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Urban Affairs Committee
November 15, 2013

[LR318]

The Committee on Urban Affairs met at 1:30 p.m. on Friday, November 15, 2013, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR318. Senators present: Amanda McGill, Chairperson; Brad Ashford; and Colby Coash. Senators absent: John Murante, Vice Chairperson; Russ Karpisek; Bob Krist; and Scott Lautenbaugh.

SENATOR MCGILL: All right. Hello, everyone. Welcome to the Urban Affairs interim hearing. We've got a jam-packed committee today. (Laugh) We may have some folks coming and going during the hearing. It probably won't be a very long hearing. There's a much more interesting one going over in...on in Performance Audit, which Senator Mello will be leaving us for as soon as he introduces this. If, at this point, we could have everyone silence their cell phones, this is incredibly important so that the sound doesn't end up on the audio recording that's taking place and so it doesn't distract from anyone speaking. So if you're not sure, check your cell phones and make sure that those are on vibrate. If you do plan to testify there are forms you can fill out at the door and just bring them up here and our page will go ahead and grab them from you as you're coming up to testify so that we have that for the record. Otherwise, welcome to all the students who are here. I understand many of you are from Lincoln Northeast. Is that correct? Well, this is a good experience for you and it shouldn't be a super-long hearing, so it'll be a nice taste for you to understand how our process works here. And with that Senator Mello is here to open on his resolution. [LR318]

SENATOR MELLO: Good afternoon, Chairwoman McGill and members of the Urban Affairs Committee. My name is Heath Mello, H-e-a-t-h M-e-l-l-o, and I represent the 5th Legislative District in south Omaha. As Nebraskans' urban centers continue to grow, the need for reliable, affordable mass transportation options becomes increasingly important. This need for mass transit is not limited to just Omaha and Lincoln. Increased demand for state aid by rural transit systems was a major factor in the Appropriations

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Committee decision to increase mass transit aid in the budget earlier this year. While Omaha and Lincoln currently have the only fixed-route bus systems in Nebraska, there is the potential that other communities could explore expanded mass transit options in the future. LR318 is designed to look at the current structure utilized in Omaha, a separate mass transit authority, and consider whether changes should be made to the current statutory structure of mass transit authorities or whether mass transit authorities should be allowed in other classes of cities. While Nebraska's transit statutes date back as far as 1957 the current Transit Authority Law has had its genesis in the city of Omaha's 1972 mass transit crisis. Numerous privately owned transit companies had operated in Omaha and the surrounding communities since 1867, but just two transit providers remained in the 1970s. When both companies' applications with the city and state regulators to increase transit fares were denied they announced plans to discontinue service, which would have left the city of Omaha without any mode of public transportation. Both companies ultimately agreed to remain in service temporarily until June 30, 1972, until such time as either the city of Omaha or the state of Nebraska would assume responsibility for public transportation in Omaha. During the 1972 Legislative Session three separate pieces of legislation were introduced which would have provided a new way forward for Omaha's public transportation system: LB1232, which would have provided for Metropolitan Utilities District to acquire and operate Omaha's bus transportation system; LB1274, which would have given the city of Omaha the authority to acquire the privately owned bus transportation system by eminent domain; and LB1275, which would have enabled the creation of an autonomous mass transit authority to acquire and operate Omaha's bus transportation system. Ultimately, LB1275 was passed and the first Metropolitan Transit Authority was created, operating under the service name of Metro Area Transit, or MAT, and assuming responsibility for public transit operations in Omaha and Council Bluffs at 12:01 on July 1, 1972. While much has changed since 1972--for an example, Metro Area Transit is now called O Metro--the statutory structure for mass transit authorities remains mostly the same. A variety of changes have been made to the Transit Authority Law, most recently in 2003, but there hasn't really been a major overhaul to these sections of statute. Under the

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existing statutory scheme O Metro has the full and exclusive jurisdiction and control over all public passenger transportation systems in the city of Omaha, excluding taxicabs and railroad systems. O Metro also contracts with the cities of Bellevue, Ralston, La Vista, Papillion, and Council Bluffs to provide transit service in surrounding communities in the greater Omaha area. While having a separate transit authority has served Omaha well, there are certain limitations in the existing statutory structure that have the potential to hinder the creation of a truly regional transit authority. The most obvious limitation is the fact that the ability to create a transit authority under the Transit Authority Law is limited to the metropolitan-class cities. While the language of LR318 specifically listed only primary-class city, Lincoln, as a possible expansion for mass transit authorities, there are certainly other municipalities around the state for whom a mass transit authority might be an effective option for them in the future. Another limitation in the current statute is the interaction between a mass transit authority's property tax levy and the ability to provide transit service in communities outside of the primary municipality. For an example, while O Metro is responsible for the administration and operation of transit service both in Omaha and the surrounding communities, funds obtained from Omaha's tax levy could not be used to offset transit service operating expenses that incur outside of Omaha's city limits. This inherently limits the ability of a mass transit authority to expand or significantly change their services in surrounding communities. As an example, in July, one of the last remaining bus lines serving Sarpy County was endangered because the cities of La Vista and Papillion proposed eliminating their contribution of funding to the route. Because the route is dependent on funding from the three cities that contract for it and since property tax dollars could not be used to pick up the cost should one of the cities decide to opt out, many Sarpy County residents who rely on O Metro's route 93 were in danger of losing access to that public transportation. Both cities ultimately reversed course to restore funding and are working together with the city of Ralston and O Metro to explore updating and streamlining the route. But it could be worthwhile to explore alternatives to property taxes that might help improve the quality of transit services available to residents in the communities outside of Omaha while respecting the fact that property

