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Transportation and Telecommunications Committee
February 25, 2008

[LB908 LB941 LB1064 LB1068 LB1091]

The Committee on Transportation and Telecommunications met at 1:30 p.m. on Monday, February 25, 2008, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB1068, LB1091, LB908, LB941, and LB1064. Senators present: Deb Fischer, Chairperson; Arnie Stuthman, Vice Chairperson; Ray Aguilar; Carol Hudkins; Scott Lautenbaugh; LeRoy Louden; and DiAnna Schimek. Senators absent: Dwite Pedersen. []

SENATOR FISCHER: Good afternoon. I'd like to welcome you to the Transportation and Telecommunications Committee. My name is Deb Fischer. I am the senator from District 43 and I am chair of the committee. At this point, I would like to introduce our committee members to you. On my far right is: Senator DiAnna Schimek from Lincoln; next to Senator Schimek is the Vice Chair of the committee, Senator Arnie Stuthman, he is from Platte Center; next to Senator Stuthman is Senator Ray Aguilar from Grand Island; to my immediate right is our committee counsel Mr. Dustin Vaughan. To my immediate left is our committee clerk Mrs. Pauline Bulgrin. Next to Mrs. Bulgrin we skip a seat and then we have: Senator Carol Hudkins from Malcolm, Nebraska; and last but not least we have Senator LeRoy Louden who is from Ellsworth, Nebraska. Our pages for today are Matt Pedersen from North Platte and Rhianna Needham; she is from Bellevue. We will be hearing the bills in the order that they are listed on the agenda. Those wishing to testify on a bill should come to the front of the room and be ready to testify as soon as someone finishes testifying in order to keep the hearing moving. Please complete the yellow sign-in sheet at the on-deck table so it is ready to hand in when you testify. We are using a computerized transcription program, and so it's very important that you follow the directions on that sign in sheet. And you will need to hand that sign-in sheet to our committee clerk, Mrs. Bulgrin, before you testify. For the record, at the beginning of your testimony, please spell you last name and also spell your first name if it can be spelled in several different ways. Please keep your testimony concise and try not to repeat what someone else has already covered. I don't think we have too many people here to testify today. Sometimes we use a light system. I don't think we'll need to use that today. If you do not want to testify, but you want to voice your support or opposition to a bill, you can indicate so at the on-deck table on that sheet provided. This will be part of the official record of the hearing. If you want to be listed on the committee statement as a testifier at the hearing, you must complete a yellow sign in sheet and actually testify, even if you just state your name and your position on the bill. If you do not choose to testify, you may submit comments in writing and those will be read into the official record. If you need anything, please signal for one of our pages. They will be happy to help you. At this time, I would ask that you turn off all your cell phones. In this committee we don't just have cell phones on mute; we have them off, which means no text messaging either. And at this point, I would like to open the hearing and we will begin with LB1068. And Senator Louden, would you like to introduce your bill, please? I'd like to announce that we have been joined by Senator

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Scott Lautenbaugh from Omaha. Good afternoon, Senator Louden. []

SENATOR LOUDEN: (Exhibit 1-3) Thank you, Senator Fischer and members of the committee. I'm LeRoy Louden, representing District 49, here today to introduce to you LB1068. I introduced LB1068 at the request of Sheridan County Commissioners. LB1068 would create a new classification of rural roads. It is intended to give counties flexibility in maintaining some of their roads and to use county resources as efficiently and effectively as possible. The bill is drafted to apply only to sparsely populated rural counties because those are the areas of the state where the new classification would be of use. In the 1960s and '70s, many miles of single lane oil strips were created in the Nebraska Sandhills. I have handouts here for the page to hand out, if you would, please. The technique mixed a binding material with sand to make an oil mat. In the '60s and '70s, asphalt was used as the binder. The oil strips were a great boon to the Sandhill regions because they allowed road building without hauling a huge amount of material from great distances. Miles and miles of single-lane roads were built, which improved access to innumerable ranches. Trucks could haul fuel and feed in, and they could haul livestock out with great ease, which was unheard of before the oil strips came along. The oil strips made possible all kinds of new ideas and ways of doing business. One example is the ability to sell cattle on television, which is a common practice now, but which was quite an innovation at one time. Local ranchers videotaped cattle for auction on television. Many video sales will take over 60,000 head for buyers to choose from. Access to a hard surface road is essential for the transportation of so many cattle. This access is essential and we must find a way to continue it. However, as the price of asphalt increases, it becomes prohibitive to maintain this type of construction in the Sandhills. So people in the Sandhills have moved to a different type of construction and upkeep of these single-lane ranch-to-market roads. On less traveled roads, we have used crushed rock. The rock binds with the sand to make a substantial base and roadway for a small amount of traffic that uses moderate speed. This is not a new technique. It was used by the Romans and it is known as a macadam road. The problem we have now is there is no standard for using the method unless a 26-foot base is built and covered with rock or gravel. In many cases, it's not necessary to build a two-lane county road with a 26-foot base. The one-lane roads we have used for decades are adequate and safe. Changing to a two-lane, 26-foot base would be somewhat cost prohibitive. To address this problem, LB1068 creates a new classification and requires the Board of Public Roads Classification and Standards to adopt specific criteria for remote residential roads. This would then allow counties the option of using such a classification where the oil strip roads have been of such crucial importance. At the present time, the board can relax some standards. But that must be done on a case-by-case basis. With counties looking at many miles of road that need to be repaired, I do not think that this is an effective response to the problem. I have asked the pages to give you a copy of map of Sheridan County. I believe that map shows quite plainly that the magnitude of the problem is too great to be solved through relaxed standards and a case-by-case study. Mr. Jack Andersen, County Commissioner, has

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indicated on the map those roads which you think might be eligible for the new classification of LB1068 passes. The "Rs" on the map show where a residence is located. As you can see, there are dozens of instances amounting to perhaps 75 miles of road where Sheridan County could use a new classification. If Sheridan County wants to relax standards on these roads, each one would have to be documented and justified, and then submitted to the Board of Public Roads Classifications and Standards. The county board would be spending a great deal of time to prepare requests and the Board of Classifications would be spending innumerable hours considering those requests. In the meantime, roads are in need of maintenance and the situation simply gets worse. I think that the sheer number of roads in southern Sheridan County alone demonstrates how unworkable it would be to simply tell Sheridan County that it needs to ask for relaxed standards. Sheridan County is just one county that would qualify for this new classification. You have a handout there showing those counties, ones with the yellow marks on it. There are 39 counties that could conceivably use the new classification. I'm not suggesting that all 39 counties would do so. But certainly more than one county will be interested in this option. I think it is safe to say that telling counties to ask for relaxed standards is simply not realistic. We need a solution now. This situation is serious. Already we have seen some problems that clearly show how counties must be careful with road construction. Construction is questionable can cause counties to loose state funding. That happened in Banner County and recently in Dawes County. Dawes County lost 10 percent of its road funds from the state because certain guidelines were not followed when it had come to building bridges. The penalty was imposed by the State Board of Public Roads Classification and Standards. I think that cost Dawes County somewhere around \$51,000 because what they did, they went in and probably dozed over some old wooden bridges that were put in back in the WPA days and they just went ahead and put in a huge culvert. Instead of going ahead with a lot of engineering and everything to see how much water was on that watershed or anything, they just put in a big culvert and figured that was big enough because they knew about how much water would run down those gullies at that time. But the way it was, they didn't do it right and consequently they lost 10 percent of their roads funding. My question would have been, you know, has it made any difference? Was that a way of solving the problem that was satisfactory? If any of you have ever drove a heavy truck over some of those old wood bridges, I think you would rather have a huge culvert with a dirt fill on it. At any rate, the roads that would be eligible for this new classification would be roads that are mostly at the end of arterial roads. The bill restricts a classification to roads that serve perhaps two or three ranches and no more than seven residences. I've also asked the pages to hand out to you an amendment. This amendment is based upon concerns pointed out by the Board of Public Roads Classifications and Standards. I thought that the board's suggestions made sense, so I had this amendment prepared for the committee. The amendment would give the board 18 months instead of 6 months to promulgate rules and regulations once the bill becomes law, and it would also make some technical changes by the board. I ask you to give your consideration to testimony and act favorably on this legislation, which is

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needed in some of the Nebraska's rural communities. Thank you and I'd be happy to answer any questions. [LB1068]

SENATOR FISCHER: Thank you, Senator Louden. Are there questions? Senator Stuthman. [LB1068]

SENATOR STUTHMAN: Thank you, Senator Fischer. Senator Louden, what you're trying to do is create another classification so that you can hard surface these roads or maintain them or fix them or what is the real intent? [LB1068]

