

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 3, 2026
Rough Draft

BALLARD: Senator Beau Ballard from, from District 21 in northwest Lincoln, northern Lancaster County. I will have the committee introduce themselves starting on my left with Senator Bosn.

BOSN: Good afternoon, Carolyn Bosn. I represent District 25, which is southeast Lincoln, Lancaster County, including Bennet.

FREDRICKSON: Good afternoon, I'm John Fredrickson. I represent District 20, which is in central west Omaha.

GUERECA: Good afternoon, I'm Dunixi Guereca. I represent Legislative District 7, that's downtown in south Omaha.

BALLARD: Committee clerk is Katy Coquat. The legal counsel is Gus Shoemaker. There are green testifier sheets on the table near the entrance of the room. Please complete it and hand it to the page when you come up. Those not testifying but would like to record your presence at the hearing, please sign the yellow sheet in the book on the table near the entrance. A reminder of the Legislature's policy, that all letters for the record must be received by the committee by 10 a.m. [SIC] the day of the hearing. Handouts submitted by testifiers will be included as part of the record as exhibits. Provide 10 copies of any handout and give them to the page. Additional copies, the page will be able to provide them for you. Senators may come and go during the hearing, this is common and required as many presenting bills in other committees during this time. Testimony will begin with the introducer's opening statement, then we hear from supporters of the bill, then those in opposition, and then those speaking in a neutral capacity. The introducer of the bill will then be given an opportunity to make closing statements if they wish to do so. Begin your testimony by first giving us your first and last name and spelling them for the record. We will be using the 3-minute timer today. The light system will turn green when it's time to go, yellow when you have 1-minute warning, and then when it is time to stop, you have your red. As a reminder, please turn off your cell phones or send them-- put them to vibrate. Today, we'll be hearing three bills and we'll be starting off with LB1126. Chairman Moser, you're welcome to begin.

MOSER: Thank you, Mr. Vice Chair. Good afternoon, Vice Chair Ballard and members of the committee. My name is Mike Moser. I'm chairman of the TNT Committee. My name is spelled M-i-k-e M-o-s-e-r, and I represent District 22, which is Platte County and most of Stanton County. I'm here today to introduce LB1126 in coordination with the

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Nebraska Department of Transportation. It represents several initiatives to modernize the way we build transportation projects, something I've been dedicated to during my time in the committee. The bill establishes the Infrastructure Development Investment Program, also known as a state infrastructure bank, which could serve as a revolving loan program to provide financing to eligible entities for financing transportation infrastructure projects. These loans are primarily targeted at counties and cities, which may not be able to deliver the necessary projects under existing revenue sources without accumulating funds over several years or otherwise raising local property taxes. This is a bold idea, and I applaud the NDOT for challenging itself to find ways to expedite projects while controlling finance charges. This bill also cleans up the existing innovative finance and alternative project delivery statutes for the department relating to the use of public-private partnerships and progressive design bill contracting in order to make these delivery models workable and consistent with national best practices. These items have been discussed with the contractor community and will allow the department to use these delivery methods as well as others such as unsolicited private partnerships-- public-private partnerships where a private entity brings a new idea outside of a request for proposal process for a project estimated to deliver material beneficial to the state. The cleanup provisions of the bill address raising a monetary threshold for which crashes must be reported or investigated, raising that from \$1,500 currently to \$2,000 of estimated damage to save law enforcement time in completing reports for minor property damage only crashes. By removing the requirement to redact certain personal identifying information from crash reports, the Department of Transportation estimates it will save approximately \$30,000 on an unnecessary new contract database. Relating to operations, the bill would remove a prequalification requirement for some types of contracts, such as mowing, vegetation removal, and guardrail maintenance. Small landscaping companies may be able to complete this work but may not have the financial expertise to prequalify, which limits their ability to compete for contracts over \$250,000, which may happen, for example, when there are multiyear mowing contracts. This limits the number of bidders the state receives bids from and makes bidding less competitive and, therefore, likely more expensive. Finally, the bill creates a new category of overweight vehicles known as super loads weighing more than 160,000 pounds and raises the permit fee for these vehicles from the current \$25 cap. This number is lower than what we see in surrounding states, meaning especially heavy vehicles may be encouraged to travel through Nebraska, and these

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vehicles do disproportionately more damage to our state's infrastructure due to their weight. This bill allows the department to recapture some of this cost, as well as the cost of staff time to permit the movement of these vehicles, which requires generating routes, performing engineering reviews, and etcetera. I thank the committee for their consideration of the bill as it seeks to improve project delivery and operations at the Department of Transportation. I'd be glad to happy-- happy to answer any questions that the committee may have, though a representative from the Department of Transportation will be following my testimony with more information about each provision. With that, I'm glad to answer questions.

BALLARD: Thank you, Senator Moser. Before I go to questions, I just want to thank Kleh and Joel for their service today as pages. Are there any questions? Let you off easy.

MOSER: All right, thank you.

BALLARD: First proponent for LB1126. Good afternoon.

VICKI KRAMER: Good afternoon, Vice Chair Ballard, and members of the Transportation and Telecommunications Committee. My name is Vicki Kramer, V-i-c-k-i K-r-a-m-e-r, and I'm the Director of the Nebraska Department of Transportation. And I'm here today to speak in support of LB1126, NDOT's bill to modernize project delivery through the use of innovative finance and alternative delivery. It also serves as a cleanup bill for operations and traffic engineering operations. I'd like to thank Chairman Moser for his support in carrying this bill. As you open your packets today, you will see a summary sheet that defines each of the three sections of the bill that we'll address. The bulk of the bill is dedicated to the creation of the Infrastructure Development Investment Program. The program will establish a statutory framework for a revolving loan program, often referred to as a state infrastructure bank, or SIB, to provide loans and other financing to Nebraska's political subdivisions and certain other eligible entities as defined in the bill. The program is similar in nature to the revolving loan programs administered by the Department of Water, Energy, and Environment for wastewater and drinking water systems. The intent of the program would be to enable a lending apparatus that would accelerate delivery of transportation projects without having to wait multiple years to build up the revenues or significantly raise local taxes to fund transportation improvements. As discussed in our annual needs assessment hearing, the cost of building transportation infrastructure has greatly increased over recent years. As such,

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financing a project, especially at favorable rates, could be available through the SIB and represent a cost savings. To clarify, there is no fiscal impact as the bill itself does not provide funding for these projects or propose a state funding source to capitalize the loan program. However, an option available to the department would be to seek a rural TIFIA loan from USDOT to fund the program, which has a very attractive program benefit, such as borrowing at half the U.S. Treasury rate with flexible loan repayment terms. The program, overseen by the State Highway Commission with administrative support from NDOT, will allow local governments without the technical knowledge and financing experience of Nebraska's larger cities and counties to access financing opportunities. Additional provisions in this bill include modernization of alternative delivery contracting methods authorized by LB1016 in 2022. As the department continues to modernize how we deliver projects, we've identified several gaps in the existing statute which this bill proposes to resolve. This includes providing additional statutory context regarding the use of public-private partnerships, including more information on the details that must be included by a prospective private partner in a P3 project proposal. The bill also removes vague historical cost reasonableness criteria for the progressive design-build statute, which makes the delivery model unusable as one project can't necessarily be compared to another due to scope location and other factors. However, cost remains a key component for awarding contracts, even with removal of this language. Additionally, the bill would require the department to establish procedures for the receipt and evaluation of unsolicited public-private partnership proposals. When a, when a contractor brings an innovative idea that is outside of the direct request for proposals, the language outlines processes and procedures that would be required to provide a reasonable opportunity for other contractors to submit a competing proposal. It's important to note that the bill provides no contract is to be awarded to an unsolicited proposal if the primary proposal of the contract is simply for the typical asset preservation project. Additional cleanup provisions from NDOT's traffic engineering and operations divisions include monetary thresholds when crashes must be investigated and reported by law enforcement to the department and changes it from \$1,500 to \$2,000. Finally, the bill seeks to create a new definition for overweight vehicles weighing more than 160,000 pounds, known as superloads. We continue to look for ways to improve the efficiency of our operations and improve the delivery of transportation projects at both the state and local level. I appreciate your consideration. I'm happy to answer any questions the committee may have.

