

**BLOOD:** [RECORDER MALFUNCTION] --directly observe EMS providers administering care in the prehospital environment allows for direct and real time feedback to EMS providers. It also gives the medical director the ability to directly observe the status of the system they oversee. Having said that, it's important to make it clear that the passage of this bill will not create a glut of people all rushing to the scene of an accident. It would simply allow a few additional rescue personnel to get to, get to where they need to go and, hopefully, quickly. Lancaster County points out, in the fiscal note you'll see in your file, that this would only likely affect one person in their entire county. I expect similar low numbers in most of the other areas around the state. As I said, this is not a complicated bill and it really shouldn't be controversial. This is a repeat of a bill that I brought back, I brought during my first year in the Legislature and, at that time, did not have a single opponent voice their displeasure with this idea at the hearing. At that hearing we had a Nebraska EMS medical director, the Bellevue fire chief, and president of the Omaha Professional Firefighters all testify in favor of the bill. I'll add that, in the interest of public safety, we have also brought an amendment, which you should have in front of you, that we would like the committee to attach to this bill. This would require that any physician medical director that wants to be able to use flashing lights needs to complete an emergency vehicle operator course similar to the ones other first responders are required to complete in the area that they serve. I'll close by saying that I believe there is an active physician medical director who actually works with Nebraska's first responders here to testify, to give you a bit more background on what these heroes do as well as why they feel they need to have the ability to use flashing emergency lights on their vehicles and why it's important. I'd be appreciative if you'd advance this out of committee and onto the floor for full debate. And I thank you, and I'd be happy to answer any questions but, if they're extremely technical, I encourage you to wait for the, the people that are gonna testify behind me.

**FRIESEN:** Thank you, Senator Blood. Are there any questions from the committee? Senator Albrecht.

**ALBRECHT:** Thank you, Chairman Friesen. Can you hear me? Senator Blood, I just have a couple, and maybe these are for questions for others that follow you, but you brought this bill before and who asked you to bring the bill originally?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

**BLOOD:** When I was on the Bellevue City Council, this was brought to my attention as something that needed to be done. And once I became a senator, I approached our fire chief, who is actually here today-- Chief Guido-- who was really good at verbalizing to me what needed to be done and why it needed to be done. And so we brought it forward.

**ALBRECHT:** OK, and how often do these medical folks go on calls? I mean, are they [INAUDIBLE]?

**BLOOD:** It depends on, on the community, and I think that would be a better question for the people--

**ALBRECHT:** OK, so I'll--

**BLOOD:** --who are actually doing the job, yeah.

**ALBRECHT:** --save that one. And then, and then who would pay for the lights? Are these people appointed by cities and counties?

**BLOOD:** They're private contractors.

**ALBRECHT:** They're private contractors.

**BLOOD:** Yes.

**ALBRECHT:** So--

**BLOOD:** And again, that would be questions for the people that are here.

**ALBRECHT:** Very good; thank you.

**FRIESEN:** Thank you, Senator Albrecht. Any other questions from the committee? Seeing none--

**BLOOD:** And I'll stay for the closing.

**FRIESEN:** OK, thank you. Before I go any further, I'll apologize to the committee for not letting them introduce themselves. I'll start over to my left with Senator Hughes. That way you know who you're talking to or who's asking the questions.

**HUGHES:** Dan Hughes, District 44.

**CAVANAUGH:** Machaela Cavanaugh, District 6.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

**HILGERS:** Mike Hilgers, District 21.

**DeBOER:** Wendy DeBoer, District 10.

**GEIST:** Suzanne Geist, District 25.

**ALBRECHT:** And Joni Albrecht, District 17: Wayne, Thurston, and Dakota Counties-- northeast Nebraska.

**BOSTELMAN:** Bruce Bostelman, District 23: Saunders, Saunders, Colfax, and Butler County.

**FRIESEN:** Sorry about that, Committee; I'll try and do better next time. Proponents who wish to testify in favor of this bill, come forward. Welcome.

**ERIC ERNEST:** Thank you. Thank you, Senator, and thank you to the members of the committee. My name is Eric Ernest; that's E-r-i-c, last name E-r-n-e-s-t. I currently serve as the assistant professor of emergency medicine at the University Nebraska Medical Center. I also serve as the state EMS medical director for the state of Nebraska, as well as medical director for the Bellevue Fire Department in Bellevue, Nebraska, as well as Cass County Emergency Management. I also serve as the medical director for several volunteer BLS agencies within Cass and Saunders County. I also currently serve as the assistant medical director for Omaha Fire Department, as well as Creighton EMS education. Of note, my views and opinions expressed here today do not reflect those of the University of Nebraska Medical Center or the Nebraska Department of Health and Human Services. I'd like to thank you for the opportunity to come and speak to you this afternoon regarding LB8. I feel qualified to speak this afternoon, given my current involvement as a physician medical director for both urban and rural EMS agencies within our state. As EMS systems have continued to grow and evolve, the idea of physician field response has also grown along with it. Large cities throughout the United States currently employ a physician field response in order to serve as a additional asset to the current first responders who go out in the field. Physicians are typically in these environments, stocked at least in large urban EMS systems, with a physician field response vehicle. However, in smaller areas, physicians use-- to the senator's previous question-- they will use their own vehicles and own-- provide money out of their own pocket basically, to, to buy the equipment that they need, or some combination thereof. The value of this is that, number one, it allows the physician medical director to directly oversee the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

people that they are providing medical direction for. A medical director does quality assurance through a number of different avenues, one of which would be a retrospective quality assurance process where they look at charts and review run reports and what not, but that truly does not give a full picture of what goes on in the field. The idea and the ability for someone to go out into the field, oversee what their providers are doing to make sure that the highest quality medical care is being provided to the citizens, is the utmost importance and I think truly is becoming a trend and national standard amongst at least the large EMS urban systems across the United States. This also allows for education of learners, whether it be paramedic students, resident physicians, EMS fellows. It also allows the physician medical director to directly respond to the field for high-acuity incidents, so say a mass casualty-type disaster or something of a large public interest, to be and act as a liaison with the EMS agency to the potentially-receiving hospital, which can be invaluable in terms of figuring out how many patients you have, what the acuity of those patients are, helping in some cases will field triage in going above and beyond some of the triage level that the local EMS responder could do. So with that, I hope that you will support this bill and its ability to provide physician medical directors the opportunity to respond directly to the field and play a more active role in the delivery of prehospital care. Thank you for your time, and I'd be happy to take any questions.

**FRIESEN:** Thank you, Mr. Ernest. Senator Hughes.

**HUGHES:** Yes, thank you for coming today. If there's an accident, what's the, what's the criteria for this individual to show up at a, at a scene? Is it one EMS unit, two EMS units?

**ERIC ERNEST:** I think that's going to be largely based on jurisdiction, that I think there's a certain amount of discretion within the physician medical director, depending on what they're waiting to see. If it's someone that just goes to high-acuity things, that could be through the dispatch system in working that into a dispatch queue as to, you know, if it's a, say a major structure fire or a large accident, if you reach a certain response level, then the medical director would be included on that dispatch string. Other physician medical directors would kind of do it ad hoc, which is how I like to operate in the sense that I will go out at a random time, pick a random call, see how the providers are doing, and being able to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

directly oversee, kind of, the provision of care in the prehospital realm.

**BOSTELMAN:** So there's not a, a protocol that they would show up at this level, it's more of a random? They're, I mean, they have flexibility?

**ERIC ERNEST:** I think that's going to be, again, based on municipality. So there certainly could be those stipulations put in place as to what level they respond at. But given the nature of this bill, that would be at the discretion of, not only the physician medical director, but also the agency that they are contracted to work with.

**BOSTELMAN:** So in Lancaster County they said there was only going to be one. So how many would, would be in the Omaha metro area, do you guess? Or how many are there?

**ERIC ERNEST:** Currently as it stands-- and I do not want to speak for the Omaha Fire Department-- but if the bill were to go through, there's currently two physician medical directors that serve for Omaha Fire and then, within Douglas County, there's several other smaller volunteer agencies, all of which have a individual physician medical director. The exact number, right off the top of my head, if they were all to be doing it, I don't know how many agencies, maybe 10-12 agencies within Douglas County, and then, if you expand that number as you get out to Sarpy County, Cass County.

**BOSTELMAN:** OK, thank you for your testimony.

**ERIC ERNEST:** Um-hum, yep.

**FRIESEN:** Thank you, Senator Hughes. Any other questions from the committee? Senator Albrecht.

**ALBRECHT:** Thank you. Thank you for being here. It sounds like you're pretty active, going to a lot of the different calls. So if there's a captain of, that's in charge, and this doctor is there, and they have a discrepancy on, you know, this is, this is my call, I'm taking care of things, I mean, how, how do they work through that, that it would be OK to maybe say, maybe you should have done this?

**ERIC ERNEST:** Sure.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

**ALBRECHT:** Or you could do this? I mean, at what point does he truly step in? And does he take control of the situation if it's a bad accident and there's casualties?

**ERIC ERNEST:** I think that, I think it's a valid question, so I think that it's a two-part answer. There's an operational component and then there's a medical component.

**ALBRECHT:** OK.

**ERIC ERNEST:** Obviously within the fire service, especially large urban systems, there is very much a command structure and a way in which certain scenes are handled, whether it be by a captain, a battalion chief, assistant chief, or even the chief himself. And obviously, trying not to interfere with the operations side of that would be vitally important, and that would be the nature of the relationship between the medical director and the agency that they serve. In terms of from a medical component, obviously the physician is the end authority for medical provision within the field. That does not lie within the fire command structure; that is a, that is a state statutory thing that the medical director has ultimate authority. At least the way in which I personally operate would be that I try to, unless it would-- gross harm would come to the patient, usually allowing-- and hopefully you have good protocols and trained staff, so there's hopefully not too many situations where you'll be in direct conflict with people who are on the scene. Most of those can be reserved for after the fact, creating some kind of debriefing session. But if it were to be a situation where harm would come to the patient because of an intervention proposed, obviously I would-- and since I would retain the ultimate medical authority for that agency.

**ALBRECHT:** And it sounds like it's more of a, larger communities that do this. Do you see smaller communities asking for hospital [INAUDIBLE]?