SENATOR LOUDEN: Another classification so you can go to rock. Right now, they had an oil mat on them, and this classification would go to probably a 12-foot-wide rock road. At the present time, I think the classification says if you go to a rock road, you have to have a 26-foot-wide surface on it. And for most of the amount of traffic on there, it probably isn't necessary. So it just costs that much more to build one 26-foot-wide and a lot more grading probably, and that Sandhills, the less grading used, the better off you are. A lot of those oil strips were actually put, as we say, on the lay of the land, and there's not that much of a bar pit on them so that...oh, in the wintertime when it's...snow is a problem, you can drive off of them without getting stuck in the bar pit. I mean, it more or less goes off level, you go around some of the snow banks and that sort of thing. And I think at the present time, if the only other thing you go to to get into this category is a minimum maintenance. And I think in order to get into minimum maintenance if it's into a residence, there's got to be another access to that residence. [LB1068]

SENATOR STUTHMAN: But trying to get another category would still mean that the county would be...it would be under the jurisdiction of the county to build the road and to maintain the road, just as it is now. [LB1068]

SENATOR LOUDEN: Yeah. [LB1068]

SENATOR STUTHMAN: But if you want to have that rock road, the specs now for that classification are it's got to be like 20-some feet wide, right? [LB1068]

SENATOR LOUDEN: Right at the present time, yeah. [LB1068]

SENATOR STUTHMAN: Yeah, and there's no need for that. You could build twice as many miles... [LB1068]

SENATOR LOUDEN: Not in most of those Sandhill areas there. [LB1068]

SENATOR STUTHMAN: Yeah. Okay. Thank you. [LB1068]

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SENATOR FISCHER: Other questions? Senator Schimek. [LB1068]

SENATOR SCHIMEK: Thank you, Madam Chair. Senator Louden, on page 10 of your bill it talks about the fact that this would be navigable by both passenger and commercial vehicles. What kind of commercial vehicles would be using those roads, do you think? [LB1068]

SENATOR LOUDEN: Well, the first I think that would be a pod, a cattle pod. I mean, that would be a cattle truck that hauls around...grosses 80,000 pounds. And at the present time, we have rock roads out there and they drive down them. Now, they drive very slowly. You don't want to be behind one if you want to get to town in a hurry because they'll probably drive about, oh, seven- or eight-mile-an-hour. I mean, when you get out onto those roads like that, this is a very slow road that's very slow moving. Now, the advantage of that is that these ranches can load the cattle up on their premises and truck them out. Before the days of oil strips and everything, we used to trail cattle, you know, 10, 15, 20 miles into the railheads, and then load them out. Or we would have loading shuts at some of the oiled highways. But now since we, oh, for the last nearly 20 years, why, most people have loading facilities right at the ranch and they can load them right there and they're gone. [LB1068]

SENATOR SCHIMEK: But that would be the main commercial kind of vehicle that you can think of. [LB1068]

SENATOR LOUDEN: Oh, yeah. Well, I guess as a tongue-in-cheek deal, what do you call it? That Schwan's ice cream, they would probably be there. [LB1068]

SENATOR SCHIMEK: Okay. Well, you're answer kind of leads into my next question. And the bill also says that the board may stipulate that lower speed limits apply to any such road. Is that what you would expect for them to do? And... [LB1068]

SENATOR LOUDEN: Well, I think the county at the present time, they put up, you know, if they have a dangerous situations, curves or something like that, they put up signs, you know, 20-mile-an-hour, and whatever. I would expect somebody to have some type of something on there. I have built...on our ranch I've got a couple of these roads that I've built myself, and this is how we did it. And my speed limit I tell those people is, don't go over 25-mile-an-hour because if you do, you start wearing our road out that much quicker, so this is...which is usually fast enough. I mean, these aren't roads that go long distances, so consequently you don't have to drive for a long ways until you get to a better road. [LB1068]

SENATOR SCHIMEK: Um-hum. Okay. Thank you. [LB1068]

SENATOR FISCHER: (Exhibits 4-40) Other questions? I see none. Thank you, Senator

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Louden. Could I have the first proponent step forward, please? At this time, I will read in a number of letters in support of the bill. We have one from Doug Andersen from Hemingford, Nebraska. We have one from the Sheridan County Farm Bureau, signed by Ralph Beutler, president. We have one from Farm Bureau signed by Kay Schroder. And then Senator Louden also brought in 36 people who have provided letters of support: Robert and Joyce Alcorn from Hay Springs; Jim Sherbarth from Hay Springs; Darrell Campbell, Hemingford; Ron and Janine Jossi from Alliance; Mary Lou Ackerman, Alliance; Kirk Otte, Gordon; Galen Voss, Chadron; Sherrie Leistriz? [LB1068]

SENATOR LOUDEN: Leistriz. [LB1068]

SENATOR FISCHER: ...Leistriz from Alliance; Mike McCarthy from Alliance; Emilee Reina from Rushville; Dallas Bowen from Bayard; Doug Jagers from Rushville; Mark Pieper from Hay Springs; Bob Ackerman, Alliance; Lucas Young, Rushville; Bernard Strong, Rushville; Rusty Campbell, Alliance; Shawn Combs, Gordon; Alan August, Gordon; Stella Otte, Gordon; Dan Otte, Gordon; Michael Casey, Hemingford; Shannon Smith, Gordon; George Sweeney, Gordon; Jim Tarr, Minatare; Gary Sandage, Gordon; Melissa and Jason Andersen, Alliance; Darcy Leistriz from Antioch; Rosemary Hollibaugh from Hay Springs; Leon Ackerman, Alliance; Tera Gasseling from Alliance; Jacqueline Smith from Lakeside; Joe Kunan from Ellsworth; Bruce Hooper from Alliance. I hope I didn't mispronounce too many those names. [LB1068]

SENATOR LOUDEN: No, you did pretty good. [LB1068]

SENATOR FISCHER: Okay. And we appreciate all of their letters that they have taken the time to send in in our process here. So our next testifier, good afternoon. [LB1068]

LARRY DIX: Good afternoon, Senator Fischer, members of the committee. My name is Larry Dix, spelled D-i-x. I'm executive director of the Nebraska Association of County Officials, appearing today in support of LB1068. I just want to make a couple of comments, and then we do have county board member here from Sheridan County who's going to testify that certainly can tell you more about the roads that we're talking about. And as I was sitting here and thinking, you know, there's probably some of us that haven't been on these types of roads. We certainly have been on "county roads." But maybe some of us haven't had the opportunity to travel on some of what we call the "one-lane" county roads and it is rather unique in the situation. We did work with Senator Louden in trying to identify counties that certainly would have these types of roads. And on the list I believe that Senator Louden alluded to, those 39...I think it was 39 counties, you'll notice that a majority of those counties are in the Sandhills. And that's predominantly where we're going to find those types of roads. And in working with Senator Louden, we talked about a population density that we may look at to identify which counties would qualify for this. Certainly this isn't something that the county

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officials are looking to apply to roads such as in Lancaster County. For the most part, in the eastern part of the state or even that, in a number of areas where we have a lot of square sections and mile road areas. These are truly in the more rural, less populated areas. And it's one of those where from time to time, I know we'll set up here and people will say, you know, you've got to find ways to cut property taxes. We just have to reign that in and get that under control. This is an instance where I think it does have that opportunity, and it's an instance based on the number of letters that Senator Louden brought in. It's something that I believe the taxpayers in that area are comfortable with, and they understand living in that environment; what it takes, what they need for roads to do their operation. So it's one of those I think where we look at it, we're to a point in the history of the state of Nebraska where we simply cannot do everything for everybody in all those certain requirements. And this is one that maybe certainly has a good positive impact on property taxes for the folks in Sheridan County. And quite honestly, a number of these other counties that are out there because they probably all have some roads within their counties that meet some of these conditions that Senator Louden was talking about. With that, I'll be happy to answer any questions. But as I said, there's going to be a gentleman here from the Sheridan County board that lives in that area, certainly understands the roads, understands it from a county board perspective. So you may want to ask those questions to him. But I'll be up to answer anything that you would have. Thank you. [LB1068]

SENATOR FISCHER: Thank you, Mr. Dix. Are there questions? I see none. Thank you very much. Next proponent, please? [LB1068]

JACK ANDERSEN: (Exhibit 41) If I could have a page distribute these. [LB1068]

SENATOR FISCHER: Good afternoon. [LB1068]