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BALLARD: Thank you, Director Kramer. Are there any questions? Senator Fredrickson.

FREDRICKSON: Thank you, Vice Chair Ballard. Thank you, Director, for, for being here, for your testimony, and for, obviously, your work for the state. So I was kind of reading a little bit more over the bill, and I'm curious if you can-- I'm looking here about the state infrastructure bank, that component of the bill. Can you maybe shed a little bit more light on that and how that's different from, like, our transportation infrastructure [INAUDIBLE] fund or--

VICKI KRAMER: Sure. So as of right now, we don't, we don't have a lending apparatus that can service local governments. So what we're looking at doing and what we've tried to work through with our stakeholders is as we continue to see more and more of our local infrastructure be at a point where it needs help and locals not being able to afford it, how can we create economies of scale and efficiencies in order to bundle these types of projects? So for example, we've put together the infrastructure hub who has multiple bundles of projects that are going in for discretionary grants. Well, what happens if we don't get those discretionary grants? Well, those projects don't get funded. So through the infrastructure bank, you would be able to borrow from the federal government, which is the TIFIA program that we're looking at, at half the treasury rate, bundle these projects, and then be able to lend to local governments. So it's not something that we currently do, nor is it comparative to anything that we currently offer. What we're asking for is create the structure, let us work through over the next year how we would develop this program, work with the locals, NACO, and the League to define what this would look like, and then build out a program so we can get after some of these infrastructure needs.

FREDRICKSON: OK. And is that for-- so there's, like, sub-accounts as well. Would that be for the specific municipalities or localities? Is that what that would be for?

VICKI KRAMER: So one reason we're asking for sub-accounts is so that we can manage the money in different ways. And so that way it allows us to say, OK, you're borrowing for this bundled package here. So we would manage the funding in that way through the sub-accounts.

FREDRICKSON: OK. And do you have a sense of how many sub-accounts you anticipate?

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VICKI KRAMER: No, it depends on what the bundles look like, right,--

FREDRICKSON: Sure.

VICKI KRAMER: --or what the-- how many lenders. So as of right now, the most that we could borrow would be \$100 million under rural TIFIA. And so we haven't, through the legislation enabling statutes, we haven't limited who could borrow because really the capitalizing source will limit that for us. And so that's why the sub-accounts, there's some amount of vagueness there because it's going to be limited and need to be adjusted based on what kind of funds are capitalized.

FREDRICKSON: OK. And do you anticipate this bank or this fund being ever used for state highway projects or is this all, specifically, local projects?

VICKI KRAMER: That is a constitutional question of if we can actually borrow. And so as our legal counsel continues to weigh in on what it means not to bind future legislatures to funding and how our P3 authority and how our, our borrowing authority is defined by the constitution, we'll work through that. But as of right now, it will only be available to locals. We will not be able to borrow from it.

FREDRICKSON: OK. Thank you.

BALLARD: Additional questions? Senator Guereca.

GUERECA: What percentage of, of the traffic currently on our state highways meet that category with super heavy load? Just out of curiosity.

VICKI KRAMER: Oh, I don't know. I'd have to go back and look. I do have-- and through the fiscal note you can see some of the projections of the vehicles that we have and that would be qualifying. So we do show that the revenue would be about \$4 million, which would be able to pay for a roundabout. So that's where we are right now, but I can get you those numbers on the exact usage and what we've seen.

GUERECA: If it's formulated, because I'm, I'm looking at the fiscal note a bit, but if it's formulated now, considering these permits are going a couple hundred bucks at a pop, then there's significant traffic going through our state highways about.

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VICKI KRAMER: And, and as we stated in a testimony and as is in your packet, this just puts them in line with neighboring states so that we make sure that we're getting the same amount of revenue that our neighboring states are or that they're not essentially incentivized to go through Nebraska because of the cheaper route.

GUERECA: Gotcha. Thank you.

BALLARD: Thank you, Senator Guereca. Additional questions? Senator Bosn.

BOSN: Thank you. Will people get a, a say in how much of a user fee or a tax increment or other legally available revenue can be collected?

VICKI KRAMER: I'm not sure I understand the question.

BOSN: So if you look at page 7 of the bill, on line 2, it talks about "Acceptance of a pledge of project revenue, special assessment, user fee, tax increment, or other legally available revenue." So how would that be determined? Will that be something voters vote on, something you decide, something the feds pick?

VICKI KRAMER: So any, any revenue coming from the state funds would, obviously, go through the Revenue Committee and there would be a package that would move it forward. So the public would have a vote there. The only way that we could capitalize the fund, and I think what you're asking for is if we were to borrow from rural TIFIA, there isn't-- that would be us borrowing based on our own revenues or projecting future federal revenues, and there wouldn't be public participation from there, but if we were to capitalize it with state funds we would have a revenue source that would be tied to that and that would have to come through enabling legislation at a different time.

BOSN: OK. OK.

BALLARD: Thank you, Senator Bosn. Senator Fredrickson.

FREDRICKSON: I just had one more question, too. I, I was kind of looking under the unsolicited bid process or the procedure for that. It specifies kind of a-- I think the language itself says reasonable opportunity. What do you anticipate that to mean exactly?

VICKI KRAMER: So at this point the way-- what we're asking for is to establish rules and regulations around how we would use unsolicited.

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So we have vendors that come to us as well as contractors, and as we get more and more-- as we modernize our system into what we need to do to take care of our more urban transportation solutions we do have contractors and others that are coming to us with ideas on ways to develop or ways to move forward. What we're saying is we want to be able to use those ideas but we want to make sure that there's rules and regulations around how we would do that. And that, for example, if there are other ideas, those other contractors or vendors would have the opportunity to weigh in. And so it might be that we establish rules and regulations that we have to post them and then wait 30 days to see if there are other solicitations and then act on those.

FREDRICKSON: Got it. Got it. And that, that would be an internal process, the rules and regs, I'm assuming?

VICKI KRAMER: Mm-hmm.

FREDRICKSON: Yep. OK. Great.

VICKI KRAMER: They still have to go through the public-- the PI process, though, involvement process, yeah.

FREDRICKSON: OK. Sure. And then how would you define the, the simple repair of a highway? Because I know that was a specified piece as well, like, how extensive of a repair would that possibly be?

VICKI KRAMER: So the majority of our work is going to be asset preservation. So a 3R-type project where you are essentially just restoring the highway.

FREDRICKSON: OK. Perfect. Thank you.

BALLARD: Thank you, Senator Fredrickson. Additional questions? I, I have one. So kind of on Senator Fredrickson's question. So how are political subdivisions, local, local governments, how are they selected? Set up rules and regs, but if they meet those requirements, they're automatically in or is there some kind of discretion by the Commission?

VICKI KRAMER: It'll, it'll be by the project. So it won't be-- they won't just be able to opt in and automatically get money. It'll be project by project. And so that's what we're looking at establishing is we need-- we'll need rules around what kind of projects are established and what their impact is to the state transportation system is how we'll make the decision.

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BALLARD: OK, so they have to have some kind of-- so it's maybe not a county bridge in northern Lancaster County, it could be, but it might not be.

VICKI KRAMER: It could be. It depends on, depends on the agricultural impact. And so I don't have all the answers right now because, again, how we capitalize those funds will be dependent on what they're eligible for. So if it's rural TIFIA, I can't-- you wouldn't be able to use it in Omaha or in Lincoln, but you would be able to bundle a bunch of county bridges and, essentially, go after \$50 million that way and do it economies of scale, which we don't currently have the ability to do. So as we look at this, it's going to be building off of what we've done with our infrastructure hub, where we've built out these projects and have a good idea of what projects are going to have regional significance in the states and taking that to the next step and saying, OK, there are no viable funding streams for these projects, but we know their original significance. How can we finance them?

BALLARD: OK. Do you have an example-- you mentioned bundling, but like would be top of mind, like this project most likely would be approved. Do you an example of, of that?

