

ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015
COMMITTEE STATEMENT
LB644

Hearing Date: Tuesday February 24, 2015
Committee On: Transportation and Telecommunications
Introducer: Nordquist
One Liner: Adopt the Nebraska Transit and Rail Advisory Council Act

Roll Call Vote - Final Committee Action:
Indefinitely postponed

Vote Results:

Aye: 8 Senators Smith, Murante, Seiler, McCoy, Garrett, Friesen, Davis, Brasch

Nay:

Absent:

Present Not Voting:

Verbal Testimony:

Proponents:

Senator Jeremy Nordquist
Milo Mumgaard
Matthew Roque
Mike Davis
Robert Kuzelka

Representing:

Introducer
City of Lincoln
ProRail Nebraska
City of Lincoln
Self

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Section 1- sections 1 through 10 shall be known as the Nebraska Rail Council Act

Section 2- Legislative Findings and Declaration

The statements of findings includes:

- 1) A properly designed, constructed, and financed passenger rail or other public transportation system can act as a catalyst for economic growth and development;
- 2) Use of intercity passenger trains in the United States since 2000 has increased three times faster than the population, six times faster than road use, and seventeen times faster than air travel;
- 3) New interstate, intercity, and commuter rail systems have been implemented across the country, including the Midwest; and
- 4) Population growth in the Nebraska eastern I-80 corridor will create the need for expanding passenger system capacity.

The legislature declares that the creation, improvement, and operation of passenger rail and other public transportation systems and the construction of such facilities through the encouragement of private investment and the use of federal

and state funds is a public purpose.

Section 3- definitions for purposes of the act.

Section 4- the Council shall consist of 11 members appointed by the Governor and confirmed by the Legislature. Membership is:

- 1) The Director- State Engineer of the Department of Roads;
- 2) One member of the Public Service Commission;
- 3) Two members of the public with knowledge of passenger rail or other public transportation systems;
- 4) Two representatives from the private rail industry;
- 5) A representative from the Department of Economic Development; and
- 6) Four representatives of local government- one representing cities of the metropolitan class and one representing cities of the primary class.

Section 5- powers of the Council.

The Council may do all things necessary to implement the act, including:

- 1) Managing funding;
- 2) Carrying out feasibility studies;
- 3) Adoption of rules.

Section 6- information filed with the Council

Trade secrets and proprietary or commercial information filed with the Council are not to be considered public records. Any person requesting release of any such material must demonstrate to the Council that release of any information to the public will not violate this section.

Section 7- Duties of the Department of Roads to the Council

- 1) Provide administrative and operational support;
- 2) Research, prepare and review plans for projects;
- 3) Conduct studies and advise the Council in establishing broad policy;
- 4) Hold hearings, conduct investigations, and perform inspections;
- 5) Provide assistance to the Council in making its inspection and study of any project or feasibility study;
- 6) Make data and information of the Department available to the Council; and
- 7) Adopt rules needed to carry out these duties.

Section 8- Creates the Nebraska Transit and Rail Advisory Council Cash Fund.

Section 9- Report to the Legislature

No later than January 1, 2017 the Council shall complete a feasibility study on the costs of constructing and operating passenger rail and other public transportation systems to meet needs and options of the state. The findings shall be provided to the Transportation and Telecommunications Committee of the Legislature.

Section 10- Termination

The Act and Council shall terminate on June 30, 2018.

Jim Smith, Chairperson