JACK ANDERSEN: Good afternoon, Madam Chairman, members of the committee. My name is Jack Andersen, A-n-d-e-r-s-e-n. Thank you for this opportunity to appear before you today in support of LB1068. LB1068 is a bill that would allow for common sense roads in rural areas. And the page is distributing a few photographs, not really very representative as a total, but I went through my highway superintendent's files to try to come up with something to illustrate what a one-lane road is. And that is a one-lane paved road, was a paved road. It's kind of deteriorating now. I am the chairman of the Sheridan County Board of Commissioners, and I'm here today to speak on behalf of that board. Sheridan County is the fourth largest county in the state, with a population of less than 6,000 residents. My commissioner district contains more square miles than all but six of the counties in the state of Nebraska. I currently hold a Class B county highway superintendent's license, and some 25 years ago I worked as a foreman for the Sheridan County roads department. During the late 1950s and early '60s, some funding was available for construction of farm-to-market roads. Area residents formed special road districts and made donations to help fund construction of roads in remote areas of

our county. At the time, one-lane oil mats were the most cost effective answer in the Sandhills region. In that area, one seldom finds a road that follows a section line. Consideration as given to terrain features, and the roads were laid out to best serve the most residents at the least possible cost. The result is a system that often appears to serve as private roads, but many go on to serve as unimproved access to a neighbor's fields or pastures. Generally these roads, with very little road bed construction, all unimproved trails that had proven to provide year round access. Many of these oil strips are not fenced and have little or no ditches on either side, allowing travelers to lay around in snow drifts when the roads become blocked in the winter and snow removal equipment is busy elsewhere. These one-lane roads have served our residences well for over 50 years. However, the cost of asphalt has skyrocketed and even with matching funds from the special road districts and individuals, the cost of maintaining these oil mats has become prohibitive and less costly alternative is needed. Current standards do not allow for a one-lane gravel road. Though one-lane paved roads are included in the standards provided, the road bed is 26-foot-wide. There is a provision where a county can request a relaxation of standards and a present Board of Classification and Standards has been receptive to these requests in many cases. I do not see this bill as undermining the authority of the Board of Classification Standards, but rather providing a tool for them to use in some instances. LB1068 will require signage to alert travelers that they are on a one-lane road. And widening of traveled surfaces where sight distance is inadequate to warn of approaching traffic. These two provisions are not a requirement of the present classifications that allow for one-lane oil mats. In addition, LB1068 will require a public hearing on the local level prior to requesting a reclassification of an existing road. Our highway superintendent has indicated that some highway superintendents are concerned that this bill would require construction of additional roads, and feel it should only apply to existing roads. I have read and reread this bill and I see nothing that would indicate a requirement for new construction. In its present form, it would allow for new construction if it were deemed appropriate, and that option should remain in the bill. A remote residential road could be built to the minimum standards of a higher classification if doing so would better serve the county. I have often heard that gravel roads will not work in this sand. It is true that clean gravel, which works well in other soils, just disappears into Sandhill road. Crushed road with a significant amount of fines from a clay-based pit will work. Though some areas require a base of larger material, the cost of hauling the extra material makes a traditional two-lane road impractical. To remain viable, our farmers and ranchers must have adequate roads. Today, I'm asking that you support this legislation and allow us a means to provide safe, affordable roads to the farms and ranch residents that are the backbone of our economy. Thank you for hearing my testimony and I'd be glad to answer any questions. [LB1068]

SENATOR FISCHER: Thank you, Mr. Andersen. Are there questions? Senator Stuthman. [LB1068]

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SENATOR STUTHMAN: Thank you, Senator Fischer. Mr. Andersen, if you were to replace these roads, would you reoil them again, tear the old oil up, make it wider, and reoil them? [LB1068]

JACK ANDERSEN: The cost of replacing the one-lane oil strips with oil road of any kind is just so cost prohibitive. Most of these roads were built with a cost share funding, and what little maintenance they're receiving now is on a cost share funding. We have four active road districts within Sheridan County that are taxing themselves an additional...as high as 7 cents. Our total road budget this past year on a county levy was 12. So they're going half again, more than half again, extra tax and we're losing ground. We can't afford to even try to keep them at their own level, and I'm not saying that it's going to be any picnic to turn them into one-lane gravel. But it looks like about our only alternative. [LB1068]

SENATOR STUTHMAN: You would, Mr. Andersen, then tear up the blacktop and put rock down? Is that the intent? [LB1068]

JACK ANDERSEN: That's the...we need to have a place where we can try some different things. I think that if a person were to break up the asphalt or punch some holes in it somehow so water could drain through, then possibly we could put a small amount of dirt, maybe a foot, on top, build just a little bit more grade, and put a gravel strip over the top of it. That might work. At this point, we really don't even have a place where we can try these things legally because the standards at this point...and I understand that we can ask for relaxation, and that's something that quite frankly, Sheridan County has never tried before. But in visiting with the Board of Classification and Standards, we may be into their office while we're waiting to see if this bill gets somewhere to see what we can do. [LB1068]

SENATOR STUTHMAN: Yeah. I noticed in your pictures here, it looks to me like the smoothest part of the road is where the tandem axles go that are on the outside of the oil mat, and that's where the smooth part is. [LB1068]

JACK ANDERSEN: That's why the traffic went there is that the road got so rough that they moved over, and this actually is a pretty poor illustration of our Sandhills roads. I had some that I really would have liked to brought pictures of that would have been better, but procrastination and those kinds of things, I didn't get out to take the picture, so I begged the pictures that I have there off our highway superintendent. And that road actually was a road that was a collector road that we did get redone last year with a federal cost share. So that is not a real good representation. [LB1068]

SENATOR STUTHMAN: Okay. Thank you, Mr. Andersen. [LB1068]

SENATOR FISCHER: Other questions? Senator Loudon. [LB1068]

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JACK ANDERSEN: Senator Louden. [LB1068]

SENATOR LOUDEN: Thanks for coming here, Jack. It was quite a trip to make it from the western end of Nebraska. I know of just about how far it is. So thank you for coming here to testify and thank you for the pictures that you have here. I would like to mention your number four picture shows these grooves across there, and of course that's kangaroo rats for some reason like to go underneath a lot of these and that makes those oil strips so rough. And that's usually the reason everybody's driving down into the ditch to go around the rough spots, is that safe to say? [LB1068]

JACK ANDERSEN: Yeah. A lot of the people try to blame the gophers, but I think you're right. The kangaroo rats are the bigger headache. They tunnel under there. We've...on this particular road, this last year with a cost share of the area ranchers, we run a gopher machine down both sides of it. And I noticed the state run gopher machine both sides of Highway 250 this year to try to keep down on the gophers. But the kangaroo rats are actually the bigger culprits and we can't come up with a good way, other than finding each individuals run and using some poison...block the road and throw a little bit into their... [LB1068]

SENATOR LOUDEN: That's what I have to do on our roads is to carry my little jar of gopher poison and a tablespoon and...yeah, it has it. On this map that you indicated here, most of those are--what would you say?--roads that...are they some of them going into individual ranches and some like that? But as I noticed on the map, all your blue lines always go to another line, and that's either a state highway or something like that. In other words, pretty near all of our oil strips are used as veins to come into the arteries. Is that what we're trying to do here? [LB1068]

JACK ANDERSEN: That's very true. If you think of a river with streams as tributaries leading into it, that's about what we've got. We've the major roads, the Highway 250, Highway 27, and the majority of these roads then connect onto the state highways and in some cases, other county roads. On the map, you'll also probably notice that where that blue line ends, in a good many cases there's a faint line goes on. There are at least two mail routes in Sheridan County that are still running partially over two-track trail that's unimproved trails. [LB1068]

SENATOR LOUDEN: Sandhill trail. [LB1068]

JACK ANDERSEN: Sandhill trail, and some of those roads are actually a mail route on beyond. [LB1068]

SENATOR LOUDEN: Okay. Thanks, Jack, for your testimony. [LB1068]

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SENATOR FISCHER: Other questions? Mr. Andersen, I'm from Valentine, and so I know all about one-lane oil roads. In fact, I represent 13 counties and they happen to be all highlighted here on the sheet that Senator Loudon brought out. When you're talking about changing the classification though, I'd like to follow up a little on Senator Stuthman's question. Have you talked to any engineering firms about the process you're going to go through? We have a one-lane oil road to our ranch, and then we have a mile and a half our driveway in, and it's graded; it's a clay base that we used, and then it has a lot of rock on it. But have you talked to any engineering firms or anything about what you plan to try over an existing oil road? [LB1068]

JACK ANDERSEN: No, I have not. I visited with a fellow from another county and without getting myself in too deep, we've tried a few things, but... [LB1068]

SENATOR FISCHER: I'll caution you, this is on the record. [LB1068]

JACK ANDERSEN: But no, I haven't actually talked with any engineering firms. But from what my experience as a highway employee has been is that we need to somehow break up that oil, at least to the point that water can soak through it so that we don't create a mud hole on top of it when it...if it ever rains. I almost said when it rains. [LB1068]