VICKI KRAMER: So we have a bundled bridge that can get you the-- all of the projects and it's in Howard County right now. They're the lead for it. It would be a very good example of what, what that could look like. I'll get you all the bridges on it.

BALLARD: Appreciate it. Thank you. Any final questions? Senator DeBoer.

DeBOER: Thank you. The fee increases and the creation of this new superload fee, would those cover or exceed or not cover the cost of having these heavier vehicles on the roads?

VICKI KRAMER: I don't know if it's a direct one-to-one of being able to cover the actual load. The nice thing about how we kind of permit and how we look at it is it's really more axle loads versus just weight. And so I'll, I'll get you the exact number on what we expect, but the damage by vehicle, it's hard to tell and correlate that to the exact number. What we did is, how can we-- is there equity across other states or are these companies incentivized to go through the state? And so, in part, as we look through all of our different revenue sources, all of our different ways in which we can create

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equity across the, the network to make sure that our users are paying their fair share, this was the first kind of step up into that. So I can't tell if they're paying exactly what they cost us, but at least there is equity among our neighboring states.

DeBOER: Because one of the reasons I'm concerned about this is because we're finding all kinds of little fees being introduced in legislation to try to raise money in different kind of sneaky ways. Maybe they're not sneaky, but in ways, we'll say. And so my concern is, is this a fee that is like that, where we're trying to raise a fee somewhere, not to cover the actual thing that the fee is supposed to cover, but to try and make some revenue or to offset some other revenue some other place? And so I'm, I'm just wondering if you can speak to do you see this as a-- this fee increase as a revenue raiser or do you see this as a just the cost of doing business?

VICKI KRAMER: It's a user fee, in my opinion. And so--

DeBOER: Which is a revenue raiser?

VICKI KRAMER: It does raise revenue, but really it's an equity piece. And so right now, as it sits--

DeBOER: Equity between who?

VICKI KRAMER: Among other states. So you could say that if I'm taking a superload, am I incentivized to go through Nebraska or am I going to go through Kansas? And a lot of times they're going to come through Nebraska because it's cheaper for them.

DeBOER: Well,--

VICKI KRAMER: And I try to show the--

DeBOER: --then they-- don't they buy their gas in Nebraska and their hotel rooms for the night and their, you know, Burger King on the way or whatever?

VICKI KRAMER: I'm sure that they do.

DeBOER: So that would be good for us.

VICKI KRAMER: Yeah, I, I-- what I can't do is I can estimate that cost. What I can do is tell you that there is damage to the road because of the superloads. Anytime we have significant weight on the

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roads, there is going to be damage. And so, though, there will be revenue increase from this, I wouldn't say that this is a revenue increaser, that's not the main reason. We're trying to get equity and trying to make that those that do damage to the actual asset pay for the damage to the asset.

DeBOER: Well, so that's why I was asking the question, right?

VICKI KRAMER: Absolutely.

DeBOER: Like, I'm trying to discover whether or not what we're trying to do here is pay for the damage to the road, or if what we are trying to do here is be like other states so that then we can get some revenue from it.

VICKI KRAMER: If we were to actually do the work and, and show you the actual cost of the freight and the damage, it's usually dead on arrival, because if you show that you're going to charge more than other states.

DeBOER: Well, I don't mean that. I just want to know how it compares to the damage.

VICKI KRAMER: Yep.

DeBOER: Like, does this fee get close to paying for the damage? Pay more than the damage or pay less than the damage? I just want a general idea.

VICKI KRAMER: We'll get you that, it's, it's not as simple as you might think it is because the superloads are all different, the number of axles that the road that they're on. All of those things play into a part of it. What we were trying to do is simplify it and still make sure that we had a way to capture some of this in order to pay for the damage that was being done.

DeBOER: So you're-- you know, you didn't just throw a dart board and try and figure out what the, the rate, the rate was going to be. You did it based on what the other states around you were.

VICKI KRAMER: That's the equity piece that I'm talking about.

DeBOER: OK. But that wasn't based on what our roads are, it's just look at this is about what others are charging. OK.

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VICKI KRAMER: What is going to be acceptable typically to all the reasons that you just said about raising fees.

DeBOER: OK. All right, thank you.

BALLARD: Any additional questions? Senator Guereca.

GUERECA: Thank you, Vice Chairman. [INAUDIBLE], I think, is, is a great one. I know you brought up rural TIFIA as a potential funding stream to go after. Are there any other programs off the top of mind that this would enable us to go after?

VICKI KRAMER: No. At this point, rural TIFIA is what we see as the only capitalizing revenue source or not even revenue source, financing source that's available to us.

GUERECA: Gotcha. Thank you.

BALLARD: Thank you, Senator. Senator Bosn.

BOSN: Sorry, I-- and I know that the chair and vice chair hate when we do repeat questions. But I don't know that I heard you explain, right now if a rural community wants to pursue a program, they actually don't have the borrowing power to do this because the bottom dollar to qualify for these grants is so high that their projects don't meet it. You did a great job of explaining that when we met earlier this week.

VICKI KRAMER: Sure. So as of right now, the rural TIFIA program, and as, as I said, the only really available capitalizing source right now is a threshold of \$10 million.

BOSN: OK.

VICKI KRAMER: And so this would give us the opportunity to bundle some of these projects so that the financing tool was actually available to some of those smaller counties to where their bridges might only be a few million dollars to a couple hundred thousand dollars, but also use our alternative delivery contracting in order to streamline the process to build out.

BOSN: So in other words, without this, those, those smaller communities who maybe don't need \$10 million but need 2.5 or something just don't qualify to get these types of opportunities at the rate that you could provide if we were able to sort of bundle forces together.

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VICKI KRAMER: Exactly. And they don't have to-- they wouldn't have to go through the-- all of the paperwork that is required with TIFIA, which is a lot. And so we would be able to do that for them and they would, essentially, get their asset built and they would repay using whether they be federal dollars or whatever they have saved up within their state account.

BOSN: Thank you.

BALLARD: Thank you, Senator Bosn. Any final questions? I do have one final one, I promise. I appreciate you bringing this, this bill. So all the liability falls on the local municipality, the county, the, the, the city. Any of that, in case of off chance of default, any of that fall back on the state?

VICKI KRAMER: No. And so as we looked through this, part of that will be defined. And as we talked with Senator Fredrickson about the different accounts, part of the whole goal is to keep these separate and so that those terms could be defined in each one of these accounts. And so as we looked at this, there are many different ways to make sure that you don't fall into default as you start to shape some of these different loaning-- loan agreements. So you-- what you could do is what we right now call a GARVEE, so you could pledge your future revenue so they get, the counties will get their allocation from the feds. So they get some money from the federal government. You can pledge your future federal funds in order to pay back on your loan.

BALLARD: OK. Appreciate it. Any final questions? Seeing none, I appreciate it. Thank you. Next proponent to LB1126. Good afternoon.