**ERIC ERNEST:** So within Cass County, so if I might explain my role there, I serve as the medical director for Cass County Emergency Management, which we operate a paramedic fly car within a large rural EMS environment, and I serve as medical director for many of those agencies. And so I actually reside within Cass County, and I will go and respond with my agencies in a volunteer capacity which usually, as opposed to the urban systems, there is a manpower issue. And so there's frequently times where I'm the only person on scene initially or I may have one other person who has arrived. So there's a practical

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

manpower component but then there's also just oversight of those agencies as well. So I would say that the vast majority of medical directors throughout the state are probably not as actively engaged, on a whole. But that being said, certain steps are being taken right now within DHHS in what we're doing at the state level to try to more actively engage our physician medical directors.

**ALBRECHT:** Wonderful. Thank you for your time.

**FRIESEN:** Thank you, Senator Albrecht. Senator Bostelman.

**BOSTELMAN:** Thank you, Mr. Chairman. Thank you for coming and testifying today.

**ERIC ERNEST:** You're welcome.

**BOSTELMAN:** I got a couple of questions for you. Or just-- you may know or someone behind you may know. First question would be liability. Where does that lay? Say a medical director is responding, gets in an accident-- could happen.

**ERIC ERNEST:** Sure. I think, I think that's going to be up to a local municipality. Certainly, I think certain factors need to be in place in terms of certification of the medical director that, if they are driving to a scene, use of lights and sirens. I think the amendment will touch on that in terms of the obtaining of the emergency vehicle operations certificate, which is what the vast majority of first responders have to acquire in some form or fashion. So I think that'll alleviate some of that. In regards to the direct liability, I think that it would need to be worked out on a local, you know, legal, you know, perspective that if you're acting on the part of an agency that is, you know, just like any other responders, similar to a volunteer fire person, that if they were to get in a crash or had an accident with their vehicle, they're doing, you know, their duty as a volunteer fire person with that municipality. I would imagine it would fall under similar circumstances. Although I'm not a legal expert, I would imagine there'd be provisions for that.

**BOSTELMAN:** Thank you. And, and don't always hear in this room-- it's a little more difficult to hear in here than in other hearing rooms.

**ERIC ERNEST:** Sure.

**BOSTELMAN:** You spoke about it earlier, and I just want to ask you the question again so I can make sure I hear it. Who's a determining

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

person or entity that decides whether a medical director will, is authorized to receive the training to get the plates, or get the lights on there?

**ERIC ERNEST:** I think ultimately it'd be the supervisor and/or chief, whoever is the, you know, head person, if you will, at that municipality. So for an urban fire system, it'd be the fire chief, for a local volunteer-- let's say that it's just the ambulance itself-- either the municipality that owns that ambulance or, you know, an EMS captain or someone of the, the highest ranking member of that agency.

**BOSTELMAN:** Right. And I guess a question-- and not to go this too much further-- but the question I would have is, if a medical director is, is over several units, is there a, is there a way to work through that, because you may have different units with different responsibility, districts that you cover?

**ERIC ERNEST:** Sure.

**BOSTELMAN:** And would it be the largest one, do you think? Or how do you think that--

**ERIC ERNEST:** Are you saying in the hypothetical of if you had multiple calls in several jurisdictions, which one you would respond to?

**BOSTELMAN:** Well, no. My question would be, so Saunders County. Say Saunders County, you've got Yutan, you've got Ashland, you've got Wahoo, you've got Malmo, whoever, they have different EMS units.

**ERIC ERNEST:** Sure.

**BOSTELMAN:** And there's one medical director over those units.

**ERIC ERNEST:** Correct.

**BOSTELMAN:** So who is it that would make that decision? That medical director then would be authorized--

**ERIC ERNEST:** Sure.

**BOSTELMAN:** --those that to receive that training to do that. I mean--

**ERIC ERNEST:** Right. So I understand your question. So it would again be, you know, so for instance, for myself in Cass County, I oversee four or five EMS agencies. It would be up to those individual



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

agencies. They all have a primary response territory and so, that call when it comes into the 911 center, would come out of that primary response territory, that EMS agency or fire service would have responsibility in that area, and you would have to obtain that permission from that local person. Now if there was a mutual aid agreement in place and one of your agencies from a neighboring county, or what have you, got brought in, I think in-- there would be provisions for that as well.

**BOSTELMAN:** Makes sense. The last question I have-- I want to make sure I understand-- is you talked about when you would be able, as a medical director, to use that. I understand, and I think last year, when Senator Blood came in and had this-- last session, whenever it was you brought this-- we talk specifically about a patient who was impaled by a fence in Omaha. If-- I believe that--

**ERIC ERNEST:** Yes.

**BOSTELMAN:** --came up in the discussion, which understands. And the medical director dispatched the help; and that makes sense.

**ERIC ERNEST:** Actually I was, I was the physician on that case.

**BOSTELMAN:** Oh well, maybe you brought it up.

**ERIC ERNEST:** It was not, it was not dispatched. I had heard over the radio, I happen to be about five blocks away when it came down. Was not dispatched but understood it to be a high-acuity scene. I went there, was able to assist on scene and, actually, that patient did very well.

**BOSTELMAN:** Good. Yeah, thank you. And that's, that's-- I remember the situation and the reason for it, and I get it and I understand that. My question is, so it's a normal call. Did I understand you correctly in that you feel that you had-- a medical director would use their lights to go on an average call just to oversee the response and not necessarily have an emergency in which that medical director needs to be there to provide the direction and guidance that they need for that care?

**ERIC ERNEST:** I think that's going to be a bit of local discretion. I will tell you that not every response requires a lights-and-sirens response. So I forgot to mention I oversee Sarpy County dispatch as their medical director. We have a tiered dispatch response in which we

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

utilize codes to try to designate non-high-priority calls so that we are not overutilizing lights and sirens, which is a danger to the general public. So the-- I think it behooves, or it would be at the discretion of the physician medical director to say this is not a high-acuity call. I can probably go to that call in a routine status, meaning non-lights and sirens, so that not to put the general public at risk. And I think that requires a little bit local discretion, that no, you don't want to be going flying across town to a stubbed toe. Now if it's a major incident where, you know, there's-- it's a high-acuity thing, then that would probably justify it, so.

**BOSTELMAN:** OK. Thank you very much.

**ERIC ERNEST:** You're welcome.

**FRIESEN:** Thank you, Senator Bostelman. Any other questions from the committee? So the way I understand it, each EMS system out there has a medical director that they have to have signed on to their service. Is that correct?

**ERIC ERNEST:** Right. By state statute, each EMS agency has to have a physician medical director who oversees their operations and then signs off on their protocols.

**FRIESEN:** Could be one person to that specific EMS unit, or it-- could it be a medical director that's assigned to four or five?

**ERIC ERNEST:** Right. So yes, I have multiple agencies. It could be a single agency, single medical director; it could be a medical director over multiple agencies, yes.

**FRIESEN:** I think no more questions. Thank you for your testimony.

**ERIC ERNEST:** Thank you.

**FRIESEN:** Welcome.

**PERRY GUIDO:** My name is Perry Guido, P-e-r-r-y G-u-i-d-o. I'm the Bellevue fire chief, and thank you for having me here today, Senator and members of the committee. And I'm testifying in favor, although I will tell you it's a very difficult thing to follow someone like Dr. Ernest because he took every one of my talking points. So I'm here to tell you that I, I support this bill because I think it's extremely important to have the oversight in the field. It's no different than when we have battalion chiefs that are in charge of incidents at fire

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

scenes. The only way I'm going to know if they're doing a good job on that fire scene is to actually go there and watch them or have the assistant fire chief there and stand back and let them operate, because he gets a 10,000-foot view of what's really going on. And so as the medical director, he also has the responsibility for his license; everything operates under his license. I just can't imagine someone who would take that responsibility and not have the ability to actually physically watch the people that he's taking responsibility for. So I, I, I don't know any reason why this bill wouldn't make good sense. I, as a manager, want to know what my people are doing in the field. And I want to know that the medical director that works for Bellevue Fire has that ability as well, because I, I rely on his judgment and the way he's put together our, our, our EMS system here in Bellevue. I mean, he's an active member and I want it to be as active as possible. I want to make mentioned that somebody was asking-- I don't remember which senator it was-- asking, you know, do they have the authority to self-dispatch, to go. We, we already have that with the Bellevue Fire Department and I-- Omaha does, too. And I don't want to speak for Omaha, but I'm-- when a battalion chief hears a call, and he's not dispatched to it, and he wants to go watch, he absolutely does that. And we have EMS captains that do the same thing, that act a little bit independently. So they have that authority already on our department and other departments, as well. Given that to the person that oversees them doesn't, I, I don't, I think it makes perfect sense. So I'm here to support the bill and would ask for your support. And I know that we heard this last year, and we'd like to get it out of committee. And so I'm asking for your support. Any questions?

**FRIESEN:** Thank you, Mr. Guido. Any questions from the committee? I served on a fire department for 18 years, and we never had a medical director ever come out. And I thought at times it would have been nice if they could have come out and overseen what was going on, because they do sign off on the ability of the EMTs to do their job. And I would-- you know, sometimes they're just too busy and we don't have enough calls. But how often do you think, on a-- what percentage of calls do you actually get the medical director out there?

**PERRY GUIDO:** Well, he actually has the discretion to go to the fire station now and ride along. But then he has to take time out of his day, specific, and wait at the station. So he's not able to, to-- if he's out, if he's out and about in a vehicle, and here's a call that he knows is gonna, he's gonna respond to, or he would want to respond

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

to, he'd be able to. Otherwise he has to set time, specific time frames for him to. But I, you know, I would say he's probably-- I don't know exactly how many times he does that. I do know he don't, he does it on a regular basis and sometimes he's a little bit busier than others. But on the average I'd say I couldn't give you a percent of calls. I could say he probably does it two or three times a month.

**FRIESEN:** OK, just curious. Any other questions from the committee? Seeing none, thank you for your testimony.

**PERRY GUIDO:** Thank you.

**FRIESEN:** Any other proponents? Seeing none, are there any who wish to testify in opposition? Seeing none, does anyone wish to testify in a neutral capacity? Welcome.

**DANIEL OLSEN:** Thank you, sir. Good afternoon, Senators, members of the committee. I appreciate the opportunity to testify here this afternoon. My name is Daniel Olsen. I am the fire chief for the city of Omaha. Once again, thank you for the opportunity to speak.