SENATOR FISCHER: We'll think positively, when it rains. I know you folks were dry this last year and eight years before that. These pictures aren't unusual at all, and I think the committee needs to know that. In our area of the state, these pictures aren't unusual, and a lot of time you'll see the tire tracks, the ruts outside of the oil base just because of when traffic meets. It's not often on these roads, but you do have traffic meet and people are used to moving over when they see traffic coming. Senator Schimek had questions about signage perhaps on these roads. Do you have signage in your county now, besides the usual showing, you know, curves and things? Do you lower speed limit or anything on the one-lane roads? [LB1068]

JACK ANDERSEN: I cannot think of an instance. There may be, but I cannot think of an instance and you're right. The local people know that if you pop over the top of a hill and there's somebody coming the other way, you each take half of the road to the right and never think another thing of it. I've often wondered what will happen some day when we get two people from New York City, one going each way on one of these roads. But that's part of the advantage, I think, of this LB1068 is that it would allow for a wider roadway where sight distance is short. You wouldn't be popping over the top of that hill and only have a one-lane oil strip like we have at this time. And then also there would be a sign at the beginning of the road that would say that you are on a one-lane road so that people that don't have an understanding of how wide a road needs to be would know that they may be meeting someone. [LB1068]

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SENATOR FISCHER: And could you refresh my memory? How wide are these current one-lane oil roads on average? [LB1068]

JACK ANDERSEN: I believe the standards call for 12 foot. [LB1068]

SENATOR FISCHER: And you are asking for what then on a gravel or a rock surface? [LB1068]

JACK ANDERSEN: We didn't have a number in mind. We just asked for one lane and that board of classifications, the standards will then have to set up a standard, and we're hoping that they will go with the 12 foot as the oil strips are. [LB1068]

SENATOR FISCHER: Okay. Thank you. Other questions? Thank you, Mr. Andersen. Appreciate you driving down here today. [LB1068]

JACK ANDERSEN: Thank you. Thank you, all. [LB1068]

SENATOR FISCHER: Next proponent, please? Good afternoon. [LB1068]

PETE McClymont: Good afternoon, Madam Chair, members of the committee. I'm Pete McClymont, P-e-t-e M-c-C-l-y-m-o-n-t. I am vice president for legislative affairs for Nebraska Cattlemen, and we are here in support of Senator Louden's LB1068. Just to echo what Mr. Andersen and Mr. Dix have talked about, probably the two biggest areas that we would voice our support is the extra classification. And I think it was impressive of the 36 people that you read into the record that are in support of this. You would think that people might be...assume they're getting less of a road with this extra classification. But yet when you have people involved in the affected districts that are supportive of this, I think that goes a long way in support of the bill. Obviously too, the tax burden would be hopefully lowered. I've been in Sheridan County on these roads, and have driven...we've got coworker that lives south of Antioch and so I've been on those roads. And so in answering Senator Schimek's question, you don't drive fast; you drive what the road allows and it's not very fast in some instances. So with those two points that we'd like to affirm support of this in Senator Louden's priority bill, and be happy to answer any questions. [LB1068]

SENATOR FISCHER: Thank you, Mr. McClymont. Are there questions? I see none, thank you very much. [LB1068]

PETE McClymont: Thanks. [LB1068]

SENATOR FISCHER: Other proponents? Could I ask how many testifiers yet for proponents wish to come forward? This will be our last one. And any opponents to the bill? None. Any neutral? I see three in neutral. This is just to let people know who are

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listening to our hearing when they need to come it. So good afternoon. [LB1068]

JAY REMPE: Good afternoon, Senator Fischer, members of the Transportation Committee. My name is Jay Rempe, that's R-e-m-p-e. I'm state director of governmental relations for Nebraska Farm Bureau, here today on behalf of Nebraska Farm Bureau in support of the bill. As Senator Fischer mentioned, our local Sheridan County Farm Bureau has sent a letter in support of this and wanted it known that they support this bill as well. And largely for the reasons that have already been outlined; giving the counties more flexibility, and the ability to stretch dollars a little further in trying to maintain these roads. And for those reasons, we support this measure. I'd be happy... [LB1068]

SENATOR FISCHER: Thank you, Mr. Rempe. Are there questions? I see none. Thank you very much. [LB1068]

JAY REMPE: Okay. Um-hum. [LB1068]

SENATOR FISCHER: Other proponents? I see none. Any opponents to the bill? No opponents? Anyone wishing to testify in the neutral capacity please step forward. Good afternoon. [LB1068]

GENE ACKLIE: Good afternoon. I'm Gene Acklie, A-c-k-l-i-e, chairman of the Board of Public Roads Classification and Standards, and a city street superintendent for the city of Terrytown, Nebraska. I think you do have a letter that we had addressed to Senator Loudon in regards to our reservations that we had in regards to the bill, LB1068. First of all, of course we'd like to have the counties or the municipalities approach the Board of Public Roads Classification and Standards for relaxation of standards if there is a need there. And the needs would be either safety or economic, and I think in both cases it would appear that this would meet those needs. And we could address the current classification of road and allow a relaxation of standards. And actually all of the roads could be brought in at one time if that were the desire of the county or city, whoever does approach the board. One of the things that we do not have is the history, and I realize that this is a type of road that is built back in the Roman Empire. But as far as the history in regards to walking on top of the sand in the Sandhills, I had been at one time highway superintendent or assistant highway superintendent in Scotts Bluff County. And we had numerous problems with high maintenance expenses there and that's one thing that we would want to caution I guess is that with the bill is that we don't create something that's going to be a very high maintenance cost to the counties over the years. The advantage and reason the asphalt was initially put into place is that it was a high initial cost, but typically the maintenance cost then were much reduced over any other type of road in the Sandhill environment. One of the things that we pursued at the time, of course that the Sandhill road was allowed, was this would provide us new surface for safety vehicles that need to get to a ranch, perhaps in a short amount of time at higher speeds. And this type of road, as we're looking at the bill, would appear that it

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would definitely be a slow traffic or speed road. Those would be something that we would have as far as our concern and, again, they are just strictly concerns. I do have two other board members with me today, Richard Pierce, who is a supervisor in Buffalo County, and Barbara Keegan, who is the highway superintendent in Box Butte County, which is of course one of the counties that would be affected also. With that, I believe that's all that I can express to you. I'd be glad to answer any questions. [LB1068]

SENATOR FISCHER: Thank you, Mr. Acklie. Have you had a chance to review the amendment that we were given by Senator Louden? I know that you had sent a letter out with concerns. Have you had a chance to look at that amendment? [LB1068]

GENE ACKLIE: No. We have not received that. [LB1068]

SENATOR FISCHER: Okay. Thank you. Any questions? Senator Louden. [LB1068]

SENATOR LOUDEN: Thank you, Mr. Acklie, for coming here to testify today. You probably drove a little bit farther than Jack Andersen did, I guess. [LB1068]

GENE ACKLIE: I've relocated to Fremont, so I got closer to Lincoln. [LB1068]

SENATOR LOUDEN: Oh well, you're not very truthful then when you say Terrytown if you relocated to Fremont. [LB1068]

GENE ACKLIE: No, I still am their city street superintendent. [LB1068]

SENATOR LOUDEN: Okay. Anyway, getting back to the roads part, and like the letter that you sent out, we took that and drafted an amendment with your concerns in it, changing it from 6 months to 18 months to implement the thing, and some things like that and signage. When you talk about high maintenance over these oil strips...I'd have the page hand you this picture here so you can see, I've lived around those all my life and there was literally no maintenance done on oil strips, and that's the reason they look like they do. I mean, they are plumb shot. When you talk...I thought when we were doing this around my ranch and places we lowered the maintenance because they could be...a motor grader could go over them and smooth them all back up again. Whereas when you have these oil strips that are full of kangaroo rat runs and that sort of stuff, I mean, there's nothing to do but bring in some asphalt, and the price of asphalt is quite high priced. Do you think perhaps the maintenance would be less on these rock roads like this? [LB1068]

GENE ACKLIE: I believe the difficulty in order to try to maintain a crown or something of that nature perhaps on a 12-foot-wide roadway would be difficult. And of course with the Sandhill design, basically we're hoping to allow the grass to grow right up against the edge of the surfacing. And that would be the ideal circumstance and of course, that's

the theory so that we butt down on erosion around the roadway with the Sandhills road. As you say, basically the asphalt roads were placed and were forgotten about as far as any maintenance expense. And that may be part of the reason for the condition of the roads because that's...I've always worked as a consulting engineer and as I would explain to persons that an asphalt road is just like a house; it has to be painted about every six or seven years in order to maintain the integrity of it. And as far as the maintenance cost, we really don't have a history. That's one of the things that we would be a little concerned or I personally would be concerned is that if we approach a road without knowing structural history, knowing maintenance expense in regards to it. We would be very open, and I say that as the chairperson, and of course we have an entire board to approve a relaxation, but perhaps to have relaxation of standards on one particular road to see if we could develop some history from that. Or if history can be...if there is history there, if it could be submitted, we'd really appreciate it. [LB1068]

