

Transcript Prepared By the Clerk of the Legislature
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Transportation and Telecommunications Committee
January 30, 2012

[LB746 LB875 LB930 LB1039]

The Committee on Transportation and Telecommunications met at 1:30 p.m. on Monday, January 30, 2012, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB930, LB1039, LB875, and LB746. Senators present: Galen Hadley, Vice Chairperson; Kathy Campbell; Annette Dubas; Charlie Janssen; and LeRoy Loudon; and Scott Price. Senators absent: Deb Fischer, Chairperson; and Scott Lautenbaugh.

SENATOR HADLEY: (Recorder malfunction)...Bellevue. On the left is Senator Annette Dubas from Fullerton. And we will be joined by other senators. Quite often, and don't feel bad if senators get up and leave and come in early and late, we are all introducing bills in other committees, so people will be coming and going as we get through. Our pages today are Alysa Stokes from Omaha and Gera Carstenson from Lincoln; we appreciate you being here with us. The staff, the committee counsel is Dusty Vaughan and the committee clerk is here, it says Laurie Vollertsen, but it's Jonna. We will be hearing the bills in the order listed on the agenda unless there's a last minute change. Those wishing to testify on a bill should come to the front of the room and be ready to testify as soon as someone finishes testifying in order to keep the hearing moving. Please complete the yellow sign-in sheet on the on-deck table so it's ready to hand in when you testify. A computer transcription is being used, so it is very important that the directions on the sign-in sheet are followed. You will need to hand the sign-in sheet to the clerk before you testify. For the record, at the beginning of your testimony please spell your last name and also your first name if it can be spelled several different ways. Please keep your testimony concise and try not to repeat what someone else has covered. If there are a large number of people to testify, it may be necessary to place limits on the testimony. If you do not want to testify, but want to voice your support or opposition to a bill, you can indicate so on the on-deck table on the sheet provided. This will be part of the official record of the hearing. If you want to be listed on any committee statement as a testifier at the hearing, you must complete a yellow sign-in sheet and actually testify even if you just state your name and position on the bill. If you do not choose to testify, you may submit comments in writing and have them read into the official record. Please relax and try not to be nervous. I will do the same. If you need a drink of water, please ask the page. Cell phones--please turn off cell phones. We do not allow them in this committee. We will now start and I believe the first one is Senator Brasch, LB930. Senator Brasch. Welcome, Senator Brasch. Is this your first time to the Transportation Committee?

SENATOR BRASCH: It is, it is. [LB930]

SENATOR HADLEY: Oh, we're very nice. [LB930]

SENATOR BRASCH: (Exhibit 6) Well, thank you. Thank you so much, Vice Chair

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Senator Hadley and members of the Transportation and Telecommunications Committee. My name is Lydia Brasch, L-y-d-i-a B-r-a-s-c-h, and I represent Legislative District 16. I am before you today as introducer of LB930 which allows individual cities to authorize the use of golf car vehicles on their city streets. I was approached by District 16 constituents in Burt County, particularly in Oakland and Tekamah, and they expressed their strong desire to be able to drive their golf carts on their streets. Those in Oakland envisioned the use of golf carts in running errands, for example. And in Tekamah, residents of the Northridge Country Club Estates would have a sense of relief that there is clarification in our laws permitting them to use their golf carts to cross city streets in order to make it easier for a resident to play on their course. While similar proposals have been before this committee in the past, LB930 differs where it leaves it up to individual communities to determine if they want to allow golf car vehicles to be driven on their streets. By adoption of an ordinance, a city or village may authorize the use of golf car vehicles; and likewise, a county board may adopt a resolution authorizing golf car vehicles in an unincorporated village. LB930 does set specific restrictions on their use and a governing body may also enact more restrictions and/or requirements when permitting the use of golf car vehicles. By definition, a golf car vehicle has a maximum speed of 20 miles per hour; a golf car vehicle may only be driven on the streets during daytime hours and cannot be driven on a controlled access highway with more than two lanes of traffic. LB930 requires that anyone driving a golf car vehicle on city streets must have a Class O driver's license and must have liability insurance coverage for the golf car. In an effort to establish specific safety standards for the communities, a golf car vehicle driven on the streets must have a brake system maintained in good operating condition; have the headlight and tail light on; and must also have a bicycle safety flag that is at least 5 feet high attached to the back of the vehicle. LB930 sets forth a procedure by which a controlled access highway may be crossed when driving a golf car vehicle that includes coming to a complete stop and yielding the right-of-way to all oncoming traffic and crossing at a 90-degree angle to the highway. Lastly, LB930 does include a stipulation that the Department of Roads may prohibit the operation of a golf car vehicle on any highway under its jurisdiction if it determines it is necessary to do so in the interest of public safety. I also have an amendment that addresses an insurance issue brought to me, and it is not my intent to require golf car vehicles, even those used only on the golf course, to fall under the Uninsured or Underinsured Motorist Insurance Coverage Act. So this language and AM1806 clarifies and is consistent with how we address the matter of ATVs on the roads. I appreciate the committee's consideration of LB930 and I believe you will hear from a number of citizens here who have an interest in seeing this legislation come to pass. I'd be happy to answer your questions. Thank you. [LB930]

SENATOR HADLEY: Before we start I want to introduce Senator LeRoy Loudon from Ellsworth who has joined us. Are there questions for Senator Brasch? Seeing none, thank you, Senator Brasch. Could I see a show of hands of how many people plan to testify on LB930? Three. Okay, we will not use the light system then. Could we have the

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first proponent please come forward. Welcome to the committee. [LB930]

KEVIN BRENNEIS: (Exhibit 1) Thank you. Good afternoon. My name is Kevin Brenneis, K-e-v-i-n, and Brenneis is spelled B-r-e-n-n-e-i-s. I am going to testify in favor of LB930. I'm representing Northridge Country Club in Tekamah, Nebraska, which is also in the 16th Legislative District. What I've had them hand out to you there is a map of the newly annexed portion of Tekamah, Nebraska, which is Northridge Country Club Estates. If you'll notice on that map, there's a portion on the right side of the page, that 1,200 feet that is adjacent to the city of Tekamah was newly annexed January 20 for Northridge Country Club Estates. With that happening January 20, those streets in Northridge became city streets. Now as you can see...although the map that I drew for you there is the most recent survey of Northridge, as you can tell my drawing expertise is about as good as a stick man, but it shows you there the holes and the incorporation of the city streets and Northridge Country Club there. For example, on hole 4, down to the lower right-hand corner, to go from 4 to 5 you have to cross a city street there. And then from holes...up in the upper right-hand corners, holes from 8 to 9 you have to cross a city street to go from 8 to 9 in that part too. Now, the other thing that we have at Northridge Country Club a lot of are shotgun tournaments where people take off from the clubhouse which is on the left side of the map there, they take off across the driving range, and I showed that yellow area there on the lot and the different lots, we take...we go across there and we use the city streets to get to all of the different holes on the golf course. So by that map you can see how integral the city streets are to Northridge Country Club. Now we have been in contact with the city council to try to get an ordinance passed to where golf carts could be used in Northridge Country Club and we found that this LB930...or before LB930 we had a problem that golf carts weren't stipulated in that law. Now with LB930 and the golf carts being added to that, the city of Tekamah would have the opportunity to make an ordinance that golf carts could be used in Northridge and be within the letter of the law. Now they could make an ordinance and say, you know, we're not going to pick you up for driving your golf carts in the streets of Northridge, but it's really not a legal ordinance at that point unless we have LB930 there and basically makes that ordinance legal. Now what I take from LB930 is as Lydia, Senator Brasch read to you also. "Nothing in this subsection shall prohibit a county, city, or village from adopting more stringent ordinances or resolutions governing golf car vehicle operations if the governing body of the county, city, or village determines that such ordinances or resolutions are necessary in the interest of public safety." And basically what I interpret from that is the city of Tekamah could make it legal inside Northridge Estates even if they don't want to make it citywide, throughout the rest of the city of Tekamah. They can make it more stringent than what LB930 is stating. That's basically what I've come to testify and am proposing...or a proponent for LB930 and the reasons that we have. I know there are other golf courses in the state of Nebraska that have city streets that are incorporated in them. I heard a number of 122, 123 golf courses that have city streets that are incorporated in them. I would think that they would be very interested in having LB930 passed also so they could make similar

