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Transportation and Telecommunications Committee
February 06, 2018

[LB1009 CONFIRMATION]

The Committee on Transportation and Telecommunications met at 1:30 p.m. on Tuesday, February 6, 2018, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on a confirmation to the Board of Public Roads Classifications and Standards and LB1009. Senators present: Curt Friesen, Chairperson; Jim Smith, Vice Chairperson; Bruce Bostelman; Tom Briese; Suzanne Geist; Mike Hilgers; Dan Hughes; and John Murante. Senators absent: None.

SENATOR FRIESEN: Okay. Welcome, everyone, to the Transportation and Telecommunications hearing today. I am Curt Friesen from District 34. A few things, I would like to ask you all to silence your cellphones or other electronic devices. We will just be hearing one bill today. Those wishing to testify on the bill should move to the front of the room and be ready to testify. If you will be testifying, legibly complete one of the green testifier sheets located on the table just inside the entrance. Give the completed testifier sheet to the page when you sit down to testify. Handouts are not required, but if you do have a handout, we need 10 copies. And one of the pages could assist you if you need help. When you begin your testimony, it's important you clearly state and spell your first and last name. If you do not do that, I will ask you to stop and do that. We will use the light system again today. We will give you five minutes--four minutes on the green, one minute on the amber, and when the red light comes on, wrap up your testimony please. Those not wishing to testify may sign in on a pink sheet by the door to indicate their support or opposition to a bill. And with that, to my right is Tip O'Neill, the legal counsel--committee legal counsel. To my left is Elice Hubbert, the committee clerk. And I will let the senators introduce themselves.

SENATOR BRIESE: Tom Briese, Legislative District 41.

SENATOR BOSTELMAN: Bruce Bostelman, District 23: Saunders, Butler, and the majority of Colfax Counties.

SENATOR MURANTE: John Murante, District 49: Sarpy County.

SENATOR SMITH: Jim Smith, Sarpy County.

SENATOR HUGHES: Dan Hughes, District 44: 10 counties in southwest Nebraska.

SENATOR HILGERS: Mike Hilgers, District 21: northwest Lincoln and Lancaster County.

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SENATOR GEIST: I'm Suzanne Geist, District 25, which is east side of Lincoln and includes the towns of Walton and Waverly.

SENATOR FRIESEN: And today, she is not here at the moment, but Lee-Ann Simms from Lincoln, she is a junior majoring in political science, will be our page. With that, we will open our hearing on LB1009. We'll do the confirmation first. Sorry, John. I wasn't looking at my sheet. Now I will. We have a confirmation of the Board of Public Roads and Classifications and Standards, Mick Syslo.

MICK SYSLO: Good afternoon. [CONFIRMATION]

SENATOR FRIESEN: Welcome. [CONFIRMATION]

MICK SYSLO: I was a little nervous at first. (Laughter) [CONFIRMATION]

SENATOR FRIESEN: We were trying to beat all the speeders coming in from Omaha to testify. [CONFIRMATION]

MICK SYSLO: (Exhibit 1) Well, my name is Mick, M-i-c-k, Syslo, S-y-s-l-o. And I guess I am here to be reconfirmed, so I guess I will. [CONFIRMATION]

SENATOR FRIESEN: I guess to start with, if you would just kind of tell us a little bit about yourself and why you want to be on the board and what you expect your duties to be. That kind of thing. [CONFIRMATION]

MICK SYSLO: Sure, okay. Well, I'm born and raised in Nebraska, a little north of Columbus, Nebraska, is where my family farm is. Went to UNL, and after graduating from engineering there I started with the Department of Roads. And I have been with the department almost 24 years now. As part of my duties, I am currently the materials and research engineer, I run that division. It's a large division that is quite unique at the department, as far as we handle from materials to project delivery. And one of my other duties is currently a member of the Board of Classifications and Standards. I have been on that board for a little over four years now. And I guess I feel I contribute quite a bit to the board with my experience from not only the department, but from being a Nebraskan and looking across the state. As part of the board, I think we have four primary functions. And the, I guess, first one would be to establish the classifications across the state. And with my current duties, I play vastly into that, as far as our classifications. My division reports out the classification mapping across the state to all cities and counties, and so I have a background with them. Part of the other duties with the Board of

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Classifications and Standards is to not only establish those classifications, but to have criteria, which are standards on how we build, maintain, and design county roads and state highways and city streets. And again, as far as...that's tied directly into my current position, in which we administer local projects on the federal side. So all federal money that go to local entities, such as cities and counties, is administered through my division. Obviously we make sure they adhere to all federal and state regulations, including the Board of Classifications' standards. We also, as part of that Board of Classifications and Standards, we obtain or get submitted to us the one- and six-year plans for all cities, all counties, and the Department of Transportation. Part of my staff, which is LeMoyne Schulz, is the secretary to the Board of Classifications and Standards, and his responsibility is to receive those reports and to approve...or send it to the board for approval. The second part...or the last duty of the Board of Classifications and Standards that I believe is very pertinent is the standard system of annual reporting. And that standard system of annual reporting is inventory to certifications that all standards were met. And that, again, is submitted through my staff for review, and then brought to the public Board of Classifications and Standards for final approval. So I guess I feel I have large tie-in to how we operate and maintain. And being a member of that board I think is important to me and to the department.
[CONFIRMATION]

SENATOR FRIESEN: Okay. Thank you, Mr. Syslo. Any questions from the committee? I guess seeing none, thank you for offering to be on the board. And we will see if there's any other testifiers that want to come forward. Thank you. [CONFIRMATION]

MICK SYSLO: Thank you. [CONFIRMATION]

SENATOR FRIESEN: Is there anyone wishing to testify in support of the appointment of Mick Syslo to the Board of Public Roads Classifications and Standards. Seeing none, is there anyone wishing to testify in opposition? Seeing none, anyone wishing to testify in a neutral capacity? Seeing none, and this is kind of normal, so don't feel bad, we will close the hearing on the confirmation. Next, we will open the hearing on LB1009, Senator Murante. And it is your birthday today, I notice you didn't leave your candle burning. But happy birthday.
[CONFIRMATION]

SENATOR MURANTE: (Exhibit 1) Presumably as a present there will be no opposition to my bill on my birthday. I think that's a...that's a rule, I think. Chairman Friesen, members of the Transportation Committee, my name is John Murante, J-o-h-n M-u-r-a-n-t-e. I'm the Senator for District 49, which includes Gretna and western Sarpy County. I'm here today to introduce LB1009. When the Department of Transportation brought to me a proposal to increase speed limits on highways and grants the Department of Transportation the authority to raise speed limits on the interstate, one of the first things that I wanted to study was to get my mind wrapped

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around the safety aspects of doing such a proposal. I think this bill really centers around the 85th percentile, which is a term that I've grown to appreciate in my study of this proposal. This bill is an 85th percentile bill because that's what we're codifying into Nebraska state law. It aligns the speeds on Nebraska's roads to the 85th percentile speed. The Federal Highway Administration defines the 85th percentile speed as "the speed at or below which 85 percent of all vehicles are observed to travel under free-flowing conditions past a monitoring point." According to the city of Lincoln Public Works and Utilities, "Another way to consider this is the speed at which only 15 percent of traffic violate on average." This is a standard the traffic engineers use to set a safe speed limit that minimizes crashes and promotes a uniform traffic flow. That is exactly what this bill is all about, ensuring that our speed limits are set at the safest speeds for our citizens. Research supports utilizing this method for setting speed limits. The University of Texas assistant professor of transportation engineering, Steven Boyles, advocates for the 85th percentile rule. According to his research, if more than one out of seven drivers operates above the posted speed limit, it may be appropriate to raise the speed limit. The Federal Highway Administration, the National Cooperative Highway Research Program, and the Institute of Transportation Engineers support this approach. The FHWA noted that setting speed limits below the 85th percentile does not encourage drivers to comply with the posted speed. And according to a report from the Federal Highway Administration, "Traffic officials generally agree speed limits should reflect the speed of most drivers. All states and most of the local agencies use the 85th percentile speed of free-flowing traffic as the basic factor." In fact, the 85th percentile principle is already codified as a recommended speed under Nebraska law. Speed limits are not arbitrarily set, and NDOT does not take into consideration time saving for its drivers. Instead, the department takes an engineering approach, considering road design, current operating speeds, traffic volumes, traffic control devices, and crash data. This is exactly what we saw happen in South Dakota. South Dakota is the most recent state to increase their speed limits. When they increased their speed limits, they saw traffic fatalities drop by 13 percent, and the reason was that the South Dakota speed limits were too slow. I have heard from many citizens all across the state of Nebraska that they feel some of our speed limits are too slow. However, our laws must be grounded in fact. And here, the facts confirm what drivers feel. The following are observed 85th percentile speeds on some of the roads this bill would impact. On Nebraska Highway 2, in northeast Nebraska, the 85th percentile is 65 miles per hour, the current speed limit is 60 miles per hour. The speed limit, if this bill were to pass, would align with the 85th percentile at 65 miles an hour. U.S. Highway 34, east of Lincoln, to Union in Cass County, the current 85th percentile speed is 66 miles per hour and the current speed limit is 60 miles per hour. Under this bill, we are increasing that speed limit from 60 to 65. On U.S. Highway 30, in Deuel and Keith Counties, the 85th percentile is at 65 miles per hour, the current posted speed limit is 60. And the speed limit would increase under this bill to 65 miles per hour. And what this data shows is that this bill reflects what the driving patterns are telling engineers and policymakers are appropriate speeds for highways. The public does this every day, not by responding to surveys, but by actually driving. And based on this data, LB1009 authorizes an

