

LEGISLATIVE BILL 866

Approved by the Governor April 10, 1972

Introduced by Wayne W. Ziebarth, 37th District; Duke Snyder, 14th District; Richard D. Marvel, 33rd District

AN ACT to amend section 39-7,137, Reissue Revised Statutes of Nebraska, 1943, sections 39-2103 and 66-423.01, Revised Statutes Supplement, 1969, and section 39-2402, Revised Statutes Supplement, 1971, relating to highways; to provide an exception; to provide an additional classification of rural highways; to change service as prescribed; to increase the Grade Crossing Protection Fund; to provide authority for bonds; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 39-7,137, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-7,137. The Department of Roads is hereby empowered to administer the funds deposited in the Grade Crossing Protection Fund as follows:

(1) When any political subdivision of this state determines that automatic railroad grade crossing protection is required where a street, road, or highway intersects with the line of the railroad company within its jurisdiction, and demand is made upon the railroad company concerned, either the railroad company or the political subdivision shall inform the Department of Roads of such fact;

(2) Upon receiving such notice, or upon its own determination, the Department of Roads shall forthwith examine the crossing concerned, in conjunction with representatives of the political subdivision and the particular railroad company involved, to arrive at an estimate of the cost and the type of automatic railroad grade crossing protection that should be required, and the justification of the expenditure for such protection;

(3) In order to facilitate and protect the interest of the public as a whole, and to compensate for the statewide use of such crossing by the public, the Department of Roads shall pay sixty-five per cent of the

cost of such automatic railroad grade crossing protection from the Grade Crossing Protection Fund, and the balance of the cost shall be borne twenty-five per cent by the railroad company and ten per cent by the political subdivision involved, except that in any county in which a Railroad Transportation Safety District has been formed, such balance shall be borne ten per cent by the railroad company and twenty-five per cent by the political subdivision involved;

(4) The Department of Roads shall allocate the amount to be borne by the Grade Crossing Protection Fund for the construction and installation of the automatic device for the protection of the railroad grade crossing concerned;

(5) The Department of Roads shall enter into and enforce agreements involving such Grade Crossing Protection Fund as well as the supervision of the construction of such automatic safety devices and the auditing and collection of the bills covering the cost thereof. The Department of Roads is further authorized to enter into such contracts with any railroad companies and political subdivisions affected which are necessary to carry out the provisions of sections 39-7,136 and 39-7,137; and

(6) All automatic railroad grade crossing protection devices constructed in whole or in part by money from the Grade Crossing Protection Fund established by section 39-7,136 shall, after their construction, be the sole responsibility of the railroad company at whose railroad crossing such devices are constructed.

Sec. 2. That section 39-2103, Revised Statutes Supplement, 1969, be amended to read as follows:

39-2103. Rural highways are hereby divided into six seven functional classifications as follows:

(1) Interstate, which shall consist of the federally-designated National System of Interstate and Defense Highways;

(2) Expressway, which shall consist of a group of highways following major traffic desires in Nebraska which rank next in importance to the National System of Interstate and Defense Highways. The expressway system is one which ultimately should be developed to multilane divided highway standards;

(3) Major arterial, which shall consist of the balance of routes which serve major statewide interests

for highway transportation. This system is characterized by high speed, relatively long distance travel patterns;

(4) Other arterial, which shall consist of a group of highways of less importance as through-travel routes which would serve places of smaller population and smaller recreation areas not served by the higher systems;

(5) Collector, which shall consist of a group of highways which pick up traffic from many local or land-service roads and carry it to community centers or to the arterial systems. They are the main school bus routes, mail routes, and farm-to-market routes; and

(6) Local, which shall consist of all remaining rural roads, generally described as land-access roads providing service to adjacent land and dwellings; and :

(7) Bridges crossing a stream three hundred feet or more in width or channels of such a stream having a combined width of three hundred feet or more.

The rural highways classified under subdivisions (1) to (3) of this section should, combined, serve every incorporated municipality having a minimum population of one hundred inhabitants or sufficient commerce, or--more, a part of which will be served by stubs or spurs, and the major recreational areas of the state.

For purposes of this section sufficient commerce shall mean a minimum of two hundred thousand dollars of gross receipts under the Nebraska Revenue Act of 1967.

