

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 78

FINAL READING

Introduced by Crawford, 45; Blood, 3.

Read first time January 05, 2017

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to state highways; to amend section 39-1314,
- 2 Reissue Revised Statutes of Nebraska; to change a provision relating
- 3 to relinquishment or abandonment of a highway fragment, section, or
- 4 route as prescribed; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 39-1314, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 39-1314 No fragment or section of a route nor any route on the state
4 highway system shall be abandoned without first offering to relinquish
5 such fragment, section, or route to the political or governmental
6 subdivisions or public corporations wherein any portion of the state
7 highway system is to be abandoned. The department shall offer to
8 relinquish such fragment, section, or route by written notification to
9 such political or governmental subdivisions or public corporations of the
10 department's offer to relinquish. ~~Such offer to relinquish may be~~
11 ~~conditional or subject to the reservation of any right which the~~
12 ~~department deems necessary.~~ Four months after sending the notice of offer
13 to relinquish, the department may proceed to abandon such fragment,
14 section, or route on the state highway system unless a petition from a
15 notified political or governmental subdivision or public corporation has
16 been filed with the department, prior to abandonment, setting forth that
17 the political or governmental subdivision or public corporation desires
18 to maintain such fragment, section, route, or portion thereof. After the
19 filing of such petition, the department and political or governmental
20 subdivision or public corporation may negotiate the terms or conditions
21 of any relinquishment, including any reservation of rights by either
22 party, except that any rights and conditions asserted by the department
23 as existing at the time of right-of-way acquisition or stipulated to as a
24 requirement for federal funding of project development and construction
25 shall not be negotiable. ~~The~~ ~~The department may reject any petition which~~
26 ~~does not accept the conditions or reservations specified in the~~
27 ~~department's offer to relinquish.~~ Any petition and a written memorandum
28 of understanding executed which is accepted by the department and the
29 political or governmental subdivision or public corporation, together
30 with a written instrument describing the proposed relinquishment, shall
31 be filed as a placed upon public record in the department. The memorandum

1 of understanding shall detail the reservation of rights made by either
2 party, including any restrictions upon any future use of the fragment,
3 section, or route to be relinquished, and shall also state the right of
4 the political or governmental subdivision or public corporation to
5 petition the department to seek renegotiation of the terms and conditions
6 of the relinquishment at a future date. Such written instrument shall
7 bear the department seal and shall be dated and subscribed by the
8 Director-State Engineer and state the terms or ~~upon what~~ conditions, if
9 any, pursuant to the memorandum of understanding, upon which the
10 relinquishment shall be qualified. Such written instrument shall be
11 certified by the department and be recorded in the office of the register
12 of deeds of the county where the portion of the state highway system is
13 being relinquished. No fee shall be charged for such recording. After
14 such recording, the fragment, section, route, or portion relinquished
15 will be the responsibility of such political or governmental subdivision
16 or public corporation, subject to any mutually agreed terms or
17 conditions. At any time after the relinquishment, the political or
18 governmental subdivision or public corporation may, upon a showing of a
19 change in financial or other circumstances or for economic development
20 purposes, petition the department to renegotiate the agreed terms or
21 conditions of the relinquishment or revert to abandonment. If the
22 department agrees to new terms or conditions, it shall file an amended
23 memorandum of understanding executed by the department and the political
24 or governmental subdivision or public corporation and certify and record
25 an amended written instrument with the register of deeds.

26 Sec. 2. Original section 39-1314, Reissue Revised Statutes of
27 Nebraska, is repealed.