19 gross weight at the first unloading facility on the itinerary where
20 the cargo can be properly protected. All material so unloaded shall
21 be cared for by the owner or operator of such vehicle at the risk
22 of such owner or operator; and

23 (5) Any motor vehicle, semitrailer, or trailer carrying
24 grain or other seasonally harvested products may operate from
25 the field where such grain or products are harvested to storage,

1 market, or stockpile in the field or from stockpile to market
2 or factory up to seventy miles with a load that exceeds the
3 maximum load permitted by section 60-6,294 by fifteen percent on
4 any tandem axle, group of axles, and gross weight. The owner or
5 a representative of the owner of the agricultural product shall
6 furnish the driver of the loaded vehicle a signed statement of
7 origin and destination.

8 Nothing in this section shall be construed to permit
9 to be operated on the National System of Interstate and Defense
10 Highways any vehicle or combination of vehicles which exceeds any
11 of the weight limitations applicable to such system as contained in
12 section 60-6,294.

13 If the maximum legal gross weight or axle weight of any
14 vehicle is exceeded by five percent or less and the arresting peace
15 officer or carrier enforcement officer has reason to believe that
16 such excessive weight is caused by snow, ice, or rain, the officer
17 may issue a warning citation to the operator.

18 Sec. 145. Section 60-6,311, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 60-6,311 (1) Any person who rides a moped upon a roadway
21 shall have all of the rights and shall be subject to all of
22 the duties applicable to the driver of a motor vehicle under the
23 Nebraska Rules of the Road except for special moped regulations in
24 the rules and except for those provisions of the rules which by
25 their nature can have no application.

1 (2) Regulations applicable to mopeds shall apply whenever
2 a moped is operated upon any highway or upon any path set aside by
3 the Department of ~~Roads~~ Transportation or a local authority for the
4 use of mopeds.

5 Sec. 146. Section 60-6,314, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 60-6,314 (1) Any person who operates a bicycle upon a
8 highway shall have all of the rights and shall be subject to all of
9 the duties applicable to the driver of a vehicle under the Nebraska
10 Rules of the Road except for special bicycle regulations in the
11 rules, except for those provisions of the rules which by their
12 nature can have no application, and except as provided in section
13 60-6,142.

14 (2) Regulations applicable to bicycles shall apply
15 whenever a bicycle is operated upon any highway or upon any path
16 set aside by the Department of ~~Roads~~ Transportation or a local
17 authority for the exclusive use of bicycles.

18 Sec. 147. Section 60-6,335, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 60-6,335 (1) No person shall operate a snowmobile upon
21 any highway except as provided in sections 60-6,320 to 60-6,346.
22 Subject to regulation by the Department of ~~Roads~~ Transportation
23 and by local authorities, in their respective jurisdictions, a
24 snowmobile may be operated on the roadway of any highway, on the
25 right-hand side of such roadway and in the same direction as the

1 highway traffic, except that no snowmobile shall be operated at
2 any time within the right-of-way of any controlled-access highway
3 within this state.

4 (2) A snowmobile may make a direct crossing of a highway
5 at any hour of the day if:

6 (a) The crossing is made at an angle of approximately
7 ninety degrees to the direction of the highway and at a place where
8 no obstruction prevents a quick and safe crossing;

9 (b) The snowmobile is brought to a complete stop before
10 crossing the shoulder or roadway of the highway;

11 (c) The driver yields the right-of-way to all oncoming
12 traffic which constitutes an immediate hazard;

13 (d) In crossing a divided highway, the crossing is made
14 only at an intersection of such highway with another highway; and

15 (e) When the crossing is made between sunset and sunrise
16 or in conditions of reduced visibility, both the headlights and
17 taillights are on.

18 (3) No snowmobile shall be operated upon a highway unless
19 equipped with at least one headlight and one taillight, with
20 reflector material of a minimum area of sixteen square inches
21 mounted on each side forward of the handlebars, and with brakes.

22 (4) A snowmobile may be operated upon a highway other
23 than as provided by subsection (2) of this section in an emergency
24 during the period of time when and at locations where snow upon the
25 roadway renders travel by automobile impractical.

1 (5) Unless otherwise provided in sections 60-6,320 to
2 60-6,346, all other provisions of Chapter 60 shall apply to the
3 operation of snowmobiles upon highways except for those relating
4 to required equipment and those which by their nature have no
5 application.

6 (6) No person shall operate a snowmobile upon any private
7 lands without first having obtained permission of the owner,
8 lessee, or operator of such lands.

9 Sec. 148. Section 60-6,376, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 60-6,376 (1) Any person who operates an electric personal
12 assistive mobility device on a highway shall have all of the
13 rights and shall be subject to all of the duties applicable to the
14 operator of a vehicle under the Nebraska Rules of the Road except
15 (a) as provided in special electric personal assistive mobility
16 device regulations adopted pursuant to the Nebraska Rules of the
17 Road, (b) any provisions of the Nebraska Rules of the Road which
18 by their nature can have no application, and (c) as provided in
19 section 60-6,142 with respect to operating an electric personal
20 assistive mobility device on a shoulder of a highway.

21 (2) An electric personal assistive mobility device may
22 be operated on any highway, alley, sidewalk, bike trail, path, or
23 any other area where persons travel, except as provided by the
24 Department of ~~Roads~~ Transportation or local authority. Regulations
25 applicable to an electric personal assistive mobility device shall

1 apply whenever an electric personal assistive mobility device is so
2 operated.

3 (3) An operator of an electric personal assistive
4 mobility device shall yield to pedestrian traffic and any
5 human-powered or animal-powered vehicle at all times. An operator
6 of an electric personal assistive mobility device shall give an
7 audible signal before overtaking and passing any pedestrian or
8 human-powered or animal-powered vehicle. A person violating this
9 subsection shall be fined ten dollars for the first offense. A
10 person violating this subsection shall have his or her electric
11 personal assistive mobility device impounded for up to thirty days
12 for each subsequent offense.

13 Sec. 149. Section 60-1301, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 60-1301 In order to promote public safety, to preserve
16 and protect the state highways and bridges and prevent immoderate
17 and destructive use of ~~the same~~, such state highways and bridges,
18 and to enforce the motor vehicle registration laws, the Department
19 of Roads Transportation shall have the responsibility to construct,
20 maintain, provide, and contract with the Nebraska State Patrol for
21 the operation of weighing stations and provide the funding for ~~the~~
22 ~~same~~. such stations. The Nebraska State Patrol shall operate the
23 weighing stations, including portable scales, for the weighing and
24 inspection of buses, motor trucks, truck-tractors, semitrailers,
25 trailers, and towed vehicles. Each of the weighing stations shall

1 be located near, on, or adjacent to a state highway upon real
2 estate owned by the State of Nebraska or upon real estate acquired
3 for that purpose. Weights determined on such weighing stations and
4 portable scales shall be presumed to be accurate and shall be
5 accepted in court as prima facie evidence of a violation of the
6 laws relating to the size, weight, load, and registration of buses,
7 motor trucks, truck-tractors, semitrailers, trailers, and towed
8 vehicles. The owner or driver of a vehicle found to be in violation
9 of such laws by the use of portable scales shall be advised by
10 the officer operating the portable scale that he or she has the
11 right to demand an immediate reweighing at his or her expense
12 at the nearest permanent state-approved scale capable of weighing
13 the vehicle, and if a variance exists between the weights of the
14 permanent and portable scales, then the weights determined on the
15 permanent scale shall prevail. Sections 60-1301 to 60-1309 shall
16 not apply to pickup trucks with a factory-rated capacity of one ton
17 or less, except as may be provided by rules and regulations of the
18 Nebraska State Patrol, or to recreational vehicles as defined in
19 subdivision (2) of section 71-4603. The Nebraska State Patrol may
20 adopt and promulgate rules and regulations concerning the weighing
21 of pickup trucks with a factory-rated capacity of one ton or less
22 which tow vehicles. Such rules and regulations shall require trucks
23 towing vehicles to comply with sections 60-1301 to 60-1309 when it
24 is necessary to promote the public safety and preserve and protect
25 the state highways and bridges.

1 Sec. 150. Section 60-1302, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-1302 The Department of ~~Roads~~ Transportation is hereby
4 authorized to take, hold, and acquire by eminent domain so much
5 real estate as may be necessary and convenient to carry out the
6 provisions of section 60-1301. The procedure to condemn property
7 shall be exercised in the manner set forth in sections 76-704 to
8 76-724.

9 Sec. 151. Section 60-1303, Revised Statutes Cumulative
10 Supplement, 2006, is amended to read:

11 60-1303 (1) The Nebraska State Patrol is hereby
12 designated as the agency to operate the weighing stations and
13 portable scales and to perform carrier enforcement duties.

14 (2)(a) On and after July 20, 2002, officers of the
15 Nebraska State Patrol appointed to operate the weighing stations
16 and portable scales and to perform carrier enforcement duties shall
17 be known as the carrier enforcement division. The Superintendent
18 of Law Enforcement and Public Safety shall appoint officers of
19 the Nebraska State Patrol to the carrier enforcement division,
20 including officers as prescribed in sections 81-2001 to 81-2009,
21 and carrier enforcement officers as prescribed in sections 60-1301
22 to 60-1309.

23 (b) The employees within the Nebraska State Patrol
24 designated to operate the weighing stations and portable scales
25 and to perform carrier enforcement duties before July 20, 2002, and

1 not authorized to act under subdivisions (1) through (8) of section
2 81-2005 shall be known as carrier enforcement officers.

3 (3) All carrier enforcement officers shall be bonded or
4 insured as required by section 11-201. Premiums shall be paid
5 from the money appropriated for the construction, maintenance, and
6 operation of the state weighing stations.

7 (4) All employees of the Nebraska State Patrol who
8 are carrier enforcement officers and who are not officers of
9 the Nebraska State Patrol with the powers and duties prescribed
10 in sections 81-2001 to 81-2009 shall be members of the State
11 Employees Retirement System of the State of Nebraska. Officers of
12 the Nebraska State Patrol who are carrier enforcement officers on
13 July 20, 2002, who subsequently become officers of the Nebraska
14 State Patrol with the powers and duties prescribed in sections
15 81-2001 to 81-2009, and who elect to remain members of the State
16 Employees Retirement System of the State of Nebraska shall continue
17 to participate in the State Employees Retirement System of the
18 State of Nebraska. Carrier enforcement officers shall not receive
19 any expense allowance as provided for by section 81-2002.