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ordinances in their...but I can't testify for them. But as far as Northridge Country Club is concerned, we would very much like to see this passed for those reasons that I gave on that. Any questions that you guys may... [LB930]

SENATOR HADLEY: Thank you. We appreciate you coming. Are there questions from the committee? I guess I have a question. When we look at the statutes, one of the concerns we always have are unintended consequences. And I certainly understand the concerns of a subdivision that has a golf course and crossing those streets and such as that. We've heard similar bills to this and it seems like we have more concerns when people start using them to ride downtown to do their shopping or ride to the mall to do their shopping, or it becomes the second family car and such as that. [LB930]

KEVIN BRENNEIS: Sure. [LB930]

SENATOR HADLEY: So how do you envision that we can kind of carve out the golf course problem versus kind of letting the door open for using golf carts any place in the city? [LB930]

KEVIN BRENNEIS: I guess what I would say to that is, that section of LB930 that I read leaves it up to the cities to make a more stringent ordinance than what the bill is here. I see that being more of a decision made by each individual community. If the city of Tekamah says, you know, before we annexed Northridge Country Club to the city of Tekamah it was a part of the county and it really wasn't a concern of the city of Tekamah. Now that they've annexed us, we would like to be able to continue our operations the way we were before. Northridge Country Club was founded in 1996; we were just annexed in 2012. So we've had 15, 16 years in there that we were operating under the county. Now with the city of Tekamah annexing us, we would like to be able to operate the way we have before. This gives them the opportunity to make an ordinance specifically for the area of Northridge Estates. In my opinion, if the city wanted to make it to where golf carts could be used without the controlled access highways and things of that nature, they could make that ordinance too. In my opinion, to answer your question, I think that becomes a decision of each individual community or city council. [LB930]

SENATOR HADLEY: Thank you. Any other questions? Yes, Senator Campbell. [LB930]

SENATOR CAMPBELL: Thank you very much, Senator Hadley. Prior to your annexation, was the road that went through the estates a county road? [LB930]

KEVIN BRENNEIS: Um-hum. Correct. [LB930]

SENATOR CAMPBELL: And it was maintained by the county. [LB930]

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KEVIN BRENNEIS: Correct. [LB930]

SENATOR CAMPBELL: Did the county allow or did you use the golf carts then? [LB930]

KEVIN BRENNEIS: Yes. [LB930]

SENATOR CAMPBELL: Okay. [LB930]

KEVIN BRENNEIS: And at that point we had more of an understanding with Sheriff Pickell that as long as they were being used for golf course operations and on the golf course that he didn't have any problem with that, so. And now with the annexation and the change in law enforcement that we're going to have up there, we felt that it's best to address the issue instead of just sweeping it under the rug and say, well, it's not been an issue before, let's not make it an issue now. We would like to be able to operate under the letter of the law without a...you know, just a...because as we know, administrations change as well as law enforcement agents change. And so we want to make sure that we've got our t's crossed and i's dotted in this matter. [LB930]

SENATOR CAMPBELL: And the city street, which is now the city street, ends within the estate subdivision, does it not? [LB930]

KEVIN BRENNEIS: It does. [LB930]

SENATOR CAMPBELL: It doesn't connect to any other street? [LB930]

KEVIN BRENNEIS: Nope. [LB930]

SENATOR CAMPBELL: Thank you. [LB930]

KEVIN BRENNEIS: And that's the other thing too is that these streets inside Northridge, there's no through streets in there. So as you go into Northridge Estates, the only way to get back out of there is the same way you came in, so there's no through streets in the development. [LB930]

SENATOR CAMPBELL: Thank you. [LB930]

SENATOR HADLEY: Thank you. Senator Louden. [LB930]

SENATOR LOUDEN: Thank you, Senator Hadley. Well, I think you've already answered some of the questions that you had been using golf carts on there for a long time because you were actually living in the county, you weren't living in part of the town. Now if this bill was passed and put into law, would you then expect to be able drive

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these golf carts downtown? [LB930]

KEVIN BRENNEIS: Again, that's going to be up to the city council, what kind of ordinance they adopt. We're going to be pushing for...I mean that's going to be their decision, but we're pushing right now for the area that the golf carts are used, the golf cars. If they want to expand it...now I don't live in the Northridge Estates, I live downtown Tekamah. I would love to be able to use my golf cart on the back streets and drive it to work or do whatever I, you know, outside of the highways. But I foresee them starting with Northridge Country Club, and if the public wants it expanded as such, I would be in favor of that also. [LB930]

SENATOR LOUDEN: Now when I look at the map then, actually the only county road you have is the one that comes in down here at this corner off of the town and goes between the lots, right? [LB930]

KEVIN BRENNEIS: That's correct. All of this is city streets now, clear out to the west boundary. [LB930]

SENATOR LOUDEN: Okay. And is it a gated community? [LB930]

KEVIN BRENNEIS: It is not. [LB930]

SENATOR LOUDEN: By that...do you have a fence around the other side of it out here by the clubhouse and all that? Is there any kind of a... [LB930]

KEVIN BRENNEIS: It's rural in nature out here. It's all farm ground out on all the outlying areas, so the city streets there end up between 8 and 9 where you see that yellow mark there. That city street comes to an end, dead ends, and its row crop from there all the way around there. [LB930]

SENATOR LOUDEN: Um-hum. I was just wondering now, where all do you drive your golf carts? Do you actually drive them down those roads that are marked there,... [LB930]

KEVIN BRENNEIS: Yes. [LB930]

SENATOR LOUDEN: ...or do you just drive them from the housing over onto the golf course someplace? [LB930]

KEVIN BRENNEIS: When we have shotgun tournaments, we may have 18, 20, 22 carts that take off and go to all the different holes. They'll take off from the clubhouse, which is on the west boundary, get onto the city streets and spread out to all the different holes. So they're using the city streets to do that. There is currently golf cart traffic