**FRIESEN:** Would you spell your first and last name?

**DANIEL OLSEN:** My name is Daniel, D-a-n-i-e-l Olsen, O-l-s-e-n. Thank you for the reminder, Senator. Senators, I'm going to start off by saying that, initially this morning, I had planned to come to the Legislature and testify in front of the committee in opposition of LB8. For many reasons, Senator, I think you touched on many valid points in terms of some of the language that I believe needs to be shored up in LB8 to make this work for all, all parties involved. After having the opportunity this morning to speak to Senator Blood and Chief Guido, our current interim medical director, and the city of Omaha's legal team, I've changed my position to speak and to support the bill from a neutral capacity. I have some general concerns related to some of the language contained in the LB. Some of that language is related to who has the authority to allow and sign off on the medical director's ability to service his community by utilizing emergency lights. I believe that the language, in that capacity, is very vague. It mentions that a superior has the authority to send the application to the county sheriff. I believe that's very vague and needs to be shored up. The good news here is that I've spoken to Senator Blood, who is agreeable to allow us to submit-- work with Chief Guido and any other municipalities-- fire chiefs, police chiefs-- who would like to participate and submit amendments to the current bill as written. If

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

you'd like additional details I can I can provide you with some of my additional concerns. But basically there's a few areas in the bill that I think need to be shored up to make sure that the municipalities, the departments, the medical directors themselves, and all involved parties are, are covered. One question of liability came up; that's certainly a question that we have in the city of Omaha. I do believe very, very adamantly that the bill, as written, does not afford the municipality enough oversight in terms of the fire chief, the police chief having the authority to actually sign off on that application. And there's some, some wording changes that, that need to be applied that would, that would more finally detail those, those statements and those sentences and make them more appropriate. One of the definitions, or one of the words that I think needs to be defined more clearly is the word "superior." In the city of Omaha we contract with our medical director. That doesn't make me our medical director's supervisor, for example. That could be very broadly interpreted, and the medical director could have that interpretation opposite that of the municipality or the authority having jurisdiction. So I'd like to more clearly define some of the details in the, in the LB, and I'd be happy to take any questions that you might have.

**FRIESEN:** Thank you, Mr. Olson. Any questions from the committee?  
Senator Albrecht.

**ALBRECHT:** Thank you, Chairman Friesen. Now it's Captain Olson, right?

**DANIEL OLSEN:** Chief Olsen, ma-am. Thank you.

**ALBRECHT:** Oh, Chief. Sorry, sorry, sorry, sorry. Chief Olsen.

**DANIEL OLSEN:** No offense taken.

**ALBRECHT:** No, thank you. So how often does your medical director come out on calls?

**DANIEL OLSEN:** Oh, very good question. I don't have a percentage of the number of times they come out on call but, as per our contract with our medical directors, they do have a certain amount of time and obligation to respond to emergency calls. It's not typical. I'm sorry, it's very typical for them to, as chief, you know, relay, to respond with our members on our medic units and to do quality assurance through those measures. It's not very common for a medical director to respond or have to respond in an emergency situation, you know, with lights and sirens, for example. It's very uncommon, quite frankly. We

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

do have protocol in Omaha where we ask our medical director to respond to certain levels of incidents. For example, a second or a third alarm would be when those triggers would take effect. So I guess the question would be, do our medical directors-- I think we all agree that having them on scene in certain situations is more than appropriate. But do they need to respond in the capacity using emergency lighting? We're certainly not opposed to that concept. We're just opposed to the LB. Some of the language needs to be very minorly tweaked so that we can feel more comfortable in allowing, allowing this to happen. There's some language in the LB that, that relates to a medical director who has been given the authority and receives the permit to do so, having the ability to do so statewide. So I believe that that would cause some concerns because we have different opinions and different municipalities, different townships, different cities, things like that who may not agree with this and do not want or wish to sign off on an application for a permit. And then we would have a medical director from another, another municipality, you know, responding through their territory, things of that nature. So we've agreed to sit down and, and work together to put together a few minor amendments that would more appropriately, more appropriately satisfy some of the concerns.

**ALBRECHT:** OK. And I just-- when I think of a medical director, I'm sure he has a very full-time job himself. And to be spread out just through the city of Omaha, let alone Bellevue, I think would be a tremendous amount of stress on a person if they felt they needed to. You actually pay this person.

**DANIEL OLSEN:** Yes.

**ALBRECHT:** They're on the payroll.

**DANIEL OLSEN:** Yes, ma'am. That's correct.

**ALBRECHT:** And I mean, would then every city, municipality, county have to start having some sort of a contract? I just don't know how far this would go. I mean, for instance, up in Wayne, Nebraska-- which I thought this was the coolest thing ever-- but they actually-- the squad runs out of the hospital. It doesn't run out of the fire station, but the people that work at the hospital actually go in that rescue squad. So they've got a great deal. I've never even heard of anything like that at, in volunteer. So everybody's different. So I

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

just wonder how you could have one bill that could satisfy a lot of different parties, so I appreciate--

**DANIEL OLSEN:** That's a great point, Senator, and the, exactly the point I've been trying to make here this afternoon is that if we return the control or more oversight, more direct oversight, to the authorities in those specific jurisdictions, then they can say yes or no. If we make this state law, then it's implied that everybody has, you know, will be obligated to comply with this, with this LB, as written. That's why I'd like to get into the fine details of some of the, some of the verbiage and correct that so that we can protect those individuals. Like for example, if I, if I decided to retire and my replacement was not a proponent of allowing our medical director to respond with emergency lighting and/or-- the bill is lacking in terms of defining audible alarms as well. It doesn't mention sirens; it just mentions emergency lighting. And really, emergency vehicles are equipped with both, and we're all used to being alerted by lights and sirens. So that's another area of the bill that, that may need to be discussed. But I agree with you wholeheartedly that this needs to-- there needs to be more oversight at the local level so that we can say yes or no. We can make sure that the medical directors do go through the amended version of the LB as it relates to the emergency vehicle training. We can work out those liability factors that we, we've all discussed here this afternoon, because those are all topics that we discussed, you know, coming into the hearing today. Those are all topics that I discussed with the legal team here today and with my supervisors, as well.

**ALBRECHT:** OK, appreciate your time. Thanks for coming.

**FRIESEN:** Thank you, Senator Albrecht. Any other questions from the committee? Senator Hilgers.

**HILGERS:** Thank you, Mr. Chairman. Thank you, Chief, for being here. Just to clarify your position, you're neutral at the moment, as I understand it. Just tell me if I have this right. You're neutral at the moment because you're working, you're working on amendments with Senator Blood. If there are amendments that you agree to, that Senator Blood also agrees to, you'll be in support. And if you, there are no amendments, will you still be neutral or will you will you be in opposition?

**DANIEL OLSEN:** No, I will be opposed if there are no amendments.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

**HILGERS:** OK. Ok, thank you. And am I correct to say that if there are amendments that you agreed to, that you will be in support of it? Or--

**DANIEL OLSEN:** Yes, if we're, if we're able to come to an agreement on the amendments, and they make sense for the bill, and then clarify some of the points that I've spoken to this afternoon, I would be in, I would be a proponent of the bill.

**HILGERS:** OK, thank you, Chief.

**DANIEL OLSEN:** But to the contrary, obviously if we're not able to come to an agreement on the amendments, then I would be in opposition.

**HILGERS:** OK, thank you.

**FRIESEN:** Thank you, Senator Hilgers. Any other questions from the committee? Senator Bostelman.

**BOSTELMAN:** Thank you, Mr. Chairman. Not really a question, but a comment. I appreciate the words that you said. And just remember our rural communities. We're talking municipalities, but the, the comment, the question I had is, you go into a county and you have multiple different districts that service that. Again, you know, how do we work through that? Is it an issue or not? Just, I just ask that you keep that in mind, too.

**DANIEL OLSEN:** I'm sorry, was there--

**BOSTELMAN:** Yeah, just keep that in mind also.

**DANIEL OLSEN:** Oh absolutely, sir, yes.

**BOSTELMAN:** If there's anything we can work with or I can help with, just let me know.

**DANIEL OLSEN:** We're certainly thinking along the same lines. I've been thinking about that. We discussed that on the ride down here from Omaha today, that we needed to consider all of the, all of the communities across the state. And that's why we had the concerns. And, and I reached out to the senator this morning, and we were able to talk about the possibility of adding the amendments to make sure that everybody's best interests are at the forefront of the amendments and make sure that we have our townships all the way up to our large



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

municipalities. And we want to make sure that everybody is, you know, considered in this.

**BOSTELMAN:** Thank you, Chief.

**FRIESEN:** Thank you, Senator Bostelman. I guess one question I have is, you know, sometimes on a-- we're located next to the interstate, and we get so many rescue vehicles, especially when you have a volunteer department. They're coming in their pickups and suddenly you have too many flashing lights, and it confuses traffic at night. And do you think this at all adds to that, or is there times that are appropriate for them to come and there are times that are not?

**DANIEL OLSEN:** Very good question. To answer the first part of the question, I don't believe that one extra set of lights at an emergency scene is going to make that big of an impact. What my concerns are, as, as I stated earlier, you know, in that, in that travel path, you know, when they're en route, is that, are they going to have the proper level of training? We need to make sure that, you know, people understand that they're, they're going to be responding in this capacity. But adding one extra set of lights I don't believe would have a dramatic impact on that. And the second part of your question, sir?

**FRIESEN:** It was just, it was sometimes on the interstate that you sometimes do, I feel you do get too many lights at night and it confuses the traffic. We had too many people pulling off on both sides, and people didn't know where to drive.

**DANIEL OLSEN:** Right.

**FRIESEN:** And with that many people responding, it did get kind of crowded out there.

**DANIEL OLSEN:** Yeah, I, I've been stuck in many traffic situations on the interstate, as well as a, as a regular civilian off duty. But in Omaha we have the police department that assists us and, you know, they do their absolute best to try to, you know, direct the traffic in an appropriate manner. And, and a lot of times those lights are there to protect the, the public safety providers to make sure that there is a barrier and a buffer, you know, gradually along the interstate as they approach the actual accident site, to make sure that there's that, that safety barrier for us to be able to operate in. But very

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

great-- I appreciate your question and your, and your statement and then--

**FRIESEN:** So like even volunteers when they have those lights, I mean we stress that you do not have any superior rights to any other traffic. You're not allowed to speed, you're not allowed to run stop signs. And that's one thing sometimes that I thought, when volunteers were giving those lights, they thought it somehow gave them the authority them to proceed through stop signs without stopping and not giving the right away to vehicles.