20 (5) The Nebraska State Patrol and the Department of
21 ~~Roads~~ Transportation shall have the duty, power, and authority
22 to contract with one another for the staffing and operation
23 of weighing stations and portable scales and the performance
24 of carrier enforcement duties to ensure that there is adequate
25 personnel in the carrier enforcement division to carry out the

1 duties specified in sections 60-1301 to 60-1309. Through June
2 30, 2005, the number of full-time equivalent positions funded
3 pursuant to such contract shall be limited to eighty-eight
4 officers, including carrier enforcement officers as prescribed
5 in sections 60-1301 to 60-1309 and officers of the Nebraska State
6 Patrol as prescribed in sections 81-2001 to 81-2009 assigned
7 to the carrier enforcement division. Pursuant to such contract,
8 command of the personnel involved in such carrier enforcement
9 operations shall be with the Nebraska State Patrol. The Department
10 of ~~Roads~~ Transportation may use any funds at its disposal for
11 its financing of such carrier enforcement activity in accordance
12 with such contract as long as such funds are used only to finance
13 those activities directly involved with the duties specified in
14 sections 60-1301 to 60-1309. The Nebraska State Patrol shall
15 account for all appropriations and expenditures related to the
16 staffing and operation of weighing stations and portable scales
17 and the performance of carrier enforcement duties in a budget
18 program that is distinct and separate from budget programs used for
19 non-carrier-enforcement-division-related activities.

20 (6) The Nebraska State Patrol may adopt, promulgate, and
21 enforce rules and regulations consistent with statutory provisions
22 related to carrier enforcement necessary for (a) the collection of
23 fees, as outlined in sections 60-3,177 and 60-3,179 to 60-3,182
24 and the International Fuel Tax Agreement Act, (b) the inspection
25 of licenses and permits required under the motor fuel laws, and

1 (c) weighing and inspection of buses, motor trucks, truck-tractors,
2 semitrailers, trailers, and towed vehicles.

3 (7) There is hereby created the Carrier Enforcement Cash
4 Fund which shall be administered by the Nebraska State Patrol and
5 used for the operation of the carrier enforcement division. Any
6 money in the Carrier Enforcement Cash Fund available for investment
7 shall be invested by the state investment officer pursuant to
8 the Nebraska Capital Expansion Act and the Nebraska State Funds
9 Investment Act.

10 Sec. 152. Section 66-4,100, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 66-4,100 The Highway Cash Fund and the Roads Operations
13 Cash Fund are hereby created. If bonds are issued pursuant to
14 subsection (2) of section 39-2223, the balance of the share of
15 the Highway Trust Fund allocated to the Department of ~~Roads~~
16 Transportation and deposited into the Highway Restoration and
17 Improvement Bond Fund as provided in subsection (6) of section
18 39-2215 and the balance of the money deposited in the Highway
19 Restoration and Improvement Bond Fund as provided in section
20 39-2215.01 shall be transferred by the State Treasurer, on or
21 before the last day of each month, to the Highway Cash Fund. If
22 no bonds are issued pursuant to subsection (2) of section 39-2223,
23 the share of the Highway Trust Fund allocated to the Department of
24 ~~Roads~~ Transportation shall be transferred by the State Treasurer on
25 or before the last day of each month to the Highway Cash Fund.

1 The Legislature may direct the State Treasurer to
2 transfer funds from the Highway Cash Fund to the Roads Operations
3 Cash Fund. Both funds shall be expended by the department (1) for
4 acquiring real estate, road materials, equipment, and supplies
5 to be used in the construction, reconstruction, improvement,
6 and maintenance of state highways, (2) for the construction,
7 reconstruction, improvement, and maintenance of state highways,
8 including grading, drainage, structures, surfacing, roadside
9 development, landscaping, and other incidentals necessary for
10 proper completion and protection of state highways as the
11 department shall, after investigation, find and determine shall
12 be for the best interests of the highway system of the state,
13 either independent of or in conjunction with federal-aid money for
14 highway purposes, (3) for the share of the department of the cost
15 of maintenance of state aid bridges, (4) for planning studies in
16 conjunction with federal highway funds for the purpose of analyzing
17 traffic problems and financial conditions and problems relating to
18 state, county, township, municipal, federal, and all other roads
19 in the state and for incidental costs in connection with the
20 federal-aid grade crossing program for roads not on state highways,
21 (5) for tests and research by the department or proportionate costs
22 of membership, tests, and research of highway organizations when
23 participated in by the highway departments of other states, (6)
24 for the payment of expenses and costs of the Board of Examiners
25 for County Highway and City Street Superintendents as set forth in

1 section 39-2310, and (7) for support of the public transportation
2 assistance program established under section 13-1209 and the
3 intercity bus system assistance program established under section
4 13-1213.

5 Any money in the Highway Cash Fund and the Roads
6 Operations Cash Fund not needed for current operations of the
7 department shall, as directed by the Director-State Engineer to
8 the State Treasurer, be invested by the state investment officer
9 pursuant to the Nebraska Capital Expansion Act and the Nebraska
10 State Funds Investment Act, subject to approval by the board of
11 each investment. All income received as a result of such investment
12 shall be placed in the Highway Cash Fund.

13 Sec. 153. Section 66-4,144, Revised Statutes Cumulative
14 Supplement, 2006, is amended to read:

15 66-4,144 (1) In order to insure that an adequate balance
16 in the Highway Restoration and Improvement Bond Fund is maintained
17 to meet the debt service requirements of bonds to be issued
18 by the commission under subsection (2) of section 39-2223, the
19 Director-State Engineer shall certify to the department the excise
20 tax rate to be imposed by sections 66-4,140 and 66-6,108 for
21 each year during which such bonds are outstanding necessary to
22 provide in each such year money equal in amount to not less
23 than one hundred twenty-five percent of such year's bond principal
24 and interest payment requirements. The department shall adjust
25 the rate as certified by the Director-State Engineer. Such rate

1 shall be in addition to the rate of excise tax set pursuant to
2 subsection (2) of this section. Each such rate shall be effective
3 from July 1 of a stated year through June 30 of the succeeding
4 year or during such other period not longer than one year as
5 the Director-State Engineer certifies to be consistent with the
6 principal and interest requirements of such bonds. Such excise
7 tax rates set pursuant to this subsection may be increased,
8 but such excise tax rates shall not be subject to reduction
9 or elimination unless the Director-State Engineer has received
10 from the State Highway Commission notice of reduced principal
11 and interest requirements for such bonds, in which event the
12 Director-State Engineer shall certify the new rate or rates to the
13 department. The new rate or rates, if any, shall become effective
14 on the first day of the following semiannual period.

15 (2) In order to insure that there is maintained an
16 adequate Highway Cash Fund balance to meet expenditures from such
17 fund as appropriated by the Legislature, by June 15 or five days
18 after the adjournment of the regular legislative session each year,
19 whichever is later, the Director-State Engineer shall certify to
20 the department the excise tax rate to be imposed by sections
21 66-4,140 and 66-6,108. The department shall adjust the rate as
22 certified by the Director-State Engineer to be effective from July
23 1 through June 30 of the succeeding year. The rate of excise tax
24 for a given July 1 through June 30 period set pursuant to this
25 subsection shall be in addition to and independent of the rate or

1 rates of excise tax set pursuant to subsection (1) of this section
2 for such period. The Director-State Engineer shall determine the
3 cash and investment balances of the Highway Cash Fund at the
4 beginning of each fiscal year under consideration and the estimated
5 receipts to the Highway Cash Fund from each source which provides
6 at least one million dollars annually to such fund. The rate of
7 excise tax shall be an amount sufficient to meet the appropriations
8 made from the Highway Cash Fund by the Legislature. Such rate shall
9 be set in increments of one-tenth of one percent.

10 (3) The Department of Roads Transportation shall provide
11 to the Legislative Fiscal Analyst a copy of the information that is
12 submitted to the Department of Revenue and used to set or adjust
13 the excise tax rate.

14 (4) If the actual receipts received to date added to any
15 projections or modified projections of deposits to the Highway Cash
16 Fund for the current fiscal year are less than ninety-nine percent
17 or greater than one hundred two percent of the appropriation
18 for the current fiscal year, the Director-State Engineer shall
19 certify to the department the adjustment in rate necessary to
20 meet the appropriations made from the Highway Cash Fund by the
21 Legislature. The department shall adjust the rate as certified by
22 the Director-State Engineer to be effective on the first day of the
23 following semiannual period.

24 (5) Nothing in this section shall be construed to
25 abrogate the duties of the Department of Roads Transportation

1 or attempt to change any highway improvement program schedule.

2 Sec. 154. Section 66-821, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 66-821 For purposes of sections 66-821 to 66-824, unless
5 the context otherwise requires:

6 (1) Gasohol shall mean gasoline which contains a minimum
7 of ten percent blend of an agricultural ethyl alcohol whose
8 purity shall be at least ninety-nine percent alcohol, excluding
9 denaturant, produced from cereal grains or domestic agricultural
10 commodities; and

11 (2) Department shall mean the Department of Roads-
12 Transportation.

13 Sec. 155. Section 66-822, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 66-822 The ~~Department of Roads~~ department shall, not
16 later than July 1, 1980, implement a program of using gasohol as
17 fuel in motor vehicles owned or operated by the department which
18 are designed to operate on such fuel.

19 Sec. 156. Section 69-1701, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 69-1701 (1) Before an outdoor advertising sign, display,
22 or device is removed, taken, or appropriated through the use of
23 zoning or any other power or authority possessed by the state, a
24 state agency, or a political subdivision of the state:

25 (a) The value of the sign, display, or device shall be

1 determined by the taking entity without the use of any amortization
2 schedule; and

3 (b) The owners of the sign, display, or device shall be
4 paid the fair and reasonable market value for such removal, taking,
5 or appropriation, which fair and reasonable market value shall be
6 based upon the depreciated reproduction cost of such sign, display,
7 or device using as a guideline the Nebraska Sign Schedule developed
8 and used by the Department of Roads, Transportation, except that,
9 when feasible, the taking entity may elect to relocate such sign,
10 display, or device, in which event the owners of the sign, display,
11 or device shall be paid the actual and necessary relocation cost
12 therefor.

13 (2) Subsection (1) of this section shall not apply to:

14 (a) Actions taken by the Department of Roads
15 Transportation pursuant to sections 39-212 to 39-226 and 39-1320;
16 and

17 (b) The removal, taking, or appropriation of a sign,
18 display, or device which (i) is insecurely fixed or inadequately
19 maintained such that the sign, display, or device constitutes a
20 danger to the public health or safety, or (ii) has been abandoned
21 or no longer used by the owners for at least six months.