MATT TONDL: Good afternoon, Chairman Moser and members of the Transportation and Telecommunications Committee. My name is Matt Tondl, M-a-t-t T-o-n-d-l. I serve as the Chair of the Greater Omaha Chamber's Transportation Committee, and I'm here today on behalf of the Greater Omaha Chamber in support of LB1126, specifically the creation of the Infrastructure Development Investment Program. My background is as a licensed civil engineer who specializes in planning and design of transportation projects across Nebraska. When I first got into the industry in the '80s, excess capacity and short room for growth existed in the transportation network. The funding stream, the gas tax, was sufficient to fund the need of construction. But as population, employment, and freight volumes grew, this available capacity has been eroded, and in our major urban centers it has been

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vastly exceeded. This is a costly drag on the economy, user costs go up, business competitiveness suffers, and congested roads are less safe, less safe. Projects that are needed right now are often 10 to 20 years or more away from construction. Absent new revenue or new financing tools, the effects will compound and keep getting worse. They'll show up as dramatically longer commute times, higher accident rates, and higher vehicle operating costs for families and businesses, as well as missed economic development opportunities as Nebraska becomes a less competitive place to invest and grow. With this in mind, LB1126 offers a framework that is an encouraging step. It puts a new tool in the transportation funding toolbox. Importantly, the proposed revolving loan infrastructure bank model has a track record in other states, helping communities lower borrowing costs, close the funding gaps, and deliver projects sooner like Texas, Ohio, and Virginia, where these programs have financed millions of dollars in projects. The concept of an infrastructure bank is not new in Nebraska. It's similar to the water and wastewater revolving funds administered by the Department of Water, Energy, and Environment that has helped so many communities over the years across the state deal with their water needs. LB1126 could help fill the ever-growing gaps in transportation funding at the municipal and county level. Many of their transportation needs are not massive mega projects, but critical corridor improvements, bridge replacements, and safety projects that are well understood but difficult to advance using the current funding climate and limited financing tools. While LB1126 establishes the structure for this program, it does not provide initial capitalization. In order for the Infrastructure Development Investment Program to function and eventually leverage its bonding authority an initial appropriation or other funding source would be required. And we would encourage that that be explored. An infrastructure bank is not the total solution to our funding problem, but part of a multifaceted funding enhancement that we can simply not turn our backs on. As a former Commission chair of Missouri DOT once said, everyone says transportation is incredibly important and that we have a need and that we are underfunded. But then nobody can agree on how to deal with it. Let's not fall into that trap. In closing, the Greater Omaha Chamber supports LB1126 because this program has the potential to be part of the transportation funding picture to help deliver critical projects to improve safety and mobility and remain competitive as our communities continue to grow. Thank you for the opportunity to testify and I'd be happy to answer any questions.

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BALLARD: Thank you for your testimony. Are there any questions?
Senator Guereca.

GUERECA: Thank you, Vice Chairman. Thank you, Mr. Tondl, for being here. I was just a little dismayed when the Director said that the only funding source for the state of such a bank was rural TIFIA. I represent downtown Omaha, that doesn't help me at all. In other states, what of their funding streams are available that you think we could be pursuing, well, after we-- and say we implement this sort of infrastructure?

MATT TONDL: That's a good question. It can-- it-- it's-- it varies across the country.

GUERECA: Sure.

MATT TONDL: There can-- I mean, philanthropic dollars, not that they tend to want to chase infrastructure projects,--

GUERECA: Right.

MATT TONDL: --but that sort of money could, could be put in there. I'd probably have to defer to the department on, on all, all, all the sources that are available. There's probably some legalities in some of those. But once, once it's capitalized, it tends to keep churning and, and, you know, you get a multiplier effect through it.

GUERECA: Thank you, sir.

BALLARD: Thank you, Senator. Additional questions? Seeing none, thank you for your testimony.

MATT TONDL: Good. Thank you.

BALLARD: Next proponent for LB1126. Good afternoon.

ANTHONY DIRKS: Good afternoon. On behalf of ACEC Nebraska, the Chamber of Commerce-- Lincoln Chamber of Commerce, and the State Chamber, I'm here to testify in support of LB1126. Chairman Moser and members of the Transportation and Telecommunication Committee, my name is Anthony Dirks, spelled A-n-t-h-o-n-y D-i-r-k-s. Like Matt, I guess I'm a licensed professional engineer with nearly 30 years of experience in public infrastructure, planning, design, and construction. I'm currently, I'm currently serving as the National Director for ACEC Nebraska and here today on behalf of ACEC Nebraska, Lincoln Chamber

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and the Nebraska State Chamber to testify in support. Our particular interest is the Infrastructure Investment Program created by the legislation. From both a business and engineering perspective, Nebraska economic competitiveness depends on the reliability, safety, and timeliness of its transportation infrastructure. Roads, bridges and related municipal systems are not just public assets, they're economic enablers that support workforce mobility, supply chains, supply community growth, and private investment. The infrastructure bank concept embodied in LB1126 provides a practical, market-tested option that would help local communities close funding gaps, leverage federal dollars, and move projects forward sooner. Access to the revolving loan and credit assistant tools give NDOT and municipalities greater flexibility to deliver the projects when they are needed, rather than waiting for the funding to become available. At the same time, our organizations approach this bill with a focus on certainty, transparency, and confidence in the delivery system. LB1126 includes provisions that modify standard bidding processes, modify the requirements for Progressive Design-Build, and expand the use of unsolicited proposals under the Transportation Innovation Act. These changes raise important questions from the engineering and business community. Consistency in procurement is critical for maintaining competitive markets. Engineers, contractors, and financial partners invest in Nebraska because they trust the rules of engagement, and any deviation from established procurement policies or practices should be defined, transparent, and grounded in, in public interest. We're very supportive of Progressive Design-Build, which leverages qualification-based selection, QBS, and has proven, and, and proven valuable for risk management, cost control, and collaboration for complex projects. We're supportive in preserving NDOT's ability to select the most qualified professional for each project to get the best solution for our taxpayers. Finally, while unsolicited proposals may introduce innovation, they must be structured in a way that protects competition, avoids conflict of interest, and ensures fair procurement process. And Director Kramer spoke to that, and so we trust that that's being considered. In closing, ACEC Nebraska, Lincoln Chamber, and Nebraska State Chamber support LB26 [SIC], looking forward to the approach to infrastructure financing and potential strength in Nebraska's economic foundation. Thank you for the opportunity to testify and be happy to answer any questions you folks may have.

BALLARD: Thank you for your testimony. Are there any questions? Seeing none, thank you for your time.

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ANTHONY DIRKS: Thank you.

BALLARD: Next proponent for LB1126. Good afternoon.

CARLOS MORALES: Good afternoon. I'm pinch hitting for our Executive Director, Mike Helgerson, but my name is Carlos Morales, C-a-r-l-o-s M-o-r-a-l-e-s. I'm here representing MAPA, the Metropolitan Area Planning Agency. We serve many different hats, but one of the ones we serve as is Council of Governments for Washington, Douglas, Sarpy, Cass Counties in Nebraska, and two counties in Iowa. We're also the designated metropolitan planning organization for that Omaha, Council Bluffs region. Through this role, we're responsible for leading transportation planning and project prioritization within Douglas and Sarpy County. Over the last decade, we've worked closely with NDOT on prioritizing projects, securing federal funding, and accelerating delivery. One of the key things that has happened most recently is our federal funds are not meeting the needs of our local communities. There are more needs than the funding that we have available. We see-- we're strong proponents of LB1126 as this legislation provides additional toolboxes for us to deliver projects at an accelerated, quicker form and meet the needs of today rather than waiting and deferring. We're also proponents of ongoing work that NDOT has advanced through the regional infrastructure accelerator program, which MAPA is a key partner, that builds on our success and partnership. Throughout the years, one of the key things that MAPA and Nebraska DOT have partnered in has been the development of the Metro Travel Improvement Study, MTIS, this 20-year fiscally constrained plan identified investments in highways, major roads, and transit within the Omaha, Council Bluffs, Metro region. As part of that, MAPA has recently received \$2 million from USDOT for the transformative regional investment priorities. We love acronyms. In my field, unlike my registered and certified engineers, I'm a planner so we love our acronyms. This program seeks to enhance and increase our project readiness to compete for federal funding, whether it's discretionary or formula funds, develop tools to prioritize a package of projects, and engage in-- engage with the public on key needs throughout our region. We see that LB1126 also identifies MPOs like MAPA and local government members as key advisory members within the Council. We recognize this as regional partners and the work that continues and will go forward. Finally, MAPA sees LB1126 as a crucial support for strategies to reduce barriers to employment, enhance economic activity, and overall improve the quality of life for the residents across the state. With that, thank you very much. Any questions?

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BALLARD: Thank you for your testimony. Are there any questions? Seeing none, let you off easy.

CARLOS MORALES: Thank you.

BALLARD: Have a good day. Next proponent for LB1126. See-- good afternoon.