**DANIEL OLSEN:** You're absolutely correct, sir. That's another topic that we discussed this morning. It's certainly a topic that we need to discuss with Senator Blood to determine whether or not-- and we don't want to make this LB too bogged down with, you know, too fine of details to where it's, you know, it's just, it's just hard to breathe within the confines of the LB. But that's absolutely a valid concern. We talked about it this morning, as well. If we are given the opportunity, through the revision and the amendments, to maneuver the control back to the municipal government, the local control, and not place all of the emphasis and burden on the state through the LB, we will have the ability to apply protocols and apply our policies. But you're absolutely right. The medical directors will be expected to adhere to all state laws. And there are state laws that, that are directly applicable to emergency response vehicles and how they are to perform on the streets, and they are expected to follow the, the, the laws and the, and this then-- I'm sorry-- the speed signs and the, the, you know, our vehicle-- I'm sorry, I'm--

**FRIESEN:** Rules, rules of the road.

**DANIEL OLSEN:** Our traffic, our traffic rules-- exactly. I'm sorry. So yes, you're absolutely right. And those are things that we, we discussed this morning and we're certainly going to have to discuss, moving forward.

**FRIESEN:** Thank you, Chief Olsen. Any questions from the committee? Seeing none, thank you for your testimony.

**DANIEL OLSEN:** Thank you very much.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

**FRIESEN:** Any others who wish to testify in a neutral capacity? We do have one letter from the Nebraska Medical Association, in support of LB8. Welcome.

**ROBERT CHAPLIN:** Welcome. Thank you. Thank you, committee, for letting us discuss this bill. And thank you, Senator Blood, for bringing such an important point forward. My name is Robert Chaplin; it's R-o-b-e-r-t, last name is C-h-a-p-l-i-n. Currently I serve as the interim medical director for Omaha Fire Department. I'm the medical director for the Children's Hospital Critical Care Transport team, as well. I'm a pediatric intensivist by training; however, I was a paramedic in a previous life and worked on busy 911 service in Sedgwick County, Kansas, which is Wichita. I started my EMS career in 1993 as an EMT, as a volunteer in rural Colorado. And so I do have a lot of experience, I feel, in this area. So-- oh, and the other position that I've just recently been appointed to is I'm on the National EMS Quality Alliance board, which is a new board that is through the American College of Emergency Physicians and the National Highway Transportation [SIC] Safety Administration which is looking at quality measures for EMS. And we're trying, what we're trying to do is come up with how to measure quality in EMS. That's never been done, and it's a very interesting, interesting idea; and it'll be interesting to see how this, this goes. Anyway, so I'm here supporting this bill in a neutral fashion currently. I think this is an amazingly important concept. A lot of my friends on the national level actually do this. They are medical directors or physicians that respond with agencies. And so I've been speaking to them quite a bit, as well. My only concerns, just like Chief Olson had said-- and essentially he took all of my talking points so I'm just going to mention a couple of things-- I just think that the state of Nebraska is quite vast and varied in its EMS and fire departments. And I think the state of Nebraska should absolutely allow physician medical directors, and even physicians potentially approved by that medical director, to be able to respond as appropriate with those entities. But I think that control of how that works-- the protocols, the procedures, the certifications-- should be left with the local department that is, that they are representing, and the local municipalities or cities or townships, or whatever it may be that those people are impacting. And that way, every area of the state can truly do what's appropriate for that area of the state. What's good in Omaha may not be the same for Bellevue, which is probably not even close to the same for some of western Nebraska. And so those local areas should have control over how those procedures work. Driving lights and sirens is a dangerous

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

thing. The ambulances and fire trucks get hit all the time and that's a huge vehicle that people can't see. I really worry about responding in personal vehicles in an urban environment especially, and that's where I think those-- local control needs to go back to the, to the departments that the, their medical directors or physicians are representing. Outcomes are better. I think this is an important thing to consider, and I think the state should absolutely do this. But I just think control over how that works should be back with the local authorities. The other thing he had already mentioned was the-- responding within your own municipality or your own catchment area, I think, is very important, as well, so people don't get a little bit carried away, as some people tend to do. You would hope, as a physician, people wouldn't do that, but we all know that's probably not the case all the time. So I think that would be important wording, including what Dr. Ernest said, just even with agreements, you know, local agreements for mutual aid; I think that would be important to include, as well. So I think that's very appropriate. Essentially, otherwise, you took everything of mine, so I'll stop there; I'll keep this brief. But if anybody has any questions, I would be more than happy to answer them.

**FRIESEN:** Thank you, Mr. Chaplin. Any questions from the committee? Seeing none, thank you for your testimony.

**ROBERT CHAPLIN:** Thank you.

**FRIESEN:** Any others who wish to testify in a neutral capacity? Seeing none, Senator Blood, do you wish to close?

**BLOOD:** I would like to point out that this was actually presented to us midmorning today, and so we've been hustling around to try and make things right because we do feel it's an important bill. The way that we interpreted the bill was that, obviously, it's not mandatory; it is optional for municipalities. And so when we spoke of superiors within the bill, it was our interpretation that whoever is in charge makes the rules, as they were for the volunteer firefighters and the peace officers that were already included in this bill. Needless to say, it's thought that there should be a more intense explanation as to who's responsible and who's liable; and we are happy to do that as an amendment. We ask that you consider either kicking it out, as is, and we can amend it in General File, or we've been guaranteed a fast turnaround, within a week, for the amendment that the Omaha metro area is requesting. It is never our intent to push something through that's not correct, and I think what they've asked is very fair; and we're

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

very willing to do that. But we'd really, we'd like to see this bill be pushed through. As you can see, it's very important. We're not talking about every single emergency. They've definitely pointed out that it's a handful of events that they would go to every month. And again, since this is optional and not mandatory in the more rural areas where they don't see there's a benefit to doing this, they don't have to do this. So I think that that, in itself, kind of answers some of the concerns. I would like to not bring this back a third time. I did bring this back two years ago-- not last year-- and again at that time, we had no opposition. So onward and upward. We're happy to expand it and make it an even better bill and make sure that everybody's happy around the table.

**FRIESEN:** OK. Thank you, Senator Blood. Any questions from the committee? Seeing none, we'll close the hearing on LB8.

**BLOOD:** Thank you, Senator. I think I have the next one, too.

**FRIESEN:** And now we will open the hearing on LB10.

**BLOOD:** I'm just gonna camp out here all day.

**FRIESEN:** I'll be next. Welcome.

**BLOOD:** Well again, good afternoon, Chairman Friesen. And to the entire Transportation Committee, my name again is Senator Carol Blood, spelled C-a-r-o-l B as in boy-l-o-o-d as in dog, and I represent District 3, which is western Bellevue and southeastern Papillion, Nebraska. Today I am here to share LB10, which ensures that mobile digital billboards and mobile video screen rental trucks are better defined in state statute as they drive on the streets and highways of Nebraska. This is a bill that would amend 60-6,230 in order to allow a very specific type of vehicle to have a different kind of lights equipped than what is currently permissible in state statute. So currently, state statute only allows amber lights on the rear of any vehicle in Nebraska. There are also limitations on what colored lights can be on a private passenger vehicle. Currently, only first responders' vehicles, as well as some vehicles that are used by the Department of Transportation and vehicles used by local authorities for the inspection, construction, repair, or maintenance or vehicles owned and operated by any public utility for the construction, maintenance, and repair of a utility-- that's a lot of words-- may use flashing or rotating lights. I clearly, clearly understand why Nebraska wants to limit the number of vehicles that have these kinds

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

of lights. Though I believe, obviously from the previous bill, there's one more category of vehicle that I'd like to see have flashing lights. It's important to point out that we are not talking about colored, colored lights in the way you may think when we are referring to lighted mobile billboards in LB10. These vehicles are state-of-the-art LED digital technology. They do not mimic the look or actions of flashing, rotating, or colored lights that we would see on emergency vehicles. They have messages, stills, and videos that are preprogrammed and can change or rotate at the click of a button. There is no chance that these could be confused with emergency or maintenance trucks. This is an important distinction if only because the main arguments against allowing these vehicles on Nebraska roads is that they could cause confusion or distraction. In regards to the distraction argument, it's important to note that the argument made back in the '70s and the '80s was certainly a better one, in that regard back then, but today the technology is strong enough that these vehicles can be tailored to avoid distracting other drivers on the road while still getting out the information intended for these rolling ads. The people who administer mass transit programs all over the country would certainly agree with that. City buses in Lincoln and Omaha are already arguably in violation of the way current statute is laid out, as they do have lighted signs on the back of their vehicles. LEDs are all around us in today's world, in our phones and our cars and our homes. No matter what they look like, they have one thing in common: they are the "bacon" of electronics and, like bacon, are not much use when burned out. LEDs are a particular type of diode that converts electrical energy to light. With that in mind, I want to point out that we aren't really breaking new ground. What we are doing is clarifying statute that is currently a bit muddled, and saying that lighted-billboard vehicles that are already being used in Nebraska should not be stopped and cited based on a particular community's law enforcement interpretation of existing statute. LB10 would remove what has been a legal gray area and allow the businesses that operate these vehicles to continue to-- operation without any more interference. In other words, we are removing yet another hurdle in Nebraska for our small business owners, especially those who are currently operating and have dealt with a variety of interpretations when it comes to the statute, offering little consistency from community to community. Lighted-billboard vehicles are allowed in some fashion in almost every state in the Union, Washington, D.C., and Puerto Rico. They crisscross the country in order to get to certain important events, and it is very possible we would be expanding the revenue stream here in our state, should we make it clear that these kinds of vehicles are

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

allowed on our roads. With that, I know there is at least one business owner here, here, who operates these kinds of vehicles, to testify, and he can certainly speak more to the specifics of how these work and the kind of problems he's run into in Nebraska. I know you also have some letters explaining some of the hurdles these business owners face. And finally, I will say that we have not received any calls, emails, or letters from anyone opposed to this bill. And as you may know, I am someone who is always open to taking, talking to anyone who might have a problem with one of my bills ahead of time, so I don't always appreciate when you hear about it, for the very first time, at the hearing. But as of today's date, we've not heard anything in opposition to this bill. So as always, I appreciate your time today, and I'd be happy to answer any questions you may have.

**FRIESEN:** Thank you, Senator Blood. Senator DeBoer.

**DeBOER:** Senator Blood, I'm wondering if you can clarify, 'cause I'm not totally able to get a picture of what this is exactly.