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between the residences, between residents' homes in the community. People, Tuesday nights, when we have our men's league, people will take off from their homes, take the street down to the clubhouse, and at that point we shotgun start again. And so all 18, 19 golf carts take off and go to all their respective holes that they're starting on there. [LB930]

SENATOR LOUDEN: How do you get from the clubhouse over here to what would be the 7th or 16th? [LB930]

KEVIN BRENNEIS: There's, which is not drawn in there, there are cart paths that go around the south end of the driving range and connect up with 1, 2, 3, and it goes all the way through there. [LB930]

SENATOR LOUDEN: Okay. You got to...in other words, you have to go around the end of the housing development so there's no way to go through those housing developments. [LB930]

KEVIN BRENNEIS: The highlighted area between 9 and 2, that is an empty lot that we do go through that lot and catch the city street which is Vista Circle there that comes down. We'll go across number 9. If we're heading over to number 6, let's say, we'll go across the lot and get on Vista Circle, take the road to Lake View Drive and go over and catch number 6. [LB930]

SENATOR LOUDEN: I see. Okay. [LB930]

KEVIN BRENNEIS: And a lot of the times the reason people are doing that too, if they're coming back, men's league again, you may start on 5 and end on 4, which is the furthest hole away from the clubhouse. You'll take the street back so as to not be impeding play for somebody that's finishing up on 2 or 3 or 1 or whatever the case may be. [LB930]

SENATOR LOUDEN: Do you think if this bill was passed that the city would pass an ordinance to allow you to drive your golf carts downtown? [LB930]

KEVIN BRENNEIS: I don't know. I would say probably not. Initially it would be for Northridge only. [LB930]

SENATOR LOUDEN: We've been down this road a time or two and we've even had bills in here that you could...to allow them to be driven on streets or roads that had 35 mile an hour or less speed limit. And I don't see anything in this bill, and that's what I'm wondering about if...when you talk about they're allowing them to drive them on state highways or something like that. And that might be kind of a nonstarter there. [LB930]

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KEVIN BRENNEIS: Yeah. And the conversations we've had with the city council is that they want to have an ordinance drafted for Northridge Estates solely. [LB930]

SENATOR LOUDEN: Okay, thank you. [LB930]

KEVIN BRENNEIS: You bet. [LB930]

SENATOR HADLEY: Any questions? Thank you, sir. [LB930]

KEVIN BRENNEIS: Thank you. [LB930]

SENATOR HADLEY: I would say that we've been joined by Senator Janssen from Fremont. [LB930]

SENATOR JANSSEN: Thank you, Senator. [LB930]

SENATOR HADLEY: (Exhibits 2, 3, 4, and 5.) Also, I'd like to put into the record that we have had a letter from Larry and Barbara Ashton in support of the bill and a petition with numerous signatures from Oakland in Burt County, Nebraska; a letter from Jeff Benne and a letter from Bruce Benne in support of the bill. So we have four letters in support of the bill. Next proponent. [LB930]

JUSTIN ALLRED: Good afternoon, Senators and counsel. My name is Justin Allred, spelled J-u-s-t-i-n A-l-l-r-e-d. I live in Gering, Nebraska, and I'm here both representing a company that I work for and also for myself. I'm a huge proponent of alternate-use vehicles. And in communities like where I live, there's only 8,000 people, and I think about 90 percent of the state is probably communities such as ours where people live and reside within their community and work within their community, a lot of times, like myself, less than a mile and a half from my home. I'd love the opportunity to use a golf car type vehicle to be able to travel back and forth to work, go to the post office, run and get a gallon of milk, that sort of thing. We have currently ATV, UTV, and LSV laws in effect already. Golf cars, in my opinion, fit in with all of those vehicles and, if you ask me, actually are safer. They're slower. They're just as stable with four wheels. They don't have the power as an ATV does to get up and run 65 miles an hour, let's say. And something I wanted to point out is that surrounding states already have golf car laws in effect. South Dakota, Iowa, Missouri, and Kansas all have golf car laws that could possibly provide some statistics safetywise and others to help us in the state of Nebraska if this is something you want to do. Golf cars are something that I've dealt with in the last four years with Masek Golf Car Company whom I work for. And as Mr. Brenneis discussed with his golf course, I see golf courses every week that have 60, 70, 80, 100 personal golf cars at the course, I'm sure all of whom would love to be able to make the short journey from their home to their country club or to their golf club to be able to play, eliminating some traffic on the roads. And I know that we can't compare

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ourselves to central Florida near Lady Lake, there's a couple of counties down there and it's a community called The Villages that are currently operating over 43,000 golf cars in and amongst their automobiles on the roads every day. They've shown us how successful it is to have these being on our roads and streets. I believe that they're safe and I hope this bill passes. I'm a proponent. [LB930]

SENATOR HADLEY: Thank you. Are there questions for Mr. Allred? I guess I have one. Just from a definition standpoint, we call it a golf car. How does that compare to me going to the course and getting in a golf cart? [LB930]

JUSTIN ALLRED: A golf cart actually is a pulled two-wheeled cart that you would put your golf bag on and walk. A golf car is what you drive. But I mean, it's a common misnomer, if you will, but it's the same thing. [LB930]

SENATOR HADLEY: Okay. Thank you, Mr. Allred. [LB930]

JUSTIN ALLRED: Thanks. [LB930]

SENATOR HADLEY: Are there further proponents? [LB930]

JOE KOHOUT: Vice Chairman Hadley, members of the Transportation and Telecommunications Committee, Joe Kohout, K-o-h-o-u-t, registered lobbyist appearing today on behalf of the Nebraska Golf Alliance which is a coalition of golf-related businesses from around the state. We appear in support of the bill for one primary purpose and that is to provide clarity: clarity when golf carts can be used on streets around golf courses. In several cases, and we don't have an exact number on this, but the number of times when streets actually have to be utilized as part of the round either to cross the street, to actually drive on the street to another hole, is significant around the state. And it's those limited circumstances why we support the bill. We don't take a position on whether or not they should be operated to go downtown, but again, we want to provide clarity and be able to say this is how you can operate these golf carts on your golf courses. So with that I'll stand for any questions that you might have. [LB930]

SENATOR HADLEY: Are there questions for Mr. Kohout? Senator Louden. [LB930]

SENATOR LOUDEN: Yes, thank you, Senator Hadley. Well, Joe, I notice in here a golf car vehicle may be operated during daytime on any highway. Now that's always been a sticker on...we've had these bills every year; I've introduced one or two myself, and the whole bit. You got any suggestions on how to get around that or set that up so that people aren't out here on the highway and trucks are going by them at 60 miles an hour or 70 or whatever they do? [LB930]

JOE KOHOUT: I think the language is getting to that point. I think over the years we've

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seen different manifestations of this, of course, and I think going towards daylight hours, I think is an important part. I mean I...again, if they want to be out and about crossing streets at night, putting on my golfer hat, I play a course a lot where we have to cross a street, and I tell you, at night it's pretty dark at those crossings. So it is a tough situation, but again I think we're getting there. I think we're getting closer with daylight restrictions and others. [LB930]

SENATOR LOUDEN: Do you think there should be something in there that they can't operate on any highway with a speed limit over 25 or 30 or whatever number you want to grab? [LB930]

