

LEGISLATIVE BILL 158

Approved by the Governor June 9, 1993

Introduced by Hillman, 48, Baack, 47, Elmer, 38, Fisher, 35, Lynch, 13, Robak, 22, Wesely, 26, Wickersham, 49, at the request of the Governor

AN ACT relating to public transportation; to amend sections 13-1201, 13-1203 to 13-1206, 13-1209, and 13-1211, Reissue Revised Statutes of Nebraska, 1943; to rename an act; to provide for intercity bus systems; to define a term; to provide for funding for such systems; to change a power to contract for assistance; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 13-1201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-1201. Sections 13-1201 to 13-1212 and sections 8 and 9 of this act shall be known and may be cited as the Nebraska Public Transportation Act. ~~of 1975.~~

Sec. 2. That section 13-1203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-1203. ~~As used in sections 13-1201 to 13-1212~~ For purposes of the Nebraska Public Transportation Act, unless the context otherwise requires:

(1) Public transportation shall mean the transport of passengers on a regular and continuing basis by motor carrier for hire, whether over regular or irregular routes, over any public road in this state, including city bus systems, intercity bus systems, special public transportation systems to include portal-to-portal escorted service for the elderly or handicapped, taxi, subscription, dial-a-ride, or other demand-responsive systems, and including those motor carriers for hire which may carry elderly or handicapped individuals for a set fare, a donation, or at no cost to such individuals. Public transportation ~~but~~ shall not include motor carriers for hire when engaged in the transportation of school children and teachers to and from school and school-related activities, ~~or~~ and shall not include private car pools;

(2) Department shall mean the Department of Roads;

(3) Director shall mean the Director-State Engineer; ~~of the Department of Roads;~~

(4) Elderly shall mean any person sixty-two years of age or older who is drawing social security and every person ~~aged~~ sixty-five years of age and older;

(5) Handicapped shall mean any individual who is unable without special facilities or special planning or design to utilize public

transportation facilities and services;

(6) Municipality shall mean any village or incorporated city, except cities of the metropolitan class operating under home rule charter; ~~and~~

(7) Qualified public-purpose organization shall mean an incorporated private not-for-profit group or agency which:

(a) Has operated or proposes to operate only motor vehicles having a seating capacity of twenty or less for the transportation of passengers in the state;

(b) Has been approved as capable of providing public transportation services by the appropriate city or county governing body; and

(c) Operates or proposes to operate a public transportation service in an area which the department has identified as not being adequately served by existing public or private transportation services pursuant to section 13-1205; and

(8) Intercity bus system shall mean a system of regularly scheduled bus service for the general public which operates with limited stops over fixed routes connecting two or more communities or areas not in close proximity which support public transportation service. At least one terminus of the intercity bus system shall be in an area that makes meaningful connections with intercity service to more distant points.

Sec. 3. That section 13-1204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-1204. The ~~Department of Roads~~ department shall be the principal state agency responsible for coordinating public transportation activities in the state and, when requested, shall provide technical assistance to improve Nebraska's public transportation system. The department may contract pursuant to the ~~provisions of sections 13-1201 to 13-1212~~ Nebraska Public Transportation Act to assist state agencies, political subdivisions, and public and qualified public-purpose organizations, ~~and privately owned carriers~~ to provide public transportation services as specified in ~~sections 13-1201 to 13-1212~~ the act.

Sec. 4. That section 13-1205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-1205. The department shall have the following powers, duties, and responsibilities:

(1) To collect and maintain data on the level of public transportation services and needs in the state and identify areas not being adequately served by existing public or private transportation services;

(2) To assess the regional and statewide effect of changes, improvement, and route abandonments in the state's public transportation system;

(3) To develop a six-year statewide transit plan and programs for public transportation in coordination with local plans and programs developed by municipalities, counties, and transit authorities;

(4) To provide planning and technical assistance to

agencies of the state, political subdivisions, or groups seeking to improve public transportation;

