

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 819**

Introduced by Transportation and Telecommunications Committee:  
Fischer, 43, Chairperson; Campbell, 25; Gay, 14;  
Hadley, 37; Lautenbaugh, 18; Louden, 49; Stuthman,  
22.

Read first time January 08, 2010

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to highways and roads; to amend sections  
2 60-6,123 and 60-6,190, Reissue Revised Statutes of  
3 Nebraska; to change provisions relating to traffic  
4 control signals and speed limits; and to repeal the  
5 original sections.

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

1           Section 1. Section 60-6,123, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           60-6,123 Whenever traffic is controlled by traffic  
4 control signals exhibiting different colored lights or colored  
5 lighted arrows, successively one at a time or in combination, only  
6 the colors green, red, and yellow shall be used, except for special  
7 pedestrian signals carrying a word legend, number, or symbol, and  
8 such lights shall indicate and apply to drivers of vehicles and  
9 pedestrians as follows:

10           (1)(a) Vehicular traffic facing a circular green  
11 indication may proceed straight through or turn right or left  
12 unless a sign at such place prohibits either such turn, but  
13 vehicular traffic, including vehicles turning right or left,  
14 shall yield the right-of-way to other vehicles and to pedestrians  
15 lawfully within the intersection or an adjacent crosswalk at the  
16 time such indication is exhibited;

17           (b) Vehicular traffic facing a green arrow indication,  
18 shown alone or in combination with another indication, may  
19 cautiously enter the intersection only to make the movement  
20 indicated by such arrow or such other movement as is permitted  
21 by other indications shown at the same time, and such vehicular  
22 traffic shall yield the right-of-way to pedestrians lawfully within  
23 an adjacent crosswalk and to other traffic lawfully using the  
24 intersection; and

25           (c) Unless otherwise directed by a pedestrian-control

1 signal, pedestrians facing any green indication, except when the  
2 sole green indication is a turn arrow, may proceed across the  
3 roadway within any marked or unmarked crosswalk;

4 (2)(a) Vehicular traffic facing a steady yellow  
5 indication is thereby warned that the related green movement  
6 is being terminated or that a red indication will be exhibited  
7 immediately thereafter when vehicular traffic shall not enter the  
8 intersection, and upon display of a steady yellow indication,  
9 vehicular traffic shall stop before entering the nearest crosswalk  
10 at the intersection, but if such stop cannot be made in safety, a  
11 vehicle may be driven cautiously through the intersection; and

12 (b) Pedestrians facing a steady yellow indication, unless  
13 otherwise directed by a pedestrian-control signal, are thereby  
14 advised that there is insufficient time to cross the roadway before  
15 a red indication is shown and no pedestrian shall then start to  
16 cross the roadway;

17 (3)(a) Vehicular traffic facing a steady red indication  
18 alone shall stop at a clearly marked stop line or shall stop,  
19 if there is no such line, before entering the crosswalk on the  
20 near side of the intersection or, if there is no crosswalk,  
21 before entering the intersection. The traffic shall remain standing  
22 until an indication to proceed is shown except as provided in  
23 subdivisions (3)(b) and (3)(c) of this section;

24 (b) Except where a traffic control device is in  
25 place prohibiting a turn, vehicular traffic facing a steady red

1 indication may cautiously enter the intersection to make a right  
2 turn after stopping as required by subdivision (3)(a) of this  
3 section. Such vehicular traffic shall yield the right-of-way to  
4 pedestrians lawfully within an adjacent crosswalk and to other  
5 traffic lawfully using the intersection;

6 (c) Except where a traffic control device is in  
7 place prohibiting a turn, vehicular traffic facing a steady  
8 red indication at the intersection of two one-way streets may  
9 cautiously enter the intersection to make a left turn after  
10 stopping as required by subdivision (3)(a) of this section. Such  
11 vehicular traffic shall yield the right-of-way to pedestrians  
12 lawfully within an adjacent crosswalk and to other traffic lawfully  
13 using the intersection; and

14 (d) Unless otherwise directed by a pedestrian-control  
15 signal, pedestrians facing a steady red indication alone shall not  
16 enter the roadway; and