JOE KOHOUT: I think it would be... [LB930]

SENATOR LOUDEN: I mean we've had bills like that come across. They've never advanced, but we've had that in some of the bills with high hopes. [LB930]

JOE KOHOUT: Um-hum. And I think, again, I think safety should be paramount, and I think a...whatever this committee feels is the safest way to do it, I think we're all going to comply with that. Again, we want to know what the rules are and ensure that our folks who are patronizing our courses are able to do so and not worry about popping out onto the course, popping off onto a street and getting a ticket for it. [LB930]

SENATOR LOUDEN: I haven't looked this over real close, but it doesn't say anything about license plates or anything on these, does it? [LB930]

JOE KOHOUT: No, I did not see that if it was. [LB930]

SENATOR LOUDEN: Okay. And that's been the next sticker about if you get out on a highway then how do we know whether there's insurance or is there VIN numbers or some of that. I mean, like I say, we deal with this every year. [LB930]

JOE KOHOUT: Oh absolutely. [LB930]

SENATOR LOUDEN: And I'm wondering if there's anything that could help this along. I can see where if you're in that community and been using them for a long time, if there was some way or another they could set it up so that city could give permission, you could keep them on that area, but I don't know how you'd describe that. Maybe you got to say that as long as there's greens and holes out there, you can drive a golf cart or something. [LB930]

JOE KOHOUT: Yeah. And I'd be happy to take a look and get with Mr. Vaughan and figure out if there's something we can do in that regard [LB930]

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SENATOR LOUDEN: Okay. Thank you. [LB930]

JOE KOHOUT: Sure. [LB930]

SENATOR HADLEY: Senator Campbell. [LB930]

SENATOR CAMPBELL: Thank you, Senator Hadley. Mr. Kohout, would the word, if the streets were contiguous to the golf course be more clarifying? [LB930]

JOE KOHOUT: I think that...from the Golf Alliance's perspective, I think that would be...I think that that would provide that clarity: if it's surrounded by or immediately adjacent to or something to that effect. Because in some cases you've got a golf course and a street that runs through it, so there would be an easy way to say where it's completely encompassed or is immediately adjacent thereto or something to that regard. [LB930]

SENATOR CAMPBELL: Sometimes in the zoning we use the word "contiguous" to make sure that people couldn't leapfrog or, you know, use other territory. It had to be...that word had to be part of it. Thank you. [LB930]

JOE KOHOUT: Thank you. [LB930]

SENATOR HADLEY: Thank you, Mr. Kohout. Further proponents. Seeing none, are there opponents to LB930? None? How about neutral? [LB930]

COLEEN NIELSEN: Good afternoon, Vice Chairman Hadley, members of the Transportation and Telecommunications Committee. My name is Coleen Nielsen spelled C-o-l-e-e-n N-i-e-l-s-e-n, and I'm here testifying on behalf of the Nebraska Insurance Information Service. You heard Senator Brasch testify earlier that she had an amendment to this bill and it was our organization that pointed out an unintended consequence of her bill and that was that the definition on page 7 of golf car vehicle and where it is placed within the statutes at 60-501 would require that uninsured/underinsured motorist coverage be carried at all time even if you never took that golf car out onto the highways. And clearly that was an unintended consequence and so we suggested the removal of that language on page 7, as well as on line 22 of page 8. And with that I believe that the bill does what she intended. [LB930]

SENATOR HADLEY: Are there questions for Ms. Nielsen? Senator Janssen. [LB930]

SENATOR JANSSEN: Thank you, Vice Chair Hadley. My question, so as amended, your...with this amendment I have right here, you're okay with the bill then? [LB930]

COLEEN NIELSEN: Yes, and...yes. And we generally don't take a position on this bill, but we thought that we might point that out. [LB930]

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SENATOR JANSSEN: I just wanted that clarification for myself. [LB930]

COLEEN NIELSEN: Sure. [LB930]

SENATOR JANSSEN: Thank you. [LB930]

SENATOR HADLEY: So, basically, they do not have to be insured, is that what...for liability or? [LB930]

COLEEN NIELSEN: Under Senator Brasch's bill, if you're out on a highway and as it's defined in here, you must carry liability coverage only. But this was...because of the definition, this threw this into the uninsured/underinsured motorist statutes and would have required that coverage at all times even if you never took it out on the highway. [LB930]

SENATOR HADLEY: Okay, I just wanted to be sure that if somebody is taking this out on the highway, for whatever reason, and runs over a bicyclist or something like that, that we have thought about the insurance. [LB930]

COLEEN NIELSEN: Right. They'd have to carry liability coverage under this bill. [LB930]

SENATOR HADLEY: Okay. Yes, sir. [LB930]

SENATOR PRICE: Thank you, Senator Hadley. Great segue. Do bicyclists need insurance? [LB930]

COLEEN NIELSEN: No. [LB930]

SENATOR PRICE: Thank you. [LB930]

SENATOR HADLEY: Okay, thank you. Oh, Senator Louden. [LB930]

SENATOR LOUDEN: Yes, thank you, Senator Hadley. Well, I was wondering, Coleen, how this...my concern is, is you have some of these towns that have the golf course out there about three miles from town, and the way this is written then could you...if it was passed, you'd live in town, you could drive out there three miles down the highway and go golfing? [LB930]

COLEEN NIELSEN: My reading of the bill, and I didn't look at it that closely, but my reading of the bill is that you could as long as it was during the daytime and that it was not more than two marked traffic lanes on the particular highway. That's how I read it, yes. [LB930]

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SENATOR LOUDEN: Two-lane traffic. [LB930]

COLEEN NIELSEN: Right. [LB930]

SENATOR LOUDEN: Yeah, you can't drive it down...okay. [LB930]

COLEEN NIELSEN: So it was limited to that. [LB930]

SENATOR LOUDEN: But you could...yeah, you could drive the thing four or five miles down the highway or however far you wanted to ride it then, I guess, is that right? Now can you drive it from one town to the next with this bill? Does it say anything, you've got to be going to the golf course or anything? [LB930]

COLEEN NIELSEN: As I understand it, it does not have those sorts of restrictions that you have to go to a golf course. [LB930]

SENATOR LOUDEN: Okay. If this is passed, you could drive a golf cart from Lincoln to Grand Island, or wherever I guess--a golf car I should say. [LB930]

COLEEN NIELSEN: As long as it fit within the restrictions of this bill. [LB930]

SENATOR LOUDEN: Yeah. [LB930]

COLEEN NIELSEN: Yes. [LB930]

SENATOR LOUDEN: Okay, thank you. [LB930]

SENATOR HADLEY: Thank you, Senator Louden. Other questions? Thank you, Coleen. Are there other testifiers in the neutral capacity? [LB930]

LYNN REX: Senator Hadley and members of the committee, my name is Lynn Rex, L-y-n-n R-e-x, representing the League of Nebraska Municipalities. We're here today in a neutral position on this bill. We would envision the only way that cities and villages in the state would authorize this is when they're really using golf cars right adjacent to the course itself--in other words, when you have the situation that you have here in Tekamah--because of just the liability issues. There have been cases in the past when cities are held liable because of the actions that they make in terms of extending the provision of how people can and cannot use certain types of vehicles. So my assessment would be, and our recommendation to you would be that, basically, if you pass this bill in its current form with the amendment that has been proposed to you, municipalities would likely simply restrict it in any event to just those golf carts that are operating on city streets or village streets that are adjacent or into incorporated as part

