

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 449

Introduced by Brandt, 32.

Read first time January 13, 2023

Committee:

1 A BILL FOR AN ACT relating to the Transportation Innovation Act; to amend
2 sections 39-2805 and 39-2807, Reissue Revised Statutes of Nebraska,
3 and section 39-2801, Revised Statutes Cumulative Supplement, 2022;
4 to change provisions relating to the funds used to administer the
5 County Bridge Match Program and the termination date; to state
6 legislative intent regarding appropriations; to eliminate obsolete
7 provisions; to create the County Bridge Match Fund; to provide for
8 grants, applications for grants, and an evaluation process for
9 grants, through the County Bridge Match Program; to harmonize
10 provisions; to repeal the original sections; and to declare an
11 emergency.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 39-2801, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 39-2801 Sections 39-2801 to 39-2825 and sections 4 to 7 of this act
4 shall be known and may be cited as the Transportation Innovation Act.

5 Sec. 2. Section 39-2805, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 39-2805 (1) The County Bridge Match Program is created. Until June
8 30, 2023, the The department shall administer the program using funds
9 from the Transportation Infrastructure Bank Fund, except that no more
10 than forty million dollars shall be expended for this program.

11 (2) After July 1, 2023, the County Bridge Match Program shall be
12 funded by the County Bridge Match Fund.

13 (3) The purpose of the program is to promote innovative solutions
14 and provide additional funding to accelerate the repair and replacement
15 of deficient bridges on the county road system. The department shall
16 develop the program, including participation criteria and matching fund
17 requirements for counties, in consultation with a statewide association
18 representing county officials. Participation by counties in the program
19 shall be voluntary. ~~The details of the program shall be presented to the~~
20 ~~Appropriations Committee and the Transportation and Telecommunications~~
21 ~~Committee of the Legislature on or before December 1, 2016.~~

22 (4) (2) The County Bridge Match Program terminates on June 30, 2028
23 2023.

24 Sec. 3. Section 39-2807, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 39-2807 Sections 39-2803 to 39-2807 and sections 4 to 7 of this act
27 terminate on June 30, 2033. The State Treasurer shall transfer any
28 unobligated funds remaining in the Transportation Infrastructure Bank
29 Fund and the County Bridge Match Fund on such date to the Cash Reserve
30 Fund.

31 Sec. 4. (1) The County Bridge Match Fund is created. The fund shall

1 be administered by the department and shall be used for purposes of the
2 County Bridge Match Program. Any money in the fund available for
3 investment shall be invested by the state investment officer pursuant to
4 the Nebraska Capital Expansion Act and the Nebraska State Funds
5 Investment Act.

6 (2) The fund shall consist of money transferred to the fund by the
7 Legislature.

8 (3) It is the intent of the Legislature to transfer sixty-eight
9 million dollars annually from the General Fund to the County Bridge Match
10 Fund beginning fiscal year 2023-24 to be appropriated to the department
11 to be distributed as grants through the program and to pay for
12 administrative costs associated with the program.

13 Sec. 5. (1) A county may apply to the department for a grant
14 through the County Bridge Match Program on forms provided by the
15 department. The grant shall only be used for the replacement and repair
16 of bridges that have been determined to be structurally deficient by the
17 department. Bridge-sized culverts and bridges on minimum maintenance
18 roads shall not be eligible. All bridges shall include approved bridge
19 rails and approach guardrails with appropriate anchorages and
20 terminations as determined by the department.

21 (2) A county may submit a grant application for a single bridge or
22 multiple bridges within the county or one county may submit an
23 application on behalf of multiple counties for multiple bridges in those
24 counties. The grant form shall define the total funding limit, the
25 maximum funding limit for proposals from single counties for multiple
26 bridges, and the maximum funding limit for proposals from multiple
27 counties for multiple bridges. Counties may receive up to fifty-five
28 percent of the bridge construction cost within the agreed-upon scope of
29 the project, subject to per-bridge limits set by the department.

30 Sec. 6. (1) The department shall establish a weighted scoring
31 system to evaluate and rank the applications for grants through the

1 County Bridge Match Program received each fiscal year. Priority shall be
2 given to proposals from counties with higher percentages of structurally
3 deficient bridges. Counties with the fewest selected proposals during the
4 life of the program shall receive a higher score for applications.

5 (2) In each fiscal year, at least thirty days prior to the first day
6 that applications may be submitted, the department shall publish on the
7 department's website the specific criteria and quantitative weighted
8 scoring system the department will use to evaluate and rank applications
9 and award grants pursuant to the program. Such weighted scoring system
10 shall consider, at a minimum, innovation, sustainability or
11 transferability of innovation, cost, time, or long-term maintenance
12 savings, project significance and risk, needs, equity, and geographic
13 representation.

14 Sec. 7. (1)(a) As a condition for accepting a grant through the
15 County Bridge Match Program, the county, or counties if application for
16 grant includes multiple counties, shall agree to develop and construct
17 the project subject to project requirements determined by the department
18 which may include, but are not limited to, engaging the services of a
19 professional engineer, following all applicable laws and regulations,
20 advertising the project for bids, entering into a construction contract,
21 and engaging the services of a construction engineer. Counties using
22 their own staff to design or construct the project shall provide
23 equivalent professional services.

24 (b) Any applicant that declines to accept the conditions described
25 in subdivision (a) of this subsection shall not be eligible to receive a
26 grant. For any grant recipient, the department shall have the authority
27 to enforce the performance of such conditions.

28 (2) The department shall not add to the obligations required of a
29 grant recipient except as specifically authorized under the County Bridge
30 Match Program or as required by federal law to access and distribute
31 federal funds appropriated for the purpose of repair and replacement of

1 deficient bridges on the county road system.

2 Sec. 8. Original sections 39-2805 and 39-2807, Reissue Revised
3 Statutes of Nebraska, and section 39-2801, Revised Statutes Cumulative
4 Supplement, 2022, are repealed.

5 Sec. 9. Since an emergency exists, this act takes effect when
6 passed and approved according to law.