22 Sec. 157. Section 70-309, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 70-309 If the public road, along, upon, across, or
25 under which the right to construct, operate, and maintain the

1 electrical transmission line is granted, is a state or federal
2 highway, then the location and installation of the electrical
3 transmission facilities, insofar as they pertain to the present
4 and future use of the rights-of-way for highway purposes, shall be
5 subject to reasonable regulations and restrictions prescribed by
6 the Department of ~~Roads~~ Transportation. If the future use of the
7 state or federal highway requires the moving or relocating of the
8 facilities, then such facilities shall be removed or relocated by
9 the owner, at the owner's cost and expense, and as directed by the
10 Department of ~~Roads~~ Transportation except as provided by section
11 39-1304.02.

12 Sec. 158. Section 72-108, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 72-108 All deeds or other instruments conveying any
15 interest in lands to the State of Nebraska, or to any board,
16 department, or commission thereof, shall be carefully deposited
17 in the office of the Board of Educational Lands and Funds for
18 safekeeping after they have been duly recorded in the office of the
19 register of deeds in the county where the real estate is located.
20 This ~~÷ PROVIDED, this section shall~~ does not apply to deeds or
21 other instruments conveying any interest in lands to the Department
22 of ~~Roads~~ Transportation or the Game and Parks Commission.

23 Sec. 159. Section 72-221, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 72-221 The Department of ~~Roads~~ Transportation of the

1 State of Nebraska and the county board of any county may acquire
2 land necessary to establish a public highway over or across any
3 educational lands.

4 Sec. 160. Section 72-221.01, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 72-221.01 All established public roads that have been
7 established for a period of ten years or more on the section line
8 along any side or part of the side of a section owned by the
9 Board of Educational Lands and Funds, and on any part of a section
10 that has an established meandering road not on the section line
11 and under the jurisdiction of the Board of Educational Lands and
12 Funds, shall be dedicated to the county for public use in the
13 case of county roads, or to the State of Nebraska, Department of
14 ~~Roads~~, Transportation, for public use. The public road right-of-way
15 so dedicated shall be no less than thirty-three feet from the
16 section line, nor less than sixty-six feet through that part of the
17 section where the established road meanders through the described
18 section. Upon receipt of payment from any county or the Department
19 of ~~Roads~~ Transportation of the fair and reasonable market value of
20 the right-of-way at the date the road was established, the Board
21 of Educational Lands and Funds shall convey to the county or the
22 Department of ~~Roads~~ Transportation title to such road right-of-way.
23 The instruments of conveyance shall be recorded in the office of
24 the register of deeds.

25 Sec. 161. Section 72-817, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 72-817 Sections 72-811 to 72-818 shall apply to every
3 state agency except the University of Nebraska, the Nebraska
4 state colleges, the Department of Aeronautics, and the Board of
5 Educational Lands and Funds, except that any such agency may elect
6 to include under such sections any building or land for which it
7 has responsibility. Such sections shall not apply to interests in
8 real property held by the Department of Roads-Transportation.

9 Sec. 162. Section 73-507, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 73-507 (1) Subject to review by the Director of
12 Administrative Services, the materiel division shall provide
13 procedures to grant limited exceptions from the provisions of
14 sections 73-504, 73-508, and 73-509 for:

15 (a) Sole source and emergency contracts; and

16 (b) Other circumstances or specific contracts when any
17 of the requirements of sections 73-504, 73-508, and 73-509 are not
18 appropriate for or are not compatible with the circumstances or
19 contract. The materiel division shall provide a written rationale
20 which shall be kept on file when granting an exception under this
21 subdivision.

22 (2) The following types of contracts for services are not
23 subject to sections 73-504, 73-508, and 73-509:

24 (a) Contracts for services subject to the Nebraska
25 Consultants' Competitive Negotiation Act;

1 (b) Contracts for services subject to federal law,
2 regulation, or policy or state statute, under which a state
3 agency is required to use a different selection process or to
4 contract with an identified contractor or type of contractor;

5 (c) Contracts for professional legal services and
6 services of expert witnesses, hearing officers, or administrative
7 law judges retained by state agencies for administrative or court
8 proceedings;

9 (d) Contracts involving state or federal financial
10 assistance passed through by a state agency to a political
11 subdivision;

12 (e) Contracts with direct providers of medical,
13 behavioral, or developmental health services, child care, or child
14 welfare services to an individual;

15 (f) Agreements for services to be performed for a state
16 agency by another state or local government agency or contracts
17 made by a state agency with a local government agency for the
18 direct provision of services to the public;

19 (g) Agreements for services between a state agency and
20 the University of Nebraska, the Nebraska state colleges, the
21 courts, the Legislature, or other officers or agencies established
22 by the Constitution of Nebraska;

23 (h) Department of Insurance contracts for financial
24 or actuarial examination, for rehabilitation, conservation,
25 reorganization, or liquidation of licensees, and for professional

1 services related to residual pools or excess funds under the
2 agency's control;

3 (i) Department of ~~Roads~~ Transportation contracts for all
4 road and bridge projects; and

5 (j) Nebraska Investment Council contracts.

6 Sec. 163. Section 74-1310, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 74-1310 For purposes of sections 74-1310 to 74-1322,
9 unless the context otherwise requires, department shall mean the
10 Department of ~~Roads~~ Transportation.

11 Sec. 164. Section 74-1314, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 74-1314 When any political subdivision of this state
14 determines that public safety will be improved by eliminating
15 a crossing, by the installation, substantial modification, or
16 improvement of automatic railroad grade crossing protection, or by
17 construction of an overpass or underpass where a street, road,
18 or highway intersects with a line of the railroad company within
19 its jurisdiction, and demand is made upon the railroad company
20 concerned, the political subdivision shall inform the ~~Department of~~
21 ~~Roads~~ department of such fact.

22 Upon receiving such notice, or upon its own
23 determination, the ~~Department of Roads~~ department shall forthwith
24 examine the crossing concerned, in conjunction with representatives
25 of the political subdivision, to determine whether the position

1 of such crossing on the priority list established under section
2 74-1312 should be adjusted.

3 Sec. 165. Section 74-1318, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 74-1318 The ~~Department of Roads~~ department is hereby
6 empowered to administer the funds deposited in the Grade Crossing
7 Protection Fund as follows:

8 (1) If the department and the political subdivision
9 with jurisdiction over the crossing agree that a grade crossing
10 should be eliminated by closing the street, road, or highway,
11 the political subdivision making such closing shall receive five
12 thousand dollars from the fund and five thousand dollars from
13 the railroad involved and the actual cost of closure not to
14 exceed twelve thousand dollars from the fund. If pursuant to
15 section 74-1305 it is agreed by the department and the political
16 subdivision that such crossing should be eliminated by the removal
17 of such rail line, the political subdivision paying for such
18 removal, if any, shall receive two thousand dollars or the actual
19 cost thereof not to exceed twelve thousand dollars from the fund;

20 (2) Except as otherwise provided in section 74-1315, in
21 order to facilitate and protect the interest of the public as a
22 whole and to compensate for the statewide use of such crossings
23 by the public, the department shall pay ninety-five percent of
24 the cost of overpasses, underpasses, and automatic railroad grade
25 crossing protection measures or devices from the fund for all

1 such projects in which an agreement among the department, the
2 railroad, and the political subdivision is executed on or after
3 May 24, 1979, and the balance of the cost shall be borne by
4 the political subdivision, except that in any county in which
5 a railroad transportation safety district has been formed, such
6 balance shall be borne entirely by the political subdivision. For
7 all such projects in which an agreement among the department, the
8 railroad, and the political subdivision was executed prior to May
9 24, 1979, the costs shall continue to be borne in the same manner
10 as they were prior to such date;

11 (3) It shall be the sole responsibility of the railroad
12 company involved to maintain all automatic railroad grade crossing
13 protection devices existing in this state;

14 (4) The department shall allocate the amount to be
15 borne by the fund for the cost of construction, installation, or
16 substantial modification or improvement of the automatic devices
17 for the protection of the railroad grade crossing concerned under
18 this section and section 74-1317; and

19 (5) The department shall enter into and enforce
20 agreements involving the fund and the supervision of
21 the construction, installation, substantial modification or
22 improvement, and maintenance of such overpasses, underpasses, and
23 automatic safety devices for which any part of the cost is borne
24 from the fund and the auditing and collection of the bills covering
25 the cost thereof. The department is further authorized to enter

1 into such contracts with any railroad companies and political
2 subdivisions affected which are necessary to carry out this section
3 and section 74-1317.

4 Sec. 166. Section 74-1319, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 74-1319 Whenever a railroad line is abandoned, the
7 ~~Department of Roads~~ department may remove grade crossing protection
8 devices therefrom to protect the state's investment therein.

9 Sec. 167. Section 74-1329, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 74-1329 Sections 74-1329 to ~~74-1343~~ 74-1342 shall be
12 known and may be cited as the Nebraska Highway-Rail Grade Crossing
13 Safety and Consolidation Act.

14 Sec. 168. Section 74-1331, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 74-1331 Any person who operates a railroad in the State
17 of Nebraska shall construct all bridges on its railway so that
18 each bridge over a running stream in this state has an opening
19 below high water line the area of which is sufficient to allow
20 the free and unobstructed passage of the water of such running
21 stream at extreme high water state. If in the case of any given
22 bridge satisfactory proof is made to the Department of ~~Roads~~
23 Transportation that the dimensions prescribed in this section are
24 greater than are necessary to permit the unimpeded passage of
25 the water under such bridge at high water, the department may

1 authorize construction of the bridge with dimensions less than
2 those prescribed in this section. Each railroad shall maintain and
3 keep in good repair all bridges and abutments which the railroad
4 constructs to enable its tracks to pass over or under any turnpike,
5 road, canal, watercourse, or other way. Any operator of a railroad
6 in this state who violates any of the provisions of this section or
7 who permits any such violation on the part of any employee shall be
8 guilty of a Class III misdemeanor.

9 Sec. 169. Section 74-1332, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 74-1332 The Department of ~~Roads~~ Transportation shall have
12 jurisdiction over all crossings outside of incorporated villages,
13 towns, and cities, both public and private, across, over, or
14 under all railroads in the state, except as provided in sections
15 74-1338 to 74-1340, and shall adopt and promulgate such rules and
16 regulations for the construction, repair, and maintenance of the
17 crossings as the department deems adequate and sufficient for the
18 protection and necessity of the public.