increase in speed limits on state highways, expressways, freeways, and Super 2 highways. And if the page would, I have a map of the proposed changes throughout the state of Nebraska. So it increases speed limits on state highways, expressways, freeways, and Super 2 highways by 5 miles per hour. As a result, you would see a posted sign change from 60 to 65 miles per hour on the state's two-lane highways, from 65 miles per hour to 70 miles per hour on freeways, expressways, and Super 2 highways. And the first Super 2 highway is planned between McCook and North Platte. In some instances, where segments of those roads are faced with topographical limitations, such as curves or hills, those roads would remain at their current posted speeds. Simply put, there are places where the speed limit, even if permitted, shouldn't be raised, because of safety considerations. And in those places, increases will not occur. Specifically, as this legislation pertains to the interstate, it allows up to 5 miles per hour increase only after additional study on engineering and traffic considerations. At this point, the Department of Transportation feels more study is necessary. It is also important to note that the increases authorized by LB1009 may be reduced, if future studies or circumstances warrant such action, by the Nebraska Department of Transportation. That is because this bill is making sure that our speed limits reflect what the real, on-the-ground facts tell us is safest. You will likely hear today that speed limits will increase crash rates. However, the National Highway Traffic Safety Administration data shows the opposite. In 1994, prior to the repeal of the nationwide maximum speed limit of 55 miles per hour, there were 1.73 per 100 million vehicle miles traveled, compared to...there were 1.73 fatalities per 100 million vehicle miles traveled, which has dropped to 1.13 fatalities for 100 million miles traveled in 2015. A uniform traffic flow is a key component of road safety. More accidents occur when drivers drive at different rates. And I have a quote now from an engineering study by Short Elliott Hendrickson, which is an engineering firm which helps governments determine what their speed limits ought to be. And I will quote directly from them: Dispelling speed limit myths. Before explaining why interstate speeds are trending upward, let's first expunge some misconceptions. Here are four commonly held, but inaccurate statements about speed limits: one, lowering a posted speed limit will slow down traffic; two, lowering a posted speed limit will increase safety and decrease the number of crashes; three, raising the posted speed limit increases traffic speed; and four, drivers will always drive at 5 miles per hour over the posted speed limit. There is no guarantee that a speed limit will have any effect on driving behaviors. The fact is, when driving, most motorists choose a speed in which they feel both personally comfortable and safe. As cars have evolved to go faster and be safer, so too has the inclination for drivers to increase speeds on open roads and rural interstates. Simply put, a speed limit sign should not dictate speed. It should reflect how drivers are actually behaving on the road. When you want drivers to slow down, you change the road through traffic calming devices like speed bumps or even narrower roads, but both of which make speedy drivers less comfortable. As I stated, speed limits are not arbitrarily set. The department takes this subject very seriously. Director Schneweis is behind me, who will address further studies. This is the product of extensive study from the Department of Transportation, and I'm sure he will get into

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much greater detail on what NDOT has found in their research. So with that, I will conclude my remarks. And I'm happy to answer any questions that you may have. [LB1009]

SENATOR FRIESEN: Thank you, Senator Murante. Senator Geist. [LB1009]

SENATOR GEIST: Yes, thank you, Senator Murante. I do have a question, and it might be addressed by someone behind you. But the one that immediately came to mind for me is the minimum speed. Is there a difference or a ratio that the minimum speed has to be when you raise the maximum speed? Does the minimum also raise? [LB1009]

SENATOR MURANTE: This bill does not address minimums. [LB1009]

SENATOR GEIST: Okay. I didn't know if there was a norm difference. [LB1009]

SENATOR MURANTE: My initial inclination is no, but if that is incorrect, I will correct the record for you. [LB1009]

SENATOR GEIST: Okay, okay, thank you. [LB1009]

SENATOR FRIESEN: Thank you, Senator Geist. Any other questions from the committee? Seeing none, thank you. Proponents. Welcome, Director Schneweis. [LB1009]

KYLE SCHNEWEIS: (Exhibits 2, 3, 4) Okay. Thank you for having me, Chairman Friesen and members of the committee. I'm Kyle Schneweis, K-y-l-e S-c-h-n-e-w-e-i-s. I'm the Director of the Nebraska Department of Transportation. Thank you, Senator Murante, for introducing LB1009. And I am appearing before you today to offer the department's support for the legislation. At the department, we are charged with managing the nearly 10,000 miles of state highways. And this includes highways, expressways, freeways, and interstates. And we're constantly assessing and reassessing how to best manage these transportation assets and making sure that our roads and highways are meeting driver expectations. This requires a continual evaluation, from studying traffic patterns; to the materials we use to build and maintain roads; where and what type of traffic signals are deployed; the kind of road markings we use; and yes, evaluating speed limits. All of this is to make sure drivers have a safe and smooth ride. The department does not take these responsibilities lightly and extensive study, thought, and consideration takes place on all of these topics in the process of recommending any changes. And so, senators, I'm sure some of you may be asking yourself the question: why now? And for that, I would like to provide a little bit of historical context. In late 2015, the Nebraska State Highway Commission asked the department to examine our state's speed limits on two-lane state

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highways that are posted at 60 miles per hour. This research was conducted over the last two years, and by the end of 2017 we had gathered data on approximately 4,000 miles of state highways. Upon completion of this research, we were able to determine that 75 percent of our study locations recommended an increase from 60 to 65 miles per hour, based on engineering, based on driver expectation, and based on the actual usage of the highways. The department also annually conducts speed studies on segments of expressways, freeways, and interstates. This work is done through our normal course of business to collect data, it examines driver expectations, and again, actual usage of the highway. I would like to return to that question of why now. And under current law, the department is already allowed to increase speed limits after conducting a traffic and engineering study. And in fact, we have increased...in the last two years we have increased the speed limit on 1,500 of those 4,000 miles because of that research. And I have brought today with me some examples of some of those studies, and that's what I have over here. And you can see that doing a segment-by-segment analysis is very voluminous and it is particularly inefficient when many of the roads being examined across the network are fundamentally the same when it comes to an engineering and design perspective. And I would like to turn your attention to the handout that we provided, and it shows...and I have a few of them up behind me here. You can see these roads are nearly identical, and yet, some are posted at 60 miles per hour and some are posted at 65 miles per hour. And this occurs all over the state, and to the driver there is no discernible reason why. In addition, I would like to note the frequency of something I like to call "speed spiking" where a speed limit on a given roadway may fluctuate from 60 to 65 and back to 60 and back to 65. This betrays driver expectancy and leads to reactionary driver acceleration and deceleration, instead of that smooth and consistent speed. LB1009 would address these issues by bringing consistency and uniformity to our system, and it's an important part of making sure Nebraska's roads are meeting driver expectations. And quite frankly, is based on the reality of how these transportation assets are being used every single day. At the department, we believe all of this can be accomplished safely, and the speed limits are being increased appropriately, based on what our engineering tells us these roads are equipped to handle. So with that, Chairman Friesen and members of the committee, thank you for your time. And I would be happy to answer any questions you have. [LB1009]

SENATOR FRIESEN: Thank you, Director Schneweis. Any questions from the committee?
Senator Briese. [LB1009]

SENATOR BRIESE: Thank you, Chairman Friesen. Thank you, Director, for being here. In your testimony, you refer to driver expectations and actual usage. What are you referring to there?
[LB1009]

KYLE SCHNEWEIS: So if you have driven across rural Nebraska, there's probably times where you have wondered is the speed limit 60 or is it 65 on this road? And that's one more thing for a driver to have to try and figure out. And what we're trying to do is set the speed limit, as Senator