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of the golf course itself. I'd be happy to respond to any questions that you might have. [LB930]

SENATOR HADLEY: Are there...Senator Dubas. [LB930]

SENATOR DUBAS: Thank you, Senator Hadley. Thank you, Lynn, for being here. So, the way I'm reading it though and what I've heard, we're talking a lot about connection to a golf course. But if a city wanted to pass an ordinance saying golf cars could be used in their community, not even connected to a golf course, they do have that ability through this legislation, is that correct? [LB930]

LYNN REX: This bill...my understanding of this bill is...I don't know that that's the senator's intent, but that's my understanding of the bill, that this is wide open. [LB930]

SENATOR DUBAS: So it could be more restrictive if they want it to be, but it doesn't... [LB930]

LYNN REX: Yes. [LB930]

SENATOR DUBAS: It doesn't necessarily have to be directly related to a golf course. If they want to have the use of these types of vehicles in their communities, they could if they... [LB930]

LYNN REX: The bill as drafted with the amendment, Senator, that's how we would read it as well. I'm just suggesting to you that my guess is that most city attorneys and village attorneys when they look at this are going to be very cautious about recommending that any city adopt an ordinance to allow them to do anything more than that simply because of the liability issues for the municipality itself. [LB930]

SENATOR DUBAS: Thank you. [LB930]

LYNN REX: You're welcome. [LB930]

SENATOR HADLEY: Any other questions? Senator Price. [LB930]

SENATOR PRICE: Thank you, Senator Hadley. Thank you, Ms. Rex, for coming by. I had a question listening to this and getting an understanding of the vibe here, so to speak. In your interaction with other municipal agents across the United States, are there communities just inundated with problems because they have it? We're one of five states, I understand, that don't allow this. So is there a huge problem nationwide in the other 45 states that seem to have found a way to make this happen? [LB930]

LYNN REX: Well, I think there's a distinction. The distinction is, when you're dealing

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with, for example, subunits of governments, certainly in Arizona and Florida and some of these key golf areas where people go where the entire community is basically very small, very limited, incorporated into a golf course itself or all on the confines of a golf course, and it's a nonevent then. But it's a different situation when you're dealing with cities in Nebraska which basically are attached to major highways that folks are going up and down city streets, kids coming out of high school, and just the liability issues concerned with all of that, and bicyclists and everything else. So we're not opposed to the use of golf carts; we're just simply saying that if a city were to contact the league office and ask what do you think about implementation of this, we would certainly recommend that for liability reasons you restrict it to just the golf course itself and streets that are adjacent to it or in it. Because otherwise, there are liability issues involved. [LB930]

SENATOR PRICE: And I appreciate that, and understand that, but I figure 45 states don't all lie south of the Mason-Dixon line... [LB930]

LYNN REX: That's true. [LB930]

SENATOR PRICE: ...and if you had heard something it would be a national thing in your national organization that there's been a real problem with this. So I just want to make sure that we don't cut something off at the knees because we're the "one of" state, you know, we're the "one of" that don't do it. So I just want to make sure that that sticks to the tape and we understand that. [LB930]

LYNN REX: And I can share with you that in conferences with the National League of Cities, this issue has come up repeatedly--definitely--and has raised issues. [LB930]

SENATOR PRICE: Okay. Thank you. [LB930]

SENATOR HADLEY: Senator Campbell. [LB930]

SENATOR CAMPBELL: Thank you, Senator Hadley. Ms. Rex, in the last testifier, Ms. Nielsen talked about the fact that she thought they would have to cover liability. Would you concur with that? And is that the liability issue you're talking about, or the liability to the village or town or municipality that came into play? I mean if somebody insured these, would that take away some of your concerns? [LB930]

LYNN REX: Well, yes and no. But there's two different types of liability here. The liability of the operator... [LB930]

SENATOR CAMPBELL: Right. [LB930]

LYNN REX: ...as well as the liability of the municipality. [LB930]

SENATOR CAMPBELL: Okay. [LB930]

LYNN REX: For example, there may be municipalities that have had issues in terms of where they put the bike path. Where do you put the bike path in terms of how you structurally make the decision to do that? You may remember one of the cases where the Department of Roads was facing liability, and I think it ended up in a settlement, because of a school bus that had an incident outside of Omaha. And the issue was how the Department of Roads structured everything. So the cities would also have an issue here, and villages, for liability in terms of where they allow the use of these golf carts, and I think that becomes an issue. So you've got two types of liability: the liability that is referenced on page 14, line 11, where it talks about the fact that any person...starting on line 9, "Any person operating a golf car vehicle as authorized under this section shall have a valid O operator's license and shall have liability insurance coverage for the golf car vehicle." That's for the operator. But it's a separate and distinct issue in terms of where the municipality would authorize the use of this. [LB930]

SENATOR CAMPBELL: Thank you for clarifying. [LB930]

LYNN REX: You're welcome. [LB930]

SENATOR HADLEY: Senator Louden. [LB930]

SENATOR LOUDEN: Yes, thank you, Senator Hadley. Well, Lynn, yeah, you represent the League of Municipalities. [LB930]

LYNN REX: Yes. [LB930]

SENATOR LOUDEN: And you're usually the one that cracks the whip on those people, and could this... [LB930]

LYNN REX: I wouldn't put it that way, Senator, but go ahead. (Laugh) [LB930]

SENATOR LOUDEN: This...could there be...could they themselves, that town, adopt an ordinance themselves that would allow that perhaps in some type of an ordinance that if lots are bound by a golf course, or something like that, they could use these types of vehicles, or something, in that area. Is this something that the town themselves could adopt an ordinance and do without having authority from the state, because they're in their own little controlled world if they want to. That's what they want to be is right in their own place. And if we do something like this, then we're talking about the whole state of Nebraska. So is there...do you have any idea on any type of ordinance that the town themselves could adopt to address this problem? [LB930]

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LYNN REX: Without this law, no. I think that you would need to have...it doesn't...if you wanted to address the specific issue that's been brought forward today with Tekamah, you could address it in a much more limited way, or you can simply rely on the municipal officials to do that at the local level. And if they rely on legal advice, they're going to be having a very limited ordinance. But I think they definitely do need to have for clarification purposes an ordinance...some kind of a state law to allow them to do exactly what was presented to you today. And I think there are two different types of things, and you mentioned this before: Are you going to be having people just go on the highways from one city to another? What is the breadth and scope of this? And so again in her closing, perhaps the senator can address what her specific concern is. But I think there is a way certainly to accomplish and accommodate everybody's concerns here. But all I'm sharing with you is that we're neutral on this bill, but if asked, if this bill would pass in its current form with the attached amendment, there's no question our advice from our office will be to have a very limited application of it because of liability issues for the municipality itself, and that has been a national issue, Senator. No question about it. [LB930]