Sec. 3. That section 39-2402, Revised Statutes Supplement, 1971, be amended to read as follows:

39-2402. The State Treasurer shall monthly transfer from the Highway Allocation Fund to the Grade Crossing Protection Fund ~~fifteen~~ thirty thousand dollars and to the State Recreation Road Fund an amount equal to fifty cents for each motor vehicle registration during the preceding month. For the years 1970 and 1971, commencing January 1, 1970, the balance of the money in the Highway Allocation Fund shall be allocated fifty-three and one-third per cent to the Department of Roads, twenty-five and one-third per cent to the various counties for road purposes, and twenty-one and one-third per cent to the various municipalities for street purposes; for the years 1972 and 1973, commencing January 1, 1972, the balance of the money in the Highway Allocation Fund shall be allocated fifty-three and one-third per cent to the Department of Roads,

twenty-four and one-third per cent to the various counties for road purposes, and twenty-two and one-third per cent to the various municipalities for street purposes; and for the year 1974 and thereafter, commencing January 1, 1974, the balance of the money in the Highway Allocation Fund shall be allocated fifty-three and one-third per cent to the Department of Roads, twenty-three and one-third per cent to the various counties for road purposes, and twenty-three and one-third per cent to the various municipalities for street purposes; Provided, that for the calendar years 1970 and 1971, if it is determined by November 1 of each respective year that any county will receive from its allocation of state-collected highway revenue and from any funds relinquished to it by municipalities within its boundaries, an amount in such year which is less than such county received in state-collected highway revenue in the calendar year 1967, the Department of Roads shall notify the State Treasurer that an amount equal to the sum necessary to provide such county with funds equal to such county's 1967 highway allocation for such year shall be transferred from the Highway Allocation Fund to such county; provided further, for the calendar year 1972 and each year thereafter, if it is determined by November 1 of each year that any county will receive from its allocation of state-collected highway revenue and from any funds relinquished to it by municipalities within its boundaries an amount in such year which is less than such county received in state-collected highway revenue in calendar year 1969, the Department of Roads shall notify the State Treasurer that an amount equal to the sum necessary to provide such county with funds equal to such county's 1969 highway allocation for such year shall be transferred from the Highway Allocation Fund to such county; and provided further, that any such makeup funds must be matched by the county as provided in sections 39-2501 to 39-2510. The portion allocated to the Department of Roads shall be credited monthly to the Highway Cash Fund. The portions allocated to the counties and municipalities shall be distributed monthly as provided by law.

Sec. 4. That section 66-423.01, Revised Statutes Supplement, 1969, be amended to read as follows:

66-423.01. Any county may by resolution of the county board, any city may by ordinance of the mayor and city council, and any village may by ordinance of the chairman and board of trustees issue bonds for the construction of roads of the county and street and state highway or federal aid routes of cities and villages, and to pay the interest on and to retire any such bonds by pledging funds received from the Highway Allocation Fund.

Any city of the primary class may, by ordinance of the mayor and city council, issue bonds for the construction of off-street parking facilities of such city and to pay the interest on and to retire any such bonds by pledging funds received from the Highway Allocation Fund. The issuance of bonds by any county, city, or village under the authority of this section shall not be subject to any charter or statutory limitations of indebtedness or be subject to any restrictions imposed upon or conditions precedent to the exercise of the powers of counties, cities, and villages to issue bonds or evidences of indebtedness which may be contained in such charters or other statutes. Any county, city, or village which has heretofore or may hereafter issue bonds under the authority of this section shall levy ad valorem taxes upon all the taxable property, except intangible property, in such county, city, or village issuing such bonds at such rate or rates within any applicable charter, statutory, or constitutional limitations as will provide funds which, together with receipts from the Highway Allocation Fund pledged to the payment of such bonds and any other money made available and used for that purpose, will be sufficient to pay the principal of and interest on such bonds as they severally mature.

Sec. 5. That original section 39-7,137, Reissue Revised Statutes of Nebraska, 1943, sections 39-2103 and 66-423.01, Revised Statutes Supplement, 1969, and section 39-2402, Revised Statutes Supplement, 1971, are repealed.