17 (4) If a traffic control signal is erected and maintained  
18 at a place other than an intersection, the provisions of this  
19 section shall be applicable except as to those provisions which by  
20 their nature can have no application. Any stop required shall be  
21 made at a sign or marking on the pavement indicating where the stop  
22 shall be made, but in the absence of any such sign or marking, the  
23 stop shall be made at the signal; ~~and-~~

24 (5)(a) If a traffic control signal at an intersection  
25 is not operating because of a power failure or other cause and

1 no peace officer, flagperson, or other traffic control device  
2 is providing direction for traffic at the intersection, the  
3 intersection shall be treated as a multi-way stop; and

4 (b) If a traffic control signal is not in service and the  
5 signal heads are turned away from traffic or covered with opaque  
6 material, subdivision (a) of this subdivision shall not apply.

7 Sec. 2. Section 60-6,190, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 60-6,190 (1) Whenever the Department of Roads determines,  
10 upon the basis of an engineering and traffic investigation, that  
11 any maximum speed limit is greater or less than is reasonable  
12 or safe under the conditions found to exist at any intersection,  
13 place, or part of the state highway system outside of the corporate  
14 limits of cities and villages as well as inside the corporate  
15 limits of cities and villages on freeways which are part of the  
16 state highway system, it may determine and set a reasonable and  
17 safe maximum speed limit for such intersection, place, or part of  
18 such highway which shall be the lawful speed limit when appropriate  
19 signs giving notice thereof are erected at such intersection,  
20 place, or part of the highway, except that the maximum rural and  
21 freeway limits shall not be exceeded. Such a maximum speed limit  
22 may be set to be effective at all times or at such times as are  
23 indicated upon such signs.

24 (2) The speed limits set by the department shall not be  
25 a departmental rule, regulation, or order subject to the statutory

1 procedures for such rules, regulations, or orders but shall be  
2 an authorization over the signature of the Director-State Engineer  
3 and shall be maintained on permanent file at the headquarters of  
4 the department. Certified copies of such authorizations shall  
5 be available from the department at a reasonable cost for  
6 duplication. Any change to such an authorization shall be made  
7 by a new authorization which cancels the previous authorization  
8 and establishes the new limit, but the new limit shall not become  
9 effective until signs showing the new limit are erected as provided  
10 in subsection (1) of this section.

11 (3) On county highways which are not part of the state  
12 highway system or within the limits of any state institution or any  
13 area under control of the Game and Parks Commission or a natural  
14 resources district and which are outside of the corporate limits  
15 of cities and villages, county boards shall have the same power  
16 and duty to alter the maximum speed limits as the department if  
17 the change is based on an engineering and traffic investigation  
18 comparable to that made by the department. The limit outside of  
19 a business or residential district shall not be decreased to less  
20 than thirty-five miles per hour.

21 (4) On all highways within their corporate limits, except  
22 on state-maintained freeways which are part of the state highway  
23 system, incorporated cities and villages shall have the same power  
24 and duty to alter the maximum speed limits as the department if the  
25 change is based on engineering and traffic investigation, except

1 that no imposition of speed limits on highways which are part  
2 of the state highway system in cities and villages under forty  
3 thousand inhabitants shall be effective without the approval of the  
4 department.

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

14 (6) Not more than six such speed limits shall be set  
15 per mile along a highway, except in the case of reduced limits  
16 at intersections. The 7 and the difference between adjacent speed  
17 limits along a highway shall not be reduced by more than twenty  
18 miles per hour, and there shall be no limit on the difference  
19 between adjacent speed limits for increasing speed limits along a  
20 highway.

21 (7) When the department or a local authority determines  
22 by an investigation that certain vehicles in addition to those  
23 specified in sections 60-6,187, 60-6,305, and 60-6,313 cannot  
24 with safety travel at the speeds provided in sections 60-6,186,  
25 60-6,187, 60-6,189, 60-6,305, and 60-6,313 or set pursuant to

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1 this section or section 60-6,188 or 60-6,189, the department or  
2 local authority may restrict the speed limit for such vehicles  
3 on highways under its respective jurisdiction and post proper and  
4 adequate signs.

5           Sec. 3. Original sections 60-6,123 and 60-6,190, Reissue  
6 Revised Statutes of Nebraska, are repealed.