19 Sec. 170. Section 74-1333, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 74-1333 The owner of any railroad tracks which are
22 crossed by a public road shall make and keep in good repair
23 good and sufficient crossings for such road over its tracks,
24 including all the grading, bridges, ditches, and culverts that
25 may be necessary within its right-of-way. Such crossings shall be

1 not less than twenty feet wide and shall be solidly constructed
2 with no openings or filled spaces except such as are necessary
3 for the track. The railroad crossings shall be made of durable
4 material equal to the height of the railroad track. The Department
5 of ~~Roads~~ Transportation may, upon proper investigation and hearing,
6 impose additional reasonable requirements as the circumstances may
7 warrant.

8 Sec. 171. Section 74-1334, Revised Statutes Cumulative
9 Supplement, 2006, is amended to read:

10 74-1334 (1) Wherever any railroad track crosses any
11 public road in a cut, on a curve or side hill, in timber lands,
12 near buildings, or near any obstruction of view from the road, the
13 Department of ~~Roads~~ Transportation shall direct such precautions
14 to be taken as it deems necessary for the safety of the traveling
15 public. Each railroad carrier shall also provide and maintain
16 such gates, crossings, signs, signals, alarm bells, and warning
17 personnel as the department directs. The department may direct the
18 placement of special signs where the physical conditions of any
19 crossing warrant such action.

20 (2) Any public railroad crossing without gates, signals,
21 alarm bells, or warning personnel located within one-quarter mile
22 from a public railroad crossing with gates, signals, alarm bells,
23 or warning personnel shall be closed unless it is the only railroad
24 crossing which provides access to property.

25 (3) An interested party may object to an action taken

1 under subsection (2) of this section only if a written request
2 is submitted to the Department of ~~Roads~~ Transportation by a
3 professional engineer licensed to practice in the State of
4 Nebraska. The engineer shall state in writing that the engineer
5 is familiar with the requirements in this section and with all
6 relevant aspects of the railroad crossing. The engineer shall
7 also provide a detailed explanation of why subsection (2) of this
8 section should not apply to the railroad crossing in question and a
9 statement that the railroad crossing corridor has been examined by
10 the engineer and the engineer believes that the railroad crossing
11 will be safe as designed.

12 Sec. 172. Section 74-1335, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 74-1335 Whenever any person owns land on both sides of
15 the right-of-way of any railroad, such railroad shall provide and
16 keep in repair at least one adequate means for such landowner
17 to cross the right-of-way. Any interested landowner with land on
18 both sides of the right-of-way of any railroad may file written
19 complaint with the Department of ~~Roads~~ Transportation against any
20 such railroad that the crossing is not adequate or is unsafe
21 and dangerous to the life and property of those who use it, and
22 the department thereupon shall make such investigation, hold such
23 hearing, and issue such orders as it deems necessary, proper,
24 and adequate. If circumstances warrant, the department may require
25 overhead, underground, or grade crossings and wing fences at

1 underground crossings or may require existing crossings to be
2 relocated so as to be safe to those who use them, but when
3 a special crossing involves an expenditure of more than one
4 thousand five hundred dollars, the landowner shall bear one-half
5 the expenses in excess of one thousand five hundred dollars.

6 Sec. 173. Section 74-1336, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 74-1336 (1) Whenever a complaint is filed in writing
9 with the Department of Roads Transportation by the duly authorized
10 officers of any incorporated village or city or by the owner or
11 operator of any railroad track, relative to any crossing within
12 the affected village or city, praying for relief from the matters
13 complained of, the department shall hold a hearing and shall make
14 such order as the facts warrant. The findings of the department,
15 subject to the right of appeal, shall be binding on the parties to
16 the suit.

17 (2) The department shall adopt and promulgate rules and
18 regulations for the construction, repair, and maintenance of all
19 crossings, both public and private, across, over, and under all
20 railroads within the corporate limits of any incorporated village
21 or city. The rules and regulations shall be substantially the same
22 as the rules and regulations under section 74-1332.

23 Sec. 174. Section 74-1338, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 74-1338 If the owner of the railroad track and the county

1 board or other public authority in interest fail to agree upon any
2 of the matters or things mentioned in section 74-1337, either the
3 owner or the county board or other public authority in interest, in
4 the name of the county or other public authority in interest, may
5 file an application with the Department of ~~Roads~~, Transportation,
6 setting forth such fact together with a statement of the change,
7 alteration, relocation, or construction it wants, the estimated
8 cost thereof, and such other facts as may be relevant and asking
9 the department to enter an order directing that the change,
10 alteration, relocation, or construction be made. The department
11 shall proceed to hear the application in the manner provided by
12 law, and if it finds that the application should be granted, it
13 shall enter an order accordingly, designating in the order what
14 portion of the expense of complying with the order shall be paid by
15 the railroad carrier and what portion shall be paid by the county
16 or other public authority in interest, if any.

17 Sec. 175. Section 74-1340, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 74-1340 When the owner of railroad tracks fails,
20 neglects, or refuses promptly to comply with any order of the
21 Department of ~~Roads~~ Transportation issued under sections 74-1332 to
22 74-1339 or fails, refuses, or neglects to comply with such sections
23 after the department has issued an order, the owner shall be guilty
24 of a Class V misdemeanor and shall be fined in any sum not more
25 than one hundred dollars for each such offense. Each week of such

1 neglect, refusal, or failure shall constitute a separate offense.

2 Sec. 176. Section 74-1341, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 74-1341 The Department of ~~Roads~~, Transportation, which
5 possesses the requisite engineering expertise, highway and rail
6 planning function, and highway safety mission and is the repository
7 for state and federal funding for both rail and highway projects,
8 shall be the agency responsible for grade crossing safety.

9 Sec. 177. Section 74-1342, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 74-1342 (1) The Department of ~~Roads~~ Transportation
12 shall adopt and promulgate rules and regulations establishing
13 a comprehensive public safety program to deal with problems
14 associated with public and private highway-rail grade crossings.
15 In designing such a program, the department shall establish a
16 process for assessing the risk to the public from particular
17 grade crossings and for reducing or eliminating such risk in a
18 cost-effective and timely manner. The department shall actively
19 solicit input from the public and from representatives of county
20 and municipal governments, the Federal Highway Administration,
21 the Federal Railroad Administration, and any other individuals or
22 entities with an interest in grade crossing safety.

23 (2) The grade crossing safety assessment process may
24 include the following factors:

25 (a) Volume of trains;

- 1 (b) Volume of motor vehicles, including character,
2 function, and type of vehicular traffic through the crossing;
- 3 (c) Number of tracks at the crossing;
- 4 (d) Geometry of the crossing, including acute angles;
- 5 (e) Sight-distance restrictions, if any;
- 6 (f) Train and motor vehicle speed;
- 7 (g) Accident history;
- 8 (h) Character of proximate road network, including
9 distance and travel time to adjacent crossings;
- 10 (i) Frequency and duration of roadway blockage by trains,
11 including citation history;
- 12 (j) Emergency response routes, including alternatives;
- 13 (k) Economic impact of crossing;
- 14 (l) Current and foreseeable development in the vicinity
15 of the crossing; and
- 16 (m) Location of schools and hospitals.

17 Sec. 178. Section 74-1405.02, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 74-1405.02 Division means the area of responsibility
20 for rail planning activities within the Department of ~~Roads-~~
21 Transportation.

22 Sec. 179. Section 74-1413, Revised Statutes Cumulative
23 Supplement, 2006, is amended to read:

24 74-1413 (1) The Nebraska Railway Council is created as a
25 body politic and corporate, not a state agency, but an independent

1 instrumentality. The State of Nebraska shall not be responsible
2 for the debts, contracts, general obligations, or liabilities of
3 the council or its members or agents, including tort claims. The
4 council shall consist of eight members to be appointed by the
5 Governor with the approval of a majority of the Legislature as
6 follows:

- 7 (a) One light-density rail line shipper;
8 (b) One railroad management employee;
9 (c) One public service commissioner;
10 (d) Two members of the general public. One member from
11 the general public shall be a person experienced in private or
12 public finance, and the other member from the general public shall
13 be a person experienced in marketing;
14 (e) One railroad maintenance-of-way employee;
15 (f) One representative from the Department of Economic
16 Development; and
17 (g) One representative from the Department of
18 Agriculture.

19 The Director-State Engineer shall serve as an ex officio
20 member of the council.

21 (2) The Governor shall appoint council members for
22 four-year terms. In appointing the original council members, the
23 Governor shall (a) appoint the light-density rail line shipper and
24 one of the members of the general public for one-year terms, (b)
25 appoint the railroad management employee and one of the members

1 of the general public for two-year terms, (c) appoint the public
2 service commissioner and the railroad maintenance-of-way employee
3 for three-year terms, and (d) appoint the representatives from
4 the Department of Agriculture and the Department of Economic
5 Development for four-year terms. The Governor shall fill vacancies
6 caused by any reason, except that an appointment to fill a vacancy
7 shall be only for the remainder of the unexpired term. The Governor
8 may remove any council member for just cause.

9 (3) The council members shall have an interest in and
10 knowledge of railroads and railroad-related functions. A council
11 member shall abstain from voting on any decision or policy of the
12 council if the decision or policy will result in any financial
13 benefit or detriment to him or her, any member of his or her
14 family, or any business with which he or she is associated and the
15 benefit or detriment is distinguishable from the effects of the
16 actions on the public generally or a broad segment of the public.

17 (4) To assist the transition from the Branch Rail
18 Revitalization Council to the Nebraska Railway Council, each member
19 of the Branch Rail Revitalization Council serving on September 6,
20 1991, shall serve after such date as a member of the Nebraska
21 Railway Council until a successor is nominated, approved, and
22 acting as a member of the Nebraska Railway Council.

23 (5) Members of the council who are not employed by the
24 State of Nebraska may receive a per diem of sixty dollars, not to
25 exceed six thousand dollars in any one year, and all members of the

1 council shall be reimbursed for their actual and necessary expenses
2 as provided in sections 81-1174 to 81-1177. Such amounts shall be
3 paid by the Department of ~~Roads~~ Transportation but not from the
4 Roads Operations Cash Fund.

5 (6) There shall be no liability for damages on the part
6 of and no cause of action in tort of any nature shall arise against
7 the council or its agents or employees for any action taken by
8 any of them in the performance of their powers and duties under
9 the Light-Density Rail Line Assistance Act, unless the action is
10 grossly negligent.

11 Sec. 180. Section 74-1419.02, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 74-1419.02 (1) The division shall conduct research on
14 basic railroad problems, plan and assist in the development of rail
15 transportation, develop and maintain a federal-state relationship
16 with regard to programs relating to railroads, assist any public
17 or private agency or corporation in coordinating railroad services
18 with those of other transportation modes, and recommend, prepare,
19 and review plans and specifications for any project to be proposed
20 to the council.