SENATOR LOUDEN: Then you're telling me that we would need something in state statutes that would probably give some cities or towns the authority to pass these ordinances that they could have their own little area inside that town where they could allow these vehicles? [LB930]

LYNN REX: That's correct. Yes, that's correct. [LB930]

SENATOR LOUDEN: Okay. And this isn't quite drafted correct to do that? [LB930]

LYNN REX: Well, I don't know what the Senator's overall intent is. If...and I know the senator will be, I'm sure, closing and can express that. If her intent is to address the issue that was brought forward by Tekamah, there is a much more limited way to address it. If she does want it to be a much broader in scope, an issue much broader in scope, then certainly her bill is broader in scope. [LB930]

SENATOR LOUDEN: Okay, thank you. [LB930]

LYNN REX: You're welcome. [LB930]

SENATOR HADLEY: Thank you, Lynn. [LB930]

LYNN REX: Thank you very much. Appreciate your time. [LB930]

SENATOR HADLEY: Are there further testifiers in the neutral? Hearing none, we will close the hearing...I'm sorry. Senator Brasch, would you...you're waiving? Would you like you like to close? [LB930]

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SENATOR BRASCH: Thank you, Vice Chairman and members of the committee, for your consideration. I just wanted to reiterate a few things we've heard today and what the bill does intend to do. As was said, that there are...and one more state has now added on. There's 46 states that currently have enacted ordinance into their state laws where their communities can decide if they choose, where they choose, how they choose, to allow golf cars to drive on their community streets, to the golf course, the access, the limited access. We also said in our bill here that the Department of Roads may prohibit the operation of a golf cart on any of the highways that they deemed is necessary to do in the best interest of the public and their safety. I have not...you know, bicycles, they go much faster than many of these golf cars. You know, they're limited...it's pedal to the metal at 20 miles an hour, most of them scoot around at 10 miles an hour, 15 possibly, you know, if you're in a hurry. But I'm going down a highway and I see the trek across Nebraska, I don't know what their...you see 50, 60 bicyclists going by you and across Iowa. So these golf cars, the community specifically in Burt County, and I've talked with their mayors each of them respectively, that they would like the ability...if they would have the ability of other communities in their best interest and their best judgment to allow their citizens safe travel to point A and B, more specifically golf courses in Tekamah. We are also saying that it must have a flag, tall flag, bicycle flag, slow moving vehicle, only operate during the daytime. We have specifically outlined safety measures here with good common sense, that headlight, tail light, and with that they're also to be in good working condition. Many citizens have indicated that they do travel to other communities and they see them operating. On any given day, outside of the State Capitol here, you may have to move off the sidewalk because you see the golf carts going from the print shop to the Capitol to across...on a nice day we have golf cart/golf car traffic. You know, the price of gas has increased again, and we have little smart cars going around...are we going to limit the size of a vehicle? You know, these are 20 miles an hour max, limited use, and the communities, the communities will decide. They are asking for local control of this particular situation. And I am more than willing to listen to recommendations, suggestions how we can make this an appropriate safe law for all of Nebraskans. Lynn Rex just indicated that she would be happy to work with me on crafting something that would fit all necessary measures and address concerns. We just passed the ATV law. I live out on a farm in Bancroft and I see the ATVs with their flags going from field to field, pasture to pasture, instead of the big pickup truck, saving a little gas there. We are only proposing this in communities where it is safe. It is not an ATV. You know, it is a simple vehicle that we believe the rural communities of Nebraska could benefit from. I thank you for your consideration. Are there any questions? [LB930]

SENATOR HADLEY: Any further questions for Senator Brasch? Seeing none, thank you. [LB930]

SENATOR BRASCH: Thank you. [LB930]

SENATOR HADLEY: With that we will declare LB930 closed, and Senator Brasch, you're here to open on LB1039. Senator Brasch. [LB930]

SENATOR BRASCH: (Exhibit 7) This is my second time now before the great Transportation and Telecommunications Committee. Thank you, Vice Chair Hadley, Senator Hadley, and thank you, members. My name is Lydia Brasch, L-y-d-i-a B-r-a-s-c-h, and I represent Legislative District 16. I am before you today as introducer of LB1039. Today I will be referencing the amended white copy, AM1796, which I believe you have a copy of. The primary objective of LB1039 is to increase the penalty for drivers violating our school bus traffic laws. Fortunately, we are in the position today where this legislation is not being introduced after a serious accident but has taken place due to violations. Nonetheless, there is considered a need to address frequent school bus stop violations. We have worked on this bill with Washington County Sheriff's Department and Blair Public Schools' transportation director in my legislative district. You will hear testimony from them, and they will provide supporting data and accounts on this critical issue of child safety at school bus stops. To summarize, LB1039 maintains the Class IV misdemeanor for drivers in violation of school bus laws, but mandates a \$500 fine and assesses three points on a driver's license as to one point as it is currently. This \$500 fine and assessment of three points is to be more reflective of the seriousness and the risks associated with violating these traffic laws when children are getting on and off a school bus. LB1039 also addresses the specific use of lights on a school bus by properly identifying the lights by color. The yellow warning light indicates to a driver to reduce their vehicle's speed to 25 miles per hour and that the school bus is preparing to stop, as should the driver. The red signal lights correspond to the stop arm and, of course, signals that the driver must stop. LB1039 makes the change to the siting of a school bus stop, and the modified language in the white copy comes from working with the Nebraska Department of Roads by making it clear that it is first and foremost the intent to require school buses to stop at locations where there is 400 feet of visibility as is in current law. However, one side or another of a school bus stop may not allow for this opportunity which is why the amendment provides for the proper signage to indicate that a school bus stop is ahead. I believe the transportation director for Blair Schools, Mr. Hall, can speak further to this. But one such example where this may be necessary is locating a school bus stop within a reasonable walking distance for a young kindergartner. While the school bus is stopped with proper lights and stop arm extended, current law allows the bus driver to signal the stopped traffic to proceed. LB1039 strikes this provision because of the responsibility and/or liability of such an act to direct general traffic while a bus driver must attend to students. It is also possible that a student is waving his or her arm out the window and could be mistaken for the bus driver's arm. Thus with this legislation, the driver of a motor vehicle shall remain stopped only until the stop arm is reached and the bus resumes motion. When a school bus is used for a purpose other than transporting students to or from school, the school bus markings are required to be concealed. And LB1039 adds to this

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transferring students to and from school-sponsored activities which simply adds a practicality would also not require the school bus markings to be covered. Lastly, AM1796 addresses law that is technically an applicable that school buses today have interconnected red stop signal lights and stop arms. They do not work independently of each other. When a school bus pulls off the main street out of the flow of traffic, as is in this particular section of law, the idea is that the bus driver should not turn on the yellow warning lights and stop signal lights with the stop arm as when requiring traffic to stop. Rather, more appropriately, the amendment calls for the driver to turn on the hazard warning flasher lights. I believe this generally summarizes the intent of LB1039 and AM1796, and as I stated, those following me have spent a significant amount of time on this issue and can offer more clarity and explanation, but I am happy to answer your questions. [LB1039]

SENATOR HADLEY: Are there questions for Senator Brasch? Seeing none, could I have a show of hands of how many people wish to testify on this bill? Three, okay. Would the first proponent please come forward? [LB1039]

