

ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021
COMMITTEE STATEMENT
LB174

Hearing Date: Monday January 25, 2021
Committee On: Transportation and Telecommunications
Introducer: Friesen
One Liner: Change provisions relating to highways and highway funding, road classifications, licensure of local highway and street superintendents, motor vehicle safety responsibility, accident reports, and the Nebraska Rules of the Road

Roll Call Vote - Final Committee Action:

Advanced to General File

Vote Results:

Aye: 8 Senators Albrecht, Bostelman, Cavanaugh, M., DeBoer, Friesen, Geist, Hughes, Moser

Nay:

Absent:

Present Not Voting:

Oral Testimony:

Proponents:

Senator Curt Friesen
Moe Jamshidi

Representing:

Introducer
Deputy Director, DOT

Opponents:

Representing:

Neutral:

Representing:

Submitted Written Testimony:

Proponents:

Larry Dix

Representing:

NACO

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 174 is the Nebraska Department of Transportation (NDOT)'s omnibus bill for 2021. It is intended to modernize sections of law that have become outdated, streamline certain NDOT responsibilities, and make it easier for the public to interact with NDOT.

Section 1 (amends section 39-1316) AASHO to AASHTO

Updates a reference to a national transportation trade organization. Formerly American Association of State Highway

Officials (AASHO). Now American Association of State Highway and Transportation Officials (AASHTO.)

Section 2 (amends section 39-2106) Street Program Manager Clarification

This change clarifies that Public Works Directors and Licensed City Street Superintendents are not the only positions responsible for the management of street programs in Nebraska, and that individuals in these additional positions could be considered for appointment to the Board of Public Roads Classifications and Standards and makes changes to the census references.

Section 3 (amends section 39-2107) NDOT Responsibility Clarification

This revision clarifies that NDOT shall provide "assistance" to the Nebraska Board of Public Roads Classifications and Standards, instead of "assistants."

Section 4 (amends section 39-2301.01) Definition Update

Clarifies the definition of Street or highway superintending.

Section 5 (amends section 39-2302)

Codifies the licensing exemption added to sections 15 and 20 of this bill.

Section 6 (amends section 39-2304) Non-Substantive Language Updating and Modernization

Modernizes language pertaining to the composition of the Board of Public Roads Classifications and Standards.

Section 7 (amends section 39-2306) Various Minor Updates

Subsection (1) removes the requirement for a Superintendent applicant to include their SSN on the application.

Subsection (2) clarifies a professional engineer must be licensed pursuant to the Engineers and Architects Regulation Act to be entitled to a Class "B" license without taking the licensing exam.

Section 8 (amends section 39-2307) Examination Updates

Cleans up language relating to the examination for Superintendent licensing.

Section 9 (amends section 39-2308) Eliminates Unnecessary Language

Removes language that has been rendered irrelevant by Section 15 of this bill.

Section 10 (amends section 39-2308.01) Non-Substantive Language Updating and Modernization.

Section 11 (amends section 39-2308.03) Multiple Licenses Combined Into One

This substantive section updates the licensing program to state that if a licensee holds multiple Class "A" or Class "B" licenses, at the next renewal time, the multiple licenses shall be combined into one license. Multiple Class "A" Licenses will be renewed as one single Class "A" License. One or more of each Class "A" and Class "B" Licenses will be renewed as one single Class "A" License. Multiple Class "B" Licenses will be renewed as one single Class "B" License.

Section 12 (amends section 39-2501) Incentive Payment Clarification (County)

This change clarifies that Incentive Payments are made in February of each year prior to the distribution of the February Highway User Revenue.

Section 13 (amends section 39-2502) Various Minor Updates (County)

Updates language to remove the requirement that the licensed county highway superintendent must actually perform the work. This update allows the licensee to oversee or assist with the superintendent duties. Many counties have various non-licensed staff which perform budgeting, planning or other duties. The licensee is required to assist but not perform these duties under this new update.

Section 14 (amends section 39-2503) Incentive Payment Language Update (County)

Harmonizes the incentive payment statute to align with the new Superintendent licensing update in

Section 15 (amends section 39-2504) Class "A" License Update

Subsection (4), State law provides that the duly Elected and Licensed Land Surveyor or Professional Engineer is also the Highway Superintendent in counties of 60,000 or more inhabitants. This change provides that the duly elected and Licensed Land Survey or Professional Engineer will not have to go through a duplicate process of getting a County Highway Superintendents License in order to qualify for the Class A Incentive Payment.