LASH CHAFFIN: Good afternoon, Senator Ballard, members of the committee. My name is Lash, L-a-s-h, Chaffin, C-h-a-f-f-i-n, represent the League of Nebraska Municipalities. And I would like to offer the League's support for LB1126 today. And I, I guess-- I do appreciate the-- Senator Moser and the committee's efforts over, over the last few years to look at expedited and alternate highway and road delivery and financing systems. You know, often there's, there's overlap. It's-- you know, it's a Venn diagram. But those-- every, every effort to make this thing work faster and better is, is appreciated. And I hope, I hope what comes out of LB26 [SIC], if it moves forward, is, is something that is very positive. You know, I just want to emphasize a couple points. In his, in his opening, Senator Moser said that, that he had-- one of his high priorities as an, as an elected official is to, is to push for expedited and alternate highway delivery systems. Boy, that's an understatement. He, he won't remember this, but going back decades, my very first conversation with Senator Moser prior to him being a senator involved he and his staff, and they wanted to talk about expedited highway delivery systems. And, and, you know, and over the hundreds of conversations that I've had with Senator Moser, almost every one of those conversations has looped back around to how can we make the highway system develop faster. And I appreciate his efforts over the years to really, really look at that and, and, and try to bear down and get some stuff done. And, and, secondly, Director Kramer mentioned, almost in passing the, the, the Department of Transportation's infrastructure hub. OK, this is, this is my new favorite communication tool that the state is offering. And, and if someday in the highly likely-- unlikely event that the committee has 15 minutes to get briefed on something that really is working, have, have the department come brief you on how the infrastructure hub works. It's, it's a great tool, and I'm not, I'm not sure that it's being fully utilized yet, but it's, it's a great and so far our members, even the ones who haven't used it just love looking at it and playing with it and, and trying to find financing methods for their road, road and street projects. So certainly answer any questions. Thank you.

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BALLARD: Thanks for your testimony. Are there any questions? Seeing none, thank you for your testimony. Next proponent for LB1126. Seeing none, anyone in opposition to LB1126? Good afternoon.

BETH BAZYN FERRELL: Good afternoon, Vice Chair Ballard, members of the committee. For the record, my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials appearing here in opposition, but it really is conditional opposition to just one piece. We would just like one minor amendment to the bill. There are a lot of elements to the bill. I'm just going to speak to two of them. First is the positive, we really appreciate the financing opportunities that would be available to counties through the infrastructure development bank. We recognize that not every county is going to get a specific amount of money through it, but we think it's a great opportunity for state and local partners in continuing the partnership that we have. Our only concern with the bill is, like I said, just one conditional piece of opposition is that we have concerns about the superloads going on county roads and county roads are not designed to handle the weight and the size of those loads. The damage could be significant and, as you've heard, it could be expensive to repair. So we would like to just address that concern by a small amendment probably in Section 52, that's the section that talks about the department, the State Patrol, and counties being able to issue permits for oversized, overweight. And we would just like to say that if there is language included that would say superload permits aren't valid on highways that are under the jurisdiction of local authorities unless a similar permit has been issued by the county so that the county would know if the superload was going to be on the road because they would have explicitly issued a permit for that. So it's, it's really a small amendment, but we would appreciate seeing that and that would move us out of the opposition category. I'd be happy to answer questions.

BALLARD: Thank you for your testimony. Senator DeBoer.

DeBOER: Thank you. So currently are these-- we don't have the superload category, but the heavier vehicles, are they allowed on the county roads currently?

BETH BAZYN FERRELL: They would be allowed to the same degree that they would be on state roads, so I don't believe that they would. Our concern is that there are some areas of the state, for example Highway 83, that goes from, you know, Canada to Mexico, that there would be

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some areas where those trucks could get off onto a county road and, you know, create damage.

DeBOER: Could they not already do that right now?

BETH BAZYN FERRELL: I think, in theory, they could. We'd just like to have a little more regulatory authority over that.

DeBOER: And would it-- so if we create the superlord category and all this sort of thing, if the county's got a portion of that fee, would that make you feel better?

BETH BAZYN FERRELL: That would help. I think it goes back to the question of that you had asked about how much of the fee covers the actual cost of damage.

DeBOER: OK. Thank you.

BALLARD: Senator Guereca.

GUERECA: Sorry, I was reading, trying to catch up. Explain to me what amendment you would like seeing, because Senator DeBoer pointed out that these superloads are already on our highway, right? And if anything, they're incentivized to come into Nebraska because we have much lower rates than surrounding states. So, sorry, can you please reiterate what you would like the amendment to, to reflect?

BETH BAZYN FERRELL: Just to say that those loads, superloads can't go on county roads unless the county has explicitly issued a permit for them. Because county roads aren't designed for those kinds of loads. And we would just like to make sure that they're not going on county roads without the authority.

GUERECA: OK. Thank you.

BALLARD: Thank you, Senator Guereca. Senator Bosn.

BOSN: To sort of dovetail off on that, and perhaps I'm over complicating it, but aren't the counties going to be requesting use of these federal dollars for their projects based on the superload fees that they're collecting? So you're getting the benefit and you want to say but you can't drive on our roads.

BETH BAZYN FERRELL: That's a good point. I, I think we just want to be sure that the roads are protected.

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BOSN: But that's the whole purpose of this financing method, is so that we can draw down those dollars, use them in counties for the requisite amounts more excessively and more fiscally conservative and responsibly to fix your roads if a superload truck, whatever we're calling them, superloads, right? OK. These trucks are on your roads. They are the ones who are paying these fees so that we can give the money to the counties to do these projects.

BETH BAZYN FERRELL: I think, like you say, it's all interrelated.

BOSN: OK.

BETH BAZYN FERRELL: We just, you know, would feel more comfortable with that language in it.

BOSN: Is there any other times where the county has-- gives their own permit for things like that? Is this something we do in other areas?

BETH BAZYN FERRELL: There are times when, when counties issue permits for oversize and overweight loads.

BOSN: OK, can you give me an example of one?

BETH BAZYN FERRELL: There are different kinds of permits, different farm kinds of things for, you know, certain extended periods for oversize. I know last year there was a, a bill here that talked about raw [INAUDIBLE]. I don't know that counties issued those permits, but there are a variety of different, I guess, issues where they, they could do that, mostly they're related to ag.

BOSN: OK. Thank you.

BALLARD: Thank you, Senator Bosn. Any final questions? Seeing none, thank you for your testimony. Additional opposition to LB1126? Seeing none, anyone in the neutral capacity to LB1126? Seeing none, Chairman Moser, welcome back.

MOSER: I appreciate the committee's willingness to discuss this bill today. And a couple of things, the weight and length limits are not changing, but the fees are changing. So what can move is not changing and the state only can give permission for superloads on state highways. The counties and the cities can regulate that on their own if they see fit. The length limits, I think, are around 80 feet long. And some of these turbine blades and beams for construction projects are way longer than 80 feet, so. And then the weight limits I think

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are around 80,000 pounds. And you can see from the schedule that some of these are up to 500,000 pounds. So they could be five times eight is four, six times the maximum legal weight without the permit, so. And the projects, the moving projects require a lot of planning and they have to have chaser vehicles and things that travel with them. They can only travel during the daytime so that you don't drive up on one in the middle of the night and slice your car in two on a, on a turbine blade or something. But, again, I don't think that the bill creates any burden for anyone. I had someone else from one of the county organizations also express concerns about the weight limits. But I don't think it applies to them. And it isn't changing. So whatever it is now, it still is, so. And I'm sure that the DOT people will be here, be here or could be available to answer those questions because I'm sure their representations of all that would be more accurate than mine. So any other questions or anything?

BALLARD: Thank you, Senator Moser. Are there any questions? Seeing none, thank you for, for, for LB1126. We did have no pro-- no proponents, no opponents, and one in the neutral, and no ADA. That will close our hearing on LB1126 and open up our hearing LB1176. Senator DeBoer.

MOSER: Welcome.