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taxpayers in Omaha are currently paying the bulk of the system's costs. Finally, one current limitation which merits reexamination is the exclusion of passenger rail. While neither Omaha nor Lincoln are actively seeking to establish a light rail or similar rail-based transit system, if light rail is to be successful as a transportation option, it would likely work best if it operated in coordination with existing bus routes. Giving transit authorities the ability to operate light rail or similar systems could provide critical flexibility in Omaha and Lincoln, particularly as mass transit plays a greater role in long-range planning for both cities. Representatives from O Metro as well as StarTran, the city of Lincoln's bus system, are here today with...are here with us today to share their perspectives on the current state of mass transit in Nebraska, and we look forward to the dialogue, hopefully, this afternoon. Thank you for your time and I'd be happy to answer any questions from the committee. As Senator McGill mentioned, as a member of the Performance Audit Committee, we've had a previously scheduled Performance Audit release and public hearing, essentially, with the Pew Center for the States that I need to get to. But it should be noted on the record that I don't...I brought LR318 not with a specific piece of legislation in mind; there's no bill that's drafted; there's no concept that's been fleshed out. It's been more in the sense of starting the dialogue that we know, at least between the state's two largest cities, in regards to how our mass transit systems are currently operating, how they're being financed, and how we can look to make them a bigger partner in our future transportation needs. So if there's any follow-up questions, while I have to leave, please feel free to contact me after today's hearing. Otherwise, thank you, Madam Chair. [LR318]

SENATOR MCGILL: All right. Senator Coash, any questions? [LR318]

SENATOR COASH: Nope. [LR318]

SENATOR MCGILL: No? All right, this is Senator Colby Coash. He's joined us since the hearing began. With that, thank you, Senator Mello. [LR318]

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SENATOR MELLO: Thank you. [LR318]

SENATOR MCGILL: And we will take the first testifier if anyone wants to be so bold. We're not going to use the light system, but we ask you to be reasonable. (Laugh)
[LR318]

MIKE DAVIS: (Exhibit 1) Thank you. My name is Mike Davis and I am the current transit manager for StarTran and I appreciate the opportunity to be here today and talk a little bit about history of public transportation here in Lincoln. Public transportation plays an important part in creating a high quality of life here and we currently move about 6,000 one-way trips a day in Lincoln. And we're carrying people to work, to school, and many other destinations and right now in Lincoln we have a growing senior population. As they...as people age there is a tendency to not be able to drive like they used to, and so public transportation plays an important role in their lives. We have a large student population in Lincoln and to be able to have a choice of public transportation without having to buy a car or hassle with parking, that's an important aspect of making their lives better. And so whether a person is dependent on public transportation, whether they choose to use public transportation, or whether they just drive their own automobile, public transportation is an important part of making a high quality of life for us. I have also...I wanted to go ahead and distribute this. [LR318]

SENATOR MCGILL: Oh, our page, if you just want to hand them to the page, he'll get them to us. [LR318]

MIKE DAVIS: Okay, let's see, I have some charts that I've handed out to talk a little bit about some history with StarTran. Public transportation has been in Lincoln for many, many years and going back over the past nine years we've had a 45 percent increase in transit ridership. And 9 percent of that was this past year due to an increase primarily to expanded UNL service. If we go back two decades we have very similar ridership to what we have today. Back in 1990 we had close to 2 million riders; we have close to

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that now. And if you go back even four decades, back to 1970, again, we had about 2 million one-way trips which is, again, close to what we have now. And during this same time period we've had a population increase of 24 percent and transit ridership nationwide has increased 17 percent, so our transit really has not kept up with population growth in Lincoln. And we also have compared our transit system to other peer systems with like associations with our transit system and we have found that the average revenue hours for these systems were 177,000. Lincoln currently has about 128,000, so we're not providing as much service as our peer transit systems are. And then I've also compared our increase with revenue miles since 1990 as well, and you can see ridership and revenue miles have not kept up with population growth. Currently our budget is about \$12 million and I just wanted to add that there was a recent study done by the Southwest Energy Efficiency Project which showed that the Roaring Fork Transportation Authority in Colorado gives taxpayers over \$50 million in value annually. So a strong public transportation system can contribute to a strong economy. Coverage, people are typically willing, on average, to walk about a quarter mile to a bus stop and half are willing to walk less, half are willing to walk more, and so I included a coverage map. We're currently about 79.25 percent coverage with public transportation in Lincoln. As Lincoln has grown we have not been able to adequately meet those new areas of Lincoln. And so some specific needs that we have right now: We need to improve our transit center. We have about eight routes right now that come downtown at 45 and 15, and 5 of the routes have left just five minutes earlier at 40 and 10. We're not able to bring all the routes together at the same time because we don't have adequate space. So we try and accommodate those transfers as best we can but it's really not as convenient as it should be. We also have many amenities missing from what you would typically find in a transfer center area--bathrooms, pass sales, those types of things. And right now our peer analysis also looked at evening service and we found that a lot of our peer systems that we've compared ourselves to do offer evening service and that is something that's lacking to be able to move around and use public transportation in the evening when events are going on or when some people are getting off at that time for work. We also...all our routes currently go directly downtown, which we want to

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continue to create a strong downtown, but it can be difficult if you're going from Gateway to SouthPointe or in some of the areas that are difficult if you travel directly downtown and then back out. As far as coordination goes, we currently coordinate with local transportation providers within Lincoln. We coordinate with UNL in a variety of ways including discussion of passes, service bus stops, surveys, etcetera. We coordinate with the Nebraska Department of Roads and Nebraska Association of Transportation Providers. Both those entities represent transit systems throughout the state. But it would be helpful if we could coordinate with directly adjoining communities in a little bit better way and to those transit systems and communities. And in conclusion, the governance planning structure of the transit system does need to be able to meet the growing needs of our growing population over time. And we're excited about the things that we're doing right now and we're excited for what the future can hold in public transportation. Thank you. [LR318]

SENATOR MCGILL: Thank you. Senator Coash, any questions? [LR318]

SENATOR COASH: I do. When you say you want to connect to other communities, give me an example of what you want to...what community in Lincoln you'd...or outside of Lincoln you'd want to connect to. [LR318]

MIKE DAVIS: So right now we have surrounding communities that do...we have commuters that are coming from Seward, from Beatrice, from Omaha into Lincoln and to be able to...those are just a few examples. Right now that commuter demand is not really being met as well as those people are coming here for medical purposes. I know in recently speaking to the Department of Roads that, right now, that there's some medical needs that used to be met in some of these small towns but now they have to come to Lincoln to meet those needs. And so continuing to coordinate with those systems, I think, is an important part of looking at the region as a whole. And I believe transportation in general is a very regional type of system, so everything interlinks on a regional basis with transportation. [LR318]

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SENATOR COASH: And did I hear you correctly? You say ridership has been...in Lincoln has been kind of...is increased or did I hear ridership is kind of up and down from your chart here? [LR318]