SENATOR LOUDEN: I live next to the Burlington Northern. Of course, south Sheridan County where you saw where Jack is, and they were doing what they call undercut, taking that rock out from underneath their railroad track with the big machine, and for a long time they were just dumping it in win row there. So us ranchers, in fact, one place said there was about two miles of it along my ranch and I said, you know, what are you guys doing with this rock? Fine. You can have it. So we went after that and this is what we built with that crushed rock on that sand. It would bind up and actually get hard as long as you didn't spin your wheels. With that, there was several of the neighbors got rock. Sheridan County started hauling it on some of these roads and did the same thing on these oil strips, and a lot of those oil strips are in such bad shape they just dumped it over the top and it made a pretty good road. That's the reason I think this is where we're coming from on putting this rock in there. Gravel won't work, but a crushed rock-type will. Now, when you talk about going with any maintenance on the asphalt, they're building some stuff there at our place and the plant site is on our land and I'm getting...it's supposed to be an asphalt/concrete road laid in for about, oh, half a mile. And they told me that that was valued at about \$12,000. So you're talking about over \$24,000 a mile of using asphalt/concrete providing the plant site is in operation. Don't you think that probably by using rock in crushed cement that's available now in most all of these towns are having big piles of crushed cement that we could probably maintain those roads and build them a lot cheaper than trying to go back to some kind of an asphalt/concrete mix? [LB1068]

GENE ACKLIE: I would certainly agree that if you can obtain those materials as gifts to the county that there would certainly appear...you would need to tear up or destroy the old asphalt surface so it could become an integral part of the structure for the road. But if you were able to obtain those at no cost...I don't know...of course, when we look at standards and from the board's perspective, we have to anticipate that any entity is going to have to purchase all of the materials and so forth that would be utilized because that may be the case in other areas of the state. You're fortunate in having the

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railroad there and having them willing to dispose of that rock for you. [LB1068]

SENATOR LOUDEN: Now, even if we had to buy that rock...because if you make asphalt concrete, you still got to buy that aggregate someplace. I mean, either way you're going to have the aggregate hauled in. The question is, is the price of the asphalt that you mix with the aggregate. That's where we would give an advantage. [LB1068]

GENE ACKLIE: Well, the only response I would have, Senator Louden, is that these roads here were used with in place aggregate material--sand. And just asphalt was just mixed with the sand and so there was no aggregate or anything else brought in. And there is...that would still be a viable construction circumstance for the county to strictly just do an asphaltic sand, which would use local on-site materials. [LB1068]

SENATOR LOUDEN: Would you be able to grind up those asphalt roads there and still mix asphalt and sand with them? I was under the impression that you can't do that with any degree of success. [LB1068]

GENE ACKLIE: No, you could do that. And I have actually had a couple of projects, one was in Garden County, where we went in and we milled the surface material up and then relaid it and then we armor coated on top of it. [LB1068]

SENATOR LOUDEN: How much did that cost a mile? [LB1068]

GENE ACKLIE: I'm sorry that I can't answer that question. [LB1068]

SENATOR LOUDEN: Because I was going to say, yeah, I have land in Garden County, so I'm familiar with some of this stuff they did. One of the experiments they did was a very bad job that... [LB1068]

GENE ACKLIE: I understand that they had one... [LB1068]

SENATOR LOUDEN: I hope you weren't the engineer that thought that up. [LB1068]

GENE ACKLIE: No. But I do understand that they had one real problem area and I'm not familiar with that, but... [LB1068]

SENATOR LOUDEN: Okay. Thank you for your testimony. [LB1068]

SENATOR FISCHER: Thank you. Other questions? Thank you very much for coming in today, Mr. Acklie. Next person who would like to testify in the neutral capacity? Good afternoon. [LB1068]

BARBARA KEEGAN: Good afternoon. I am Barbara Keegan, K-e-e-g-a-n. I'm a

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member of the Board of Public Roads Classifications and Standards. I represent the Class III and IV counties with a population of 9,000 to 19,999 people. I am also a member of the County Highway Superintendent's Association; that includes county engineers and surveyors. And I guess I wish to testify or have my name on the record in a neutral position. I am the County Highway Superintendent, as mentioned before, for Box Butte County. And I guess I've heard about a dozen names that were in my county, and I was most surprised by those names, that were submitted. So I have no more at this time. If you wish to ask me any questions, I would certainly be glad to try and answer them. [LB1068]

SENATOR FISCHER: Thank you, Ms. Keegan. Any questions? Senator Stuthman. [LB1068]

SENATOR STUTHMAN: Thank you, Senator Fischer. Ms. Keegan, do a lot of counties have these oil strip roads in there? [LB1068]

BARBARA KEEGAN: I can only speak for my county. I do not have any one-lane strips, such as Senator Louden mentioned. [LB1068]

SENATOR STUTHMAN: Okay. You don't have any of those? [LB1068]

BARBARA KEEGAN: No, I do not. [LB1068]

SENATOR STUTHMAN: Okay. Thank you. [LB1068]

SENATOR FISCHER: Other questions? Senator Louden. [LB1068]

SENATOR LOUDEN: Yeah. Thank you for coming and testify, Barbara. Yeah, when we drew this up, I noticed Box Butte County would be one that would qualify and I said, well, Box Butte County doesn't have any problem with roads. They have all graded roads up there and you're up there where the gravel is and that sort of thing. So I didn't know if you had any one-lane oil strips in there southwest of Hemingford. But that's all graded and rocked and graveled up in that part of the country? [LB1068]

BARBARA KEEGAN: We have...first of all, I'd probably take an exception to your comment that we have good rock in our county. We have to transport it in. The good rock, we have to transport in from either Scotts Bluff County or in our armor coat projects, we have to bring that in from South Dakota for the fractured face. [LB1068]

SENATOR LOUDEN: How come Sheridan County is trucking rock from south of Alliance then down there if that isn't good rock? [LB1068]

BARBARA KEEGAN: I don't really call that good rock. It is a softer rock and it dissipates

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with the higher speed traffic that was talked about earlier. I believe the best rock that is there is, of course, river gravel or fractured face. [LB1068]

SENATOR LOUDEN: Okay. One man's junk is another man's treasure. [LB1068]

BARBARA KEEGAN: Well, you know, and I'll be the first one to admit, at that pit I've got about 15,000 yards there right now. [LB1068]

SENATOR LOUDEN: Out of that pit south of Alliance there? [LB1068]

BARBARA KEEGAN: South of Alliance, yes. [LB1068]

SENATOR LOUDEN: Okay. Yeah, because I was wondering because that's where Sheridan County gets most of theirs for the south end of Sheridan County. [LB1068]

BARBARA KEEGAN: Certainly, and they've used our loader before. So we know what's going on there. [LB1068]

SENATOR LOUDEN: Yeah. Have you trucked in any of that crushed concrete from over there around Scottsbluff where they're crushing up some of that? Have you ever used any of that in your road building? [LB1068]

BARBARA KEEGAN: We have not. There...when the city of Alliance redid the airport, there was some crushed concrete available at that point. We had tried some and our comment there was that there was a larger amount of flat tires with that that we purchased from the crushed concrete. [LB1068]

SENATOR LOUDEN: One more question. When they cleaned up a plant site there north of Ellsworth, Box Butte County trucked up a patch of that oil leftover mix and stuff. [LB1068]

BARBARA KEEGAN: Yes. [LB1068]

SENATOR LOUDEN: How did that work out for trying to lay that on top of your gravel road? We're you using that to just hold down the dust or what were you trying to do with that? [LB1068]

BARBARA KEEGAN: We used basically recycled millings, which was what we hauled out of there. We used recycled millings as a base for a number of our roads, and it works very well. You've got to have the proper compaction immediately. And then what we tend to do is we come in with an armor coat and do an armor coat project over that. And because I have changed a number of things, I have to submit my Form 7 to the Board of Public Roads Classifications and Standards because I improved the road. So...