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Murante so eloquently put it, at that 85th percentile so drivers intuitively understand what the speed limit is. [LB1009]

SENATOR BRIESE: So the expectations and usage essentially refers to the 85 percent standard and how they are driving? [LB1009]

KYLE SCHNEWEIS: Absolutely. That's correct. [LB1009]

SENATOR BRIESE: Thank you. [LB1009]

SENATOR FRIESEN: Thank you, Senator Briese. Senator Geist. [LB1009]

SENATOR GEIST: May I address to you the same question about minimum speed? [LB1009]

KYLE SCHNEWEIS: Sure. [LB1009]

SENATOR GEIST: Is there a minimum requirement for one on any of the 60 to 65 mile an hour roads? [LB1009]

KYLE SCHNEWEIS: So I am not aware of one. I think that that is something I will have to get back to you as well. And I will say that it's something that our engineers would evaluate. And I know we have a minimum on the interstate for example. And so making sure that minimum stays on pace with whatever maximum we have would be something we would have to consider. [LB1009]

SENATOR GEIST: And on the interstate, I know this bill obviously doesn't address that, but do you anticipate the minimum would go up as the maximum goes up? [LB1009]

KYLE SCHNEWEIS: If after further study, and I should say that.... [LB1009]

SENATOR GEIST: So it's not a given if maximum... [LB1009]

KYLE SCHNEWEIS: So if after further study we determine that the best course of action would be to raise the speed limit on the interstate, and I'm saying if we decided that, then we would also have to study that minimum piece. And my instincts tell me yes, the minimum would have to be increased. And I believe it's only 40 miles per hour now, so it would probably have to go up appropriately. [LB1009]

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SENATOR GEIST: Thank you. [LB1009]

SENATOR FRIESEN: Thank you, Senator Geist. Any other questions? Senator Smith. [LB1009]

SENATOR SMITH: Director Schneweis, explain, why is it necessary to distinguish a Super 2 from an expressway? [LB1009]

KYLE SCHNEWEIS: So, if you recall from the Transportation Innovation Act, Super 2 is a new designation we have in our state. [LB1009]

SENATOR SMITH: Right, I know what it is. But why is it necessary to distinguish it from the other? [LB1009]

KYLE SCHNEWEIS: I think that, as part of our classification system, and as we dictate the different kinds of highways that we have, and the different rules and standards by which apply, it's helpful to define what those all are. And so having not having that defined in the past, as we want to be able to say for a Super 2: it looks like this, it feels like this, the speed limits are this, the shoulder width is this, and on and on. [LB1009]

SENATOR SMITH: So does a Super 2 necessarily...is it necessarily different in the way it gets used? For example, are the speed limits on it different than expressway? [LB1009]

KYLE SCHNEWEIS: So the bill identifies a speed limit of 70 miles an hour for a Super 2, which again, we don't have any yet. We're getting ready to build one between McCook and North Platte. The reason we need it defined is so that we can clearly articulate in our standards what a Super 2 roadway is and, therefore, when we build one, we can build it to those standards. [LB1009]

SENATOR SMITH: Thank you. [LB1009]

SENATOR FRIESEN: Thank you, Chairman Smith. Senator Bostelman. [LB1009]

SENATOR BOSTELMAN: Thank you, Chairman Friesen. Thank you, Director Schneweis, for being here today and for your testimony. A couple of questions, just for my own knowledge, I guess, on the studies you do. One, on the increase of speeds, have you looked, does that have an effect on wear and tear on the road systems? [LB1009]

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KYLE SCHNEWEIS: Not to my knowledge, no, sir. [LB1009]

SENATOR BOSTELMAN: Okay. And the other question I guess I have, looking at the pictures here, is does part of the study take into consideration, let's say, highway access? In other words, if it's a congested area, if it's not, if it's near a city, if it's an ag area? [LB1009]

KYLE SCHNEWEIS: Sure. [LB1009]

SENATOR BOSTELMAN: If it's an ag area, does it take into consideration of those? [LB1009]

KYLE SCHNEWEIS: Sure. And as we study these segments, segment by segment, when you do a study like this, you're looking at lots of factors. You're looking at the roadway conditions, and what you mentioned, the number of access points, is certainly one of the things you're going to consider. If there's lots and lots of access points, you're going to want to consider that before you set a speed limit. And as a driver, when we talk about the 85th percentile, drivers tend to drive a little slower if there's lots and lots of access points. That is a factor that we would consider. [LB1009]

SENATOR BOSTELMAN: Thank you. [LB1009]

SENATOR FRIESEN: Thank you, Senator Bostelman. Any other questions from the committee? So when you're talking about looking at like the interstate system, what are some of the factors that are present? Like heading west of Lincoln, what are some of the factors that would prevent you from raising the speed limit there? [LB1009]

KYLE SCHNEWEIS: On the Interstate 80? So we have to study it further. I can tell you the things we would be looking at. We would be looking to see if the entrance and exit ramps are long enough to support an increased speed. We would be looking at the geometry of the roadway, are there hills and curves that we need to be concerned about. But most importantly, we'll be looking at the 85th percentile speed and how fast folks are driving. I know there are...certainly we want to factor in things like the fact that semi trucks are governed in many times at a lower speed, and so we would want to consider those aspects before we would make a recommendation. [LB1009]

SENATOR FRIESEN: So just having the two lanes there is a considerable obstacle to... [LB1009]

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KYLE SCHNEWEIS: Well that, again, we have to study it. The research...that roadway...much of Interstate 80 is 50 or 60 years old, and so examining it and its standards that it was built for at the time, and whether or not it could support an increased speed limit, is something we would have to evaluate just as we evaluate the 85th percentile speed. [LB1009]

SENATOR FRIESEN: Okay. All right, thank you, Director Schneweis. Seeing no further questions. [LB1009]

KYLE SCHNEWEIS: I didn't bring copies of this for all of you, I'm sorry. But I wanted you to see it. Thanks. Senator, I did have one technical amendment that I was supposed to...that's what this is about, to remind me we do have a technical amendment on the Super 2 piece. It doesn't change the operation of the bill at all, it doesn't affect the speed limits. It's designed to just give our road design engineers a better and clearer picture of what a Super 2 roadway is. So we've offered that up, and my apologies for not mentioning it earlier. [LB1009]

SENATOR FRIESEN: Okay. Thank you, Director Schneweis. Any others who wish to testify in support? Welcome. [LB1009]

PAM DINGMAN: Good afternoon. My name is Pam Dingman, P-a-m D-i-n-g-m-a-n, I am the Lancaster County Engineer. My address is 444 Cherrycreek Drive, Lincoln, Nebraska, 68528. As the Lancaster County Engineer, I'm required to be a licensed professional engineer in the state of Nebraska, and I always think that's important to mention. I am here today to testify in support of LB1009. This bill, as written, would allow the Nebraska Department of Transportation to study roadway corridors to determine locations where speed limits could be increased based on engineering study. As Lancaster County Engineer, I support the use of engineering judgment and standard practice in the study of assigning speed limits based on roadway geometry, traffic volumes, and existing traffic control devices, as well as crash data. I also support the use of speed studies in order to recommend increases or, quite frankly, decreases in speeds. In addition, this bill as written would create a standardized approach to assigning speed limits so that it would be beneficial to the driving experience and reduce driving errors. I would like to thank the committee for taking time to look into this, this is an important issue to Nebraskans. [LB1009]

SENATOR FRIESEN: Thank you, Ms. Dingman. Any questions from the committee? Seeing none, thank you for your testimony. Any other supporters? Welcome. [LB1009]

JIM OTTO: Senator Friesen, members of the committee, my name is Jim Otto, that's J-i-m O-t-t-o. I am a registered lobbyist for the Nebraska Restaurant Association and the Nebraska Retail Federation, and I appear today in support of LB1009 on behalf of both associations. No reasonable person would encourage speed limits be set at unsafe speeds, but how do we