MIKE DAVIS: So, right, ridership has gone up and down but, basically, since 1990 to 2012, ridership has only increased 5.5 percent over that period of time. Now it has, you're right, correct, it has gone up and down over that period of time. [LR318]

SENATOR COASH: But just a 5 percent increase in ridership but you say there's more demand? The demand is higher? [LR318]

MIKE DAVIS: Yes. We feel like there is much more demand for public transportation. We've seen ridership grow nationally at a higher rate and feel that there is that demand here as well. And I think with the...as population grows, too, I think that demand grows. As gas prices go up demand grows; as congestion grows there's only a certain limit to how many additional roads we can build, things like that, and... [LR318]

SENATOR COASH: But what I'm struggling with is if overall ridership has increased 5 percent that would tell me that, I mean, if there was more demand or if there was more need you would see more ridership; if the demand was much higher you'd see a...am I... [LR318]

MIKE DAVIS: Right. I... [LR318]

SENATOR COASH: Wouldn't you see them...a higher percentage in increase in ridership if demand were as...were much higher? [LR318]

MIKE DAVIS: I do think you have limits with your...there's only so many people you can put on a transit system without growing the transit system. You know, we offer a great

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service which is our Big Red Express. We've kind of hit a saturation with that service right now. It's pretty difficult to add very much more ridership to that service and...

[LR318]

SENATOR COASH: Okay. What percentage of your budget is user paid versus...in other...you know what I'm saying? [LR318]

MIKE DAVIS: Right. [LR318]

SENATOR COASH: Like how much are the riders paying versus (inaudible) subsidy? [LR318]

MIKE DAVIS: So our fares right now account for about 9 percent of our overall budget. [LR318]

SENATOR COASH: Okay. [LR318]

MIKE DAVIS: And that's about \$1.1 million and that's the pie chart on the third page. [LR318]

SENATOR COASH: How do our...how does Lincoln's...there we go. What's been the growth rate of the fares and how do we compare, you know, to...you must have done some comparison with our...with peer cities. How do we stack up against that here in Lincoln? [LR318]

MIKE DAVIS: I don't have the data with me right now on how our fares compare with peer cities. I know, probably, right now we're on a little bit of the high end with our cash fare. We did do an adjustment to our pass fares over the last couple of years and have reduced those down. And so we're probably a little bit high on the cash fare. We're probably doing pretty good on our pass fares. [LR318]

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SENATOR COASH: Okay, thank you. [LR318]

SENATOR MCGILL: Do you have anything else you'd like to add to a wish list? I know you talked about better cooperation with the region. Is there...are there any other specifics, specific ideas you have? [LR318]

MIKE DAVIS: Yes, there is actually quite a few things that we feel that we should be... [LR318]

SENATOR MCGILL: If you just want to hold on a second. Sorry. [LR318]

MIKE DAVIS: Okay. [LR318]

_____: Sorry. [LR318]

SENATOR MCGILL: That's okay. It will just be better than fighting over the sound of a couple dozen leaving, um-hum. Thank you for coming. Okay, if you just want to go ahead and pick back up again. [LR318]

MIKE DAVIS: (Laugh) No, there are other things that we need to continue to look at. We've done a really good job of looking at alternative fuels. We have a couple of soy diesel buses that we've implemented. We've had some hybrid Handi-Van vehicles that we've implemented, and we want to continue to look at compressed natural gas, CNG. There's some cost savings there as well as some environmental benefits. So transit already is inherently good for the environment. But to be able to run buses on cleaner technologies is also a great thing to be doing. We need to continue to look at strengthening our downtown circulator, something convenient that you can jump on board, run to lunch, and be able to come back on without having to wait 25 minutes to...for the bus to come around and to know where it is. And we will continue to look at

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bus stop improvements. We're looking...improving those amenities. We have about 50 bus shelters in our system but it does get hot here. It does get cold in the wintertime, so expanding the bus shelters and those types of bus stop amenities, making it more convenient for passengers, and that's probably a good starting list. [LR318]

SENATOR MCGILL: All right. Well, unless there are any other questions, we've been joined by Senator Brad Ashford from Omaha. Otherwise, thank you very much for coming and testifying today. [LR318]

MIKE DAVIS: All right. Thank you. [LR318]

SENATOR MCGILL: We'll take our next testifier. Hello. [LR318]

CURT SIMON: Hi. Good afternoon, Madam Chair, members of the committee. My name is Curt Simon. I'm the executive director of the Transit Authority of the city of Omaha Metro. Metro is a political subdivision of the state of Nebraska created pursuant to statute 14-1803, and the only such transit authority in the state. I'd like to thank the committee for taking the time to hear this matter today. I'd like to go ahead and address the issues that were put forth in the resolution to perhaps provide some better background as the issues and the current statutes as they exist today. Number one in the resolution was to examine the statutory means by which a municipality other than a city of the metropolitan class would establish a separate transit authority. There are numerous benefits associated with the autonomy afforded by the designation of a transit authority. Municipalities other than a city of the metropolitan class becoming an authority would require amending the current transit authority statute to include, for example, cities of the primary class. There would also likely be changes to statutes regarding the Nebraska Budget Act in order to ensure inclusion of any new such entity created, including the distribution, collection, and responsibility of any tax receipts. The second item is the steps that would need to be taken at the federal-state level to facilitate the transfer of transit assets from a municipality to facilitate a regional transit

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authority. There would likely be no issue with the Federal Transit Administration, FTA, regarding a change that allowed a city of the primary class to be designated as a transit authority. The FTA regional office in Kansas City is most helpful and responsive and would be of great assistance in any such transition. FTA provides for two separate formula funding assistance opportunities. Nebraska takes advantage of both of these funding streams. The funds are separated between urbanized areas with populations over 200,000 and nonurbanized areas, or rural classifications, under 200,000. Both Omaha, a city of the metropolitan class, and Lincoln, a city of the primary class, receive urbanized formula funding. The state of Nebraska transit division of the Department of Roads administers federal monies received and distribute it throughout the state to those eligible recipients with populations under 200,000. For this reason allowing municipalities other than those of the metropolitan and primary classes could complicate the distribution of federal funds and invite a host of other unintended consequences. Regarding any transfer of assets, FTA would need to be consulted for guidance for transfer of any assets that carry a federal interest. Typically, agreements that assure FTA of satisfactory continuing control of the asset by the new entity are required. Transfer of state and municipality assets, if any, can be accomplished by way of intergovernmental agreements between the parties. In most cases such agreements include language regarding disposition of any assets in the event of default by the new entity. Item number three: limitations of the current statutory structure for transit authorities under the Transit Authority Law. In 2003, the Transit Authority Law was significantly amended by LB720. The purpose of LB720 was to modify the Transit Authority Law by permitting extension of its jurisdictional boundaries in order to allow establishment of a regional transit authority in other municipalities, villages, or counties if they wish to join. However, the statutory revisions enacted under LB720 fall short of truly being able to realize the establishment of any true regional authority. The issues are complicated and numerous. In 2012, Metro, in cooperation with MAPA, the Omaha-area planning agency, began a regional transit vision study that includes a complete metro system operational analysis and develops short-, medium-, and long-term transit service improvements recommendations for the region. The study also