Subsection (5), this legislative change provides that in counties with less than 60,000 inhabitants that employed and appoint a Licensed Professional Engineer as the Highway Superintendent, that the engineer will not have to go through a duplicate process of getting a County Highway Superintendents License in order to qualify for the Class A Incentive Payment.

Section 16 (amends section 39-2505) Filing Update

This change creates a process for the annual certification Highway Superintendent. In the past there was no official process, but we could extract this information from the One- And Six-Year Plan and Annual Report filed with the Board of Public Roads Classifications and Standards. This option is no longer available as these reporting requirements were repealed with the passage of LB82, 2019.

Section 17 (amends section 39-2511) Incentive Payment Clarification (Municipality)

This change clarifies that Incentive Payments are made in February of each year prior to the distribution of the February Highway User Revenue.

Section 18 (amends section 39-2512) Various Minor Updates (Municipality) Updates language to remove the requirement that the licensed municipal street superintendent must actually perform the work. This update allows the licensee to oversee or assist with the superintendent duties. Many municipalities have various non-licensed staff which perform budgeting, planning or other duties. The licensee is required to assist but not perform these duties under this new update.

Section 19 (amends section 39-2513) Incentive Payment Language Update (Municipality)

Harmonizes the incentive payment statute to align with the new Superintendent licensing update in

Section 20 (amends section 39-2514) License Exemption

Subsection (4) authorizes an engineer who is licensed pursuant to the Engineers and Architects Regulatory Act and who is serving in a specifically determined capacity as an employee of a municipality or municipal county to perform the duties of a County Highway or City Street Superintendent without holding a Superintendent's license. The County or Municipality may still receive incentive funds based on the Class "A" license incentive payment schedule.

Section 21 (amends section 39-2515) Superintendent Certification

Requires all municipalities and municipal counties to certify to the Nebraska Board of Public Roads Classifications and Standards who their employed or contracted Superintendent is. This certification is required to be filed by December 31st of each calendar year.

Section 22 (amends section 60-507) Crash Damage Threshold Increase

This statute is being updated to mirror the damage threshold increase from Section 30 of this bill.

Section 23 (amends section 60-511) Non-Substantive Language Modernization

Section 24 (amends section 60-512) Non-Substantive Language Modernization

Section 25 (amends section 60-513) Crash Damage Threshold Increase

This statute is being updated to mirror the damage threshold increase from Section 30 of this bill.

Section 26 (amends section 60-514) Non-Substantive Language Modernization

Section 27 (amends section 60-550.01) Non-Substantive Language Modernization

Section 28 (amends section 60-554) Non-Substantive Language Modernization

Section 29 (amends section 60-695) Crash Reporting Threshold Increase; Peace Officer Reporting

Updates the damage threshold from \$1,000 to \$1,500 for requiring an accident report from a peace officer. This threshold was last updated in 2004.

Section 30 (amends section 60-699) Crash Reporting Threshold Increase; Operator Reporting

Subsection (1) Updates the damage threshold from \$1,000 to \$1,500 for requiring an accident report from the operator of a motor vehicle. This damage threshold was last updated in 2004. If a crash is investigated by a peace officer, the operator will not be required to file a report. Includes various non-substantive language modernizations.

Subsection (4) Allows for the birth date and driver's license number of a motor vehicle operator to be deemed confidential and not a matter of public record.

Section 31 (amends section 60-6,138) Term Modernization

Replaces the term "rotary traffic island" with the more common term "roundabout"; Rotary Traffic Island is a non-standard term and not recognized by the transportation industry.

Section 32 (amends section 60-6,336) Snowmobile Contests on State Highways Amends the "snowmobile contests" statute (dating back to 1971) by bringing it under the comprehensive "special events" statute, 39-1359, enacted in 2011; this change will reconcile two conflicting statutes in the event of a publicly-sanctioned snowmobile contest on a state highway right of way.

Section 33 Repeals the original sections.

Curt Friesen, Chairperson