DeBOER: Thank you. Good afternoon, Chair Moser and members of the Transportation and Telecommunications Committee. My name is Wendy DeBoer. W-e-n-d-y D-e-B-o-e-r. I represent the 10th Legislative District in vibrant northwest Omaha, and I'm here to introduce LB1176. Last year, you may recall, I introduced LB600, seeking to find ways to make our roadways safer for all, those driving on the roads and those working on the roads. Some portions of LB600 needed more work, which was my interim study, as you may recall, LR156, and that brings us here today. LB1176 creates a process by which individuals who are speeding 11 or more miles per hour over the speed limit in highway work zones where there are workers present can be assessed a ticket when their speeding is caught by a speed control enforcement system. This is a limited proposal which is only to be used in highway work zones, and all of the following must be true: a worker must be present in the work zone; there is signage that indicates the speed control enforcement system is in use; a law enforcement officer is in or near the work zone, typically located right at the end of the work zone due to the logistics of constructions on highways; and, once again, to make that absolutely clear, the individual is going 11 or more miles per hour over the posted speed limit. What happens if an individual

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going 11 or more miles per hour? How this operates is they'll have something that catches a car in one spot and then down river another spot and they can determine their speed that way and then a camera that's on the second piece will snap a picture of their-- the back of their car including the license plate if and only if they are going 11 miles per hours or more over the speed limit. So it does not snap pictures of every car that goes by, but only those that based on the, the, you know, two different locations have determined that it's going 11 miles per hour or more. The information is then transmitted to another officer further downstream and that officer can then assess a ticket for speeding in the work zone to the offending individual. So it's modeled after Arkansas and Kentucky's policies, which we've seen in those states have had success in making work zones safer. But, you know, there's a lot more I could say about this bill, but I will spare the committee this time and say that I introduced the bill thinking that we were-- we had come to an agreement. We had come to a solution to work on all of this. I've discovered that there are more problems with the bill. So I will ask the committee to hold the bill in committee at this time and not advance it this year. I do think we need to continue to talk about the use of these sorts of ways to keep our highway, especially our highway work zones safer. So I'm happy to answer any questions.

MOSER: Questions from committee members? So it's not like you're going to get a card in the mail that says you owe \$150.

DeBOER: No.

MOSER: They're going to stop you there.

DeBOER: That was-- you may recall that in LB600 last year, there was some sort of scheme like that. But this is not-- what is proposed in this bill is not that. But, again, we're not moving the bill this year, hopefully. What is proposed is that one of these vehicle-- or the cameras would be basically at the beginning of the work zone or towards the beginning part of the work zone. And then there's an officer at the end of the work zone or the left to the work zone that would use the information which was given them by the camera, which only will set-- send the information if it's 11 miles per hour or more to the officer. The officer can then elect to pull that one over, that person over.

MOSER: So why wouldn't they just set up a speed trap, and if they're 11 over, pull them over?

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DeBOER: Because that takes two officers. That's why. Because then you have to have one officer who has the radar at the beginning and one officer to pull them over. That's why.

MOSER: Put a flashing light or something on the other car and if flashes red, then you know you need to pull that guy over. I was just--

DeBOER: I, I don't understand that concept, but.

MOSER: Well, if they-- they have those signs built-- the speed-- the radar built into some signs and you're driving by and it'll say speed limit 60, slow down, slow down, you know.

DeBOER: That's kind of-- that's, that's-- you basically-- that's exactly what they're, what they're saying. Like that's exactly what this model would be.

MOSER: Yeah. But if we're not approving it, we've got other bigger fish to fry anyway, so. Any other questions? Thank you, Senator. Appreciate it. Anybody here to speak in support of LB1176? Welcome.

JUSTIN HUBLY: Good afternoon, Senator Moser, members of the committee. My name is Justin Hubly, J-u-s-t-i-n H-u-b-l-y. I'm the Executive Director of the Nebraska Association of Public Employees/AFSCME, Local 61. Our union represents over 8,000 frontline state employees who perform more than 400 different jobs in all 93 counties in Nebraska, including highway maintenance workers and highway construction technicians. It's been our firm belief that every state employee, every worker in Nebraska deserves to go home at the end of their shift. And in the last 2 years, two of our highway maintenance workers have not gone home at the end of their shifts because they were killed while working on roadways in Nebraska. So I understand there may be some concerns about this bill and civil liberties and things like that. But each time this has come up, we've offered some testimony and support to ensure our workers are kept safe. And there's no one surefire solution. We could raise fines for people who get pulled over, but that's probably not going to solve the problem. We need to make sure our management team and our workers are working together every day in every work zone to make sure we follow safety training and don't take shortcuts. We also think there's an education piece that needs to happen for the public. And this kind of thing could be true if the bill were to advance in the future and be amended to say the speed camera is going to send a warning the first time. Just

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getting that notice that, hey, you were going 80 in a highway work zone might prompt some Nebraska motorists to go, I need to be more careful. Every single one of our highway maintenance workers who works on the interstate has a story where they were clipped by a mirror, almost clipped by a mirror, and sometimes they just shrug it off. And I think that's bananas. If I got hit by a mirror, you'd never see me working on a highway again. And I think many people don't understand the speed at which people are traveling on the Interstate, the stopping distances are more great than they realize. So I appreciate Senator DeBoer bringing this bill. I appreciate that there are some concerns with it from other parties, but I would just encourage everybody in the Legislature, I mentioned a full, full-on approach in different ways, and I think the Legislature can play a role. And I appreciate you're listening to my testimony on our behalf today.

MOSER: All right, questions for the testifier? Fewer and fewer people here to ask any questions.

JUSTIN HUBLY: My testimony tends to do that. Just kidding, folks.

MOSER: Self-deprecating humor is always good.

JUSTIN HUBLY: Thank you.

MOSER: Anybody else to speak in support of LB1176? OK. Anybody to speak in opposition to LB1176?

SPIKE EICKHOLT: Good afternoon, Chair Murman, excuse me, Chair Moser and members of the Transportation Committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm appearing on behalf of the ACLU of Nebraska. I had prepared a statement, but I'm not going to distribute it because I talked to Senator DeBoer earlier, and she indicated she's not asking the committee to move the bill, so I'm not going to go into all the detail I wanted to go. But what the bill sort of proposes to do is it proposes maybe a sort of a moderate license plate reader type scheme to sort of enforce some speeding offenses. If you look at the bill, it actually amends the license plate reader statutes. So there's a number of statutes that we passed, I think, the Legislature passed in 2016 to sort regulate the use of these license plate reader systems. And law enforcement uses these for limited purposes according to the statute. They can be for finding missing people, stolen cars, warrants, that sort of thing. And they are not to be used for general traffic enforcement. And what Senator DeBoer's bill does is sort of explain that license plate reader system does not

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include whatever the speed control system is. The concern we have is that this might be a sort of a parallel corollary type scheme that the state uses, the state of Nebraska uses, and with some sort of private provider in capturing and harvesting data. I have a copy of a contract that Flock had with city of Kearney as an example, but I'm not going to distribute it, but if anyone's interested, I'll give it to you. But it explains-- and these-- and this provision is, is typical in these license plate reader contracts, that all of the data that is collected belongs to the company. They provide it on request according to the contract they have with the law enforcement agency, but they keep it all. And it's a worldwide exclusive, royalty free worldwide license for them. The license plate reader statutes are supposed to limit what the state can use it for, but we've already seen some incidents just last year of what we would consider abuse. For instance, Flatwater Free Press reported that in Douglas and Lancaster County, they use a license plate reader for ICE enforcement here in Nebraska. That's not a criminal thing. At least what they're doing, they're arresting people for civil federal violations under ICE. And I know that's not at all what Senator DeBoer is trying to do. But we wanted to speak on the record to alert the committee to do-- to this potential scenario. And I know that's not what the Department of Transportation wants to do. And I know that's the motivation for the bill, but once these things get in statute, they have the potential to be used and abused. And so I just wanted to alert that issue to the committee and I'll answer any questions if you have any. I would just add in response to the last proponent, the Legislature did increase the fines for speeding offenses in LB530. They were increased fairly significantly and they went into effect on September 1, so. And maybe they will have a measurable impact in the next few months. But I'll answer any questions.

MOSER: OK. Questions for the testifier? Senator Bosn.

BOSN: Thank you. Mr. Eickholt, would you then-- you've acknowledged you understand Senator DeBoer's purpose--

SPIKE EICKHOLT: Right.