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includes suggestions on possible governance and statutory changes that may be needed to achieve the medium- and long-term goals. The study is scheduled to be complete by the end of this year. In order to obtain feedback Metro intends to conduct public meetings in 2014 regarding any service and government recommendations. We'd be happy to keep the committee informed as we move forward. It should be noted that any needed statutory changes along these lines would not interfere with a change that would allow a city of the primary class to become a transit authority. The fourth and last item on the legislative resolution is the long-term future of transportation options and cooperative models in the Omaha and Lincoln areas. The long-term future of transit options and innovative services will likely be dependent upon the financial commitment to fund any such capital and operating improvements. For the most part transit in our state operates on a fixed income, making it difficult to meet growing demand. For example, the state of Nebraska ranks 50th in its use of surface transportation monies for transit investments. The demand for transit services have continued to increase. In fact, Metro Omaha passenger trips exceeded those recorded for Omaha's Eppley Airfield in 2012. Passenger trips have increased nearly each year since 2004. It's estimated that 2013 passenger trips will exceed those of calendar year 2004 by over 35 percent, or 1.1 million passenger trips. A compelling case can be made for improvements and investment in our transit systems. Numerous technical publications speak to the benefits of enhancing transit. These include economic development, reduced traffic congestion, reduction of harmful carbon emissions, job access, financial...fiscal sustainability, and quality of life, to name but a few. The Omaha and Lincoln transit systems have always cooperated throughout the years in matters of mutual interest. This is also true as it pertains to our statewide transit system and in relationship with the rural transit providers. Omaha Metro would be happy to cooperate with the Lincoln system or any of our many rural providers on projects that would enhance transit in our state. Again, thank you for the opportunity to address these issues and I'd be happy to answer any questions you might have. [LR318]

SENATOR MCGILL: Thank you, Curt. Are there any questions from the committee?

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[LR318]

SENATOR ASHFORD: What... [LR318]

SENATOR MCGILL: Senator Ashford. [LR318]

SENATOR ASHFORD: What changes do you see in the next ten years, if you were to envision out ten years, as far as... [LR318]

SENATOR MCGILL: Crystal ball. [LR318]

CURT SIMON: Well, I... [LR318]

SENATOR ASHFORD: I mean, if you were to look at the two largest urban areas in the state in the next ten years, what will it look like? [LR318]

CURT SIMON: I would see a growing demand for transit and a possible loss of brain drain as it pertains to our younger generation of professionals that, frankly, aren't even getting their driver's licenses, a lot of them, until they're 17 and 18 years old now. And they're demanding and looking for transit to be part of that solution. So I would see growing interest in transit. We're seeing much, much more interest in transit than we've probably ever seen. I've been with Metro for just over 25 years and I've seen more interest in the last four years than I've ever seen before. [LR318]

SENATOR ASHFORD: Well, maybe you've got a better product too. I mean you're doing a good job. The... [LR318]

CURT SIMON: Well, I think that's it, Senator. [LR318]

SENATOR ASHFORD: Well, the demand follows. No, but seriously, I mean, that...those

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are...I've always wondered all the years I've been here why we didn't have...why we didn't enhance those opportunities. I mean, well, obviously, we all travel and we see what other cities are doing. We're a...Omaha is a city the size of a county, really, and there's all sorts of new residential areas being built outside of this urban core and it just seems... [LR318]

CURT SIMON: There's a lot of opportunities but there's also a lot of challenges. It becomes very difficult for transit to be successful where the population density and the employment density won't satisfy that or make it even have a chance to be successful in that realm. So it...there's lots of issues. There's land use issues. As it pertains to ridership, it...we've chosen, and that's one of our discussions in our study, to be a coverage system. We have a large square-mile city and we're kind of trying to be all things to all people, and the result of doing that with...on a fixed income is that you spread your service out there before your spread your frequencies out and, in transit, frequency really is king. I mean, ideally, you try to attract a choice rider who has a choice to drive a car and frequency, where you're running every 10 or 15 minutes, does that. You don't have to worry about the schedule or look at it. But it takes money to add frequency. [LR318]

SENATOR ASHFORD: You know, I know Minneapolis/St. Paul has a joint, I think, an elected council. The Metro Council, I believe, it's called. And the transit comes under their jurisdiction. I think they also do...well, they do transportation. They've done the rail and they're...all of that. How do you see that developing in Council Bluffs and Bellevue and Omaha and is there a possibility? Why don't we have a...I mean, what would...what are the...oh, there are legal obstacles, but what do you think of the...are there...is there a will? Is there the will to consolidate those kinds of... [LR318]

CURT SIMON: Yes, to answer your question, I think there's the will to do that, but it's going to take a different type of thinking than what we've done in the past. You know, as an example, Minneapolis spends \$200 per capita on their transit system and Omaha

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spends \$36, so...but... [LR318]

SENATOR ASHFORD: I'm not suggesting we automatically do it. I'm saying that they have had, seemingly, the ability, and it's bigger and it's so forth, but... [LR318]

CURT SIMON: Yeah, they've had great success. They have the full gamut. They have light rail; they have streetcar; they have bus; they have enhanced bus; they have bus rapid transit; they have literally just about any transit product that you might want to have. [LR318]

SENATOR ASHFORD: Do we have bus rapid transit? We have some of it, don't we? [LR318]

CURT SIMON: We do not. We have another concurrent study with the other one I referred to earlier that is coming out possibly with a recommendation for bus rapid transit. [LR318]