21 (2) The division shall:

22 (a) Conduct studies and investigations and act in an
23 advisory capacity to the council in the establishment of broad
24 policies for carrying out the Light-Density Rail Line Assistance
25 Act;

1 (b) Advise the public regarding the policies, conditions,
2 and activities of the division;

3 (c) Hold hearings, make investigations, studies, and
4 inspections, and do all other things necessary to carry out the
5 duties imposed upon it by law;

6 (d) Advance information and advice conducive to providing
7 adequate and safe railroads in the state;

8 (e) Submit to the council its written advice regarding
9 the feasibility of the acquisition, rehabilitation or improvement,
10 or operation of a fragment or section of light-density rail line
11 or of an entire light-density rail line or a rail line facility
12 construction project when proposed by the division;

13 (f) Furnish necessary assistance to the council in making
14 its inspection and study of any proposed project;

15 (g) Perform all planning functions required for
16 participation in the federal act; and

17 (h) Make data and information of the division available
18 to the council.

19 (3) The Department of Roads Transportation shall adopt
20 and promulgate rules and regulations necessary for the division to
21 carry out its duties under the Light-Density Rail Line Assistance
22 Act and to participate in the federal act.

23 Sec. 181. Section 76-1224, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 76-1224 Lead agency shall mean the ~~Nebraska~~ Department of

1 ~~Reads-~~ Transportation.

2 Sec. 182. Section 77-3618, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 77-3618 (1) The County Property Tax Relief Program is
5 created. The program shall be used to distribute money to county
6 governments to provide property tax relief and equalize county
7 capacity to pay for public services from property taxes. Funds
8 shall be distributed on or before September 1 each year by the
9 Department of Revenue according to the formula created in this
10 section.

11 (2) The department shall calculate the amount to be
12 distributed to each county as follows:

13 (a) The county capacity shall be determined for each
14 county. This amount is the assessed value of the county for the
15 prior year multiplied by the county local effort rate, which is
16 a tax rate of one and seven-tenths cents per one hundred dollars
17 valuation, divided by the number of road miles maintained by the
18 county;

19 (b) The statewide county capacity shall be determined.
20 This amount is the statewide assessed value for the prior year
21 multiplied by the county local effort rate, which is a tax rate
22 of one and seven-tenths cents per one hundred dollars valuation,
23 divided by the number of road miles maintained by all counties;

24 (c) The amount of aid due a county shall be determined by
25 subtracting the county capacity from the statewide county capacity,

1 if the result is a positive number, this amount multiplied by the
2 number of county road miles is the amount to be distributed to the
3 county subject to subdivision (d) of this subsection; and

4 (d) The amount distributed to a county shall not exceed
5 an amount equal to the result of a tax rate of five cents per one
6 hundred dollars on the assessed value of the county.

7 (3) A minimum levy adjustment shall be made for any
8 county that would otherwise receive aid under subsections (1) and
9 (2) of this section that has a levy for all purposes except bonded
10 indebtedness for the prior year that is less than forty cents per
11 one hundred dollars of valuation. The Department of Revenue shall
12 reduce the amount to be distributed by a minimum levy adjustment
13 which shall be calculated by subtracting the nonbond levy of the
14 county for the prior year from forty cents and multiplying the
15 result by the valuation of the county divided by one hundred.
16 If the resulting aid amount after subtracting the minimum levy
17 adjustment from the aid calculated under subsections (1) and (2) of
18 this section is zero or less, the county shall receive no aid.

19 (4) The Department of Roads Transportation shall provide
20 the county road-mile information for all counties each year to the
21 Department of Revenue. The information provided shall be the same
22 as determined under section 39-2507.

23 (5) If sufficient funds are not appropriated to fully
24 fund the provisions of this section, the Department of Revenue
25 shall make a proportionate reduction in each distribution made

1 pursuant to this section. There shall be no funds appropriated to
2 the County Property Tax Relief Program for fiscal years 2003-04 and
3 2004-05. Distributions under the program will resume in fiscal year
4 2005-06.

5 Sec. 183. Section 79-604, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 79-604 The Department of ~~Roads~~ Transportation shall post
8 on state highways signs reading: Unlawful to pass school buses
9 stopped to load or unload children. These signs shall be adequate
10 in size and number to properly inform the public. School districts
11 may obtain and post such signs on other bus route roads upon the
12 approval of appropriate county officials. The ~~Department of Roads~~
13 department may furnish such signs at cost to school districts.

14 Sec. 184. Section 81-101, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 81-101 The civil administration of the laws of the
17 state is vested in the Governor. For the purpose of aiding
18 the Governor in the execution and administration of the laws,
19 the executive and administrative work shall be divided into
20 the following departments: (1) Department of Agriculture; (2)
21 Department of Labor; (3) Department of ~~Roads~~ Transportation; (4)
22 Department of Natural Resources; (5) Department of Banking and
23 Finance; (6) Department of Insurance; (7) Department of Motor
24 Vehicles; (8) Department of Administrative Services; (9) Department
25 of Economic Development; (10) Department of Correctional Services;

1 (11) Nebraska State Patrol; (12) Department of Health and Human
2 Services; (13) Department of Health and Human Services Regulation
3 and Licensure; (14) Department of Health and Human Services
4 Finance and Support; and (15) Department of Property Assessment
5 and Taxation.

6 Sec. 185. Section 81-102, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 81-102 The Governor shall appoint heads for the various
9 departments, subject to confirmation by a majority vote of
10 the members elected to the Legislature. Such appointments shall
11 be submitted to the Legislature within sixty calendar days
12 following the first Thursday after the first Tuesday in each
13 odd-numbered year. The officers shall be designated as follows: (1)
14 The Director of Agriculture for the Department of Agriculture;
15 (2) the Commissioner of Labor for the Department of Labor;
16 (3) the Director-State Engineer for the Department of Roads,
17 Transportation; (4) the Director of Natural Resources for the
18 Department of Natural Resources; (5) the Director of Banking
19 and Finance for the Department of Banking and Finance; (6) the
20 Director of Insurance for the Department of Insurance; (7) the
21 Director of Motor Vehicles for the Department of Motor Vehicles;
22 (8) the Director of Administrative Services for the Department of
23 Administrative Services; (9) the Director of Correctional Services
24 for the Department of Correctional Services; (10) the Director of
25 Economic Development for the Department of Economic Development;

1 (11) the Superintendent of Law Enforcement and Public Safety for
2 the Nebraska State Patrol; (12) the Director of Health and Human
3 Services for the Department of Health and Human Services; (13) the
4 Director of Regulation and Licensure for the Department of Health
5 and Human Services Regulation and Licensure; (14) the Director of
6 Finance and Support for the Department of Health and Human Services
7 Finance and Support; and (15) the Property Tax Administrator for
8 the Department of Property Assessment and Taxation. Whoever shall
9 be so nominated by the Governor and shall fail to receive the
10 number of votes requisite for confirmation, shall not be subject to
11 nomination or appointment for this or any other appointive state
12 office requiring confirmation by the Legislature during the period
13 for which his or her appointment was sought. In case of a vacancy
14 in any of such offices during the recess of the Legislature, the
15 Governor shall make a temporary appointment until the next meeting
16 of the Legislature, when he or she shall nominate some person to
17 fill such office. Any person so nominated who is confirmed by the
18 Legislature, shall hold his or her office during the remainder of
19 the term if a specific term has been provided by law, otherwise
20 during the pleasure of the Governor subject to the provisions
21 of this section; except any such officers may be removed by the
22 Governor pursuant to Article IV of the Constitution of Nebraska.

23 Sec. 186. Section 81-188.01, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 81-188.01 (1) The State Building Renewal Assessment Fund

1 is created. The fund shall be under the control of the Governor for
2 allocation to building renewal projects of the various agencies
3 and shall be administered in a manner consistent with the
4 administration of the Building Renewal Allocation Fund pursuant
5 to the Deferred Building Renewal Act. No amounts accruing to the
6 State Building Renewal Assessment Fund shall be expended in any
7 manner for purposes other than as provided in this section or as
8 appropriated by the Legislature to meet the cost of administering
9 the act.

10 (2) Revenue credited to the fund shall include amounts
11 derived from charges assessed pursuant to subdivision (4)(b) of
12 section 81-1108.17, depreciation charges remitted pursuant to
13 section 81-188.02, and such other revenue as may be incident
14 to the administration of the fund.

15 (3) Amounts appropriated from the fund shall be expended
16 to conduct renewal work as defined in section 81-173 and to
17 complete other improvements incident to such renewal work as deemed
18 necessary or appropriate by the task force. From amounts accruing
19 to the fund as the result of depreciation charges assessed pursuant
20 to subdivision (4)(b) of section 81-1108.17, expenditures for
21 capital improvements shall be limited to improvements to only those
22 facilities for which such charges have been assessed and remitted.
23 From amounts accruing to the fund as the result of depreciation
24 charges assessed pursuant to section 81-188.02, expenditures for
25 capital improvement projects shall be limited to exclude (a)

1 capital improvement projects relating to facilities, structures,
2 or buildings owned, leased, or operated by the (i) University
3 of Nebraska, (ii) Nebraska state colleges, (iii) Department of
4 Aeronautics, (iv) Department of ~~Roads~~, Transportation, (v) Game
5 and Parks Commission, or (vi) Board of Educational Lands and
6 Funds and (b) capital improvement projects relating to facilities,
7 structures, or buildings for which depreciation charges are
8 assessed pursuant to subdivision (4)(b) of section 81-1108.17. For
9 each fiscal year, task force allocations from amounts accruing to
10 the fund pursuant to section 81-188.02 shall not exceed the total
11 of such revenue credited to the fund in the preceding fiscal year,
12 except that if no revenue from depreciation charge assessments was
13 credited to the fund in the preceding fiscal year, allocations
14 shall not exceed fifty percent of revenue credited to the fund
15 in the last preceding fiscal year in which depreciation charge
16 assessments were credited to the fund.

17 (4) Any money in the fund available for investment
18 shall be invested by the state investment officer pursuant to
19 the Nebraska Capital Expansion Act and the Nebraska State Funds
20 Investment Act.