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[LB1068]

SENATOR LOUDEN: How much did that cost a mile? Do you have any idea? Do you know? [LB1068]

BARBARA KEEGAN: The last that we brought out of Ellsworth there I believe was...the only thing we had in that, I believe, was the hauling and I don't remember what the hauling was at that time. We're looking at hauling in some rock from South Dakota, some armor coat gravel from South Dakota. That armor coat gravel is \$10.35 a ton today, and I anticipate over \$10 a ton to haul. So I'm over \$20 a ton for my aggregate alone. Cold mix, you said something about the price of cold mix. Cold mix right now is \$75 a ton. [LB1068]

SENATOR LOUDEN: Um-hum. And a ton will go what, 100 yards? [LB1068]

BARBARA KEEGAN: How deep are your kangaroo runs? How bad are your pot holes? Sometimes it goes a long time and sometimes it doesn't go very far. [LB1068]

SENATOR LOUDEN: Um-hum. Okay. Thank you. [LB1068]

SENATOR FISCHER: Thank you very much. Other questions? I see none. Thank you for being here today. [LB1068]

BARBARA KEEGAN: Thank you for allowing me to speak. [LB1068]

SENATOR FISCHER: I believe we have a last person coming forward in the neutral capacity. Good afternoon. [LB1068]

DICK PIERCE: Thank you, Senator Fischer. My name is Dick Pierce, P-i-e-r-c-e, chairman of Buffalo County Board of Supervisors. In that capacity as being a member of the board of supervisors, I've served on the county highway committee. I was chairman of that committee for several years. Buffalo County does not have any roads like this. I am here representing the Board of Classification and Standards today and want to go on record as being neutral to this. I can certainly see both sides of the picture. I personally have driven these roads with semi truck, both commercially and hauling privately. So I know all about these roads and all the dangers and everything that go along with them in trying to dodge oncoming traffic, etcetera. It is quite a challenge and I guess it's a challenge that I'm glad, as being a resident of Buffalo County and on that board, we don't have to deal with in our county. One of the concerns that I had was the timeframe and with this amendment that you presented today, I think that that addresses some of that. I don't have a lot of other concerns about it; just the concerns that have already been expressed by the other two members of the board. So if you have any questions for me... [LB1068]

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SENATOR FISCHER: Thank you, Mr. Pierce. Are there questions? I see none. Thank you very much for being here today, nice to see you. [LB1068]

DICK PIERCE: Thank you. [LB1068]

SENATOR FISCHER: Anyone else wishing to come forward in the neutral capacity? Senator Louden, would you like to close? [LB1068]

SENATOR LOUDEN: Thank you, Chairman Fischer and members. I guess on closing I would just wish to thank all the people that testified and then sent letters in on this. And point out that there is a real need out there in the Sandhills. Part of this is our economy because I lived out there before we had roads and I know what it was like and we don't want to let those roads deteriorate until we can't get in and out of there with heavy equipment or heavy trucks. That's been the lifeblood of the Sandhills in the ranching country and a lot of those ranchers that used to be so remote that the only way you got cattle in and out of there was you trailed them out. Now, when we come up with oil strips, we did have ways of doing something. And I would point out on this map that Mr. Andersen brought in that the map four there, can you imagine driving a pickup and a gooseneck trailer down through that thing to haul cattle, horses or even if you had a piece of machinery or something like that about how fast you would go? If you went over five- or six-mile-an-hour, you would be doing great. So there is a real need for that and this is something where it's a new...I wouldn't say whether it's a new idea. It's just something that we have to bring our regulations up to date to what is already being done. It was sort of like some of the pharmaceuticals you have. I can remember when we had a pharmaceutical that they told us wasn't any good for pink eye, and I think we were using it about seven or eight years for pink eye before finally the veterinary people and the pharmaceutical companies finally decided, yes, it was good for pink eye. And I've always said ever since then ideas are formed out in the country or in the work places. It's just that it takes research to tell us why we're doing it, and this is what we're trying to do here. We've been doing this with roads privately. It's time that we went ahead and allowed the counties to do it and brought the regulations up so we can have signage and have some control over it. Thank you, madam President. [LB1068]

SENATOR FISCHER: Thank you, Senator Louden. With that, I will close the hearing on LB1068, and open the hearing on LB1091. I see Senator Gay is here for the opening. Good afternoon. [LB1068 LB1091]

SENATOR GAY: Good afternoon, Senator Fischer and members of the committee. For the record, my name is Tim Gay, state senator District 14, here to introduce LB1091 and this will be very brief. I know you have a lot of other bills behind me. This bill was brought to me early in the session as a member of the Health Committee, actually, and it's in regards to critical access highways or hospitals with an emergency room. The bill,

what it does is allow the Department of Roads to give some jurisdiction away on entrances into the hospitals in certain cases, assuming that the local authorities would grant that access working with the Department of Roads. Many times, the Department of Roads is placed in a difficult position and this bill would, in my view, would help alleviate...sometimes they're in a tough position. The policy is this and there's not a lot of give. But this is just one important area to the critical access hospitals. In no way does this bill...and I don't want to intend anything bad about the Department of Roads. It's a great organization and they do a tremendous job. As you all know being on the committee, they do a tremendous job with the resources that they have and all the needs that are required. This is just comes to me as being in a local position at a time I did feel there were times where they'd like to give a little but they just couldn't and this allowed it. And it is very narrow to critical access hospitals for that reason because they're placed many times in a tough situation. This would, like I say, allow the local governing body the jurisdiction. They must vote in favor and work with the department. The department would not maintain these roads in any way. They would give that, the maintenance would all be and any road would be at the cost to the person, the hospital in this case, requesting it. And under the current law...that's already in current law, the local governing part, body is responsible for any maintenance. So it's a short bill and it's very narrow focused. And like I say, when I was approached on this...I don't do too many of these, you know, one or two, but this was a critical need in our area on hospitals that are being built. I checked into it and we wanted to make sure it narrowed it down to hospitals with an emergency route. So it could be in any community, but it has to be very restricted. So, I know in the lateness of the session now, you know, it's tough to do anything on this. I understand that and I don't know if anyone will be here to testify behind me. But that's what the bill does, Senator, and I'd open to any questions. [LB1091]

SENATOR FISCHER: Okay. Thank you, Senator Gay. Are there questions? Senator Stuthman. [LB1091]

SENATOR STUTHMAN: Thank you, Senator Fischer. Senator Gay, is there a particular critical access hospital that this would benefit? [LB1091]

SENATOR GAY: Well, there's two actually that it would. One would be the medical center that's being built, and the other one would be...we had a situation with Alegent. But this, in any case...like I say, those are the two that approached me, quite honestly. But in any case, I was kind of looking at this down the road, and in your community even as growing community, you have a hospital there, that's not an expressway. But let's say you need to change it around to grant another access because you put more subdivisions on or you're growing more around the hospital and you just needed the change. This would allow your local governing authority in that area to be able to work with the Department of Roads or in this case they'd have that authority to say, well, we might want to reconfigure this entrance. [LB1091]

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SENATOR STUTHMAN: Okay. Thank you. [LB1091]

SENATOR FISCHER: Other questions? I see none. Thank you very much. [LB1091]

SENATOR GAY: Thank you, Senator, and I'd waive closing, too. [LB1091]

SENATOR FISCHER: Okay. Thank you. Are there any proponents for the bill? Any proponents? Any opponents to the bill? Anyone wishing to testify in the neutral capacity? I see none. Senator Gay has waived closing, so thank you very much for being here today. Nice to see you. With that, I will close the hearing on LB1091. We'll open the hearing on LB908. I believe Senator Pirsch is on his way. Good afternoon, Senator Pirsch. How are you? [LB1091 LB908]

SENATOR PIRSCH: Good afternoon, Chairman Fischer. [LB908]

SENATOR FISCHER: Our last hearing went fast, so... [LB908]

SENATOR PIRSCH: Excellent, excellent. [LB908]

SENATOR FISCHER: ...happy you could rush down here. [LB908]

SENATOR PIRSCH: Still a little breathless. Well, thank you, Chairman Fischer, members of the Transportation Committee. I am state senator Pete Pirsch, representing the Legislative 4th District and the sponsor of LB908. LB908 allows veterans who are eligible to obtain disabled American veteran license plates or prisoner of war license plates to be able to license any number of their vehicles or trailers. Under current law, those who are eligible to obtain Purple Heart license plates are able to license any number of their vehicles or trailers. Under LB908, this would bring the provisions for disabled American veterans and prisoner of war license plates on an equal footing therefore with the provisions for Purple Heart license plates. Thank you very much for you time and attention. If you have any questions... [LB908]

SENATOR FISCHER: Okay. Thank you, Senator Pirsch. Are there any questions? I see none. Thank you very much. [LB908]

SENATOR PIRSCH: Okay. Thank you very much. [LB908]

SENATOR FISCHER: Could I have the first proponent step forward, please? Good afternoon. [LB908]

DENNIS PAVLIK: Thank you for this opportunity to be here. My name is Dennis Pavlik, Nebraska Department Commander of the American Ex-prisoners of War. I'm here to

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express my opinion concerning LB908. [LB908]

SENATOR FISCHER: Could you spell your last name for us, please? [LB908]

DENNIS PAVLIK: Pavlik, P-a-v-l-i-k. [LB908]

SENATOR FISCHER: Thank you. [LB908]