SENATOR ASHFORD: And it would be something like get on in Elkhorn and you're...and you go downtown and... [LR318]

CURT SIMON: Yeah, as best it can, bus rapid transit tries to emulate a train on wheels. The station stops are typically a mile to 18 blocks apart. They have very high, upscale type of station stops, like platform stops, real-time information being displayed, off-board ticketing. It's pretty high. It's... [LR318]

SENATOR ASHFORD: Yeah. I was in Lima, Peru. They have that and they run a...they run the bus right down the middle of the street or the highway or the road and they...it's like a train, in a sense, because there's a station, and it's pretty impressive. [LR318]

CURT SIMON: You know, oftentimes they have their own dedicated wireway at least for

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a portion of their route. [LR318]

SENATOR MCGILL: Any other questions from the committee? Nope, thank you very much. [LR318]

CURT SIMON: Thank you. I'll leave a copy of my testimony. [LR318]

SENATOR MCGILL: Sounds good. You can go ahead and give that to Katie there on the side. Other testifiers. Welcome. [LR318]

COBY MACH: (Exhibit 2) Good afternoon. My name is Coby Mach, C-o-b-y M-a-c-h, and I am appearing on behalf of LIBA, the Lincoln Independent Business Association. The LIBA board of directors has not had an opportunity to fully study this transit authority idea, and I think a lot of the ideas are being brought forward today. However, we did want to go on record as being concerned about creating a new property tax line item in Lincoln. We've got three major concerns. Number one, the current concept of a transit authority means we would have an appointed board that does not answer to the taxpayers and that causes us concern. Number two, if a transit authority is created, it would likely lead to homeowners and business owners paying more in property taxes. Every time the county assessor reevaluates your property and includes an increase in value we would be paying more into the transit authority; unless the Legislature mandates that transit revenue could not exceed a certain dollar amount, we would pay more. Number three, if this committee does recommend allowing additional transit authorities to be established in Nebraska we would recommend that the establishment be made contingent on a vote of the people. And then in closing I would like to address two things. We heard from an Omaha testifier...say that...use the term "passenger trips," and I'm not sure how they calculate that in Omaha, but our director of StarTran mentioned to you that we have 2 million riders in Lincoln. The city of Lincoln has a population of 262,000 people, so we really don't have 2 million riders in Lincoln. On StarTran, the way it's calculated in Lincoln, if I get on a bus from the State Capitol right

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here and go to north Lincoln and I have to get on three or four different buses to get to north Lincoln, then I'm counted four times, then I'm counted four times again when I come back to the Capitol or leave from my home and go to work and come back. So the...you have to kind of understand the numbers a little bit, too, and how they work. So in closing, we just urge careful and cautious consideration before a report is issued or action is recommended regarding establishment of additional transit authorities in the state. Thank you for your time. [LR318]

SENATOR MCGILL: All right. I know Mr. Davis said 6,000 one-way trips a day in Lincoln and maybe that's slightly more accurate or a less confusing way to look at what the ridership is. Are there any questions? I don't know what's going on with the microphone, but thank you, Coby. (Laugh) [LR318]

COBY MACH: Okay. Thank you for your time. [LR318]

SENATOR MCGILL: Next testifier. [LR318]

MILO MUMGAARD: (Exhibit 3) Good afternoon. My name is Milo Mumgaard. I am senior policy aide for Lincoln Mayor Chris Beutler. I'm here today to speak to item number four of LR318 which has to do with the long-term transportation issues and needs and potential collaborations between Omaha and Lincoln. I've got some relatively detailed comments that I've...that we've submitted to the committee and I promise you I won't read them. I'm going to just highlight some of our considerations. We've spent quite a bit of time thinking this issue through and we'd like to go over some of these things with the committee today. First of all, as most of you are aware and have participated in, it's been a very exciting time between Omaha and Lincoln in the sense that the six lanes of Interstate 80 have been completed. But this is a \$400 million project to add two additional lanes onto this interstate. So on the one hand we're very excited that this is actually going to speed the commute and make our congestion issues and so on considerably less, and it's going to be very much a long-term economic value to that.

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We also think it's a bit of a wake-up call as well when you look at the situation and realize that it's nearly inevitable, frankly, that this will become a very busy interstate very soon. And the question then becomes, what becomes the longer-term transportation planning efforts that can be done to address congestion, environmental issues, and, mostly, what can be done to address the reality of increasing commuter travel between Omaha and Lincoln in particular and certainly, though, interconnectivity of our job market and so and. So we think of this, LR318, as, really, an opportunity coming on the heels of opening the six lanes, as an opportunity to think about what do we do the next 20, 30, 40 years now that we've completed what is a very significant accomplishment with the interstate-highway system. In that light, there's several trends in public transportation that we are aware of in Lincoln, and some of your testifiers have already mentioned but I'd like to make sure we're thinking about it in the same context, and one of which is the choice to drive a car is becoming increasingly less...has been influenced by factors that decision makers need to consider. And it's becoming, actually, less of a dominant factor, even though dominant...even though automobile transportation will continue to be the dominant mode of travel, no doubt, through 2030-2040.

Transportation economists and planners are telling us a lot of things about what people are thinking about now in terms of how they get themselves around, how they want to get themselves around, based upon workplace, lifestyle, and other kinds of issues and, in fact, statistically, the driving boom that we've seen in our lifetimes between 1946 and 2004 is pretty much over. It's crested and gone down. That doesn't mean that what I was just referring to with the congestion between Omaha and Lincoln is going to get any better, but in terms of overall, in terms of national driving rates per capita, they are flat and going down. But people still need to get to where they need to go and you're seeing, in urban environments, you're seeing, certainly, considerably more car sharing and bike sharing kind of operations that we're seeing more of in Omaha and Lincoln as well. And also I think this really interesting point that Curt from...Curt Simon from Metro pointed out and Mike Davis at StarTran as well, is that we're dealing here with a new generation of people as well. The millennial generation is the largest generation in United States history, and so thinking in terms of what are their desires and lifestyle