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determine a safe speed? As Senator Murante stated, LB1009 uses the 85th percentile principle as one of the factors of determining a safe speed. I don't know much about that, I'm not an engineer. So I Googled it, and I was impressed with how reasonable the 85th percentile principle appears after reading a little bit up on it. Traffic and transportation engineers use the principle as a guide to set the speed limit at a safe speed, minimizing crashes and promoting uniform traffic flow along a corridor. Most people don't drive according to the posted speed limit, but a feel for the road. The feel for the road can be as simple as being the regular route that someone drives for years. Most of us are perfectly capable of finding a safe speed at which to drive, and almost all of us get where we are going each day without an accident. The 85th percentile principle is a valid factor in determining a safe speed. As long as we're talking about Googling, I would also encourage people to Google drive time polygons. These are maps much more complex than a simple radius that illustrate drive times to a business, and provide a useful method for determining the business trade area based on travel time and road networks. These maps use distances along actual highways, combined with their respective speed limits, to calculate travel time. Drive time polygons are important, as consumers make decisions on which businesses they will frequent based on how long it takes to get there. Simply put, increasing the speed limit is one of the factors that will expand business trade areas than those that are included in drive time polygons. Once again, no reasonable person would encourage speed limits be set at unsafe speeds, but the law should not force people to choose between what is legal and what is safe. We encourage the committee to advance LB1009, and I am glad to try to answer any questions. [LB1009]

SENATOR FRIESEN: Thank you, Mr. Otto. Any questions from the committee? Seeing none, thank you for your testimony. Welcome. [LB1009]

ROCHELLE MALLET: Hello. Good afternoon, Chairman Friesen and members of the committee. My name is Rochelle Mallett, that's R-o-c-h-e-l-l-e M-a-l-l-e-t-t, and I'm appearing today as the registered lobbyist for 4 Lanes 4 Nebraska. 4 Lanes 4 Nebraska is a business and industry coalition advocating for the modernization and expansion of our state's transportation infrastructure systems. We support this bill as an effort to make our road systems more efficient and user-friendly to the traveling public, and to vehicles engaged in commercial enterprises. Nebraska business and industry leaders consistently agree that infrastructure improvements are needed to facilitate growth across our state in both the urban and rural areas. We support the bill's Super 2 rural highway classification. We believe codifying this designation in law paves the way for this important design concept to develop our state highway system. Thank you, happy to take any questions. [LB1009]

SENATOR FRIESEN: Thank you, Ms. Mallett. Any questions from the committee? Seeing none, we should really ask you some engineering questions. [LB1009]

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ROCHELLE MALLET: You really should, I can give some good answers. [LB1009]

SENATOR FRIESEN: Thank you for your testimony. [LB1009]

ROCHELLE MALLET: Thank you. [LB1009]

SENATOR FRIESEN: Any others wish to testify on LB1009? [LB1009]

DENNY WILSON: Good afternoon, Chairman Friesen and members of the committee. My name is Denny Wilson, D-e-n-n-y W-i-l-s-o-n, I am the Sarpy County Engineer, essentially the same position that Pamela Dingman had. I would first off like to thank you for taking the time to listen to engineers. That's not always an easy thing to do. We have studied extensively, and I do appreciate the respect of not only the Department of Transportation, but certainly you, in understanding a little more about how we go through our process. Just two points I really want to make. One is that in Sarpy County we have a very good relationship with our legislative body, which is the board of commissioners. And as that process unfolds, we typically would look at the intersections or look at the stretch of roadway, make our decisions, again, based on the same percentages we're talking about here, the 85th percentile. That then recommendation goes to the board to either raise or lower the speed limit, along with the other factors we would typically deal with. I would also like to just mention that the Nebraska Department of Transportation is an organization I worked for in '77 and have known throughout my 37 years of working in the engineering field, both in the private sector and public sector. So I do support this bill and I appreciate the fact that the Department of Transportation is bringing it to your attention. I would be glad to answer any questions. [LB1009]

SENATOR FRIESEN: Thank you, Mr. Wilson. Are there any questions from the committee?
Senator Bostelman. [LB1009]

SENATOR BOSTELMAN: Thank you, Chairman Friesen. And thank you, Mr. Wilson, for being here today. I'm asking the engineering question that I asked before, is there any impact you see on higher speeds on road conditions and need to repair, upgrade roads? [LB1009]

DENNY WILSON: I think from the standpoint of Sarpy County, there are probably some areas we would certainly want to look at. And I believe the Department of Transportation would also share that viewpoint, to do some maintenance if necessary to increase the speed limits.
[LB1009]

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SENATOR BOSTELMAN: Sure. And if say you have a 55 miles an hour speed limit and you go to a 60 miles an hour speed limit on that same roadway, would you expect to see more wear and tear on that roadway or not? [LB1009]

DENNY WILSON: It could be in areas where we have truck traffic. We have quite a few heavy vehicles making the trip down Platteview Road. But again, that road has some maintenance issues, those are typically the issues we would look at. From the standpoint of concrete roads, I don't anticipate it would significant, no. [LB1009]

SENATOR BOSTELMAN: Sure. The other question I would have is on, say, accidents, congestion, those type of things. Say you had a roadway that you did increase the speed on and you find out there's other problems, maybe there's a lot of accidents, something has changed in that flow of traffic. How do you study that? How do you look at that, how do you identify that as an issue? Maybe we need to lower that speed on that or whatever? [LB1009]

DENNY WILSON: Typically in Sarpy County it's similar to other organizations. We would look at numbers with regard to safety factors, that would include any accidents that had occurred in that location. We have standards set for that as well, indicating whether or not it's speed-related or some other factor, such as site distance. Once that evaluation is done for either that or, again, excessive speeds, we would make a decision based on that and take that to the board. [LB1009]

SENATOR BOSTELMAN: Okay, thank you, Mr. Wilson. [LB1009]

DENNY WILSON: Very good questions, thank you. [LB1009]

SENATOR FRIESEN: Thank you, Senator Bostelman. Any other questions from the committee? Seeing none, thank you for your testimony. [LB1009]

DENNY WILSON: I would like to thank you again. [LB1009]

SENATOR FRIESEN: Welcome. [LB1009]

STEVE RIEHLE: Thank you. Senator Friesen, members of the committee, thank you for the opportunity to speak with you today. My name is Steve Riehle, S-t-e-v-e Riehle, R-i-e-h-l-e. As Dennis Wilson is and Pamela Dingman from Lancaster County, I'm a registered engineer as well. Over the course of my career, I have performed a lot of traffic engineering speed studies. And I would like to list just a few of the things that we take into account, and then give two examples of some personal experiences I've had that I think even members of the committee might have

had similar experiences. But when we use engineering to set a speed limit for a roadway, it's generally to look at is the statutory limit too high and should we consider lowering it. We consider things like the roadway geometry, how wide are the lanes, how wide are the shoulders, are there hills, what's the topography, curves, bridge widths, lane widths, the amount of trucks, cars. The approach roads of course impact that, because the more approach roads they have the more things that a motorist has to look to either side to watch for conflicts. Of course, we look at the 85th percentile to get free-flowing traffic. And that's important, because we don't want to get somebody that is being pushed by another vehicle behind them to go a speed limit that they do not feel comfortable or is appropriate for that section of roadway. And we also don't want to get somebody that's being pulled, so to speak, that's falling behind a fast-moving truck. So the 85th percentile for free-flowing traffic is important. That's the speed they feel is comfortable for that roadway. And I say the comfortable speed because, as a motorist, we all are traffic engineers of sorts because we drive that road and we think we know something about that road. My son told me he knew a lot about driving and didn't need to take driver's ed, because he knew as much as they did. He didn't. He knew what I tried to impart to him when he was 15 with his permit, but he didn't know as much as he thought he knew. But we all know something about driving. And my '63 Chevy Impala, the dash lights on that frequently burned out. I couldn't keep them working and I'd have to put foil around the fuse, put it back in there, and the dash lights would burn out again. So when I'd drive home from work, went to school and I'd drive home from work, and then I'm driving in the dark and I couldn't tell what speed I was going, and I would reach over to turn the dimmer switch to turn on the dome lights. And every time I turned on the dome lights, I was driving close to the speed limit I was supposed to, so I stopped checking. And it works, it truly does work. The other thing that the 85th percentile speed does is it paces the traffic together. Whenever I've done a traffic engineering speed study, I'll do a bell-shaped curve to show the traffic. And then you try to grab a 10-mile an hour pace, where are you going to group all the traffic together. Because the more you group traffic together, the safer your roadway is, because you don't have to worry about somebody driving 75 miles an hour coming up on somebody driving 55, which is not a safe circumstance. We think about making sense to drivers, making it easier to enforce. The last thing I want to mention to the group is about people ignoring speeds or ignoring stop signs. We recently had a fatality in Hall County at a four-way intersection. Three legs of the intersection were paved with asphalt and one leg was gravel. The young man driving that road, familiar with the road, whose dad lives about three miles away, went through a stop sign at presumably 50, 55 miles an hour, and got hit by another vehicle driving 50 miles an hour. And it was an area they were both aware of, we believe. I know he was. And they blew through that stop sign. So we in the Hall County Engineering Department had a number of calls from people that said, hey, would you look at that intersection or would you look at this intersection. And we spent some time looking at that intersection to look at what improvements can we make to address that circumstance. But what I wanted to mention here is about people that ignore things that are unreasonable. We have put up some stop signs in Hall County, and one of the locations that I received a call on somebody said we've got stop signs