BOSN: --with doing this, and you certainly were here when Mr. Hubly testified about the concerns he's got, and I'm sure you share them on a personal and professional level. Would you support increasing the penalty when someone strikes a construction worker?

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SPIKE EICKHOLT: You did last year, I think, because you created the vulnerable road-user offense, and that included construction workers and people working on the roads.

BOSN: I don't know that it increased the penalty for the individual who strikes them. I think it just broadened the definition of who was a vulnerable road user.

SPIKE EICKHOLT: I'm almost sure it increased the penalty.

BOSN: OK.

SPIKE EICKHOLT: Because what it amended, it amended that-- well, I have to go back and look at it, because it amended a few statutes. But one of the statutes that it amended was previously if there was an emergency vehicle parked alongside of the road, there was a duty to sort of change lanes and it broadened that to say any vehicle whatsoever. And I think there was a similar statute that was amended in conjunction with the creation of a vulnerable road user, and I'm pretty, I'm not certain, but it would be consistent with the theme of the bill that it would increase the penalty because that's why Senator Kauth amended it, I think.

BOSN: OK, so your-- whether it did or it didn't, you would-- is it your position that increasing the penalty if it didn't do it would be an appropriate solution to address the concern of safety for these employees on the side of the road in lieu of what your concern is a tracking method?

SPIKE EICKHOLT: Right. I mean, that'd be one response. I mean, it's hard to-- you know, when, when LB530 was passed, there was a fair amount of press about it passing the new sort of vulnerable road-user law. But then you saw just a series, like around the holidays, of pedestrian accidents. And I only say that because sometimes, you know, the whole concept of increasing penalties is that the public is going to know that it's increased. And I sometimes just don't know if they appreciate or understand what's happening here on an proactive way. And I know it's not responsive, but, I mean, that's not whether we have-- that, that would be at least more-- a more appropriate response if the increase in penalty was proportional, then we probably wouldn't oppose it.

BOSN: Well, and it serves also as a deterring effect. If I read the newspaper and my shock value is defendant X went to prison for 20

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years because a construction worker was struck on the side of the road while the defendant was speeding 20 miles over, the shock value to me as a reader may say, holy cow, I need to slow down. And I recognize it's not your responsibility to fix every problem that we file as a bill, but we do have a problem with these individuals getting injured and it is our responsibility as the Legislature to try to come up with solutions. And I certainly understand some of the concerns you've raised, but I think we have to really try and figure out a solution to this problem, and if not during Senator DeBoer's last session, someone is going to carry that torch moving forward.

SPIKE EICKHOLT: If I could just respond, I mean, I agree with you that there is a deterrence in punishment. I think there's probably more deterrence in apprehension. I think if people see more law enforcement, they're more likely to comply. You always hope you won't get caught. And you're dimly aware that there's some kind of bad fine or something at the end of it, but you don't know, many people don't know what the actual punishment is.

BOSN: I would probably agree with that. Thank you.

MOSER: Other questions? How about if they'd take a paintball gun and wire it up to the radar. And if you drive through more than 11 over, boom, it shoots you with a red paintball or something?

SPIKE EICKHOLT: Well, I mean, that's a reaction. I mean, I don't know if that's very-- I mean, that could really shock somebody driving, they can lose control of their vehicle, and then you got a whole other torque kind of at the end of it.

MOSER: Scare them to death, yeah.

SPIKE EICKHOLT: You know what I mean? So there's-- you don't want to necessarily have government do kind of a self-help in the field.

MOSER: Yeah, maybe just instead of a concussive firing, just spray and paint.

SPIKE EICKHOLT: I mean, a lot of little towns have those little flashing lights like they have on Ceresco if you go up on 77.

MOSER: Yeah. Yeah, there's one in Valparaiso, too. I drive through there every day.

SPIKE EICKHOLT: Right.

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MOSER: OK, it was a crazy idea. Something to lighten our spirits here. Anybody else to speak against LB1176? Anybody to speak in the neutral on LB1176? Senator DeBoer, you're welcome to close.

DeBOER: Thank you very much. Thanks for having the discussion. And I do hope as Senator Bosn said that although it's my last year here, someone will take up this mantle after I'm gone and try and work to find ways to protect the folks that are working on our roadways because, you know, we should not be having anybody getting hit while working on our roadways. And I think that Director Kramer and her office has done a good job of striving for zero people getting hurt while working on the roadways, but I think they need some help from us, too, so.

MOSER: OK. Any other questions or-- OK, thank you very much, Senator, appreciate it. We had online comments, three proponents, four opponents, one neutral, and no ADA testimony. So that's going to take us up to LB1005. Welcome, Senator Clouse.

CLOUSE: Well, thank you. Good afternoon, Chairman Moser and committee members. For the record, my name is Senator Stan Clouse, S-t-a-n C-l-o-u-s-e, and I represent District 37, which includes Kearney, Shelton, Gibbon, and portions of Buffalo County. And a little hesitant on this one, but it's, it's in the prepared remarks. I'd like to thank Senator Hallstrom and his constituents for bringing me this bill, as always. But it's a, it's a good bill, and I want to just follow up on it a little bit that this bill, LB1005, builds on Senator Storm's bill from last year, LB196. And if you recall, that bill was the operation of ATVs during evening hour-- night hours for snow removal. This bill as you read through it, it changes it. It's fairly substantial and it doesn't look like it at that way, but there's a couple clarifications on some things, but what this does is it allows vehicles, or ATVs and UTVs, to use at from sunset to sunrise at all times, so not just during snow removal, OK? There's-- it's, it's kind of difficult, but when you read through that, that's what this allows. However, it's still up to the jurisdiction of the counties, the, the cities, or the villages whether they want to allow that within their jurisdiction. But it also provides two other primary changes and this is where it ties into Senator Storm's bill, LB196, from last year, and that is a-- if they operate them at night so, again, playing on the snow removal piece, but now we've expanded that to anytime at night, it requires standards for headlights and taillights on the vehicles, multiple beam headlights, the upper beam, and has some of the criteria, must efficiently illuminate persons in vehicles and substantial objects at

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a distance of at least 100 feet, whereas the lowermost beam must illuminate 50 feet, the single beam headlights for persons, vehicles, or substantial objects must be illuminated at least 100 feet. And then, of course, then we've got the taillights. So, secondly, taillights on these vehicles must display a red light that is plainly visible from a distance of 500 feet behind the vehicle. And so as it stands, the city or village can set the ordinances surrounding these vehicles within their corporate limits. And the county board is permitted to set ordinances within an unincorporated village and also in the counties. So I would ask for your green vote and conclude with any questions that you may have, again, with the understanding that this would allow operation after hour-- or after dark at all times. And so it expands that from just snow removal, but also at all times. And we do have a testifier-- that I know at least one testifier is going to talk about the situation. This is ATVs and UTVs, keeping in mind that most of the UTVs are the Mules and, and Gators, they have seat belts, headlights, doors, all those types of things. So it's-- and it does give the village, cities, counties that they have control of whether they want to allow that in their communities or not. This just sets the standards that if they are, here's what the lighting standards will be. So with that, I'll take any questions if you have any.

MOSER: Questions for testifier? So, currently, the counties can't allow UTVs or ATVs to operate after dark?

CLOUSE: That's my understanding.

MOSER: Unless they're moving snow?

CLOUSE: Yes. For in the cities for sure. Now counties, I'm pretty sure we've seen a lot of farmers out checking irrigation.

MOSER: Well, I think ag purposes.

CLOUSE: And ag purposes, right. So if it's in the villages, unincorporated villages, villages, cities. Yeah.

MOSER: And your bill doesn't talk about where you can operate them?

CLOUSE: Well, if you look further in statute, it, it has other things in there like speed limits and you can't use them, you know, crossing--

MOSER: But you're not changing those?

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CLOUSE: None of that. All it's doing is allowing the cities and villages and counties if they wish to, to allow from sunset to sunrise. And if they do, then here's the lighting requirements.

MOSER: OK.