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issues and so on and, right now, the information and the studies and the practical experience indicates that the millennial generation wants to use public transit. They view public transit as very much a means of fitting within their lifestyle, both the...picturing the, you know, the use of social media and the ability to work while traveling and all these kinds of things, as well as energy efficiency and thinking in terms of what is the, potentially, most energy efficient way to get around. Indeed, millennials are at that level right now in terms of thinking about...not that they want to have...in fact, I think one of the more interesting statistics out there today is the lowering rate of driver's licenses of kids between 16 and 18 years of age. When I was 16 that was, you know, I wanted it as soon as I could possibly get it. The reality today is not that and what we're seeing is a lot of transportation choice going on that we didn't see previously in previous generations. So what does that mean for the transportation futures? Well, in the context of public transit, it certainly is a bell being rung that what's going on with public transit and what are we preparing for in terms of mass transit. Another, I think, key issue is, thinking about the transportation infrastructure, the trends in this context, it is a fact that the six-lane expansion is a good example of this on Interstate 80, but the reality is, is that the infrastructure has gone from a building mode into a fixing mode. And in that light, where do we go from here with our transportation infrastructure, our automobile infrastructure? In most people it would be maintaining and ensuring that we have a good system. It also means that federal funding is less likely to be available and state and local decision makers are going to be much more in the driver's seat about what to do and how to do it. So we're very much, at the city of Lincoln then, we are very attentive to this and are very aware of what our responsibilities are going to be coming down the road. So what these trends indicate is that thinking in terms of increased planning and development of public transportation in the region, the Omaha-Lincoln region, is something of significant importance to the Legislature. Now, very quickly, and you've already heard to it today, there is, relatively speaking, a modest amount of public transit available in the Omaha-Lincoln area and I encourage you to read our comments here that describe it in a little more detail. On the other hand, while it is modest in the sense that there isn't that many providers and they have limited service and it's

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infrequent at times and so on, nevertheless, this is a system that is moving millions of riders a year in our area and, therefore, there is no question that in Omaha with Metro and Lincoln with StarTran, with the rural providers and the nonprofit providers and the for-profit providers that are doing bus services between the cities, these are all a part of a regional system that can be built upon and can be interconnected in a variety of ways. The next point we've been thinking through is, okay, well, if that's the case, who has been doing regional planning for transit and transportation and mass transit planning in the area? And, to date, that responsibility has largely fallen on the Nebraska Department of Roads and their recent Vision 2032 process, which some of you may be familiar with, is really quite an impressive process in the sense of a tremendous amount of stakeholder engagement as well as really great research and really great documentation of the transportation issues and needs in this state. And they've created a document, Vision 2032, a Long Term (sic--Range) Transportation Plan that really is a, kind of, a bible of the stuff of what we're looking at in terms of transportation needs in the coming future. Why does the Department of Roads do this? Because they run the Services Transportation program which gets federal funding and, therefore, are required to do this. It's also a good idea, but it's because of the federal funding requirements. That federal funding requirement, we have to remember, is not just for highways; it's also for transit; it's also for rail; it's also for similar kinds of transportation needs. Those are capital funds that could be used for that kind of program and I believe Mr. Simon pointed out the state of Nebraska, I believe, is right now 50th in the country for the use of our funds in that regard. But at any rate, this is...this Vision 2032, while impressive, is not a planning document for regional mass transit planning. And so we could look at that and pull a lot of great information from it and a lot of ideas, but it is not at all seeking to plan out mass transit in the region. Furthermore, if you look at what Department of Roads is doing today, as I just referenced, in their program, their program for 2014 to 2019 has no capital improvement whatsoever in it for mass transit. On the other hand, the stakeholders that participated in Vision 2032 very specifically, and, fortunately, the report that the Department of Roads put out does reveal this, do talk about how they want to have a heightened level of public transit in the area, they want to have

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passenger rail, they want to have bike and trail systems that interconnect, and things of that nature. So something for you to know is that back in 1999 was the last time that the Legislature acted to actually move into this transportation planning area and in 1999 the Nebraska Transit and Rail--I think I've got that right--the Nebraska Transit and Advisory Council was created to evaluate commuter needs and so on. And, Senator Ashford, you may recall this: A report was produced by 2003 that actually looked at the commuter issues between Omaha and Lincoln, specifically to commuter and light rail systems and express bus systems and, potentially, a combination of both. And while that report, 11 years ago, 10 years ago, came back with the report that the cost per rider for, say, commuter rail and light rail was too high, really, to justify, it did endorse the express bus system as a way to deal with the commuter interconnectivity issues, but it also did a lot of great analysis of why commuter rail could, at some point, make a lot of sense for Omaha and Lincoln. So I would encourage you to take a look at that report. That advisory council went out of business as it was sunsetted and so, therefore, there hasn't been any further activity in that area. So I would encourage you to think about that as a model as we go down the road. And then lastly I wanted to point out that passenger rail opportunities are somewhat overlooked in this context but, yet, there's still a lot of activity in the Midwest around building up passenger rail and commuter rail, particularly rapid rail and up to high-speed rail. And it's mostly coming out of an organization called the Midwest Interstate Passenger Rail Commission which the state of Nebraska is a member of but, unfortunately, has not been active in over the last four years, and that has had some negative consequences because the...there has been significant federal funding and planning along with the state of Iowa Department of Transportation to bring a line from Chicago to Council Bluffs through Des Moines and stopping off in Des Moines, or, excuse me, in Council Bluffs, and not going into Nebraska, into Omaha, into Lincoln, beyond, and so on, even though, when you look at the rail system that's been designed or the intent of the rail system is to have this rapid-rail system go through Nebraska. So Nebraska's unwillingness or not participating in this situation with the Rail Commission has had an immediate negative consequence. At the same time, though, I would say the mayors and the cities here have not been exactly sitting on the sidelines.