CHUCK HALL: Good afternoon. My name is Chuck Hall, C-h-u-c-k H-a-l-l. I'm the transportation director for Blair Community Schools and I'm here to speak on behalf of LB1039 this afternoon. As I research current statutes, I found in there it was confusing, it was dated, and it creates a large liability on school districts. But my number one reason for being here today is to represent every child that rides a school bus. We in Washington County have worked feverishly to reduce the number of stop arm violations. We work with the local newspaper to educate the public. I'm lucky to work with a group that is very proactive. They understand it's more than just a ride to school. It is a safe ride to school. They work diligently and they've allowed us to spend the dollars to keep our students safe. We work very closely with the Washington County Sheriff's Department. They're very proactive in this business as well. They encourage safety and they help us in every way they can. Two years ago I was asked to rework the routes that we currently run. And I can tell you that we changed routes; we reduced our highway stops; we only allow four buses to stop on the highway. We do not stop on Highway 133, it is too dangerous. We have networked with school districts nationwide, and we have been given the money to add an additional sign to the back of our bus which states that we are stopping, do not pass. We have worked diligently with people involved to stop the school bus runs. Unfortunately, and much to my chagrin, we have had an increase of 29 percent in 2010-11. It's disappointing, very disappointing. I can tell you this is not a county issue, this is not a state issue, but this is a national issue. In 2011, there was a one-day survey that was put on by the National Association of State Directors of Pupil Transportation. There were 28 states involved. Unfortunately, much to my chagrin, Nebraska was not involved in this. In that one-day survey, and the criteria was set out by the state directors, there were 28 states involved and there were 37,756 violations in one day. Now, folks, this is a national problem, not just a county problem, not just a state problem. That's why I'm here before you today. One hundred dollars is a

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lot of money, I will agree, but it is not a deterrent. We have worked, as well as Omaha, Bellevue, Lincoln, to educate the public, but today we are so distracted, in so much of a hurry that we cannot take the time to stop when we load and unload school children. It's disappointing. I can tell you, to date, nationally, there have been 40 students hit while loading and unloading in 2011-12, to date. A little girl that lost her life in Iowa, the person that hit and killed her just received 15 years in prison. How does that make her parents feel? Is that enough? I question that. As far as the bill itself, there is some language that is unclear. It's dated. We need to clarify the light system. As I visited with my drivers today, I posed the question, stop arm warning lights. I got three different answers from 20 different drivers. It's unclear; it's very much unclear. As far as the school-sponsored activity, the Department of Ed is very clear in what a route is and what is an activity. I can tell you, I'm not proud of it, but as I researched this bill, I broke the law this summer. We transported...for a short period of time, we transported people to and from the Omaha Public Power nuclear plant. I thought I had covered all my bases when we used those buses, but I can tell you I forgot one thing: I did not cover up the school bus sign. I covered up the Blair Community School sign. We did not activate the lights. But I can tell you I simply forgot. It was an emergency and we put this program together quickly. When you go to and from school-sponsored activities, you do use your hazard lights; you do stop at railroad crossings. So we need to change that language and make it more appropriate for schools and school activities. Okay? As far as the school bus driver signalling a passerby through a stop arm, I can't sit and think of any one reason that a school bus driver should send a passerby through a stop arm. I cannot believe that that is in there. That puts a large liability on that school district and the bus driver himself. I think they need to wait until the stop arm is retracted and the bus starts in motion. As far as the 400-foot rule or law that's in place, I worked with Andy Cunningham and Dan Waddle with the Department of Roads. We talked about the issue or the federal statute that allows signage, proper signage if...in their case, it's 500 foot. I'm not asking for that, but in the case of 400 foot, it may be fine in one direction but not in another direction. You may be asking a 5-, 6-, 7-year-old student to walk in rural America, in the state of Nebraska, on a snowy day to go a quarter of a mile to meet a bus that meets the criteria. The feds allow a signage program if that site is not clear. I think this bill is very well put together. I know \$100 is a lot of money, but we have repeat offenders. I believe it's time. States throughout the country right now are addressing this, and \$500 is the least amount I've seen. I've seen people...states that assess a \$1,000 fine. I've seen states that you lose your driving privileges for a year. I can't imagine why \$500 would be too much. With that, if you have any questions, I'd be happy to answer them. [LB1039]

SENATOR HADLEY: Thank you. Are there questions for Mr. Hall? Senator Janssen. [LB1039]

SENATOR JANSSEN: Thank you, Vice Chair Hadley. Sorry, I missed your last name when you... [LB1039]

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CHUCK HALL: Hall. [LB1039]

SENATOR JANSSEN: Mr. Hall, thank you for your testimony and don't take this at all, it's not a hostile question at all, so. And having two school-age children I definitely understand the premise of this. You said \$100 is not much money. Well, it is a lot of money. [LB1039]

CHUCK HALL: It is a lot of money. [LB1039]

SENATOR JANSSEN: And \$500 is even more. [LB1039]

CHUCK HALL: Correct. [LB1039]

SENATOR JANSSEN: Until today's hearing I didn't know it was a \$100 fine. [LB1039]

CHUCK HALL: That's the minimum fine. [LB1039]

SENATOR JANSSEN: And I'm not...probably the general public isn't going to know it's a \$500 fine, so my only question or comment, would probably be a question, is if this passes, do you think that that's going to deter people that are already doing this activity? Because I don't think most people know...I mean, they know it's wrong. I don't think they know the level of penalty and perhaps..and again, it's not hostile at all, I'm just looking for a solution here to stop the...I think we have the same goal. Do you think more of an educational effort of letting people know that... [LB1039]

CHUCK HALL: And that would be part of this: to educate people that it is a \$500 fine and three points off your driver's license. I can assure you as a member of the insurance industry, three points...the way a ticket is written, three points will stay with you for three years. If it's negligent, it will stay with you for five years. That will be a reminder. [LB1039]

SENATOR JANSSEN: I just still don't know that that is going to be necessarily a deterrent to stop the activity that... [LB1039]

CHUCK HALL: You have to work to educate as well. It's two-sided. You're going to have to make people understand: this is the law, this is the consequence, and it's going to take some education on everybody's part. [LB1039]

SENATOR JANSSEN: Right. I agree with that, I'm just...I hate to raise penalties way high and I don't...I mean, I know the goal here and we have a similar goal. I'm not sure that raising a penalty that nobody is going to really know about... [LB1039]

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CHUCK HALL: Could I... [LB1039]

SENATOR JANSSEN: ...is the best way to do it as opposed to raising money to educate people through whatever grant is available, and I think that would probably reduce it more than raising a fine that nobody is really going to know about. [LB1039]

CHUCK HALL: Could I ask you a question? [LB1039]

SENATOR JANSSEN: Probably not. [LB1039]

CHUCK HALL: Okay. [LB1039]

SENATOR JANSSEN: You can hypothetically ask me a question. [LB1039]

CHUCK HALL: What's a child's life worth? [LB1039]

SENATOR JANSSEN: You know, and we hear that a lot, but I'm trying to tell you, I think... [LB1039]

CHUCK HALL: I understand. [LB1039]