21 Sec. 187. Section 81-188.02, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 81-188.02 (1) For purposes of this section, capital
24 improvement project means (a) construction of a new facility,
25 structure, or building, (b) construction of additions to an

1 existing facility, structure, or building, (c) renovation of an
2 existing facility, structure, or building if the total project
3 cost of such renovation represents not less than fifteen percent
4 of the value of the existing facility, structure, or building
5 as determined by the Department of Administrative Services, (d)
6 purchase of an existing facility, structure, or building, and (e)
7 acquisition of a facility, structure, or building through means of
8 conveyance other than sale and purchase.

9 (2) Beginning with the fiscal year that commences
10 subsequent to the calendar year in which has occurred substantial
11 completion of a capital improvement project as defined in
12 subdivisions (1)(a) through (1)(c) of this section or acquisition
13 of a capital improvement project as defined in subdivisions (1)(d)
14 and (1)(e) of this section, the department shall assess a capital
15 improvement depreciation charge to the agency maintaining ownership
16 or control of the related facility, structure, or building and
17 shall assess such charge for each fiscal year thereafter, except
18 that no depreciation charges shall be assessed or paid pursuant
19 to this section for the period beginning July 1, 2003, and ending
20 June 30, 2005, and depreciation charges in the amount of one-half
21 of the amount otherwise assessed pursuant to this section shall be
22 assessed and paid for the period beginning July 1, 2005, and ending
23 June 30, 2007.

24 (3) The annual depreciation charge for a capital
25 improvement project as defined in subdivisions (1)(a) through

1 (1)(c) of this section shall be computed as two percent of the
2 total project cost of the capital improvement project. The annual
3 depreciation charge for a capital improvement project as defined
4 in subdivision (1)(d) of this section shall be computed as two
5 percent of the greater of the purchase price or the value, as
6 determined by the department, of the capital improvement project
7 at the time of acquisition. The annual depreciation charge for a
8 capital improvement project as defined in subdivision (1)(e) of
9 this section shall be computed as two percent of the value, as
10 determined by the department, of the capital improvement project
11 at the time of acquisition. The department may assess the charge
12 annually or in monthly, quarterly, or semiannual installments.

13 (4) Depreciation charges shall not be assessed pursuant
14 to this section for capital improvement projects relating to
15 facilities, structures, or buildings owned, leased, or operated
16 by the: (i) University of Nebraska; (ii) Nebraska state colleges;
17 (iii) Department of Aeronautics; (iv) Department of ~~Roads,~~
18 Transportation; (v) Game and Parks Commission; or (vi) Board of
19 Educational Lands and Funds or to other buildings or grounds
20 owned, leased, or operated by the State of Nebraska which are
21 specifically exempted by the Department of Administrative Services
22 because the assessment of such depreciation charges would result in
23 the ineligibility for federal funding or would result in hardship
24 on an agency, board, or commission due to other exceptional or
25 unusual circumstances. Depreciation charges shall not be assessed

1 pursuant to this section for capital improvement projects relating
2 to facilities, structures, or buildings of which the department is
3 custodian pursuant to section 81-1108.17 and for which charges are
4 assessed pursuant to subdivision (4) (b) of such section.

5 (5) Payment of depreciation charges assessed pursuant to
6 this section shall be remitted to the State Treasurer for credit to
7 the State Building Renewal Assessment Fund.

8 Sec. 188. Section 81-701.01, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 81-701.01 The Director-State Engineer shall have full
11 control, management, supervision, administration, and direction of
12 the Department of ~~Roads~~ Transportation. All powers and duties
13 lawfully conferred upon the department shall be exercised under the
14 direction of the Director-State Engineer.

15 Sec. 189. Section 81-701.02, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 81-701.02 The Director-State Engineer, for the Department
18 of ~~Roads~~, Transportation, shall:

- 19 (1) Have charge of the records of the department;
- 20 (2) ~~Cause~~ Keep accurate and complete books of account; ~~to~~
21 ~~be kept~~;
- 22 (3) Supervise the signing of vouchers and orders for
23 supplies, materials, and any other expenditures;
- 24 (4) Contract for consulting services;
- 25 (5) Employ all engineers, assistants, clerks, agents,

1 and other employees required for the proper transaction of the
2 business of his office or of the department and fix their titles,
3 determine their duties and compensation, and discharge them in his
4 discretion; and

5 (6) Sign and execute or supervise the signing and
6 executing of all documents and papers, including contracts and
7 agreements for highway construction and the purchase of machinery,
8 materials, and supplies.

9 Sec. 190. Section 81-701.04, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 81-701.04 There shall be paid to the Department of Roads
12 Transportation in advance for the services of the department,
13 or any officer or employee thereof by the party demanding
14 or necessitating the service the following fees: For typing a
15 transcript or copy of any instrument recorded or filed in any
16 office of the department, fifteen cents for each one hundred words;
17 for blueprint copy of any map or drawing, or photostatic copy of
18 any record, a reasonable sum to be fixed by the department in
19 an amount estimated to cover the actual cost of preparing such a
20 reproduction; for other copies of drawing, two dollars per hour
21 for the time actually employed; and for certificate and seal, one
22 dollar. The Director-State Engineer shall keep a record of all fees
23 received. Such fees shall be currently deposited with the State
24 Treasurer by the Director-State Engineer for the use of the Highway
25 Cash Fund and the Director-State Engineer shall take his receipt

1 therefor and file the same with the records of his office.

2 Sec. 191. Section 81-710, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 81-710 The Department of ~~Roads~~ Transportation shall
5 establish, operate, and maintain state wayside areas. Pursuant
6 to the Administrative Procedure Act, the department shall adopt and
7 promulgate rules and regulations necessary to govern the use of
8 state wayside areas and may establish fees for services, including
9 overnight camping.

10 The department may contract with public or private
11 entities for the operation and maintenance of state wayside areas.

12 If the department determines that an area is no longer
13 suited or needed as a state wayside area, the department may close
14 such area or any part thereof and declare such area or facilities
15 as surplus. The department shall offer to convey the surplus land
16 or facilities to all local political subdivisions in the vicinity
17 and if such offers are rejected, the department may sell such lands
18 and facilities.

19 Sec. 192. Section 81-916, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 81-916 Effective July 1, 1982, all property, assets, and
22 liabilities relating to those federal surplus and excess property
23 programs which are consolidated by Public Law 94-519 and operated
24 by the Department of ~~Roads~~ Transportation shall be transferred to
25 the Department of Correctional Services.

1 Sec. 193. Section 81-917, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-917 All employees employed in those federal surplus
4 and excess property programs which are consolidated by Public
5 Law 94-519 and have been transferred to the Department of ~~Roads~~
6 Transportation may be transferred to the Department of Correctional
7 Services. All employees so transferred shall be: (1) Employed
8 under and compensated through the State Personnel System; and (2)
9 considered as new employees solely for purposes of performance
10 evaluation and subject to all applicable policies and procedures
11 for such transfer. All employees so transferred shall keep all
12 accrued benefits such as sick leave, vacation leave, and retirement
13 benefits after such transfer has been completed.

14 Sec. 194. Section 81-1108.15, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 81-1108.15 (1) Except as provided in the Nebraska State
17 Capitol Preservation and Restoration Act, the division shall have
18 the primary functions and responsibilities of statewide facilities
19 planning, facilities construction, and facilities administration
20 and shall adopt and promulgate rules and regulations to carry out
21 this section.

22 (2) Facilities planning shall include the following
23 responsibilities and duties:

24 (a) To maintain utilization records of all state-owned,
25 state-occupied, and vacant facilities;

1 (b) To coordinate comprehensive capital facilities
2 planning;

3 (c) To define and review program statements based on
4 space utilization standards;

5 (d) To prepare or review planning and construction
6 documents;

7 (e) To develop and maintain time-cost schedules for
8 capital construction projects;

9 (f) To assist the Governor and the Legislative Fiscal
10 Analyst in the preparation of the capital construction budget
11 recommendations;

12 (g) To maintain a complete inventory of all state-owned,
13 state-occupied, and vacant sites and structures and to review the
14 proposals for naming such sites and structures;

15 (h) To determine space needs of all state agencies and
16 establish space-allocation standards; and

17 (i) To cause a state comprehensive capital facilities
18 plan to be developed.

19 (3) Facilities construction shall include the following
20 powers and duties:

21 (a) To maintain close contact with and inspections of
22 each project so as to assure execution of time-cost schedules and
23 efficient contract performance if such project's total design and
24 construction cost is more than fifty thousand dollars;

25 (b) To perform final acceptance inspections and

1 evaluations; and

2 (c) To coordinate all change or modification orders and
3 progress payment orders.

4 (4) Facilities administration shall include the following
5 powers and duties:

6 (a) To serve as state leasing administrator or agent for
7 all facilities to be leased for use by the state and for all
8 state-owned facilities to be rented to state agencies or other
9 parties subject to section 81-1108.22. The division shall remit the
10 proceeds from any rentals of state-owned facilities to the State
11 Treasurer for credit to the State Building Revolving Fund and the
12 State Building Renewal Assessment Fund;

13 (b) To provide all maintenance, repairs, custodial
14 duties, security, and administration for all buildings and grounds
15 owned or leased by the State of Nebraska except as provided in
16 subsections (5) and (6) of this section;

17 (c) To be responsible for adequate parking and the
18 designation of parking stalls or spaces, including access
19 aisles, in offstreet parking facilities for the exclusive use of
20 handicapped or disabled or temporarily handicapped or disabled
21 persons pursuant to section 18-1737;

22 (d) To ensure that all state-owned, state-occupied, and
23 vacant facilities are maintained or utilized to their maximum
24 capacity or to dispose of such facilities through lease, sale, or
25 demolition;

1 (e) To report annually to the Appropriations Committee of
2 the Legislature and the Committee on Building Maintenance regarding
3 the amount of property leased by the state and the availability of
4 state-owned property for the needs of state agencies;

5 (f) To report monthly time-cost data on projects to the
6 Governor and the Clerk of the Legislature;

7 (g) To administer the State Emergency Capital
8 Construction Contingency Fund;

9 (h) To submit status reports to the Governor and the
10 Legislative Fiscal Analyst after each quarter of a construction
11 project is completed detailing change orders and expenditures to
12 date. Such reports shall be required on all projects costing five
13 hundred thousand dollars or more and on such other projects as may
14 be designated by the division; and

15 (i) To submit a final report on each project to the
16 Governor and the Legislative Fiscal Analyst. Such report shall
17 include, but not be limited to, a comparison of final costs
18 and appropriations made for the project, change orders, and
19 modifications and whether the construction complied with the
20 related approved program statement. Such reports shall be required
21 on all projects costing five hundred thousand dollars or more and
22 on such other projects as may be designated by the division.