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We're looking at it and Mayor Beutler in particular is looking at this and saying, well, wait a minute, how can we be active to figure out how we could participate more aggressively and, potentially, bring some of this activity here. October 4 we held a great roundtable of state senators. It was state Senator Dubas cosponsoring city of Lincoln at our new Haymarket Station which is another reason why we're interested in this in Lincoln, of course, because we have a brand-new, \$1 million train station and we want to see it used, we want to see it become a multimodal transportation center. Well, this event on October 4, the city of Omaha, the MAPA, MPO, all these folks involved, League of Municipalities, really, were endorsing or looking at the fact that we could have commuter rail here in Nebraska; we could have passenger rail systems that connect up and link up to the rapid rail systems and the high-speed rail systems that are being developed. Now one very good example that was given, we had a representative from Normal, Illinois, which is the home of Illinois State University, talking about how they've benefitted from the high-speed rail between Chicago and St. Louis. Their ridership in the last year was 250,000 people out of Normal, Illinois, on the...they treat it as a commuter rail, in effect, the high-speed rail that goes through. So the reality is, is a passenger rail and a commuter rail is a potential possibility and when you're thinking about regional mass transit planning for Omaha-Lincoln, that needs to be in the mix. And this is not far-fetched. You can go to New Mexico today and get on a train in Albuquerque and go to Santa Fe and back again. It's a (inaudible); that's what it does. It runs people back and forth and it's ran by the state department of transportation as well as a regional rapid...or, excuse me, regional mass transit authority, very impressive, clean operation, \$9 ticket, Internet, etcetera, etcetera. So to conclude, there is a need, from our opinion at the city of Lincoln, to do a significant amount of regional mass transit planning as we look ahead and look beyond some of these issues that we have today. We've lessened our congestion but we're likely to get more, that sort of thing. We have more commuters; we have lifestyle issues; we have all these things coming, in effect, to a head. And, of course, StarTran in Lincoln and Metro in Omaha are very happy to work together, willing to work together. But from our point of view, this hearing could potentially present the Legislature two options or two readily apparent ideas, one of which is to potentially

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engage a similar advisory council in a planning context that the Nebraska Train and Rail Advisory Council was back in 1999 but, yet, this time to potentially have a more generalized view of the regional transportation network and needs and the transit authorities working together and so on. And another option would be to actually direct the NDOR to get more engaged in a plan of this sort. And there's no reason they couldn't do that; they certainly have the technical capacity and have done similar, under Vision 2032, have certainly done a lot of the leg work already but, yet, it would be the Legislature asking and telling the NDOR to get involved in that situation. Well, obviously, either one of these directions that the Legislature could take would be also to look at financing, would also be looking at how these operations, these regional mass transit systems could work, how they could interconnect, how local transit systems could be supported in their efforts to deliver regional services, and so on. So it's not easy and it's not, certainly, lacking in complexity, but it is, I think and we think, something that the Legislature needs to look at as you're heading down the stretch. And so to conclude, you know, from our point of view, a transportation system worthy of the 21st century in eastern Nebraska really needs to include significant mass transit planning and development and certainly the city of Lincoln is willing to be a major partner in that. Thank you. [LR318]

SENATOR MCGILL: Thank you very much, Milo. Any questions? [LR318]

SENATOR ASHFORD: None, other than that we've really dropped the ball on this issue. [LR318]

SENATOR MCGILL: Yeah. [LR318]

SENATOR ASHFORD: In all the years I've been here, starting in '86, '87, this was always on the...we've been talking about this since 1987 as far as...and I'm sure long before that and at least it's...it was my hope that...and by talking about that, meaning, you know, we're so far behind the curve on interconnectivity of our urban areas--not just

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Lincoln and Omaha, but Grand Island, Hastings, wherever it is--and it's just been a major disappointment. [LR318]

SENATOR MCGILL: Um-hum, um-hum. [LR318]

SENATOR ASHFORD: And I know the...I think the hope, at least my hope, in helping to increase funding for roads was to...well, the hope was to get in, you know, utilize a portion of those dollars to...yes, it's great to have a \$400 million, six-lane road between Omaha and Lincoln and...but we just are nowhere. We are, I mean, we are not nowhere. I think you're right. I think the gentleman testified today they're doing a good job of...why do the Lincoln buses go in twos? They go in twos. Why is that? I mean they follow each other and it's...and they're extremely fast. I've been...I just noticed that today. [LR318]

MILO MUMGAARD: That's definitely a technical question and Mr. Davis should have the answer. (Laughter) [LR318]

SENATOR ASHFORD: Maybe they...I mean, I...it was just...I mean, there is a reason to go in twos probably. They both are going to same place or coming from the same place. [LR318]

MILO MUMGAARD: Undoubtedly, there is a very good reason, but the gist of it is, is that what we're seeing in Lincoln, I think it's exciting. StarTran recently took over the university transit system and that's been a real exciting situation because now the university transit system is integrated with the StarTran system and that just makes a lot...a ton of sense. And the ridership is obviously going up and so on. It's just an example of coordination and collaboration that makes a lot of sense. [LR318]

SENATOR ASHFORD: Yeah, and it's my sense that the transit authorities within the urban areas have...do a great job, I mean, with...but we are an automobile ownership, at

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least our generation is, and, as you say, it's changing. But I hope we...the next...Colby can do this when he...next four years or however long you're here, get something going. [LR318]

MILO MUMGAARD: Well, if I could, Senator Coash addressed a question earlier to Mr. Davis that I think is a good question, and that is, you know, is it the demand? Can you answer the question of demand? Is the answer lying in the ridership? And the answer, as you can tell from my presentation, is no. The demand is out there. We are not necessarily providing... [LR318]

SENATOR ASHFORD: Right. Is that the problem? I mean, that's always been the stat is, well, the ridership is X, but part of that is because if we don't offer enough to drive that demand and then we're never going to know because we can do polling, we know that younger people want to use mass transit, but then we look at the current transit situation and you say, well, you know, the ridership is X and we don't really need more or whatever. I mean, so... [LR318]

MILO MUMGAARD: That's absolutely correct and, you know, the evenings or earlier or the types of transit, the services offered, where it goes, how it goes, all of this is the continuing issue of an evolution of mass transit, how to deliver it better. But that's the answer, really from our perspective to the demand issue is there's plenty of demand out there. We have to figure out a way to help meet that demand. [LR318]

SENATOR MCGILL: Um-hum. Well, thank you, and thank you for bringing some of these specific suggestions for us, too, to mill over. I appreciate that. [LR318]

MILO MUMGAARD: Well, thank you very much, um-hum. [LR318]

SENATOR MCGILL: Thank you. Is there anyone else who would like to testify? Ah. [LR318]