**BLOOD:** Sure.

**DeBOER:** So is this one of those things like the, the billboards that you see where they have one message and then, after a period of time, they change to another message? Or is this more like animation so it would be one message that sort of moves around and then moves into another one? I'm just--

**BLOOD:** That's a really good question I did provide you with a few questions, a few--

**DeBOER:** I see them, but I--

**BLOOD:** --pictures there in your handout. So I can-- I'll speak from personal experience. So in the Veterans Day parade two years ago, when I announced that I was running for office, I actually put together a video of all five branches of the military, with each of their songs, and then they downloaded it into the computer on the truck and, as each video was shown on the side of the truck, the song would play along with that particular video; so in that case, video. There can be cases-- and I know that Mr. Teeter can speak on it even more so. There are times when it is just a stationary picture, such as when-- I know that they volunteer their trucks periodically when children go missing, and so they'll put "missing" and the person, the child's picture and who to call, to make sure that they get that child back

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

home. And then you can use the trucks for like outdoor video gaming, so if you want to have like an awesome birthday party for your children, you can literally play video games on these trucks. You can also use them for like summer movies. So if you live in a small community, you could have one of those trucks come to your community park and they could put on "The Sound of Music," and you can have a sing-along. So it's a little bit of everything. So it can be stationary, it can be video, it can be scrolling messages, it can be alternate messages. I've used it for campaigns before, as have both sides of the aisles in Sarpy County and Douglas County. I do know that the truck, I believe, was once used at a Trump rally on the East Coast. So they get around, and I'm thrilled that he's based in Bellevue, 'cause we love having him. But I'm not excited about the fact that there seems to be some confusion about state statute and they periodically get stopped. And it's confusing for the drivers, especially since they're just hired to drive; they're not hired to interpret state statute. So they have to be cited and deal with it after they get cited. Did I answer your question?

**DeBOER:** Yes you did. I'll ask him the next one.

**BLOOD:** All right.

**FRIESEN:** Thank you, Senator DeBoer. Senator Hilgers.

**HILGERS:** Thank you, Mr. Chairman. Thank you, Senator Blood. I got to thank you at the outset because you did some research for me. I had a-- randomly, independently of your bill-- I had a constituent e-mail me last week, saying that she had been driving behind a truck that had an animated, some animated digital display, and said, what's the law on this? And I thought to myself, well, I don't know. And then I saw we had LB10 coming up, so I figured you actually did all the work for me. So I appreciate that. Just piggybacking, a little bit I think, on where Senator DeBoer might be going, is I see the use of the LED static images, maybe in traffic, being of great use. I see the animation video, maybe when they're not in traffic, being of great use. Would you distinguish those between, maybe, what you might consider, one might consider to be a little bit more distracting, which would be in traffic, while people are driving, they have animation and all these other things. Would you make a distinguishing, or would you distinguish between those two categories of uses?

**BLOOD:** Yeah. I'm, I'm just giving my personal opinion, and so perhaps he can, can speak on it. I think it's very different than what they



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

used to have. If you had the full-size bulbs like you saw on some of the earlier trucks, I think those would be very distracting. But we're talking about LED, and I think LEDs-- I think they start at like around a 7-volt; I'm not sure. And again, that's something that Mr. Teeter can, can speak on. We have them a lot in Bellevue. I can tell you that they pass all major intersections. They go between Lincoln and Nebraska [SIC]. For those of you that go to football games, I'm guessing you've probably seen them at the Husker games before. And I can say, being on the city council, I don't think we ever heard a single complaint. And in the community of Bellevue you would hear a complaint if there was concerns. I can tell you, visibly driving behind them, driving next to them, it's, it's not any more distracting than having a semitruck next to you with their brights on or their lights on; and that's more distracting. It's not any more distracting than somebody that has their fog lights on; in fact, it's less distracting. So I don't think they'd be allowed across the United States if there was, it was thought that there were concerns when it came to public safety, especially when you're talking about like New York State where they have a lot of laws that we don't have. So we just need to get it right in our state.

**HILGERS:** Thank you.

**FRIESEN:** Thank you, Senator Hilgers. Any other questions from the committee? Seeing none, thank you, Senator Blood. Proponents who wish to testify? Welcome.

**JERRY TEETER:** Thank you, Mr. Chairman and Transportation Committee. Thank you for allowing me to come here today and voice my support of LB10. My name is Jerry Teeter, J-e-r-r-y T-e-e-t-e-r. I'm the owner of Legion Digital Outdoor, based in Bellevue, Nebraska. My company owns and operates mobile LED billboard trucks all over the country. I'm here today to ask for passage of this bill so that companies like mine can continue to operate without fear of targeted police enforcement on a law that was never intended to regulate our technology. Let me explain that. When Nebraska statute 60-6,230(2) was written, the writers had no idea at the time that vehicles would have LED signs attached to them. The LED technology did not even exist at that time. The intent of that statute is to give lighting standards to vehicles and emergency vehicles. There is a fundamental difference between vehicle lighting and LEDs, or light-emitting diodes, that make up a digital screen. Vehicle lights, such as turn signals and brakes, are a single bulb that indicate an action by the driver. One side of our LED

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

billboard truck has over 300,000 tiny diodes that make up a picture or a message. They serve two completely different purposes. The issue that we have before us here is that the city of Omaha and the city of Lincoln have dozens of vehicles with these digital signs already on the rear of these vehicles. Most of the city buses have LED signs that either give the bus number, the route, or any other scrolling information that they want to communicate. The only difference between the trucks like ours and the city buses is that our trucks are privately owned and display commercial messages. Because these buses are government owned, they've been exempt from targeted enforcement, by law enforcement; however, we have not enjoyed that exemption. Over the last three and a half years we've been subjected to multiple stops by the same two law enforcement officers that, I believe, have a personal dislike for our advertising trucks. And each time, they cite this statute as the basis for their stop. These same officers choose to ignore the city buses, with the exact same technology, that travel through their jurisdiction multiple times every single day. While LED signs on vehicles are typically used in commercial and political purposes, they also serve important public safety and awareness roles. My company, for example, have donated exclusive time on the trucks to the Omaha Crime Stoppers, on several occasions, for AMBER and missing-and-endangered alerts. In these situations, time is critical, and our LED billboard trucks can be displayed, at a moment's notice, to the exact location where the police want the message or the pictures of the people they are looking for to be found. The city of New York just recently purchased an LED billboard truck for this exact purpose, and they're seeing amazing results from it already. They're getting calls and tips from their Crime Stoppers unit as a direct result of the truck. I want to close by addressing the huge myth that many people have, regarding these trucks. The biggest misconception surrounding LED billboard trucks is that they are a distraction. There are approximately 100 of these billboard trucks across the country, and I personally know many of the operators of these trucks. In my four years of operating these trucks in over 30 states, I am not aware of a single accident caused by an LED billboard truck. This is the same misconception existed when LED billboards first came out nearly three decades ago. Both the Department of Transportation and the Federal Highway Administration have done exhaustive studies that debunk the myth of digital signs as being a distraction. One of the studies showed that the average time a person looks at a digital sign is 380 milliseconds, which is well below the 2,000-millisecond threshold for it to be considered a distraction. There is no credible study that I'm aware of that can show that mobile billboards, digital

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

or static, are a distraction or are dangerous. In closing, the only visual difference between an LED billboard truck and a delivery truck with a vinyl wrap on it is that the LED truck is more easily seen because the image uses light to display the image, and that image can change instantly. This is a commonsense addition to the current statute and we just ask that you vote yes for LB10. Thank you, and I'll take questions.

**FRIESEN:** Thank you, Mr. Teeter. Are there any questions from the committee? Senator DeBoer.

**DeBOER:** Thank you very much for your testimony. I'm wondering about the lights and nighttime driving. So is this the kind of thing-- I know that my iPhone now will automatically sort of adjust the lighting level to the surrounding--

**JERRY TEETER:** Correct.

**DeBOER:** Is this something that your trucks have as well, where they'll be sort of darker at night and brighter during the day?

**JERRY TEETER:** Yes. So each truck has an automatic light sensor on top of the truck. So as the ambient light changes on the outside, it automatically adjusts the brightness intensity of the sign. So for example, on a bright sunny day it'll be running at 100 percent of its capacity; at night. It runs at about 1 percent of its capacity.

**DeBOER:** OK.

**FRIESEN:** Thank you, Senator DeBoer. Senator Cavanaugh.

**CAVANAUGH:** Thank you. I have sort of a similar line of question that that helped answer, but I also wanted to know--are there any regulations? I mean it's nice that it does automatically change that, but are there any regulations in place that require that to happen, or could a company choose to override that?

**JERRY TEETER:** As far as I'm aware, there's no regulations for mobile digital signs, but for stationary digital signs, there are. We-- although we don't necessarily fall under the stationary sign laws, we use those as a guide within our own company so that we can, you know, we don't want to be the result of an accident and we want to make sure that our trucks aren't distractions, so.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

**CAVANAUGH:** And would you say that there would be a willingness to have those guidelines that apply to stationary digital signs also apply to mobile digital, digital signs?

**JERRY TEETER:** Sure. And in those regards, yes. I believe that they are necessary 'cause, you know, to be honest, when I first started, my trucks did not have those automatic sensors and it was up to the driver to gradually lower that brightness down as it was getting darker. And we found it to be a lot safer when once we installed those automatic sensors to the trucks. So when we-- we also manufacturer these trucks; we just started doing that this year here in Bellevue. And as part of the truck, when we built them now, that's one of the pieces that's automatically put in.

**CAVANAUGH:** So you actually build the trucks here in Nebraska?

**JERRY TEETER:** We do, yes.

**CAVANAUGH:** And do you sell them outstate, outside of the state?

**JERRY TEETER:** We do.

**CAVANAUGH:** Oh. OK, great. Thank You for your testimony.

**JERRY TEETER:** Thank you.

**FRIESEN:** Thank you, Senator Cavanaugh. Any other questions from the committee? Senator Albrecht.

**ALBRECHT:** Thank you. Thank you for being here. Can you tell me-- so you've had two tickets on your vehicles because of the way they're lit up?

**JERRY TEETER:** One ticket and one warning. So the citation only became, was issued because I asked for it. We wanted to get a ruling on it. It was after the third stop that we had. And he, he wanted to just give us another warning. I requested the ticket, and it went through Sarpy County. Ultimately the judge ruled that the law was too vague and he didn't want to be the one to issue a ruling, one way or the other. And his ruling was that he wanted the Legislature to decide it. So that's when I reached out to Senator Blood to see if we could get some clarification on this.

