

AMENDMENTS TO LB 589

Introduced by Transportation and Telecommunications

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

3 Section 1. Section 39-1359, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 39-1359 (1) The rights-of-way acquired by the department
6 shall be held inviolate for state highway and departmental purposes
7 and no physical or functional encroachments, structures, or uses
8 shall be permitted within such right-of-way limits, except by
9 written consent of the department or as otherwise provided in
10 subsection (2) or (3) of this section.

11 (2) A temporary use of the state highway system, other
12 than a freeway, by a county, city, or village, including full
13 and partial lane closures, shall be allowed for special events,
14 as designated by a county, city, or village, under the following
15 conditions:

16 (a) The roadway is located within the official corporate
17 limits or zoning jurisdiction of the county, city, or village;

18 (b) A county, city, or village making use of the state
19 highway system for a special event shall have the legal duty
20 to protect the highway and the public and shall be liable for
21 all damages or injuries of any nature arising out of the use
22 thereof, and the state shall have no legal duty, liability, or
23 responsibility therefor; and

1 (c) The county, city, or village using the state highway
2 system for a special event shall formally, by official governing
3 body action, acknowledge that it accepts the duty set out above
4 and, if a claim is made against the state, shall indemnify, defend,
5 and hold harmless the state from all claims, demands, actions,
6 damages, and liability, including reasonable attorney's fees, that
7 may arise as a result of the special event.

8 (3) If a county, city, or village has met the
9 requirements of subsection (2) of this section for holding a
10 special event and has provided thirty-days advance written notice
11 of the special event to the department, the county, city, or
12 village may proceed with its temporary use of the state highway
13 system.

14 Sec. 2. Original section 39-1359, Reissue Revised
15 Statutes of Nebraska, is repealed.