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DICK CLARK: (Exhibit 4) Good afternoon. My name is Dick Clark, D-i-c-k C-l-a-r-k. I'm director of research for the Platte Institute. Thank you for the opportunity to speak today. Since the first transit authority bill was enacted in Nebraska in 1957 the Legislature has made numerous changes, nearly a dozen, to the statutes authorizing the creation of a separate transit authority for cities of the metropolitan class. Until 1972 it was private entrepreneurs, private entities, that provided mass transportation services in Omaha. But in years leading up to that year, declining fare revenues exacerbated by price controls and a growing preference for private automobiles resulted in private companies getting out of this business. At that time diminished demand for mass transit services had been observed for years across the country and the federal government attempted to fight against that tide by instituting a public transit subsidy program in 1964, committing additional dollars in 1970 and '74. When the public Transit Authority assumed control in Omaha in 1972 it relied heavily on these federal subsidies to provide for operating expenses while at the same time reducing fares in hopes of encouraging ridership. In addition to these Federal Transit Administration subsidies, the authority was also supported and is supported by local property taxes. Each year the authority submits a tax request that's incorporated in the property tax levy. Consumers have moved away from using public transit and now we're essentially discussing a way to make them pay, through taxes, what they do not choose to pay through voluntary fares. In August 2012 the Platte Institute published a study of mass transit in Omaha and the study revealed that the Omaha mass transit system is only used by about 2 percent of the work force and service far outstrips demand. People simply are not choosing to use public transportation. This is one reason why Omaha's mass transit system only receives 11 percent of its funding from user fees. The other 89 percent come from federal subsidies and from property taxes and, as we've heard in this hearing, an even smaller proportion of public transit services in Lincoln are supported by voluntary fares. Expanding the Transit Authority Law to include municipalities other than those of the metropolitan class means adding a new line item on property taxes for many Nebraskans who do not want this service. Moreover, if the current law is simply

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expanded to include all municipalities while maintaining the current government structure in the law, this means that an unelected board would be vested with the effective authority to determine within certain limits what the new property tax burden will be. Thank you again for the opportunity to speak today. [LR318]

SENATOR MCGILL: Thank you, Mr. Clark. Any questions? I don't see any, thank you very much. Other testifiers. [LR318]

MATT LITT: Chairwoman McGill, Senator Coash, my name is Matt Litt, M-a-t-t L-i-t-t. I'm the new director of Americans for Prosperity-Nebraska and I just thank you for the opportunity to come before you today. We just recently became aware of the resolution to study mass transportation and the mass transit authorities and we're concerned about the implications for taxpayers across the state if this potentially moves on to expanding further out. And as others have mentioned, we're concerned about the greater burden being placed on people's property tax bills and we're also concerned about the nature of the transit authority boards not having elective boards, which makes these boards less accountable to taxpayers and transparency more difficult for people to keep track of where their money is going. And we also want to note we've been talking about demand in Lincoln and Omaha and that, coupled with a concern for how much these systems are heavily subsidized already by tax dollars both federal and locally, we're not sure this is the best move forward and, you know, we'd just ask that you be mindful as you move forward in whatever you choose to do. So thank you. [LR318]

SENATOR MCGILL: All right, thank you, Matt. Questions? Nope. Thank you very much. [LR318]

MATT LITT: Thank you. [LR318]

SENATOR MCGILL: Any other testifiers here today? Do we have anyone else after this?

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Okay. [LR318]

MATTHEW ROQUE: (Exhibit 5) Hello. Thank you for letting me speak here today. My name is Matthew Roque. My address is 4221 South 52nd Street in Lincoln, Nebraska. I am a taxpaying homeowner. I'm also a registered lobbyist for ProRail Nebraska, a group that I represent here today. First of all I would like to thank Senator Mello and Chairwoman McGill and the Urban Affairs Committee for the work they're doing on behalf of the citizens of Nebraska. As a city planner I know that transit issues are not the sexiest of topics though they require a great amount of planning. LR318 lists four issues to study and, although they are all appropriate, I'd like to focus my testimony specifically on the fourth issue stated--the long-term future of transportation options and cooperative models in the Omaha and Lincoln areas. Long-term transportation planning really is long term. I applaud Senator Mello and this committee for recognizing that looking 10 to 20 years out is absolutely necessary when it comes to transportation issues. The interstate highway system was authorized by the Federal Aid Highway Act of 1956 but it wasn't until 18 years later that Nebraska became the first state to complete all of its mainline interstate portions. Interstate 80 through Nebraska took 18 years to plan, fund, contract, and build. ProRail Nebraska supports the creation of a metropolitan public transit system and feels that the creation of this authority and its services could lead to the need for and creation of an interstate...inner-city passenger rail system at some point in the future. It is with this in mind that I urge this committee and the Nebraska Legislature to continue its membership in the Midwest Interstate Passenger Rail Compact. The MIPRC is dedicated to advocating for improvements to passenger rail in the Midwest. Through the foresight and guidance of political leaders at the time, Nebraska was a founding member of the MIPRC in the year 2000. Since 2010 though, the state of Nebraska has refused to fulfill its responsibilities by failing to pay dues to this organization. The MIPRC, though, has soldiered on. Since its founding the MIPRC has continued to meet with and educate members of Congress on the true benefits of passenger rail and has advocated for support of Amtrak while also accepting that some reform of the organization is necessary. It also advocated for greater federal

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funding for overhauling passenger rail cars and purchasing new equipment. Though not affiliated with MIPRC, another passenger rail project is at Nebraska's door and knocking. The Chicago to Council Bluffs passenger rail project has been a collaborative effort between the Illinois and Iowa Departments of Transportation. This project will provide an alternative to Amtrak, running trains from Chicago to Iowa City, to Des Moines, to Council Bluffs. Initially, the goal of this project's proponents was to have the train terminate in Omaha with possible future expansion into Lincoln. Up to this point only the cities of Omaha and Lincoln have shown any interest in this project as they recognize the benefits that accompany it. The failure of the state of Nebraska to display any interest whatsoever may prove costly in the future. Our neighbors to the east may rebut our late arrival after all the planning and legwork is done. Overall, passenger rail is a viable and environmentally friendly method of transportation that will continue to serve riders well into the future, but the time for idly sitting by and watching others plan our future is over. By renewing our interest in and paying dues for the MIPRC Nebraska can show our neighbors that we want a seat at the table. As a famous president once said: Decisions are made by those who show up. All I ask is that we show up. Thank you.

[LR318]

SENATOR MCGILL: All right, thank you. Questions? Seeing none, thank you very much. And with that, unless Trevor has anything from the senator to close with, nope, that will end our hearing for the day. Thank you all for coming. [LR318]