DENNIS PAVLIK: Senator Pirsch and I have discussed this situation that veterans are not allowed to purchase more than one ex-POW and DAV license plates. Veterans and non-veterans are allowed to purchase as many vanity plates as they want. In all fairness, veterans should also be able to purchase as many ex-POWs and DAV plates as they want. If anyone has earned this right, it is the veteran given the sacrifices made for our country. All veterans are proud of their service to our country. Their service to our country was a big impact on their lives and those around them. Even veteran's widows do not want to surrender these plates after their spouse is deceased. Many veteran's widows keep the plates after their spouse deceases, which under the present law is illegal. This should also be corrected, but is not on before us today. I would like for you to imagine a picture in your mind of a couple of instances. A good friend of mine was captured in a Wake Island early in World War II. One of the most depressive incidence for him was to see the American flag lowered and replaced by the enemy. This bothered him until the day he died. Another incident to imagine is the day that I was released from a North Korean prison camp. As we crossed the bridge of no return, the first sight of our newly dressed soldiers and the American flag freely flying left an impression on me for my lifetime. Every time I hear the national anthem played or sung, this scene comes back to me, often accomplished with tears. This license plate is a very small token to the veteran in exchange for the sacrifices that they made for our country and for its citizens. Thank you. [LB908]

SENATOR FISCHER: Thank you, Mr. Pavlik, and thank you for your service to our country. I appreciate that. [LB908]

DENNIS PAVLIK: Thank you. [LB908]

SENATOR FISCHER: Any questions? I see none. Thank you very much for being her today. Any other proponents for the bill? Good afternoon. [LB908]

JIM CADA: Good afternoon, Senator Fischer, members of the committee. My name is Jim Cada, C-a-d-a, Lincoln, Nebraska, appearing in support of LB908. I am not a prisoner of war, thank goodness. I have membership in the DAV, but I'm not entitled to a plate because of the percentage of disability that's required. But I do have a Purple Heart plate and I have not gotten my second one or third one, and I don't expect that a lot of the POWs or the DAVs will do that. But I think this is...so it's kind of a harmless

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bill. It's not going to cost the state much money. As a matter of fact, you get an extra \$5 when you buy a plate. So there...you know, people really are asking for this because it honors the prisoner of war and honors the prisoners disabled because of war, and it honors those who served in our military, which is really an important thing to do at this point in time in our lives, I believe. There's a sense of pride that I have when I have my Purple Heart plate on, and I'm certain that that sense of pride is important to those people who have served and sacrificed, particularly those who have lived as a prisoner of war or are living with an arm or leg missing. And so I see no negative issues and I certainly would ask that you support and pass this onto the Legislature. Thank you very much. Are there any questions? [LB908]

SENATOR FISCHER: Thank you, Mr. Cada, and I would like to thank you for your service to our country. [LB908]

JIM CADA: Thank you, Senator. [LB908]

SENATOR FISCHER: Any questions? I see none. Thank you very much. [LB908]

JIM CADA: Sure. [LB908]

SENATOR FISCHER: Next proponent, please? Welcome. [LB908]

JOHN HILGERT: Thank you very much. Good afternoon, members of the Transportation Committee, Chairman Fischer. I am John Hilgert, J-o-h-n H-i-l-g-e-r-t. I am testifying as director of the Nebraska Department of Veterans Affairs and we are in support of LB908. A short and simple testimony, but we wanted to be on the record supporting Senator Pirsch's efforts and the efforts of Dennis Pavlik and those who are asking for this bill. [LB908]

SENATOR FISCHER: Thank you, Director Hilgert. Any questions? Senator Schimek. [LB908]

SENATOR SCHIMEK: Yes, thank you madam Chair. Director Hilgert... [LB908]

JOHN HILGERT: Yes, Senator. [LB908]

SENATOR SCHIMEK: If we did this this year, what group would be in next year? [LB908]

JOHN HILGERT: Well, I think through this bill you cover the multiples for Purple Heart is already in, disabled veterans and POWs would be covered by this bill. I'm not so sure there's any left. There's the Pearl Harbor survivor plates, which is down to very, very few. You have then the gold star plates, which was passed and goes into an effect later.

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I think this may cover it regarding the issuance of multiple plates per individual. [LB908]

SENATOR SCHIMEK: Well, my thought was why not just do it all at once? If we're going to do it, why not just do it all at once? [LB908]

JOHN HILGERT: We're in support certainly of LB908. That's certainly a policy decision that certainly is a very rational one. [LB908]

SENATOR SCHIMEK: Good. I'm glad I'm right (laughter) today. [LB908]

JOHN HILGERT: You know, I don't want to suggest...you know... [LB908]

SENATOR SCHIMEK: I know, I know. I understand. [LB908]

JOHN HILGERT: And it does make sense and the issue of license plates has been before the Legislature for at least 20 years that I know of, when Senator Hall first introduced the Pearl Harbor survivor plate. So we've been talking about veteran's plates for quite some time. [LB908]

SENATOR SCHIMEK: Okay. Thank you. [LB908]

JOHN HILGERT: Thank you, Senator. It's good to see you. [LB908]

SENATOR FISCHER: Other questions? I see none. Thank you, Director, for being here. [LB908]

JOHN HILGERT: Thank you very much. [LB908]

SENATOR FISCHER: Other proponents to the bill? Are there any opponents to the bill? Anyone wishing to testify in a neutral capacity? Senator Pirsch, would you like to close? [LB908]

SENATOR PIRSCH: Just briefly. Well, thank you very much for your attention here today, members of the Transportation Committee. Just to, I guess, kind of sum things up I guess, no amount of money really can compensate the brave individuals who have served in the services and the risks they have taken. They actually were...you know, that never entered into the equation for them. They were out really just to serve their nation as best they could. And so as you've heard testified here today, symbols do mean a lot to these people because it was the idea that they were serving for, not the money. And so commemorating their service and what is kind of an acknowledgment, I think, to this state and the nation just exactly how important society views their selflessness and their actions. And so I think it is truly something that does mean a lot to these people who gave so much. And so I would urge you to vote this through. With

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respect to the great question I think Senator Schimek brought up with respect to kind of a uniformity of approach. I wouldn't have any objection to a friendly amendment to make uniform, if you wanted to. I think there are, as a practical matter, very few individuals who are eligible for the Pearl Harbor plates at this point in time. But nonetheless, I think it's important for those individuals too, as well as the gold star last year. And you know, we're not creating a new series of plates. We're just saying that since there are some veterans who enjoy this ability with existing plates, we should take those other veterans who have enjoyed the existing plates and make their ability to procure those on an equal basis. And so I do appreciate your attention. If you have any other questions I look forward to working with the committee. [LB908]

SENATOR FISCHER: Thank you, Senator Pirsch. [LB908]

SENATOR PIRSCH: Sure. [LB908]

SENATOR FISCHER: With that, I will close the hearing on LB908. And we will open the hearing on LB941. Senator Stuthman, good afternoon. [LB908 LB941]

SENATOR STUTHMAN: Good afternoon, Senator Fischer and members of the Transportation Committee. For the record, I am Senator Arnie Stuthman, A-r-n-i-e S-t-u-t-h-m-a-n. I represent the 22nd Legislative District. LB941 allows owners of historic vehicles eligible for registration under the Section 60-3130 may use a license plate or plates designed by the state in the year corresponding to the model year when the vehicle was manufactured in lieu of regular license plates otherwise required pursuant to Section 60-3134 subject to the approval of the Department of Motor Vehicles. The department shall inspect the plates and may approve the plates if it is determined that the model year license plate or plates are eligible and serviceable, and that the license plate numbers do not conflict with or duplicate other numbers assigned and in use. An original issued license plate or plates that have been restored to original condition may be used when approved by the department. If only one license plate is used on the vehicle, it shall be placed on the rear of the vehicle. License plates corresponding to the year of the manufacture of the vehicle shall not be personalized message license plates, Pearl Harbor plates, prison of war plates, disabled veterans plates, Purple Heart plates, amateur radio plates, Nebraska Cornhusker spirit plates or handicapped or disabled person plates. Currently, historical vehicles can be operated on public streets and roads only for servicing, test drives, public displays, parades, and related pleasure or hobby activities pursuant to Section 60-3130. These are my opening comments and I would attempt to answer any questions. [LB941]

SENATOR FISCHER: Thank you, Senator Stuthman. Are there questions? Senator Hudkins. [LB941]

SENATOR HUDKINS: Thank you. Senator Stuthman, I'm confused here I think. Let's

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say you have a 1941 something, and you want to get historical license plates on that. Aren't there apt to be other 1941 cars that also want that same number? How do you get around that? [LB941]

SENATOR STUTHMAN: You could get the license plate that would have come with that vehicle, the style of the plate and the license plate. But as far as the number is concerned, I don't think it would be the 1941 would be on there because someone else would have probably had that and according to this, you cannot get that if that number has already been put out there. It would be like--I'll give you the illustration the way I'm thinking--it would be a 1941 Chevy that was in Platte County that would have been 10-25. It wouldn't have the date of the plate...I mean the year of manufacturing on it. It would be a license plate that would have been issued at the time in that 1941 plate. [LB941]