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here and people are regularly going through these stop signs without stopping. You should look at putting up stop ahead signs. We considered that but, actually, what I would like to consider for that location that's under study right now is removing the stop signs. The motorists do not consider them needed, most times of day there's not that much traffic at that rural, gravel, county road intersection and so people blow through those stop signs. So the problem isn't putting up more stop signs, stop ahead signs; the problem is making sure it meets driver expectation. I believe motorists will drive the speed limit that's appropriate for the road, I did it when I was younger, I still do it. And I think I recommend the committee advance the bill. And I'm available if there's any questions. [LB1009]

SENATOR FRIESEN: Thank you, Mr. Riehle. Any questions from the committee? Seeing none, thank you for your testimony. Welcome. [LB1009]

JEFF SOCKEL: Good afternoon, Mr. Chairman, senators on the committee. My name is Jeff Sockel, spelled J-e-f-f S-o-c-k-e-l. I'm a professional civil engineer and senior vice president with Alfred Benesch and Company, a multi-regional engineering consulting firm that specializes in transportation consulting. I'm also a resident of Gretna, Nebraska, and I am here today to speak in support of LB1009. This bill clearly identifies a roadway configuration known as a Super 2 that has proven to be a viable configuration in other states and countries for improving safety and traffic movement. This roadway configuration should be an option available to the DOT and local agencies when deemed appropriate by an engineering study. The other part of this bill provides beneficial changes to the maximum speed limits. The current maximums can lead to inconsistencies from the perspective of the traveling public, who may not realize the only difference from one four-lane roadway is it being on the state versus the national highway system. Providing more standardization will create consistency and allow DOTs, local agencies, and their engineers to post appropriate speed limits as determined by an engineering study. Public safety is the top responsibility for any professional engineer, and this bill provides more options for the DOTs, the local agencies, and their engineers to consider when determining the best roadway configuration and speed limits for our roadways. I would strongly encourage you to support this bill. [LB1009]

SENATOR FRIESEN: Thank you, Mr. Sockel. Any questions from the committee? Seeing none, thank you for your testimony. [LB1009]

JEFF SOCKEL: Thank you very much. [LB1009]

SENATOR FRIESEN: Anyone else wish to testify? Welcome. [LB1009]

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BRIAN CHAFFIN: Thank you. Mr. Chairman and members of the committee, I am Brian Chaffin, B-r-i-a-n C-h-a-f-f-i-n. I'm a registered professional engineer in the state of Nebraska. I am also the Nebraska region leader for Olsson Associates, an engineering firm headquartered here in Nebraska. Thank you for the opportunity to speak with you today on LB1009. We are supportive of the proposed LB1009, which aims to bring greater consistency to the speed limits across the state of Nebraska. Its implementation will support greater driver expectancy and simplify the driving experience, which is likely to enhance driver behavior. We support the Nebraska Department of Transportation in this effort, and that it be completed and implemented through a systematic engineering study completed by NDOT. We would emphasize that the posted speeds on the transportation network should only be changed based on engineering justification due to a comprehensive review of site-specific roadway segments. The engineering profession holds paramount the safety, health, and well-being of the public. Thank you for your time and consideration on this matter. [LB1009]

SENATOR FRIESEN: Thank you, Mr. Chaffin. Any questions from the committee? Seeing none, thank you for your testimony. [LB1009]

BRIAN CHAFFIN: Thank you. [LB1009]

SENATOR FRIESEN: (Exhibits 15, 16) Are there any other proponents for LB1009? Seeing none, we have one...a couple letters from proponents. From Dr. Corey Stutte, Mayor of the city of Hastings; and Rocky Weber, president and general counsel of the Nebraska Cooperative Council. Anyone wish to testify in opposition to LB1009? Come forward. Welcome. [LB1009]

ROSE WHITE: (Exhibits 5, 6, 7, 8, 9, 10) Thank you, Senator. Good afternoon, Senators. My name is Rose White, R-o-s-e W-h-i-t-e, and I'm here today representing AAA and the Auto Club Group, and we do stand opposed to this particular bill. Now, we do realize there are time savings with this bill, but they are very limited. For an example, a motorist traveling from Omaha to Lincoln, 50 miles, at 80 miles per hour, versus 75 miles per hour would save approximately 2.5 minutes or 150 seconds. But this is where the savings end. At 80 miles per hour, the average stopping distance on dry pavement for a passenger vehicle will increase approximately 40 feet, compared to a vehicle traveling at 75 miles per hour. And as you know, a high percentage of large trucks utilize our interstate system. Trucks can't stop as quickly as passenger vehicles, and when traveling at high speeds, the distance they need to bring their vehicle to a safe stop is nearly twice that of a passenger car. Now there would be economic losses tied to lower fuel efficiency, as gas mileage on most vehicles decreases at higher speeds, resulting in higher fuel consumption. And in fact, for most cars that is significant. It would be reduced about 27 percent at 80 miles per hour. The crash severity increases. At higher speeds there is a greater potential for loss of vehicle control and increase in crash severity, leading to more severe injuries. But

something that we may not have thought about yet would be nighttime driving, when we must also consider the increase in safety risks associated with driving at night. Separate studies have been done on headlights by AAA and the Insurance Institute for Highway Safety, that show that headlights on most vehicles in the U.S. fall short on safety by failing to properly light roadways, even at moderate speeds. At high speeds on unlit roadways, a pedestrian, road debris, animal, stranded vehicle may not become visible to a driver until it's too late to stop. Higher speeds increase this risk. Now, of the seven states that have increased their speed limits to 80 miles per hour, or 85 in Texas, three have nearly half the number of licensed drivers in their states compared to Nebraska. This includes South Dakota, Wyoming, and Montana. Wyoming has a primary ban on texting while driving, while the other two states have primary texting bans in local jurisdictions. Now two of the states with 80 miles per hour, Idaho and Nevada, have implemented primary enforcement laws banning texting while driving to help prevent distracted driving crashes. The remaining two states, Utah and Texas, have primary laws banning texting while driving, and both have adopted primary safety belt laws. The texting ban helps prevent crashes, while the primary safety belt law helps to prevent injuries and death. And as you know, Nebraska does not have a primary texting law, it does not have a primary safety belt law. And all of the restrictions tied to our graduated drivers license law that apply to our youngest generation of newly-licensed drivers are enforced as weak, secondary measures. Now, this includes provisions limiting the number of passengers in a vehicle, nighttime driving restrictions for novice drivers, and use of wireless communication devices while driving. And sadly, Nebraska's child passenger safety law falls critically short of meeting the model national standards, as it only provides protection through age five. During the past 10 years, 2007 through 2016, 2,170 lives have been lost on Nebraska roadways--2,170. Another 169,000 were injured during that same period, some coping with lifelong injuries. Rather than saving seconds on a clock by increasing the speed limit and increasing the associated risk, we encourage you to consider adopting legislation that has proven to help prevent crashes and save lives. We urge you to vote no on this legislation and not increase the deadly risks that already exist on Nebraska roadways. Thank you. And if you have any questions, I would be happy to try to answer them at this point. [LB1009]

SENATOR FRIESEN: Thank you, Ms. White. Any questions? Senator Briese. [LB1009]

SENATOR BRIESE: Thank you, Chairman. And thank you for being here, Ms. White. You talked about increasing speed limit increasing crash severity, increasing stopping distances, do you have data that suggests an increase in crash incidents or an increase in fatalities due to increasing a speed limit? [LB1009]

ROSE WHITE: The Insurance Institute for Highway Safety did a multi-year study on that issue, and I believe that information is being handed out to you now. I can tell you that from increasing

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the distance, just with the five miles per hour, decreased the stopping distance 42 feet for a passenger car and twice that for a semi trailer truck. [LB1009]

SENATOR BRIESE: We heard testimony earlier suggesting that the benefits to traffic flow, things of that sort, could actually decrease the incidence of accidents. I wanted to hear your response to that, but I can look in here too. [LB1009]

ROSE WHITE: Yes. And then also another sheet passed out is a sheet of the fatalities in Nebraska, and includes a listing of the state laws that were passed in Nebraska. And as you can see, when the speed law increased on our interstate system there was a dramatic increase in fatalities in Nebraska. And I know it was stated earlier that there was not, but if you could see on that report, we do have data that basically contradicts what was said earlier. [LB1009]