**ALBRECHT:** So let me ask you. This picture here--

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Transportation and Telecommunications Committee January 28, 2019

**JERRY TEETER:** Yes.

**ALBRECHT:** Would you have to put a light like that on the back of one of your vehicles?

**JERRY TEETER:** I guess I don't understand your question.

**ALBRECHT:** It's if, if we pass this, you can just do what you currently are doing.

**JERRY TEETER:** Correct.

**ALBRECHT:** But if we didn't, would they ask you to put some sort of a light on the back of your trucks so that people can see [INAUDIBLE]?

**JERRY TEETER:** Well that's-- my frustration is the sign that's on the back of that bus is the same technology that we're using. There's no, there's no difference in the technology or the sign. So the city buses are allowed to operate without any enforcement from law enforcement, yet because-- I feel because we're a commercial entity, we're targeted and told to shut down. So it's, to me it's an all-or-nothing thing; either both of us are allowed to operate or none of us are allowed to operate.

**ALBRECHT:** So, so you would say that on the bottom this Amber missing person-- you don't have any lights on the top of the truck?

**JERRY TEETER:** We have, we have the required vehicle lights. So we have brake lights, turn signals. Those are separate from the screen itself, and those are easily viewable. There's no confusion as to what's a brake light and what's part of the sign.

**ALBRECHT:** Um-hum. But are there any lights at the top?

**JERRY TEETER:** Yes, there's DOT-required lights on the truck.

**ALBRECHT:** I just can't imagine why they're pulling you over, so.

**JERRY TEETER:** We don't know either.

**FRIESEN:** Thank you, Senator Albrecht. Senator Bostelman.

**BOSTELMAN:** Thank you, Mr. Chairman. Yeah, sorry. Thank you for your testimony today. Question on volume-- audible. What-- is there a-- so if I have a video or I want to play music, I want to, I want to have a promotion of something-- come by and pick up your widgets at this

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

corner-- I, can I, on that truck then could I have a display plus an auto, you know, a voice coming out with that, as well?

**JERRY TEETER:** From a functionality standpoint, yes. We don't do that just because, again, because this is kind of the Wild West and there's not a lot of regulation on this. We self-regulate so that we are not a distraction. The only time that we do any video or sound with our trucks is in a situation like a parade or in an area where the truck is driving less than 10 miles an hour, there's a lot of foot traffic and not a lot of road traffic. So, you know, for example, at different arenas and stuff, where traffic is moving incredibly slow, in those cases we'll sometimes do moving or video. Primarily the time we do video is like parades and events and that type of thing. But 99 percent of what we do is static still images that instantaneously change, just like the regular billboards do.

**BOSTELMAN:** I appreciate what you're saying. I guess my question would be, that's where the next guy down the line--

**JERRY TEETER:** Right.

**BOSTELMAN:** He may not do this similar, and I am just wondering if--

**JERRY TEETER:** And we're not opposed to regulations or things to control that.

**BOSTELMAN:** So on the, on the advertising side of things, are there any, is there, are there any rules, regulations, statutes that govern what you can and cannot put on that--

**JERRY TEETER:** Not that I'm--.

**BOSTELMAN:** --as far as advertising medium? So I could put on anything I wanted on the sign and that's OK?

**JERRY TEETER:** We follow general advertising guidelines so, in terms of alcohol, we don't advertise around schools or churches or areas where there's a high number of children. Those are just general advertising guidelines that we follow. Most of our customers are large national brands and so they're very concerned about, you know, their product being associated with something that could be a liability issue. And so we take very great care to make sure that we're not putting our customers in any type of jeopardy from a liability standpoint.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

**BOSTELMAN:** And I appreciate that completely. I'm not saying you do. I'm just looking at the next person down--

**JERRY TEETER:** Right.

**BOSTELMAN:** --that starts a business. Is there something we need to be aware, should be aware of that would keep them from putting things on they shouldn't or having a loudspeaker driving down the road, blaring out, That we don't want either? So I was just curious if there was anything.

**JERRY TEETER:** Yeah. And again, we're not opposed to any guidelines, and we would be happy to work with whoever creates those, to create responsible guidelines so that people don't abuse the medium, because we don't, we want this medium to be here to stay; it's an effective medium. But we don't want it to be abused.

**BOSTELMAN:** Thank you very much.

**FRIESEN:** Thank you, Senator Bostelman. Any other questions from the committee? In the, in the bill here it just, it does not really specify what kind of lights. It said lights including colored lights, LEDs. It's pretty broad. And so again, there's no, there's no requirement on the brightness on the rear of the vehicle. Would that be correct?

**JERRY TEETER:** No, I don't, not that I'm aware of.

**FRIESEN:** How many states allow rear billboards, lighted billboards?

**JERRY TEETER:** We've, I've not researched each state's laws. We've only run into the same issue in a couple states, and the result is the same; it's, it comes down to an interpretation issue. And if you talk to three different people, you're going to get three different answers on how it's written. The states that do have these laws-- just like Nebraska, were written years ago before this technology even existed. And so, you know, our opinion is that, for the law enforcement officers that don't like our truck as a whole, they're just trying to find something that they can attach to. And these are the statutes that they're finding that they can, you know, make a stretch to attach to, to keep us from operating.

**FRIESEN:** OK. Any other questions from the committee?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

**DeBOER:** Can I ask one?

**FRIESEN:** Yes. Senator DeBoer.

**DeBOER:** Sorry. Just to clarify something that you said, would you be OK with some sort of regulation that would require, let's say when you're moving more than 25 miles per hour, you can't have animated type of things and you can only have static ads at that point? Would that be the kind of thing that you would be willing to, to work?

**JERRY TEETER:** Correct.

**CAVANAUGH:** Okay, thank you.

**FRIESEN:** Thank you, Senator Cavanaugh-- Senator DeBoer.

**JERRY TEETER:** If anybody's interested, I do have an example here of what, you know-- this is what the trucks are made up of. You know, literally thousands of these little squares make up the overall screen-- so just kind of as a point of reference.

**FRIESEN:** OK. Thank you. Seeing no other questions from the committee, thank you for your testimony, Mr. Teeter.

**JERRY TEETER:** Thank you.

**FRIESEN:** Any others who wish to testify in support of this bill? Seeing none, does anyone wish to testify in opposition? Seeing none, anyone wish to testify in a neutral capacity? Seeing none, we do have some letters here in support. AllOver Media, Outdoor Advertising Association of America, Smart Marketing LLC, and Hal Daub of Husch Blackwell have letters of support. Senator Blood, do you wish to close?

**BLOOD:** Thank you, Senator Friesen. So this is the horse massage bill for this year. We're trying to-- thought I'd give you guys a laugh before I left. We're trying to help a small business owner overcome a hurdle. And you noted, Senator Cavanaugh, that these trucks are being made in Nebraska. I've actually known Mr. Teeter from years back when I ran a chamber of commerce, and so I've known him for well over a decade, almost two decades. He's a young entrepreneur who started the brunt of his business transporting vehicles across the United States, and he eventually evolved into this several years ago. And he's been one of the most diligent, hardworking young entrepreneurs I've seen in Sarpy County, and he has a lot to be proud of. The, the noise aspect



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

of these vehicles-- every municipality has a city ordinance in reference to noise and sound, and I know Bellevue does, I know Omaha does, I know Papillion does, I'm sure Lincoln does. And so they would be definitely under that, that ordinance in each municipality. If they were, were too loud, they were playing after 10:00 at night-- whatever-- I can sincerely say that I have never seen one of these trucks anywhere in Nebraska with sound on, with the exception of when I used it for the parade. And at that time we were going lower than 25 miles per hour and it was meant to be a display for the parade. The one thing I say, this, a lot of our state statute has not caught up with technology, and this is one real example, good example. I don't know why we wouldn't want to embrace a young entrepreneur who is taking this truck, not all over all of Nebraska, but all over the United States and selling more trucks just like it. And these trucks are in every state and, and Puerto Rico and Washington, D.C. So they're not going anywhere. You know, young people nowadays don't watch TV. And so the way that ads are done has to be done in a way that's creative. And so young-- and I think I gave you guys some statistics on it-- young consumers are on the road more often, and this is an opportunity for them, for these advertisers to utilize these mobile trucks. He has always been very respectful, and I, I'm sure they would be open to, to more, hopefully, not really strict laws, because I think sometimes government overreach can go, get a little out of hand on some of these. But I do hope that, that you see what a great opportunity this is for, for entrepreneurs in Nebraska and that you can help lift this young man up who's done such a good job of bringing business to Nebraska. And I appreciate your time.

**FRIESEN:** Thank you, Senator Blood. Any questions from the committee? Seeing none, I guess my, my only concern is the distraction, I guess, and the brightness of the lights at night. When you're following a mobile billboard, and from the rear, when I see a lighted billboard, that means I'm not headed in the right direction.

**BLOOD:** And that's fair. But remember we had the same concern with the digital billboards that were on the side of the road, and that's been disproven. And the one thing I would say is that for me-- and I do a lot of nighttime driving-- I have more issues with some of the lights on our semitrucks on the roads, that have the really bright lights that, after you drive by them, you have, you see spots afterwards. I've never had that issue with the LED lights--

**FRIESEN:** All right.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

**BLOOD:** --on the, the mobile trucks, so I will say that.

**FRIESEN:** Thank you, Senator Blood. With that, we'll close the hearing on LB10.

**BLOOD:** Thank you, sir.

**FRIESEN:** I'll turn the chair over to Vice Chair Geist.

**GEIST:** Welcome, Senator Friesen. We're happy to have you here today. You're welcome to open on your bill.

**FRIESEN:** Thank you. I hope it's LB80. Senator Geist, members of the Transportation and Telecommunications Committee, my name is Curt Friesen, C-u-r-t F-r-i-e-s-e-n. I represent District 34, and I'm the sponsor of LB80. LB80 is intended to create an easier process for county sheriffs to inspect motor vehicle titles before vehicles can be registered. And this is for vehicles that come in from out of state, and so they're required to be inspected by the county sheriff's office. First two important points: First, this proposed system is voluntary for the county sheriff in his or her county jurisdiction. Second, this system would only be applied to franchise dealers, and the vehicles to be inspected would have to be in the dealer's inventory and located at the dealer's property in the county where the inspection would be conducted. Rather than having to physically inspect the vehicle, the sheriff could prescribe a process where the franchisee would provide the inspection fee, documents evidencing the transfer, and vehicle information, such as: the make, model, VIN number, odometer reading, and photograph of, digital image of the vehicle to the sheriff. The sheriff could then conduct the inspection, using the documents provided, and issue a statement, required in Section 60-146, that the inspection was completed. If the information was incomplete or if the sheriff believed further inspection was necessary, the sheriff would inform the franchise dealer. If that dealer knowingly provided false or inaccurate information, the dealer would be liable for damages. The dealer would be required to keep the records for those transactions for five years. I urge you to advance LB80 to General File, and I'll be happy to answer any questions.