SENATOR HUDKINS: Where are you going to get all these plates? Are they going to be new old plates or are they going to be old plates? [LB941]

SENATOR STUTHMAN: They will be new old plates. Or if you have...in here it's stated that if the plate is...you still got it hanging up in the corn crib and you want to put it and the Department of Roads inspects it and approves it, then I think it could be issued. [LB941]

SENATOR HUDKINS: Okay. Thank you. [LB941]

SENATOR FISCHER: Other questions? Senator Louden. [LB941]

SENATOR LOUDEN: I thought there was someplace in here where these old cars could get some kind of a plate that said "historic" or "antique" or something like that. There's nothing in there? If you want to drive one of these 1931 Fords down when they had a sugar beet rally or Sugar Valley Rally that you've got to have regular license plates on them or do you...is there something else you... [LB941]

SENATOR STUTHMAN: No. At the present time, if you're going to go on that sugar beet rally you can utilize them then. They can be on that vehicle. But you can't use it to go get groceries the 300 other days of the year, in my opinion because... [LB941]

SENATOR LOUDEN: Okay. But there is some kind of a plate you can get to put on your vehicle if it's over 25 or 30 years old. [LB941]

SENATOR STUTHMAN: Over 30 years old and you can put that plate on, but it can only be used for driving tests, public displays, parades or relative pleasure or hobby or you can take it to a show. But you can't drive it to a show; you haul it to a show and then it's licensed and then you can drive in the parade. But too, these plates are not for

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driving to the Legislature everyday. [LB941]

SENATOR LOUDEN: Now, what about then the ones you have then, what will the fees be? Will it be that regular license plate fee? [LB941]

SENATOR STUTHMAN: That will be determined by the Department of Motor Vehicles. [LB941]

SENATOR LOUDEN: Okay. And you could use that vehicle for anything then? [LB941]

SENATOR STUTHMAN: Yes. [LB941]

SENATOR LOUDEN: Okay. I've got a 1963 GNC truck. Can I get one of these plates and put it on there and... [LB941]

SENATOR STUTHMAN: If I'm fortunate to get this bill moved out of committee and passed in the legislative body, yes, then it would be in place. [LB941]

SENATOR LOUDEN: Okay. All right. Thanks, Senator. [LB941]

SENATOR FISCHER: Other questions? Senator Schimek. [LB941]

SENATOR SCHIMEK: Yes, thank you, madam Chair. Just to comment, Senator Stuthman. I don't know if the list is exhausted in Section 3 paragraph 4, but it doesn't mention gold star plates. And I just wonder...it's not a big deal, but it's on the third page, starting on line 12 it tells about it doesn't apply to all of these plates. But it doesn't mention gold star. [LB941]

SENATOR STUTHMAN: And I probably would stand corrected that that would be entered in since the gold star plates were entered in last year. [LB941]

SENATOR SCHIMEK: That could be. [LB941]

SENATOR STUTHMAN: That's very possible. [LB941]

SENATOR FISCHER: Other questions? I see none. Thank you, Senator Stuthman. Are there any proponents for the bill? Any proponents? Are there any opponents to the bill? Anyone wishing to testify in a neutral capacity? Senator Stuthman, would you like to close? Senator Stuthman waives closing. With that, I will close the hearing on LB941. And I will open the hearing on LB1064. Senator Kopplin is here. Good afternoon, Senator Kopplin. [LB941 LB1064]

SENATOR KOPPLIN: Senator Fischer. [LB1064]

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SENATOR FISCHER: Welcome to the Transportation Telecommunication Committee.
[LB1064]

SENATOR KOPPLIN: I believe this is my first trip ever to the Transportation committee.
[LB1064]

SENATOR FISCHER: I think it is. Nice to see you. [LB1064]

SENATOR KOPPLIN: (Exhibit 1) Members of the committee, my name is Gail, G-a-i-l, Kopplin, K-o-p-p-l-i-n, and I represent Legislative District 3. What LB1064 proposes is to create a Legion of Merit license plate. The language of the bill is basically identical to the current statute which created the purple heart license plate. It allows a resident of Nebraska who is recipient of the Legion of Merit, upon payment of the appropriate fee and furnishing sufficient proof that they have indeed been awarded the decoration, to apply to the Department of Motor Vehicles for the Legion of Merit specialty license plate. The Legion of Merit is a military decoration established by an act of Congress on July 20, 1942, and it's awarded to a member of the armed forces of the United States or of a friendly foreign nation who distinguishes himself/herself by exceptionally meritorious conduct in performing outstanding service. The performance of duties must merit recognition of individuals in a key position which was performed in a clearly exceptional manner. The performance of duties normal to the gray branch specialty or assignment and experience of the individual is not an adequate basis for this award. For service rendered in peace time, the term "key individual" applies to a narrow range of positions than would be the case in time of war, and requires evidence of significant achievement. Some of the recipients of the Legion of Merit include: Lieutenant Ann Burnatitus, a Navy nurse who served in Bataan and Corregidor in World War II, and was the first U.S. recipient; Audie Murphy, the most highly decorated U.S. soldier in World War II; David Hackworth, one of the most highly decorated soldiers of the Vietnam War; and Senator and presidential candidate John McCain. The metal may be awarded for combat or noncombat services and is originally awarded to both officers and enlisted personnel. It has been continuously upgraded since its inception, and currently the recipient must occupy a position of responsibility and normally be a higher ranking officer of staff or flag rank. It is also the first U.S. military decoration to be awarded to citizens of another nation. Thank you for your attention. If you have any questions, I will answer them.
[LB1064]

SENATOR FISCHER: Thank you, Senator Kopplin. Any questions? I see none. Thank you very much. [LB1064]

SENATOR KOPPLIN: Thank you. [LB1064]

SENATOR FISCHER: Are there proponents for the bill? Would you like to step forward,

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please? [LB1064]

GILBERT ROBERTSON: (Exhibit 2) I also have some handouts. [LB1064]

SENATOR FISCHER: Okay. The page will distribute those. [LB1064]

GILBERT ROBERTSON: There's only six, but you can pass them around. And also, here's my medal. [LB1064]

SENATOR FISCHER: Good afternoon. [LB1064]

GILBERT ROBERTSON: Good afternoon. I'm Colonel Gib Robertson, Air Force retired. First of all, I'd like to thank... [LB1064]

SENATOR FISCHER: If you--excuse me--if you could spell your name for us, please? [LB1064]

GILBERT ROBERTSON: R-o-b-e-r-t-s-o-n. First of all, I'd like to thank Senator Kopplin for sponsoring this bill. I am here to ask you to pass this bill, authorizing the issuance of the Legion of Merit license plates. This is not an original thought because while driving back from Des Moines several years ago I passed a car with Iowa Legion of Merit plates. And the thought occurred to me that if the state of Iowa thought enough of recognizing persons who have received this prestigious medal, it was only logical that Nebraska should show the same courtesy. I called the Iowa Department of Motor Vehicles and asked one of the supervisors if they had any record of how they created the plates and told it was so long ago nobody would know when or how it had been done. However, the person said that they would welcome the opportunity to share the licensing procedures with the Nebraska Motor Vehicle Department so they would have a template. Because most of the holders of the Legion of Merit are Air Force personnel who are stationed at Offutt or retired at Offutt Air Force Base and decided to remain in Nebraska, there would be a tribute to their service to our country, especially during a time of war. There was a precedent in Nebraska for a license plate with a military medal, namely the purple heart--thank you--which honors those deserving personnel who are combat wounded serving our country. Thank you. [LB1064]

SENATOR FISCHER: Thank you, Mr. Robertson, and thank you for your service. Appreciate it. [LB1064]

GILBERT ROBERTSON: Thank you. [LB1064]

SENATOR FISCHER: Any questions? I see none. Thank you very much for coming in today. [LB1064]

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GILBERT ROBERTSON: Thank you. [LB1064]

SENATOR FISCHER: (Exhibit 3) Any other proponents for the bill? Any proponents? Are there any opponents to the bill? We have received a letter in opposition to LB1064 signed by: Robert Nelson, Captain, U.S. Navy retired; David Burns, Major, U.S. Army retired; and Doris Burns, Major, U.S. Army retired. We will enter that into the record. Anyone wishing to testify in the neutral capacity? Senator Kopplin has waived closing. With that, we will close the hearing on LB1064, and we will close the hearings for the day. Thank you very much. [LB1064]

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Disposition of Bills:

LB1068 - Advanced to General File, as amended.

LB1091 - Indefinitely postponed.

LB908 - Held in committee.

LB941 - Held in committee.

LB1064 - Held in committee.

Chairperson

Committee Clerk