

ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019
COMMITTEE STATEMENT
LB82

Hearing Date: Tuesday January 22, 2019
Committee On: Transportation and Telecommunications
Introducer: Friesen
One Liner: Change provisions relating to contracts and state aid for bridges, land acquisition for state highways, functional classification, minimum standards, six-year and one-year plans, and distribution of funds

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Albrecht, Cavanaugh, DeBoer, Friesen, Geist, Hilgers, Hughes, Bostelman
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:

Tip O'Neill
Kyle Schneweis
Roger Figard
Larry Dix
Lash Chaffin
Jeanne McClure

Representing:

LC for TNT Committee
NE Dept of Transportation
NE Bd of Public Rds, Classifications & Standards
NACO
League of NE Municipalities
American Council of Engineering Council

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 82 would amend current Nebraska laws relating to highways and particularly related to the Nebraska Board of Public Roads Classifications and Standards (NBCS). The bill has two purposes: first, it would remove filing requirements for the Nebraska Department of Transportation (NDOT), counties, and cities that relate to filings made with the NBCS, and second, it would amend the road design standards program to provide more flexibility to the NBCS in making project design decisions.

The NBCS is an 11-member board, nine of whom are appointed by the Governor. Three members represent counties, three represent cities, and three members are appointed at-large from Congressional Districts. Two of the members are representatives of NDOT. The NBCS's primary responsibility is to assist NDOT in developing the functional classification system of roads and highways in the state.

Following is a section-by-section explanation of LB 82.

Section 1. Amends Section 39-810 by removing reporting requirements for counties relating to bridges and culverts.

Section 2. Removes requirement that NBCS consider county bridge applications in June

and December, but can consider them in any month.

Section 3. Removes incorrect internal reference and deletes provision relating to reporting by municipalities of the metropolitan class.

Section 4. Provides for electronic transmission by NCBS of criteria for functional road classifications to NDOT, the Secretary of State, the Clerk of the Legislature, and appropriate representatives of counties and municipalities.

Section 5. Provides additional flexibility for NCBS to adopt standards that balance costs versus benefits. It allows NCBS to focus funding on the primary problem or need in constructing projects that may not meet all standards, but provide substantial overall benefit, asset preservation and preventative maintenance that focus on extending life of existing roads and bridges, and context sensitive design programs. The major focus would be on determining the best value and overall benefits to the public.

Section 6. Removes reporting requirements relating to contracts entered into pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act.

Section 7. Removes requirement that cities, counties, and NDOT file their 6-year road plans with NDCS. Instead, they must certify to NDCS that they have plans. If the certification is not timely filed, the State Treasurer can either suspend payments, or if the certification is more than six months late, can redistribute the money.

Section 8. Relates to NDOT filing of its one-year plan. Instead requires certification by NDOT that plan has been adopted and is being maintained.

Section 9. Removes requirement that cities and counties file one-year plan with NCBS. It requires those subdivisions to hold hearings on the plan, and certify compliance with the plan to NCBS. Failure to comply could result in loss of funds.

Section 10. Removes reporting of detailed audit information to NCBS, but requires certification by NDOT, cities, and counties that it is separately accounting for funds for roads.

Section 11. Due dates for certifications are July 31 for DOT and October 31 for cities and counties. There would be penalties for late filings or false information.

Section 12. Allows NCBS to make random checks of city and county contracts, but not NDOT.

Section 13. Eliminates filing of reports by County Highway Superintendents.

Section 14. Counties calculate estimates of revenue to be received for road needs, but keep as a public record rather than submitting the information to NCBS.

Section 15. Reports of one and six-year plans are no longer submitted by cities to NCBS.

Section 16. Cities calculate estimates of revenue to be received for road needs, but keep as a public record rather than submitting the information to NCBS.

Section 17. Repealer.

Section 18. Outright repeals three sections relating to reports filed with the NCBS.

Curt Friesen, Chairperson