**GEIST:** Any questions from the committee? Yes, Senator.

**ALBRECHT:** Thank you. So what are they currently doing?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

**FRIESEN:** Currently, the county sheriff-- if you purchase a vehicle from out of state the county sheriff has to come out and physically inspect the vehicle.

**ALBRECHT:** Do you take it to the sheriff's facility?

**FRIESEN:** You can take it to the sheriff's office. I've had the sheriff's office come out to my place--

**ALBRECHT:** Really.

**FRIESEN:** --and inspect vehicles.

**ALBRECHT:** OK.

**FRIESEN:** They charge \$5.00 and then they match the VIN number to the title that you have. And then you have to have this inspection done before you can license the vehicle in Nebraska.

**ALBRECHT:** OK, thank you.

**GEIST:** Yes, [INAUDIBLE].

**DeBOER:** Thank you, Senator Friesen. One question I have is-- and I think this is a great idea 'cause in Omaha you have to go all the way downtown and it's a pain. But the one, the one question I would have would be about liability for the dealers. So I don't know what the protocol is now. Is this an inspection? 'Cause I don't really know what they did to my car-- I brought my car, they looked at it. Is this an inspection where they're looking for sort of the viability of the vehicle itself? Or is it just a let's, let's look at the VIN number and make sure it matches what they say?

**FRIESEN:** This is strictly, I think, to deal with stolen vehicles.

**DeBOER:** OK.

**FRIESEN:** And it's just--

**DeBOER:** So it's not about--

**FRIESEN:** It's not about a safety inspection or anything like that.

**DeBOER:** Perfect.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

**FRIESEN:** The sheriff comes out, they look at that VIN number, they find it, they make sure it matches your documents, and then they give you a signed form saying that they've done the inspection. Then you can go and register your vehicle and get a title in the state.

**DeBOER:** OK. I thought there was more to it. So since there isn't, OK. Thank you.

**GEIST:** Any other questions? You're welcome to close, Senator Friesen. Oh, I'm sorry. Forgive my greenness. You're welcome to come and be a proponent, I assume.

**LOY TODD:** Thank you, Senator Geist. Members of the committee, my name is Lloyd Todd; that's L-o-y T-o-d-d. I'm the president and legal counsel for the Nebraska New Car and Truck Dealers Association, in support of LB80. And thanks, Senator Friesen, for introducing it. The Nebraska inspection law is working very well. It was passed many years ago because Nebraska had a tendency to have stolen vehicles because of our title and registration process. This, this law fixed that, and we're very grateful for it. And we have no desire whatsoever to weaken it or to change it. What happens in the inspections, and it's, and-- the most helpful part of it is one that wasn't intended. There are three things that seem to happen with these motor vehicle inspections. The first is they catch mistakes. The sheriff's office ends up looking at the VIN number versus the ID number on the vehicle and the number on the title documents or registration documents. And sometimes, you know, when you've got a 17-character VIN, and then all the other things, they catch mistakes; and that's terrific. And that was not one of the intended consequences, but it's, it's the thing they do the most. And that's a good thing to catch that before some consumer, two years later, figures out that there's a mistake. The second thing that they find is salvage vehicles, because that's also checked on the computers by the sheriff's office. And that happens fairly often, about as often as there's a salvage vehicle that-- and most of them show up because of the title documents. But they, they catch that also. And then the third thing, which doesn't happen very often, is a stolen vehicle. And the reason that they don't find many stolen vehicles is because Nebraska inspects. So the thieves aren't coming here to do that. Now when you go to and when you end up acquiring one of these vehicles, you have a couple choices and it's truly dependent upon the local sheriff. Some sheriffs will come and inspect; some will not. Some will require a minimum number of vehicles to be at the dealership before they'll come out. And so they want you to accumulate

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

20 of them or 5 of them or whatever number. Others simply say you're going to come to the courthouse, and there are even some limitations on that. Sometimes they'll say we don't want you to bring more than so many at a time, because you've got the consumers; they're in line to do that. And we don't want to disrupt that process. So it's really, it's really different everywhere. And what we were trying to do is find a way to make it more efficient and better. In fact I underestimated the need for this and, to some extent, I've checked with some dealers the last few days, and I have dealers who ended up with like 30 of these a week. And so when you're scheduling that kind of inspection process, it can be somewhat time-consuming. If you're sending employees down to the courthouse or to the sheriff's office, that's very expensive. And I worked very hard with the Sheriffs' Association, with the lobbyist for the Sheriffs' Association, and others because we simply want this process to work better. The only thing that we're trying to change in this law is who creeps around under that vehicle, or on top of that vehicle, and looking for these VIN numbers. The, the notion of a photograph of the, of the VIN numbers and of the various ones on the vehicle, came from the DMV. And I thought was a great suggestion because they said we don't want you shortcutting it, we don't want you just looking at the documents and cutting it out. And I think that was an excellent suggestion. The other thing we don't want is any concern about strangers and people taking advantage of the system. So we drafted this thing in such a way that it can only be done in the county. So it's only the local county sheriff dealing with the local franchise dealer on those vehicles in inventory. This is not intended to bypass the system. It's not to let out-of-state dealers participate. It's not even going to allow a dealer in the next county to participate. So it's people who ought to know each other already, using this system to, to improve things. The sheriff is still in total control. If at any time the sheriff wants more information, needs more information, they can change the process, they can say bring it in, we're going to come out and look at it. At any time they're uncomfortable with it in any way, all they have to do is say no, we're not doing this one, no, we're not taking this one-- or, or however they want to do it. The, the method is even flexible within the sheriff. Some sheriffs want faxes, some sheriffs want an e-mail or-- and everybody's got an iPhone or something these days. So taking the pictures and transmitting them, I couldn't do it but I'm sure all these folks can. I'm sure they can within my dealerships. The, the other thing I found out [INAUDIBLE] my recent phone calls-- and this surprised me-- in the situations where they need a minimum number of vehicles in order to justify the sheriff coming out, what

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

happens is those numbers change. So my dealer might wait till they've got 20. Well in the meantime, some of these vehicles might be sold and so they say they got 20 and now they don't. And the other part of the process is, you know, we don't have to do this. What we can simply do is sell you the vehicle, and then you have to go to the courthouse and get the inspection done, and that kind of thing. So we do it, you know, from among other things, as a convenience item for our customers. But more importantly, the last thing my dealer wants to do is sell a stolen vehicle or a salvage vehicle that they're unaware of. And so this lets them catch this at a point in the process ahead of some kind of more harmful situation. Now this is, what the sheriff does-- and we don't want to change this and we don't want access to it-- but they check with two crime computers when they do the inspection. They check with the national crime computer and the Nebraska, to see about the evidence of stolen or the evidence of salvage. And if that comes up, obviously things start happening. The sheriffs asked for the liability provision and we want it clear. If we make the mistake, if we provide false or incorrect information that it's our risk and our liability; it certainly isn't the sheriff's. So we're trying to take that away. I've met with about everybody I can find to meet with on this thing. I tried to get it drafted in a proper form so it can move on but-- and the retention of the records for five years is consistent with our current requirements under state law. Every deal a licensed dealer makes is required by state law to keep that for five years and keep those records in various forms. So we've tried to anticipate as much as we can anticipate. We've tried to change the law as little as possible. And I-- as we've been informed by some people about this bill, the sheriffs have better things to do than to crawl around underneath a vehicle. We can do an indoors, we can do it on lifts, we can do it in a lot of ways that are certainly, I think, better for everyone. And that's what we're hoping to accomplish. So I'd appreciate your support for this legislation.

**GEIST:** Thank you. Are there any questions by the committee? Yes, Senator Hughes.

**HUGHES:** Thank you, Mr. Todd, for coming. So how many places on a vehicle is the VIN normally?

**LOY TODD:** I, there are several; I don't know the number. And interestingly enough, some of them are secret to some extent because-- law enforcement is supposed to know them-- but I mean there are-- dealers know. But, but there are several. And one of the sheriffs

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

asked about that: How many, how many spots do you need to send photographs of, or how many do you want, should we, should you be looking at? And I said, that's up to you. It's-- you can tell us if you want, you want two or you want three or whatever, you tell us 'cause each sheriff gets to decide on their own. I believe they inspect for two, but I can't tell you that that happens every time because it's, it's not us doing it. But we will do what they say to do.

**HUGHES:** OK. That was my next question. Do they, do they verify between places? Usually it's driver's side, you know, under the windshield, and then they double-check somewhere else, as well, normally.

**LOY TODD:** Well I think that's best practice is to check, and I'm sure that the engine is one of the places that has a matching VIN number and, and probably the frame. But beyond that, I don't know where else that would show. And I think it's probably vehicle-specific, as far as some, some makes, models might be different. But our anticipation is that they're going to certainly make us do as much, if not more, than they do themselves, as far as the sheriffs.

**HUGHES:** OK, thank you.

**GEIST:** Any other questions? Yes, Senator Albrecht.

**ALBRECHT:** Thank you for allowing me to ask you a few questions. Being 33 years in the automobile business, I have to ask these questions. So you're, you're saying that if I'm a used car dealer, and I just bought a transport of vehicles out of Kansas City, and that transport comes up to Omaha, I would contact the Douglas County Sheriff's Office and ask them to come take a look at all these vehicles at one time. So if they're already inspected, and a consumer comes in and purchases that vehicle, do they still have to do anything more?

**LOY TODD:** No.

**ALBRECHT:** They're done.

**LOY TODD:** No.

**ALBRECHT:** So they don't have to make that trip to anywhere because it's already taken care of. And is there a fee for the sheriff coming out, and is it passed on to the consumer?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

**LOY TODD:** The statutory fee is \$10.00.

**ALBRECHT:** OK.

**LOY TODD:** There is no provision for an extra charge for going anywhere or doing anything. I can't tell you that no one does that. I can tell you that my dealer probably is never going to complain, simply because it's such a convenience and so [INAUDIBLE].