SENATOR BRIESE: Thank you. [LB1009]

SENATOR FRIESEN: Thank you, Senator Briese. [LB1009]

SENATOR SMITH: Thank you, Chairman Friesen. Good to see you, Ms. White. [LB1009]

ROSE WHITE: Thank you. [LB1009]

SENATOR SMITH: So you're probably aware that many of the truckers on the road, especially the larger trucking firms, their speed is regulated. And I'm going to assume that in most cases it's regulated below what the increases to our roadways are. Does that create a problem as well? [LB1009]

ROSE WHITE: You know, speed differential always creates problems on the interstate system or on any major highway, because you're doing that stop and go, slow down brake, getting off your cruise control and so forth, so that does create problems in itself. And many of the trucking companies have implemented speed limits to help on their fuel conservation, because that's also a big issue with this bill. Higher you go, the more fuel you will use, less efficiency on the vehicle. [LB1009]

SENATOR SMITH: So you'll end up with more lane changes taking place and slowing and starting. [LB1009]

ROSE WHITE: Correct, that creates an additional danger. Absolutely. [LB1009]

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SENATOR SMITH: Thank you very much. [LB1009]

ROSE WHITE: Thank you. Good questions. [LB1009]

SENATOR FRIESEN: Thank you, Senator Smith. Any other questions from the committee? Seeing none, thank you for your testimony. [LB1009]

ROSE WHITE: Thank you, Senator Friesen. [LB1009]

SENATOR FRIESEN: Welcome. [LB1009]

ERIC KOEPPE: (Exhibits 11, 12, 13) Welcome, thank you. Good afternoon, Senator Friesen, members of the Transportation Committee. My name is Eric Koeppe, E-r-i-c K-o-e-p-p-e, I am the president and CEO of the National Safety Council Nebraska, a not-for-profit organization providing programs, resource services, and education to prevent and reduce both the personal and economic losses associated with injuries, accidents, and health hazards. I am here today to testify in opposition of LB1009. In 2017, the National Safety Council released their The State of Safety Report, and in that report they gave Nebraska a D letter grade, ranking us 35th in the nation in highway traffic safety. Three of their main areas of concern related to Nebraska were related to speeding, distracted driving, and seat belt use. Another study in 2017, by the NTSB, listed speed as one of the major contributing factors in both the frequency and severity of car crashes. In addition to the negative safety impact of increased speeds, changing our speed limits will also exacerbate our lack of primary seat belt and distracted driving laws. At the time when preventable deaths are increasing across the board, safety should be a priority. Instead of saving minutes, we should focus on saving lives. Research and education are not enough. In order to get drivers to adapt to safer behaviors, education must be combined with strong laws and appropriate enforcement. I encourage you to not advance LB1009 from committee. Thank you for your consideration. [LB1009]

SENATOR FRIESEN: Thank you, Mr. Koeppe. Any questions? Senator Bostelman. [LB1009]

SENATOR BOSTELMAN: Thank you, Mr. Chairman Friesen. And thank you, Mr. Koeppe, for being here today and testifying. A couple questions on the data that you're talking about. Is there any correlation with age on high speed...on accidents and death as far as high speed or otherwise? [LB1009]

ERIC KOEPPE: Well, younger age drivers are always more prone to have crashes. They are not as good of drivers. So I'm sure there is some evidence on it, I can get it to you. But it just makes

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sense if across the board they are involved in more crashes that increasing the speed...we know that increasing speed impacts the frequency and severity of a crash. So if you combine that with a younger driver, a less experienced driver, you can put the math together. [LB1009]

SENATOR BOSTELMAN: A follow-up to that would is there anything that points to that there's more accidents on say, two-lane road, an interstate, a city, urban, rural? [LB1009]

ERIC KOEPPE: Right. So, we know from a study from the IHHS, I think Rose referred to it, they have a stat, and I can get that to you, that in that time they saw, with those increase in speeds, about a 4 percent increase in fatalities on noninterstate highways. For interstate highways, they saw about an 8 percent increase with those last round of speed increases we did. So there are studies out there that relate...they were able to segregate the interstate from the other highways. [LB1009]

SENATOR BOSTELMAN: Okay. Thank you, sir. [LB1009]

ERIC KOEPPE: Yep. [LB1009]

SENATOR FRIESEN: Thank you, Senator Bostelman. Any other questions from the committee? You know, just going back to when the last time we increased the speed limits we went from 55 to 75. [LB1009]

ERIC KOEPPE: Yes. [LB1009]

SENATOR FRIESEN: Which is a pretty major jump at one time. [LB1009]

ERIC KOEPPE: Yes. [LB1009]

SENATOR FRIESEN: Do you think that had a bigger impact on the number of accidents I guess right off, rather than just a change of five miles an hour might have had? [LB1009]

ERIC KOEPPE: Well, the study I just stated, from IHHS, specifically found, and I need to correct myself on that, that each five mile an hour increase results in that 4 percent increase or 8 percent increase. So the study found that each five percent (sic) increment that the speeds went up that the crashes went up and the deaths went up accordingly. [LB1009]

SENATOR FRIESEN: Okay. All right, thank you. Senator Smith. [LB1009]

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SENATOR SMITH: Thank you, Chairman Friesen. Mr. Koeppe, good to see you. [LB1009]

ERIC KOEPPE: Thank you. [LB1009]

SENATOR SMITH: And is this your first time testifying? [LB1009]

ERIC KOEPPE: No, I was in here about a couple weeks ago and testified on a couple of the texting and driving. [LB1009]

SENATOR SMITH: I'm sorry I missed you, because I know that your predecessor, Ms. Reicks, has now moved to Europe. So welcome aboard at the Safety Council. [LB1009]

ERIC KOEPPE: Yes. Thank you, I appreciate it. [LB1009]

SENATOR SMITH: Good to see you there. [LB1009]

ERIC KOEPPE: Thank you. [LB1009]

SENATOR FRIESEN: Thank you, Senator Smith. Seeing no further questions, thank you for your testimony. [LB1009]

ERIC KOEPPE: Thank you. [LB1009]

SENATOR FRIESEN: Welcome. [LB1009]

LAURIE KLOSTERBOER: (Exhibit 14) Thank you. Well, I think I'm going to...Senator Murante's not going to get his wish today, I guess there's going to be some opposition. Senator Friesen, members of the Transportation and Telecommunications, my name is Laurie Klosterboer, L-a-u-r-i-e, Klosterboer is K-l-o-s-t-e-r-b-o-e-r, and I'm the executive director for the Nebraska Safety Council. We're a nonprofit organization, and our mission is to educate Nebraskans on living a safe and healthy life. One of the core programs to serve our mission is providing traffic safety education to save lives and reduce injuries. We're here today testifying in opposition to LB1009. Speed kills. We know this from research and studies conducted by the Insurance Institute for Highway Safety, which is an independent nonprofit, scientific and educational organization that is dedicated to reducing the losses, deaths, injuries, and property damage from motor vehicle crashes. We know from research conducted after the national maximum speed limit was enacted road fatalities declined 16.4 percent the first year after the law

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was enacted. And when the national law was relaxed and then repealed completely, that fatalities increased. The research found a 3.2 percent increase in road fatalities attributable to the raised speed limits on all road types in the United States. If we raise the speed limits on our roads, we will see an increase in fatalities and injuries that will be obvious. What is more difficult to see, but important to consider, is the cost we all bear--traffic crashes cost money, not only to the individuals involved, but to their families, their employers, our public resources. I did want to point out we were talking, and I've heard a lot about the 85th percentile, and I do have some information which I have passed out to you. Two different studies, the one from the Insurance Institute for Highway Safety, kind of a q and a about speed limits. And they do talk in there, one of the questions that is posed is: are speed limits based on the 85th percentile traffic speed appropriate? According to the Insurance Institute for Highway Safety, they're saying not always. Advocates of this approach argue that it reduces the need for enforcement and at the same time reduces crash risks by narrowing variation on vehicle speeds. However, numerous studies of travel speeds have shown that the 85th percentile speeds on rural interstate highways increased when speed limits were raised, and then continued increasing. The 85th percentile is not a stationary point, it is rather a moving target that increases when speed limits are raised. If speed limits are raised to meet a current 85th percentile speed, a new higher 85th percentile speed will likely result. So I'm just asking that you look at both sides of this issue as far the research that's coming from the safety advocates and those that are trying to make sure that we keep our roads safe. I understand that NDOT also wants to look at the safety aspect, and I'm certainly not trying to disparage NDOT in any way. But I think there's enough research out there that's been done to look at when we did have 55 and then we started raising our speed limits, that we did see an increase in fatalities and injuries. And the same with another...the Insurance Institute for Highway Safety, the studies that they have done since then, looking at a longer span of time, that this can be an issue. Our organization is about trying to save lives and reduce injuries. And one of the things that I don't think people take into account is the cost factor, because they're somewhat hidden. They're not as easy to see, because of the medical, it's all these different costs that impact all of us, businesses as well as individuals. So with that, the Nebraska Safety Council would ask that you not forward this bill to the floor. Certainly understand that there's some consistency, that the Department of Transportation is trying to make sure that we have on our roads. But again, we're concerned about that safety aspect. And there is another side of the story that's telling us that speed is an issue, and increasing the speed does kill more and have more injuries. And with that, I would answer any questions you might have. [LB1009]