CLOUSE: Minimum standards.

MOSER: All right. And you say somebody else brought the bill to you?

CLOUSE: Yeah, and I think she might be up here to speak later.

MOSER: Oh, OK. All right, thank you very much.

CLOUSE: Yep.

MOSER: Is there anyone here to speak in support of LB1005?

KAREN RAMSEY: Oh, this is kind of fun.

MOSER: Welcome.

KAREN RAMSEY: Thank you. Karen Ramsey from Falls City, Nebraska, southeast corner. Senator Clouse did a fine job describing all the things.

MOSER: Can you spell your name please?

KAREN RAMSEY: Oh. K-a-r-e-n, Ramsey, R-a-m-s-e-y.

MOSER: Thank you.

KAREN RAMSEY: And Senator Clouse did an excellent job with the guidelines that we're talking about. I have a John Deere Gator, and I'm here to tell you about my Gator. My Gator has headlights. It has lights above and below. Actually, I look like a parade coming down the street. So I have the lights. I have turn signals. I have seatbelts. I have doors made out of metal. I have glass windows. In other words, I'm a small little car, but I'm not allowed after dark. I need to be allowed after darkness because I have church obligations coming into Lent, very much so, Christmas, Midnight Mass. I'm fortunate as a grandparent having a daughter in high school, Sacred Heart, in volleyball and basketball. All of these during the winter months is in the dark. I'm not asking to stay out till midnight because I get too sleepy. But, anyway, I am asking to actually be considered on the high standards that he's just said that recreational vehicles that do need

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those standards be allowed to be out after dark. No, I don't think golf carts should be allowed. No, I don't really agree that some of these recreational vehicles that are roll bars and have canvas sides, you see, there's a tricky line there. But we're looking at things that are, are to be used for safety and my Gator is safe. So, anyway, thank you for listening to me and would any of you have any questions about my Gator? Yes.

MOSER: Senator Guereca.

KAREN RAMSEY: Oh. Oh, I'm sorry.

GUERECA: Oh, we'll let Senator DeBoer go first. Why not?

DeBOER: Well, I will tell you that I have a Gator at our farm and it sounds similar to yours, but it doesn't quite have as many lights and so I'm a little jealous.

KAREN RAMSEY: Yeah, mine's a-- I've got all the toys on mine.

DeBOER: Yeah, I don't have the lights up above, so that sounds fantastic, I probably have to look into that.

KAREN RAMSEY: Oh, yeah, and it's, it's so neat.

DeBOER: So one of the reasons that in the past we haven't allowed the ATVs to be used--

KAREN RAMSEY: Do you know, I honestly don't know.

DeBOER: Let me tell you.

KAREN RAMSEY: Oh, go ahead.

DeBOER: Yeah. So one of the reasons we haven't allowed ATVs to be used as vehicles is because even though our Gators are pretty nice they are not as heavy as a vehicle. They don't have the same crash things. They don't have the same ability to have a car seat in them, you know, different things like that, that are differences between an ATV and a car. They don't have the same kind of requirements just in the manufacture of them. So I think that's part of the reason that they didn't. Last year when we made this-- what we did is we made an expansion that allowed the ATVs to be used during the night or during the, the daytime because prior to that they could only be used--

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BOSN: Sunrise.

DeBOER: Until sunrise?

BOSN: No, from sunrise to sunset.

DeBOER: Oh, yeah, they could only be used from sunrise to sunset. And so it was a real problem for everybody to get all the snow removed. So we added that they could be if with lights and that. We had several bills before us to allow ATVs to be used more like cars and we elected not to do so because of trying to basically provide safety on the roads.

KAREN RAMSEY: Now, something that I have not-- and I'm sorry I didn't bring-- we're just coming off the top of my head. But do you know, honestly and truthfully, I've been driving mine for the last 2 years, and I get the Falls City Journal. I honestly cannot come up with one accident in our city limits. I'm talking about my Gator.

DeBOER: Well, sure.

KAREN RAMSEY: And there's five of us.

DeBOER: So, so, ma'am, one of the reasons that we would be really concerned is if there was an accident, it's much more likely to be fatal to the person who's in the ATV.

KAREN RAMSEY: Well--

DeBOER: So that's one of the concerns that we would have.

KAREN RAMSEY: I disagree. I, I think my-- I think I'm safe in my Gator.

DeBOER: I know you do. I know.

KAREN RAMSEY: I actually do. And again-- well, I'm just talking about the five. I'm number six. There's six Gators that run in Falls City. We're all senior citizens and they don't even put the speed gun on us, guys. They just don't.

DeBOER: Well, thank you, thank you for being here.

KAREN RAMSEY: [INAUDIBLE]

MOSER: They're big enough to trigger the radar gun, though, I think.

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KAREN RAMSEY: Yes. Did you-- you had some--

MOSER: Senator Guereca.

KAREN RAMSEY: --you wanted to say.

GUERECA: Yes, ma'am, thank you for coming in for your testimony. I don't have a nice Gator like you and Senator DeBoer, so I'm definitely getting a little FOMO of fear of missing out here. Now, I got to ask, you use your Gator during the day, right?

KAREN RAMSEY: Oh, yes.

GUERECA: And how fast have you gotten it on, on these roads?

KAREN RAMSEY: Oh, I don't go over 18 miles an hour, because in, in our city, it's 25 miles an hour for speed. Gentlemen and ladies, they know my name, so I know that they, you know, are kind of watching Mrs. Ramsey. No, I-- and I know what you're talking about and, no, responsible driving is the key to anything. And, by George, I think most of us mature drivers, you don't really qualify, but at any rate, I think we're pretty careful drivers.

GUERECA: Thank you for coming in, ma'am.

KAREN RAMSEY: OK. Any other? Thank you very--

MOSER: So why wouldn't you just drive your car to the volleyball game?

KAREN RAMSEY: OK, now, now this isn't my idea. My daughter decided that I needed a 1982 Mercedes Roadster convertible. It sure is fun to drive in the summer and the spring, and I do enjoy it. It's a 2-wheel drive-- front-wheel drive. And if I've got any weather on the, on the streets, my car stays in the, in the carport, because I put my little Gator in 4-wheel and I'm gone or I would.

MOSER: OK. Any other questions?

KAREN RAMSEY: Any other questions? And thank you very much.

MOSER: Thank you. Anybody else to speak in favor of LB1005? Is there anyone to speak in opposition to LB1005? Anybody to speak in the neutral on LB1005? Seeing none, we had no proponents online, one opponent, and one neutral and no ADA testimony. Senator Clouse.

CLOUSE: OK. Thank you.

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MOSER: This went remarkably well.

CLOUSE: It did. And now, now you know why I couldn't turn it down.

MOSER: She wouldn't let you.

CLOUSE: And I just want to add a couple things. In other words, this is about local control. And the city of Falls City had put in that they would allow them to do that. Then they found out it wasn't allowed in state statute. So it should be up to the local-- you know, we should allow them to make that decision local-- you know, under local control, and it's only in the corporate limits or unincorporated if it's the county. So that's what this bill's about. If they cannot-- if the city believes that it's something in their community they can live with, then they should have the ability to do that. But here's some of the light requirements, some of those things, other things are spelled out in statute. Very similar to golf carts. I was at a village board meeting here a year or two ago, and they were debating all summer on whether they should let the use of golf carts around, around the small community. And so they get a lot of discussion and with the local control, they should do that. In Kearney, we didn't do that. We was like, no, in a bigger community that we were not interested in doing that, but that should be up to local control with here's the standards and here's, here's the rules and regulations if they decide that they want to do that. So that's what this bill does. If they want to allow it at night, here's the rules if you want to allow it at night, the rules and regulations, so. Got any, any other questions?

MOSER: Any questions? All right, thank you very much. Appreciate it.

CLOUSE: OK. Thank you.

MOSER: Just giving you one last chance.

BOSN: Does my face say something different than my mouth?

MOSER: You had kind of a smirk on your face. I thought you were--

BOSN: That's just natural.

MOSER: --harboring a question. All right, that will bring our hearings to a close for today.