(5) To advise, consult, and cooperate with agencies of the state, the federal government, and other states, ~~and~~ interstate agencies, political subdivisions, and ~~with~~ groups concerned with public transportation;

(6) To cooperate with the Public Service Commission by providing periodic assessments to the commission when determining the effect of proposed regulatory decisions on public transportation;

(7) To administer federal and state programs providing financial assistance to public transportation, except those federal and state programs in which a municipality, county, transit authority, or other state agency is designated as the administrator;

(8) To prepare and submit a biennial report to the Governor, the State Energy Office, and the Clerk of the Legislature detailing its activities under ~~sections 13-1201 to 13-1212~~ the Nebraska Public Transportation Act. The report shall make recommendations to strengthen, expand, and improve public transportation in the state; and

(9) To exercise all other powers necessary and proper for the discharge of its duties, including the adoption and promulgation of reasonable rules and regulations to carry out the ~~provisions of sections 13-1201 to 13-1212~~ act.

Each member of the Legislature shall receive a copy of the report required by subdivision (8) of this section by making a request for such report to the director.

Sec. 5. That section 13-1206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-1206. The department may receive, contract for, or apply for and receive gifts, grants, loans, contributions, and other funds from the federal or state government or from any public or private sources for the purpose of carrying out the ~~provisions of sections 13-1201 to 13-1212~~ Nebraska Public Transportation Act. Any contract between the department and the federal government entered into pursuant to this section may include all reasonable and appropriate conditions imposed by federal law or regulation which are not inconsistent with the purposes of ~~sections 13-1201 to 13-1212~~ the act.

Sec. 6. That section 13-1209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-1209. (1) A public transportation assistance program is hereby established to provide state assistance for the operation of public transportation systems.

(2) Any municipality, county, transit authority, or qualified public-purpose organization shall be eligible to receive financial assistance for the eligible operating costs of a public transportation system, whether the applicant directly operates such system or contracts for its operation. A qualified public-purpose organization shall not be eligible for financial assistance under ~~sections 13-1202 to 13-1205, 13-1208, 13-1209, 13-1212, and 75-303~~ the Nebraska Public Transportation Act if such organization

is currently receiving state funds for a program which includes transportation services and such funding and services would be duplicated by ~~sections 13-1202 to 13-1205, 13-1208, 13-1209, 13-1212, and 75-303~~ the act. Eligible operating costs shall include those expenses incurred in the operation of a public transportation system which exceed the amount of operating revenue and which are not otherwise eligible for reimbursement from any available federal programs other than those administered by the United States Department of the Treasury.

(3) The state grant to an applicant shall not exceed fifty percent of the eligible operating costs of the public transportation system as provided for in subsection (2) of this section. The amount of state funds shall be matched by an equal amount of local funds in support of operating costs.

Sec. 7. That section 13-1211, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-1211. The fares charged elderly or handicapped persons shall not exceed one-half of the rates generally applicable to other persons at peak hours for each one-way trip for any city bus system operating over regularly scheduled routes and receiving state funds pursuant to ~~sections 13-1201 to 13-1212~~ the Nebraska Public Transportation Act. The recipient of state funds under ~~sections 13-1201 to 13-1212~~ the act may designate certain peak hours during which this section shall not apply.

Sec. 8. (1) An intercity bus system assistance program is hereby established to provide state assistance for the operation of intercity bus systems.

(2) Any municipality, county, transit authority, or qualified public-purpose organization shall be eligible to receive financial assistance for the eligible operating costs of such system, whether the applicant directly operates the system or contracts for its operation.

(3) The department may contract for an intercity bus system with either a publicly owned provider or a provider owned by a qualified public-purpose organization.

(4) Any intercity bus system to be funded under this section shall be selected based on criteria established by the department.

Sec. 9. The department shall certify biennially the amount of money necessary to fully fund the state's portion of the intercity bus system assistance program established under section 8 of this act.

Sec. 10. That original sections 13-1201, 13-1203 to 13-1206, 13-1209, and 13-1211, Reissue Revised Statutes of Nebraska, 1943, are repealed.