SENATOR FRIESEN: Thank you, Ms. Klosterboer. Any questions from the committee? Seeing none, thank you for your testimony. [LB1009]

LAURIE KLOSTERBOER: Thank you. [LB1009]

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JULIE HARRIS: Good afternoon, Chairman Friesen and members of the committee. I'm Julie Harris, J-u-l-i-e H-a-r-r-i-s. I am the executive director of the Nebraska Bicycling Alliance. It should come as no surprise to you that we are here to oppose the majority of the language in LB1009. We have no issue with the classification of Super 2 highways. We do, however, stand strongly opposed to increasing speed limits on our state highways, as these are roads that people on bikes enjoy riding. In the bigger picture, however, as an organization that cares about transportation policy, our concerns are with the process. Creating effective transportation policy requires thoughtful consideration and best practice research, and there are too many red flags here for our comfort level. Our main concern is that raising speed limits on state highways is not consistent with the stated goals that the Nebraska Department of Transportation established in 2017 for the updated Toward Zero Deaths plan. This is a plan that each state is required to develop, and the introduction of the plan states that is a "data-driven, strategic, and targeted, and designed to make significant progress towards Nebraska's goal of slashing fatal and serious injury crashes." This document is quite detailed, and the committee that worked on the plan established the major areas which, if addressed, have the most chance of getting Nebraska toward zero deaths on our roads, a goal I think we could all agree is worthy. Based on the research done on fatal crashes in Nebraska, priorities established included behavior-based areas like seat belt use and alcohol impairment. However, the committee also identified speed-related crashes as a priority emphasis area. This makes sense, as you have heard from those who came before me here, speed increases the likelihood of serious and fatal crash involvement, and speed increases the injury severity of a crash. So knowing that NDOT has established goals to move towards zero deaths, and we know that higher speeds cause more crashes, more injuries, and deaths, why on earth would we raise our speed limits? The intent of this bill has been recently updated or filed to say that it is to align Nebraska's speed limits with the on-the-ground driving conditions in accordance with engineering and traffic standards such as the 85th percentile principle. This notion of using the 85th percentile to set speed limits is a method that is commonly used, but it is based on research that is decades old. In short, engineers measure how fast people drive on a road and then set the limit at the 85th percentile of the speed observed, as mentioned before. But emerging research shows that this is not the best method. In fact, a comprehensive report released seven months ago from the National Transportation Safety Board titled Reducing Speed-Related (sic--Speeding-Related) Crashes Involving Passenger Vehicles demonstrates significant flaws in the 85th percentile methodology and flaws in the data gathered on speeding in the first place, citing how crashes involving speeding are reported or not reported in the first place. Among the findings of this report, quote: ...there is not strong evidence that...within a given traffic flow the 85th percentile speed equates to the speed with the lowest crash involvement on all road types. And, quote: Raising the speed limit to match the 85th percentile speed may lead to higher operating speeds, and hence a higher 85th percentile speed. This generates an undesirable cycle of speed escalation on other roads, leading to reduced safety. Laurie and I must have done the same homework, she mentioned the same report that the 2016 Insurance Institute for Highway Safety said the 85th percentile speed is not a stationary point, it

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is rather a moving target that increases when speed limits are increased. This spill-over effect of undesirable speed escalation and reduced safety gets us back to our original concern about the safety of our most vulnerable users of our roads: road construction workers and people on bikes. No amount of political talking points about efficiency, customer focus, or economic growth will create the logic that supports the idea that speed limits should be raised. We should go back to the drawing board and do more homework, using the most up-to-date, data-driven, strategic approach touted in our established Toward Zero Deaths plan, before making statutory changes that impact the safety of the users of our roads. Happy to answer any questions, or try to answer any questions. [LB1009]

SENATOR SMITH: Thank you, Ms. Harris, for your testimony. Questions from the committee? I see no questions. Thank you for your testimony. Continuing with opposition to LB1009. Next opponent. Welcome. [LB1009]

CHRISTOPHER HILKEMANN: Good afternoon, members of the Transportation and Telecommunications Committee. My name is Christopher Hilkemann, C-h-r-i-s-t-o-p-h-e-r H-i-l-k-e-m-a-n-n. I represent Crete Carrier Corporation, a national over-the-road truckload carrier headquartered right here in Lincoln, Nebraska. I am employed by Crete Carrier Corporation in the capacity of vice president-risk management. Crete Carrier Corporation employees are contracted with more than 5,200 drivers who traverse state highways and interstate systems while operating 80,000-pound commercial motor vehicles. Over the last 12 months, Crete Carrier drivers have operated more than 30 million miles within the state of Nebraska. Crete Carrier Corporation opposes LB1009 to the extent the bill seeks to raise speed limits above 65 miles per hour on authorized Super 2 highways, expressways, or freeways, and opposes any increases in speed limits above 70 miles per hour on interstates. Crete Carrier, like many other fleets, has chosen to govern the speed of its commercial motor vehicles. Crete Carrier currently governs its fleet at 65 miles per hour. This decision to govern speed was made out of a dedication to the safety of both our drivers and all members of the motoring public, as we well know higher speeds contribute to more frequent and more serious collisions due to decreased reaction times, increased stopping distances, and greater kinetic force upon impact. Crete Carrier offers testimony on the practical ramifications of creating a larger speed differential between four-wheel passenger vehicles and speed-governed commercial motor vehicles on our roads. Currently, Crete Carrier commercial trucks are governed at a speed that aligns with current highway speeds and allowing both commercial trucks and passenger vehicles to travel at the same speed while on the highway. However, a differential of 10 miles per hour currently exists between our trucks and passenger vehicles when our drivers operate on the interstate system. This differential between commercial motor vehicles and passenger vehicles creates opportunities for unsafe driving maneuvers by operators of faster-moving vehicles, including but not limited to failing to leave an appropriate following distance, aggressive lane changes, unsafe passing, speeding, and instances of road rage. LB1009 will act not only to increase the existing

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speed differential of 10 miles per hour to 15 miles per hour on our interstate systems, but will create a new speed differential of 5 miles per hour on our state highway system. This bill will act to create many more opportunities for unsafe driving and will create conditions which are ripe for more frequent and more serious collisions to occur, especially those collisions where drivers and passengers are severely injured or killed. For these reasons, Crete Carrier Corporation opposes increases in speed above 65 miles per hour on our highway systems and any increase in speed over 75 miles per hour on our interstate system. Thank you. [LB1009]

SENATOR SMITH: Thank you, Mr. Hilkemann, for your testimony. Questions from the committee? So I know some people may just ask then why not narrow or reduce the variation between passenger vehicle speed and your trucks by increasing the speed that you're governed at? [LB1009]

CHRISTOPHER HILKEMANN: Yes. You know, in 2016, the DOT federal Motor Carrier Safety Administration issued a notice of proposed rule making. And in that notice of proposed rule making, they looked at the requirement of mandating that commercial motor vehicles be governed somewhere between the range of 60 miles per hour and 68 miles per hour. And the reason for that is safety. And they found that by reducing speed within those speed ranges does reduce accidents, does reduce the severity of accidents, and does reduce fatalities. As was previously mentioned here, under ideal circumstances, a fully-loaded commercial motor vehicle traveling at the speed of 65 miles an hour takes appropriately two football fields to come to a complete stop. Increasing that speed to 75 miles an hour pushes that distance even farther, which we believe will result in more accidents and more severe accidents. So speed is a factor in increasing the accidents and the severity of accidents. Certainly, there are other factors that go into setting the speed limit, and certainly one of them is fuel economy, one of them is emissions control. But the overarching factor on why we chose to set our speed at 65 miles per hour is safety: safety for our drivers, safety for all members of the motoring public. [LB1009]