23 (5) Subdivisions (4)(b), (c), and (d) of this section
24 shall not apply to (a) state-owned facilities to be rented to
25 state agencies or other parties by the University of Nebraska,

1 the Nebraska state colleges, the Department of Aeronautics, the
2 Department of ~~Roads~~, Transportation, and the Board of Educational
3 Lands and Funds, (b) buildings and grounds owned or leased for use
4 by the University of Nebraska, the Nebraska state colleges, and the
5 Board of Educational Lands and Funds, (c) buildings and grounds
6 owned, leased, or operated by the Department of Correctional
7 Services, (d) facilities to be leased for nonoffice use by the
8 Department of ~~Roads~~, Transportation, (e) buildings or grounds owned
9 or leased by the Game and Parks Commission if the application
10 of such subdivisions to the buildings or grounds would result in
11 ineligibility for or repayment of federal funding, (f) buildings
12 or grounds of the state park system, state recreation areas,
13 state historical parks, state wildlife management areas, or state
14 recreational trails, or (g) other buildings or grounds owned or
15 leased by the State of Nebraska which are specifically exempted
16 by the division because the application of such subdivisions
17 would result in the ineligibility for federal funding or would
18 result in hardship on an agency, board, or commission due to
19 other exceptional or unusual circumstances, except that nothing in
20 this subdivision shall prohibit the assessment of building rental
21 depreciation charges to tenants of facilities owned by the state
22 and under the direct control and maintenance of the division.

23 (6) Security for all buildings and grounds owned or
24 leased by the State of Nebraska in Lincoln, Nebraska, except the
25 buildings and grounds described in subsection (5) of this section,

1 shall be the responsibility of the Nebraska State Patrol. The
2 Nebraska State Patrol shall consult with the Governor, the Chief
3 Justice, the Executive Board of the Legislative Council, and the
4 State Capitol Administrator regarding security policy within the
5 State Capitol and capitol grounds.

6 (7) Each member of the Legislature shall receive a copy
7 of the reports required by subdivisions (4)(f), (h), and (i) of
8 this section by making a request for them to the State Building
9 Administrator. The information on such reports shall be submitted
10 to the division by the agency responsible for the project.

11 Sec. 195. Section 81-1108.22, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 81-1108.22 (1) The division shall have the responsibility
14 of providing office space in leased and state-owned buildings in
15 the proximity of the State Capitol and in other locations.

16 (2) When any board, agency, commission, or department
17 of the state government not otherwise specifically authorized by
18 law desires to use funds available for the purpose of renting
19 office space outside of the State Capitol, it shall submit a
20 request to the Director of Administrative Services. If the director
21 approves the lease, the terms and location shall be approved by the
22 director and the administrator in writing and the leases shall be
23 entered into and administered by the administrator on behalf of the
24 board, agency, commission, or department. A copy of all such lease
25 contracts shall be kept on file by the state building division

1 and shall be open to inspection by the Legislature and the public
2 during normal business hours.

3 (3)(a) The administrator shall develop a system of
4 charges to cover basic rental, maintenance, renovations, and
5 operation of such leased and owned properties. The charges to state
6 agencies, boards, commissions, or departments of state government
7 shall be paid from funds available for the purpose of renting
8 space on a regular basis and placed, as applicable, in the State
9 Building Revolving Fund and the State Building Renewal Assessment
10 Fund. The administrator shall make payments for basic rentals,
11 renovations, and maintenance and operational costs of all leased
12 and owned buildings from the State Building Revolving Fund except
13 for expenses relating to security provided by the Nebraska State
14 Patrol as provided in subdivision (b) of this subsection.

15 (b) The State Building Revolving Fund is created. The
16 fund shall be administered by the administrator. The fund shall
17 consist of rental charges and other receipts collected pursuant
18 to contractual agreements between the state building division and
19 other entities as authorized by law. The fund shall be used to
20 support the operations of the state building division as provided
21 by law. That portion of rental revenue collected from state-owned
22 or leased buildings and grounds in Lincoln, Nebraska, relating
23 to security assessments shall be administratively transferred from
24 the State Building Revolving Fund to the Nebraska State Patrol
25 Cash Fund on a periodic basis. Any money in the State Building

1 Revolving Fund available for investment shall be invested by the
2 state investment officer pursuant to the Nebraska Capital Expansion
3 Act and the Nebraska State Funds Investment Act.

4 (4) The charges for such leased and owned properties
5 shall only be adjusted by the administrator on July 1. Prior
6 to any adjustment in the system of charges, the Department of
7 Administrative Services, on or before December 1 of the year
8 preceding the effective date of such adjustment, shall provide
9 written notification to the Committee on Building Maintenance, the
10 Clerk of the Legislature, and the Legislative Fiscal Analyst of the
11 proposed adjustment to the system of charges.

12 (5) Commencing on April 18, 1992, all leases of real
13 property entered into by any state agency, board, commission, or
14 department shall be subject to this section. Leases held by a
15 state agency, board, commission, or department on such date shall
16 be valid until the lease contract is terminated or is subject to
17 renewal. The division shall monitor all such leases and determine
18 when the lease is subject to renewal. Once the determination
19 is made, the division shall cancel the lease as of the renewal
20 date and shall treat the need of the agency, board, commission,
21 or department as an original request for space and subject to
22 this section. This subsection shall not apply to (a) state-owned
23 facilities to be rented to state agencies or other parties by
24 the University of Nebraska, the Nebraska state colleges, the
25 Department of Aeronautics, the Department of ~~Roads~~, Transportation,

1 and the Board of Educational Lands and Funds, (b) facilities to
2 be leased for use by the University of Nebraska, the Nebraska
3 state colleges, and the Board of Educational Lands and Funds, (c)
4 facilities to be leased for nonoffice use by the Department of
5 ~~Roads~~, Transportation, or (d) facilities controlled by the State
6 Department of Education, which were formerly controlled by the
7 Nebraska School for the Visually Handicapped, to be rented to state
8 agencies or other parties by the department.

9 Sec. 196. Section 81-1108.43, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 81-1108.43 No state agency or department shall perform
12 for itself any of the services normally performed by a
13 professional engineer or architect in the preparation of plans and
14 specifications for the construction, reconstruction, or alteration
15 of any building or in the administration of the construction
16 documents and final approval of the project when the total project
17 cost is four hundred thousand dollars or more, and no state
18 agency shall employ its own work force for any such construction,
19 reconstruction, or alteration of capital facilities when the total
20 project cost is fifty thousand dollars or more. The Department of
21 Administrative Services shall adjust the dollar amounts in this
22 section every four years beginning January 1, 2002, to account for
23 inflationary and market changes. The adjustments shall be based
24 on percentage changes in a construction cost index and any other
25 published index relevant to operations and utilities costs, as

1 selected by the department.

2 This section shall not apply to section 83-134, to
3 the Department of ~~Roads~~, Transportation, or to any public
4 power district, public power and irrigation district, irrigation
5 district, or metropolitan utilities district. If, during the
6 program statement review provided for under section 81-1108.41, it
7 is determined that existing or standard plans and specifications
8 are available or required for the project, the division may
9 authorize an exemption from this section. The Director of
10 Administrative Services shall not issue any warrant in payment for
11 any work on a capital construction project unless the state agency
12 or department files a certificate that it has complied with the
13 provisions of this section.

14 Sec. 197. Section 81-1114, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 81-1114 The building division shall have the following
17 powers, duties, and responsibilities:

18 (1) Shall prepare, for submittal to the Governor and
19 to the office of the Legislative Fiscal Analyst, analyses of
20 the cost of every desired land and building acquisition, new
21 building construction, either underway or proposed, major repair
22 or remodeling of new, newly acquired, or existing buildings, and
23 each and every structural improvement to land, utilities, roads,
24 walks, and parking lots, costing four hundred thousand dollars
25 or more, but excluding right-of-way projects of the Department of

1 ~~Reads-~~ Transportation. The Department of Administrative Services
2 shall adjust the dollar amount in this section every four years
3 beginning January 1, 2002, to account for inflationary and market
4 changes. The adjustment shall be based on percentage changes in a
5 construction cost index and any other published index relevant to
6 operations and utilities costs, as selected by the department;

7 (2) Shall record the relationship between the proposed
8 capital facilities and the individual or departmental agencies'
9 operating programs with particular attention to needs of immediate
10 or future operations of the department or agency submitting such
11 plan;

12 (3) Shall make recommendations to the Governor, the
13 committee of the Legislature which shall from time to time have
14 responsibility for preparing recommendations for appropriations,
15 and the individual department or agency concerned, on the probable
16 costs of such acquisition, construction, repair, or remodeling; and

17 (4) Shall require the submission by each department
18 and agency of the state of copies of all written contracts for
19 acquisition, construction, repair, or remodeling, including federal
20 contracts, before such contracts are executed by the executive
21 officer of the state authorized to execute such contracts, and
22 shall maintain copies of such contracts on file for inspection by
23 the Legislative Fiscal Analyst.

24 Sec. 198. Section 81-1711, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 81-1711 The Department of Administrative Services shall,
2 with the advice of each agency, prescribe by administrative
3 rules procedures for the determination of a project under
4 its jurisdiction. The Department of ~~Roads~~ Transportation shall
5 prescribe such procedures for highway construction projects. Such
6 procedures may include:

7 (1) Determination of a project which constitutes a
8 grouping of minor construction, rehabilitation, or renovation
9 activities; and

10 (2) Determination of a project which constitutes a
11 grouping of substantially similar construction, rehabilitation,
12 or renovation activities.

13 Sec. 199. Section 81-2801, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 81-2801 No agency of this state shall purchase, lease, or
16 acquire real estate from any railroad over a right-of-way outside
17 of incorporated cities and villages which has been permitted to
18 be abandoned by a federal agency without prior approval by the
19 Legislature of such purchase, lease, or acquisition, except that
20 (1) the Game and Parks Commission may acquire all or any part
21 of a railroad right-of-way proposed to be abandoned for interim
22 trail use pursuant to sections 37-303 and 37-914 and (2) the
23 Department of ~~Roads~~ Transportation may acquire such real estate
24 solely for the purpose of highway construction or improvements
25 when such right-of-way is adjacent to an existing state highway or

1 when such right-of-way is needed to maintain existing improvements
2 that have previously been located upon such right-of-way through
3 agreements, easements, or leases. Real estate acquired by the
4 department pursuant to this section which is in excess of that
5 needed or is deemed no longer necessary shall be disposed of as
6 provided for in section 39-1325.