**ALBRECHT:** And do most of the sheriffs around the state-- let's say out in Grand Island-- he'd be all in on going to the dealership and checking it out? Or are we making some of them do something that they may very well not want to do or they want him to do it the way they've always done it? Have you--

**LOY TODD:** Our hope is that they will all--

**ALBRECHT:** Want to.

**LOY TODD:** --see the opportunity to comply. It's different in different places. I had anticipated that this would be mostly used by dealers on the border. But I'm learning that, because of the great number of internet sales and solicitation around the country, especially on high-end vehicles, those kinds of things, that they're coming from everywhere. And so I think you're, I think you'll see that there's a-- more utilization than we had anticipated. I will say that it's different everywhere, and we haven't found a lack of cooperation in any county between the local dealers and the sheriffs, as far as their willingness to come out or their willingness to require the dealer to go there. You know, we, we need these inspections.

**ALBRECHT:** Correct.

**LOY TODD:** If a dealer doesn't want to participate, all they have to do is say no. And--

**ALBRECHT:** They still have to [INAUDIBLE]--

**LOY TODD:** --have the customer, when they go to title the vehicle at the courthouse, do it themselves. So--

**ALBRECHT:** And that's an inconvenience.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

**LOY TODD:** --this is a flexible enough system that I don't anticipate pushback or difficulties; it'll all be local if it does happen.

**ALBRECHT:** Very good. I appreciate your time. Thank you, Mr. Todd.

**GEIST:** Any other questions from the committee? Seeing none, --

**LOY TODD:** Thank you.

**GEIST:** --thank you. Any others who want to testify in the, in favor? Thank you. Any in opposition? Any of you want to testify in the neutral position? Seeing none, Senator Friesen, you're welcome to close-- for real this time.

**FRIESEN:** Thank you, Senator Geist. I think the only change that we foresaw in this bill right now is to allow photographs instead of photograph, so they can submit multiple pictures if they wanted to. Other than that, I think the bill's pretty explanatory. And you're right. The sheriffs in each county is still, it's up to them if they want to use this program or not. And I think it's, it's a benefit. They have other things they'd rather be doing than coming out. I've had several inspections done at my place. I actually had a time when they couldn't find the VIN number; they couldn't even find the secret one. So we've run into some strange things, but I think this does-- it makes the process a little better. It saves everybody a little bit of time and effort and allows them to do other things that they'd rather be doing. Thank you very much.

**GEIST:** And with that, we'll close the hearing on LB80. And Senator Friesen, you're welcome, when you are prepared, to open on LB81.

**FRIESEN:** Thank you, Senator Geist and members of the Transportation and Telecommunications Committee. My name is Curt Friesen, spelled C-u-r-t F-r-i-e-s-e-n. I represent District 34 and sponsor of LB81. During the summer a constituent, who is a railroad worker, contacted me about some safety concerns he had. He informed me that Nebraska law might be deficient because, although our rules of the road required vehicles to yield to trains, they did not necessarily require those vehicles to stop for train-like equipment that travels on the rails. After researching the issue, we drafted the provisions of LB81, and we define on-track equipment as any railroad locomotive or any other car, rolling stock, equipment, or other device operated upon stationary rails, either alone or coupled to other railroad locomotives, cars, rolling stock, equipment, or devices. We amend the rules of the road

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 28, 2019

to provide that motor vehicles stop and yield to on-track equipment. Other provisions we amend to include on-track equipment in the rules of the road are general provisions requiring stops at railroad crossings and specific provisions that relate to school buses, placarded vehicles, and slow moving vehicles. And I hope you can join me in advancing LB81 to General File.

**GEIST:** Thank you, Senator Friesen. Are there any questions from the committee? Seeing not, I'll ask any proponents of the bill to come forward. Good afternoon.

**JOSHUA HALL:** Good afternoon, Senator Geist, committee members. Thank you for the opportunity to speak to you today, and thank you, Senator Friesen, for introducing this bill. My name is Joshua Hall; that's J-o-s-h-u-a H-a-l-l, and I am with the Brotherhood of Maintenance of Way Employees Division, representing approximately 1,100 railroad and maintenance of way employees that reside in Nebraska. I'm here today to support LB81, which aims to amend the Nebraska statute relating to special stops at railroad grade crossings by amending the definition of railroad train to include other on-track equipment or other rolling stock operated upon the rails. Whether self-propelled or coupled, we can provide the same protections for on-track equipment that trains currently have, in regards to motorist responsibilities at road grade crossings. One of the biggest issues for the need for the amended definition is that on-track equipment has evolved into train-like size. I have provided each one of you with some examples of the types of equipment that we are talking about. They present the same dangers of a train in regard to their relative brake-to-stop distance. In addition, not every piece of equipment on the track activates the signal crossing gates where crossing gates are in use. Basically, without the added language to include on-track equipment, we're telling the general public that if the gates are up and they see other on-track equipment approaching, that it poses no risk and it is safe to proceed. This could not be further from the truth. With the weight of the equipment and some of the additional work attachments, such as plows, ballast wings, and booms, we have the same potential for motorist injury as a train, in the event of a road grade crossing incident. The proposed added language does not eliminate or supersede on-track railroad, on-track equipment operating rules; rather, to make the public aware that it is not only trains that travel on the tracks but also other on-track equipment that occupies and travels on them, as well. The fix is easy and it is supported by rail labor, the railroads themselves, and rail contractors. Similar laws have been

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Transportation and Telecommunications Committee January 28, 2019

passed in California, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Massachusetts, Maryland, Mississippi, Montana, Oregon, Tennessee, Virginia, Wisconsin, Washington state, Wyoming, and, most recently, in South Dakota. This is truly a public safety issue. The public is well aware that trains occupy the tracks in their respective neighborhoods, but not everyone is aware of the on-track maintenance and construction machines that travel on the track infrastructure in our country. Clarifying that there are other pieces of equipment that travel on the tracks and present the same dangers to motorists as trains will help to educate the public of this fact and, hopefully, provide a greater level of safety at grade crossings for both motorists and operators of on-track equipment. Thank you again, and I urge your support of this bill.

**GEIST:** Thank you. Thank you for your testimony. Are there any questions from the committee? Yes, Senator Bostelman.

**BOSTELMAN:** Thank you, Vice Chairwoman Geist. Thank you for your testimony today. I guess, I guess I'm amazed that this doesn't apply. I mean, typically, when a vehicle-- these, these other ancillary vehicles that come down-- they're going to activate crossing arms and those anyway, correct?

**JOSHUA HALL:** Most of the time, yes.

**BOSTELMAN:** And so we're really talking about an un-- I'll call them unprotected crossings. Is that a correct term?

**JOSHUA HALL:** Correct, or flagged crossings where we have individuals that are flagging the crossings, yeah.

**BOSTELMAN:** So these-- I guess I'm surprised that these, this equipment is not considered rail equipment and would not fall underneath the current statutes.

**JOSHUA HALL:** Current statute just says railroad trains; it does not identify it as on-track equipment.

**BOSTELMAN:** Thank you.

**JOSHUA HALL:** Um-hum.

**GEIST:** Anyone else? Yes, Senator DeBoer.

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**DeBOER:** Just a really, really brief question, but it's probably not all that easy to answer. About how often is this going to affect folks, like I have no idea what all of these things even does when I look at these pictures? So about how frequent would this be a situation where the school bus is stopping every day to wait for one of these or one time every five years, that, you know?

**JOSHUA HALL:** You know, honestly, I can't give you an answer as to the number of times that this would affect a school bus, but I know railroad equipment is operating amongst-- on the tracks throughout the year, every day, in different areas. It's not just in specific areas; it's across the entire system. So as far as the numbers, I couldn't quite tell you the exact amount.

**DeBOER:** Okay.

**JOSHUA HALL:** Sorry.

**DeBOER:** Thank you.

**GEIST:** Any other questions? Yes, Senator Bostelman.

**BOSTELMAN:** All right, one follow-up question; sorry, just got to ask it-- I mean. Are there any-- is there any cases out here of incidents where there was an accident, and the result of that case were that the driver of the vehicle or the operator of the machinery on the track was at fault?

**JOSHUA HALL:** That's a great question, Senator. And that is kind of the origination of this idea. In California, it was, I think, in 2014, there was a gang-- which I say a gang is a consist of machines, 20-30 machines-- that was instructed by their supervisor to make a move. When I say make a move, they were traveling on the tracks, as a group, and traveling anywhere from 10 to 20 miles across crossings that were typically protected. And I believe what happened in this incident was there was a person that was protecting the crossing, the machine was making a reverse move so the operator was turned, a person went around the person flagging the crossing, was hit by the machine. The person in the vehicle died, and the district attorney charged the machine operator with that individual's death. I don't know the outcome of the case, but that's what kind of started this because, up to that point, it had never been addressed. But after that, it has since become, come to light and is now trying to be addressed across all the states.

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**BOSTELMAN:** OK, thank you.

**JOSHUA HALL:** Um-hum.

**GEIST:** Any other questions from the committee? I do have one. I did used to live in the country, and I did see many of these vehicles on the tracks, and they usually did trigger the cross, cross arms. Is there a minimum length or maximum length that they have to be or a weight that triggers that, the arms to go down?

**JOSHUA HALL:** What triggers the arms to go down is called a shunt; that's within the machine. And trains automatically shunt the tracks, and I can't speak so much for that because that's more of the signal department than in the maintenance, the way we operate the machines and the equipment. So I can't quite tell you for sure how far out they are but, if the machine is of that size of the individual pictures that I showed you there, then typically the crossing arms will come down in the same manner as a train. But there are lots of crossings that are not protected by crossing arms and so we rely upon our, our guys, usually, to flag the crossing to try to stop the motorist from crossing.

**GEIST:** Okay, thank you. No other questions? All right. Thank you very much. Anyone else want to speak in the proponent position? Any opponents who would like to speak? Anyone to come and speak in the neutral position? With that, Senator Friesen, you're invited to close.

**FRIESEN:** Isn't that nice that I bring these noncontroversial, nonquestion-generating bills? One thing we do have, and I'm talking to some of the railroad officials, there is, there is an amendment we're going to be proposing, and we'll do that as a committee. But on page 3, line 1, we're going to strike "or" and then, on line 3 after "crossing" -- we're in (e)-- it's a stop sign or other passive warning devices present at this, at the crossing. And so sometimes out in the rural areas there are stop signs instead of crossing arms. It'll just be a regular stop sign placed there. So we just wanted to be clear that those are covered also. With that, I will wrap it up.

**GEIST:** All right. And this will conclude the hearing on LB81 and the hearings for the day. Thank you very much.