SENATOR SMITH: Thank you. Further questions from the committee? I see none, thank you for your testimony. [LB1009]

CHRISTOPHER HILKEMANN: Thank you. [LB1009]

SENATOR SMITH: Next opponent to LB1009. Welcome, Mr. Reiser. [LB1009]

DICK REISER: Thank you, Vice Chairman Smith, members of the committee. My name is Dick Reiser, D-i-c-k R-e-i-s-e-r. I'm a registered lobbyist for the Nebraska Trucking Association, appearing here in that capacity today with a somewhat limited objection or opposition to LB1009. Our industry uses the highways and counts on the highways for our livelihood. We're

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on the highways every day, travel millions of miles across the country, but in the state of Nebraska also. Safety is one of our top concerns, it's a driver in everything we do. A number of others have testified here today on the effect of increasing speed, speed variation. I'm not going to repeat all of that. But there are some issues that are somewhat unique to the trucking industry. One that's been touched on is the increased stopping distance required by a truck, which can be up to 80,000 pounds. Or if it happens to be a farm truck during the harvest season, it can be well in excess of 80,000 pounds. The other factor is much slower acceleration by a truck coming onto a highway, either from a county road or an entrance ramp, we just can't get up to speed the same way somebody can in their high-powered personal automobile. There currently exists a speed differential as you've heard, a large percentage of the trucking industry has governed their trucks to not exceed usually 65 to approximately 68 miles per hour. The American Trucking Association has taken the position that it would support a national speed limit of 65 miles per hour for all vehicles, commercial and passenger cars. We have two real concerns with this bill. Number one, the Super 2 and two-lane expressway speed limit of 70 miles per hour. As I read the statute here, the expressway currently is a road which is designed...or which will ultimately be a multi-lane highway. It doesn't say that it's a multi-lane highway now. Similarly, the Super 2 is a two-lane highway and, although that's a great concept and we favor the building of Super 2 highways as a way to keep traffic flowing smoothly, the fact that it's a Super 2 doesn't do anything to control access to the highway. It's going to put in some passing lanes, but to the extent there are county roads, farm roads, farm driveways coming out onto that road, that stays the same. So the effect is going to be we're going to have a smoother flowing traffic moving consistently at a constant higher speed and the same number of opportunities for vehicles to pull out in front of the traffic. We think that 70 miles per hour is just too fast, unless they are four-lane roads. If they are four-lane highways, most of the four-lane highways that we have are newer designed and have controlled access. If we have the 70 mile per hour speed limit on a four-lane highway, we think that's probably safe. The interstate, as has been pointed out, we currently have a speed differential between trucks, many of them governed at 65, and the traffic, which is moving at 75 or 80. We do not favor increasing that to 80 miles an hour, again, same issues: the acceleration, the deceleration, the stopping distance is great enough as it is. And we don't need another five miles per hour on that. So with that, we favor the concept of the Super 2, like to see the speed limit for the Super 2 and the expressway, unless it's a four-lane expressway, kept at 65 miles per hour, and keep the interstate, highway speed limit at 75. Thank you.

[LB1009]

SENATOR SMITH: Thank you, Mr. Reiser, for your testimony. Questions from the committee? I see none. Oh, I'm sorry, Senator Bostelman. [LB1009]

SENATOR BOSTELMAN: Thank you, Senator Smith. Mr. Reiser, thank you very much for coming today and testifying. The question I have is Interstate 80 seems to carry a lot of truck

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traffic. Do you know, how does that compare to other interstates in other states that we have, say Kansas, South Dakota, with the systems going across? Are we... [LB1009]

DICK REISER: The speed limits? [LB1009]

SENATOR BOSTELMAN: No, truck traffic. Volume, volume of trucks. It seems to me Nebraska I-80 carries a lot of truck traffic east and west. One thing will be once I-81 gets four lanes north and south, I think we'll see a lot of traffic there as well. But I'm just kind of curious if you have any comment to whether if the interstate system in Kansas, South Dakota, Nebraska or that...do they compare truck traffic the same, or do we have a higher truck traffic do you think in Nebraska than they do say in Kansas or of course, South Dakota? [LB1009]

DICK REISER: I won't tell you that I know the answer specifically, but my recollection is I-80 carries more traffic than any of the other interstates in truck traffic. Certainly more than I-90 in South Dakota, and also I believe more than I-70 in Kansas. It's the major east to west route between eastern part of the country and California. [LB1009]

SENATOR BOSTELMAN: Okay, thank you. [LB1009]

SENATOR SMITH: Other questions from the committee? I see none. Thank you, Mr. Reiser, for your testimony before the committee today. [LB1009]

DICK REISER: Thank you. [LB1009]

SENATOR SMITH: (Exhibits 17, 18) Next opponent to LB1009. We do have letters to read into the record, We failed to get...to read in the proponent letters. Let me do that now. Oh, he did, I'm sorry. All right. Okay, opponents, we have Deborah Hersman, president and CEO of National Safety Council; and Clyde Anderson, Sierra Club of Nebraska Chapter. Both sent letters in, in opposition to LB1009. Do we have anyone wishing to testify in a neutral capacity on LB1009? Seeing none, Senator Murante is welcome to close on LB1009. [LB1009]

SENATOR MURANTE: Thank you, members. I think that was a good public hearing. I do want to address some of the testimony, just to be clear about a few things. First, especially with respect to the trucking industry's opposition, I absolutely understand their concerns. I do want to be clear that this bill does not create an automatic increase of the speed limit on I-80. To be clear, this grants the Department of Transportation the authority to increase the speed limit on I-80, not...either in segments or on the whole, only after further study is conducted. And I have no doubt that that study will take into account the concerns of the trucking industry. I would say that

much of the policy arguments in favor of the bill, both by myself, the Department of Transportation, and many of the professionals that you heard were not directly contradicted with the opposition testimony. I think there doesn't seem to be much argument that streamlining Nebraska's highway speeds is probably a good thing. We talked in proponent testimony about instances on our highways where the speed limits fluctuate up and down on the same highway. And although there wasn't agreement that that is bad public policy, there certainly wasn't any contradiction that that is a policy objective that we ought to try and remedy. And I think that this bill does that. I would also like to...beyond just the speed limit question, I think we have, with respect to the 85th percentile, we have a public policy right now where we have a law that we know a significant number of Nebraskans are breaking. I don't know that that is an appropriate public policy position for legislators to make, that we ought to be conforming our laws, based on the 85th percentile and the data that has been presented by the Department of Transportation, conforming that to what people are actually doing. And that is a policy which has been echoed from the federal level to our state, almost every state in the union has embraced that logic, and our local political subdivisions do as well. It was said in opposition testimony that speed differential is dangerous. That's true, that's what the bill attempts to correct. The problem we have right now is existing speed differential. By conforming our speeds to what the speed differential is right now, matching that 85th percentile we make the road safer. And it's not simply a matter of study, it is also a practical application. When South Dakota did the exact same thing as this bill proposes to do, they saw a substantial reduction in fatalities. So it's not simply a matter of research, it is also a matter of practical application. And it was stated that we should take into account the research conducted by safety advocates. To that, I would say I completely agree. We ought to take into account whatever data we can find before coming to a policy conclusion. I would, however, state that the data composed by safety advocates are just that, it is data composed by advocates. The data that I have provided really come from three sources: they come from the federal government, they come from academia, and they come from the professional sector, people who have no advocacy position to take, they are just trying to determine the science. So I think we should take all of that data into consideration, but understand that it is data that comes from...comes at the same issue from a different viewpoint. So with that, I would be happy to answer any questions you may have. I think this is a good bill and I would encourage you to advance it to General File. [LB1009]

SENATOR SMITH: Remaining questions for Senator Murante. Senator Murante, you did mention that some of the safety-related analysis was provided by safety advocates. But also, we heard from people in the trucking industry here, and these folks are responsible for really moving the commerce in our country, and they have tremendous knowledge of the roads. And yet, they are the ones, too, that are saying there's a safety issue here. So I would not put them in the category of safety advocates, although I know they do want safety. They are part of our private sector that knows firsthand what conditions we need on our roadways. So what say you there? [LB1009]

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SENATOR MURANTE: I agree. I'm responding directly to a statement that was made by one of the safety advocates. And so I think that was pretty clear. [LB1009]

SENATOR SMITH: Okay. I see no further questions. Thank you, Senator Murante, for your closing on LB1009. [LB1009]

SENATOR MURANTE: Thank you. [LB1009]

SENATOR SMITH: And that concludes our hearings for today. [LB1009]