7 Sec. 200. Section 82-120, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 82-120 The Nebraska State Historical Society shall have
10 authority to determine what historical events, personalities,
11 sites, and traditions are of importance to the State of
12 Nebraska and to justify the expenditure of public funds for the
13 purchase of markers of uniform style, to be known as Highway
14 Historical Markers; to procure such markers by expending any funds
15 specifically appropriated by the Legislature for such purpose and
16 to designate the approximate location of such markers; to preserve
17 present markers; to accept gifts; and have power of eminent domain
18 to be exercised as provided in sections 76-704 to 76-724. The
19 Department of ~~Roads~~ Transportation shall erect and maintain such
20 markers and shall determine the exact location of such markers,
21 having due regard for the safety and welfare of the motoring
22 public.

23 Sec. 201. Section 82-505, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 82-505 (1) Except as provided in subsection (2) of

1 this section, the head of any state agency having jurisdiction
2 over a proposed state or state-funded undertaking, which has
3 potential to affect archaeological resources or sites, shall, prior
4 to the approval of the expenditure of any state funds on the
5 undertaking, notify the State Archaeology Office of the undertaking
6 and cooperate with the office to identify and develop measures to
7 mitigate the effect of the undertaking on any archaeological site
8 or resource that is included in or eligible for inclusion in the
9 National Register of Historic Places.

10 (2) The Department of Roads Transportation shall be
11 exempt from the provisions of the Nebraska Archaeological Resources
12 Preservation Act as long as a cooperative agreement exists
13 between the ~~Department of Roads~~ department and the Nebraska State
14 Historical Society which ensures that all highway construction
15 projects meet federal historic preservation legislation and
16 regulations, and such federal preservation legislation and
17 regulations fulfill or exceed the objectives and standards of the
18 act.

19 (3) Nothing in the Nebraska Archaeological Resources
20 Preservation Act shall be construed to abridge the rights of
21 private property owners and in no case shall a private property
22 owner be required to pay for activities undertaken by the State
23 Archaeology Office.

24 Sec. 202. Section 83-137, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 83-137 Upon written request being filed with the
2 Department of ~~Roads~~ Transportation by the chief executive officer
3 of any state institution, located more than one-half mile and not
4 exceeding three miles from a railroad unloading track or permanent
5 highway leading to a railroad unloading track, requesting aid for
6 the improvement of a highway connecting the institution with the
7 permanent highway or railroad unloading track, the department shall
8 make a careful estimate of the cost of improving the highway, and
9 the amount of the special benefits to abutting property, together
10 with the excess of the cost of the improvement above the benefits.
11 If the local authorities in charge of the highway shall adequately
12 provide for the payment of the special benefits and one-half of
13 the excess of the cost of the improvement, the department shall
14 pay the remaining one-half of the excess from funds appropriated
15 for that purpose.

16 Sec. 203. Section 85-1008, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 85-1008 (1) To assist the center in carrying out its
19 purposes and functions, the Board of Regents may establish a
20 Nebraska Safety Center Advisory Council composed of the following
21 members:

22 (a) One representative from the Department of ~~Roads~~,
23 Transportation;

24 (b) One representative from the Department of Motor
25 Vehicles;

- 1 (c) One representative from the State Department of
2 Education;
- 3 (d) One representative from the Game and Parks
4 Commission;
- 5 (e) One representative from the Department of Labor;
- 6 (f) One person representing the community college areas;
- 7 (g) One person representing private business and
8 industry;
- 9 (h) One person representing the University of Nebraska;
- 10 (i) One person representing the medical profession;
- 11 (j) One person representing the area of law enforcement
12 in this state;
- 13 (k) One person representing the Safety Council of
14 Nebraska, Inc.;
- 15 (l) One person representing the area of transportation;
- 16 (m) One person representative of emergency medical
17 services;
- 18 (n) One person representing the judiciary in the State of
19 Nebraska;
- 20 (o) One person representing city government;
- 21 (p) One person representing county government;
- 22 (q) One person representing the area of agriculture;
- 23 (r) One person representing the local public school
24 system;
- 25 (s) One representative of the Coordinating Commission for

1 Postsecondary Education;

2 (t) One person representing the Red Cross; and

3 (u) One person representing the state colleges.

4 (2) Representatives selected to serve on the council
5 shall have appropriate education, training, and experience in the
6 field of industrial safety, recreational safety, domestic safety,
7 or traffic safety.

8 Sec. 204. Section 86-707, Revised Statutes Cumulative
9 Supplement, 2006, is amended to read:

10 86-707 If the right to construct, operate, and maintain
11 the telecommunications lines and related facilities is granted
12 along, upon, across, or under a state or federal highway, the
13 location and installation of such lines and related facilities,
14 insofar as they pertain to the present and future use of
15 the right-of-way for highway purposes, is subject to rules and
16 regulations of the Department of Roads- Transportation. If the
17 future use of the state or federal highway requires the moving
18 or relocating of the facilities, such facilities shall be removed
19 or relocated by the owner at the owner's cost and expense and as
20 directed by the ~~Department of Roads~~ department except as provided
21 by section 39-1304.02.

22 Sec. 205. Section 90-238, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 90-238 The Department of Roads Transportation is
25 authorized to acquire from the Chicago and North Western

1 Transportation Company its abandoned right-of-way described as
2 follows: All of Chicago and North Western Transportation Company
3 abandoned right-of-way in section 34, township 15 north, range 7
4 east, Saunders County, Nebraska. The department is also authorized
5 to acquire all rights, interests, and titles related to such
6 abandoned right-of-way.

7 Sec. 206. Section 90-260, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 90-260 The Game and Parks Commission is authorized and
10 directed to convey to the Department of Roads Transportation the
11 following described real estate situated in the county of Dawson,
12 in the State of Nebraska, to wit: A tract of land located in
13 the northeast quarter of section 20, township 9 north, range
14 21 west of the 6th principal meridian, Dawson County, Nebraska,
15 described as follows: Beginning at the northeast corner of section
16 20; thence westerly on the north line of the northeast quarter
17 of section 20 a distance of 2,360.8 feet; thence southeasterly
18 133 degrees, 47 minutes left a distance of 34.3 feet; thence
19 continuing southeasterly 21 degrees, 49 minutes left a distance of
20 107.5 feet; thence continuing southeasterly 21 degrees, 49 minutes
21 right a distance of 734.9 feet to point of curvature; thence
22 continuing southeasterly on a 718.5-foot radius curve to the left
23 (initial tangent of which coincides with the last-described course)
24 a distance of 331.3 feet to point of tangency; thence continuing
25 southeasterly tangent, a distance of 787.3 feet; thence continuing

1 southeasterly 2 degrees, 11 minutes left a distance of 686.6 feet
 2 to a point on the east line of the northeast quarter; thence
 3 northerly on the east line a distance of 1,256.9 feet to the point
 4 of beginning, containing 39.04 acres, more or less.

5 Sec. 207. Original sections 3-116, 12-1205, 13-912,
 6 13-1203, 13-1212, 14-2113, 18-601, 18-613, 31-925, 39-102, 39-103,
 7 39-202, 39-203, 39-204, 39-205, 39-206, 39-207, 39-208, 39-210,
 8 39-211, 39-212, 39-213, 39-214, 39-216, 39-217, 39-218, 39-219,
 9 39-220, 39-221, 39-222, 39-223, 39-224, 39-225, 39-308, 39-311,
 10 39-312, 39-805, 39-822, 39-826.01, 39-826.02, 39-847, 39-847.01,
 11 39-892, 39-1010, 39-1011, 39-1101, 39-1110, 39-1306.01, 39-1306.02,
 12 39-1320, 39-1323.01, 39-1328.01, 39-1328.02, 39-1345.01, 39-1350,
 13 39-1353, 39-1363, 39-1364, 39-1365.01, 39-1365.02, 39-1390,
 14 39-1392, 39-1407, 39-1503, 39-1703, 39-1713, 39-1901, 39-2001,
 15 39-2002, 39-2105, 39-2106, 39-2107, 39-2110, 39-2111, 39-2112,
 16 39-2113, 39-2115, 39-2118, 39-2121, 39-2124, 39-2224, 39-2305,
 17 39-2310, 39-2504, 39-2505, 39-2507, 39-2508, 39-2514, 39-2515,
 18 39-2517, 39-2518, 39-2602, 46-251, 49-506, 57-1102, 60-507, 60-631,
 19 60-658.01, 60-680, 60-695, 60-699, 60-6,101, 60-6,102, 60-6,103,
 20 60-6,106, 60-6,107, 60-6,115, 60-6,118, 60-6,120, 60-6,129,
 21 60-6,130, 60-6,137, 60-6,138, 60-6,139, 60-6,145, 60-6,153,
 22 60-6,154, 60-6,159, 60-6,164, 60-6,166, 60-6,167, 60-6,171,
 23 60-6,176, 60-6,177, 60-6,186, 60-6,188, 60-6,189, 60-6,190,
 24 60-6,193, 60-6,230, 60-6,250, 60-6,288, 60-6,292, 60-6,299,
 25 60-6,301, 60-6,311, 60-6,314, 60-6,335, 60-6,376, 60-1301, 60-1302,

1 66-821, 66-822, 69-1701, 70-309, 72-108, 72-221, 72-221.01, 72-817,
2 73-507, 74-1310, 74-1314, 74-1318, 74-1319, 74-1329, 74-1331,
3 74-1332, 74-1333, 74-1335, 74-1336, 74-1338, 74-1340, 74-1341,
4 74-1342, 74-1405.02, 74-1419.02, 76-1224, 77-3618, 79-604, 81-101,
5 81-102, 81-701.01, 81-701.02, 81-701.04, 81-710, 81-916, 81-917,
6 81-1108.43, 81-1711, 81-2801, 82-120, 83-137, 85-1008, 90-238,
7 and 90-260, Reissue Revised Statutes of Nebraska, and sections
8 13-1210, 25-2501, 39-1302, 39-1311, 39-2215, 60-6,126.01, 60-6,144,
9 60-6,294, 60-6,298, 60-1303, 66-4,100, 66-4,144, 74-1334, 74-1413,
10 81-188.01, 81-188.02, 81-1108.15, 81-1108.22, 81-1114, 82-505, and
11 86-707, Revised Statutes Cumulative Supplement, 2006, are repealed.

12 Sec. 208. The following sections are outright repealed:
13 Sections 74-1343, 74-1501, 74-1502, 74-1503, 74-1504, 74-1505,
14 74-1506, 74-1507, 74-1508, 74-1509, 74-1510, 74-1511, 74-1512,
15 74-1513, and 74-1514, Reissue Revised Statutes of Nebraska.