SENATOR JANSSEN: I think the educational aspect would save more children than raising the fine. And I'm not disagreeing with you. The fine, you can raise it to whatever you want. I don't skip through school bus signs myself. I think most people don't. But some people do and I just...just don't know if raising a fine that nobody is going to know about really gets to your question of how much is a child's life worth, because I don't think people are going to know about it, sadly. And I'm trying to work with you, I just wouldn't...the educational aspect I think would be a much better component of this than raising a fine that I don't think most people would know about. And I'm not against this by any means, so don't...that is why I said, don't take this hostile; I want to work with you to try to stop the same thing here. [LB1039]

SENATOR HADLEY: Are there further questions for Mr. Hall? I have one. Mr. Hall, do you know the number of accidents we've had in Nebraska in the last five years involving school buses? [LB1039]

CHUCK HALL: In the... [LB1039]

SENATOR HADLEY: Five years. [LB1039]

CHUCK HALL: Number of accidents? [LB1039]

SENATOR HADLEY: Yeah. [LB1039]

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CHUCK HALL: I can tell you within the first two weeks of this school year there were five school buses rear-ended. [LB1039]

SENATOR HADLEY: They were rear-ended. [LB1039]

CHUCK HALL: They were rear-ended. People didn't see the signs, the lights, and they were stopped to load and unload children. [LB1039]

SENATOR HADLEY: And then how would this bill stop people from rear-ending the school bus? [LB1039]

CHUCK HALL: Again, it's education. We have to work on education as well as the fine. [LB1039]

SENATOR HADLEY: Okay. Okay. [LB1039]

CHUCK HALL: We have to make people understand that this is a part of our education system: we transport. We stop, we stop for railroad tracks, we stop for students, and it's an education process. [LB1039]

SENATOR HADLEY: Okay. Thank you, Mr. Hall. Oh, Senator Campbell. [LB1039]

SENATOR CAMPBELL: I think Senator Price is going to ask the question, so I'll let him ask his question or make... [LB1039]

SENATOR PRICE: No, I just...I note on the fiscal note they had 108 violations from the Supreme Court. This covers that. [LB1039]

SENATOR HADLEY: One hundred and eight. Okay. [LB1039]

SENATOR CAMPBELL: My question, Mr. Hall, is are all the current buses used in the state of Nebraska equipped with both the yellow and the red lights? [LB1039]

CHUCK HALL: Yes, ma'am. [LB1039]

SENATOR CAMPBELL: Is that why previously some of the buses didn't have the yellow, or whatever, so that the driver could wave somebody through? [LB1039]

CHUCK HALL: No, that wasn't the case. But the verbiage in there indicated the stop warning lights was unclear, and I think that's the reason for that language. I know as I researched the whole process of LB437, which became current law and it was updated, there were some issues in the language there which Mr. Casey from Bellevue is going

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to discuss in a moment. [LB1039]

SENATOR CAMPBELL: And I may wait for that. I just want to say that one of the...I watched, this fall, a number of drivers be very confused because there was a stopped school bus and yet there was no flashing light, no arm extended, no red light--no yellow, no red. And the drivers couldn't figure out, should I go, should I not go, because they couldn't figure out whether the...you know, when the arm is extended I think that's a lot easier to understand. And so I suppose that was because the driver was waiting for the children to arrive, do you think? [LB1039]

CHUCK HALL: There should have been lights flashing. [LB1039]

SENATOR CAMPBELL: No matter when the bus stops, something should be done. [LB1039]

CHUCK HALL: Right. The yellows should be flashing if they're waiting for children. The stop arm should come out when they load or unload. If that was my driver, I would hand him a ticket. [LB1039]

SENATOR CAMPBELL: Thank you. [LB1039]

SENATOR HADLEY: Are there any other questions? Seeing none, thank you, Mr. Hall. Next proponent. [LB1039]

RICHARD CASEY: Good afternoon, Senator Hadley and members of the committee. My name is Richard Casey, last name is spelled C-a-s-e-y. I would like to add my support for the amendment to LB1039. And at the risk of stating the obvious, probably what has, in part, already been stated, I want to talk about the importance of increasing the penalties for drivers who disregard school buses which are stopped to load and unload children. I'd like to offer that there are 472,000 school buses transporting students every day, transporting 23 million K-12 students every day. That sheer number offers a significant potential for numerous loading and unloading fatalities. Fortunately, with increased awareness through education and more severe penalties for stop arm violations, the number of students killed nationally during the loading and unloading process dropped 23.5 percent from 2008-2009 to 2009-2010. However, 13 children killed by drivers who ignored flashing red lights and a stop arm are still too many. We believe this law will reduce the likelihood that Nebraska will be part of this statistic in the future. If I could address the question that you asked, Senator Janssen, I think when you get slapped on the wrist you may not say anything to anybody, you just take the slap; but if you get fined \$500, you're going to tell somebody: I can't believe what just happened, I got fined \$500. Maybe that's a little bit of the difference. I'd also like to add my support for the other changes that are being proposed to the law. On pages 5-7 of the existing bill, there are several references to the term that Mr. Hall mentioned, stop

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warning signal lights, which is a term that is not used anywhere else to include the Nebraska Department of Education Rule 91 and 92 which governs school bus operations in the state of Nebraska. This terminology, again as Mr. Hall stated, creates uncertainty for the driver of a school bus as to what lights they are actually supposed to use during the loading and unloading process. Furthermore, the existing law allows a bus driver to signal a driver of another vehicle that is permissible to proceed through their extended stop arm. I think most people would agree that there is really no...there should be no exception, that you can never go through a stop arm. I'm not sure why that ever got put into law. It's never okay to go through a stop arm on a school bus. This practice creates a huge opportunity for the driver of an oncoming vehicle to misread the intent of the school bus driver when signaling for a student to cross the street to board the bus which is required by law which ultimately places children in unsafe situations. Finally, the existing legislation found on page 6, lines 19-26, instructs a bus driver to activate the stop warning light, which we know through investigation how this law came to be, and I think maybe this answers part of your question. The term was alternately flashing yellow lights commonly referred to as loading lights, but not the stop arm when loading and unloading any bus loading zone which is out of the flow of traffic. The existing portion of this law came about after a 1986 joint Highway Patrol/Nebraska Department of Education study as a result of the hazards created by 24 buses lining up in a cutout adjacent to South High School in Omaha with their alternately flashing red warning lights on and stop arm extended, stopping all the traffic on 24th Street. So this group got together after the issues that resulted in that stopped traffic and the congestion on 24th Street, and that's where this came from. The intent at the time was to warn drivers to slow down by using the yellow loading lights, but not to have traffic stopped by using the red loading lights and stop arm. However, as you mentioned, with new technology and safety standards, it is no longer possible to only activate the alternate flashing yellow warning lights as the current law requires. On all buses built in the early 1990s, the stop arm and the alternately flashing red warning lights automatically deploy when the entrance door is open. Consequently, the existing wording in LB1039 requires a driver to do something that is not only contrary to existing guidance found in Nebraska Department of Education Rule 91 and 92, but is also physically impossible. The new wording in this amendment which requires the use of the hazard flashers, such as found on every street legal vehicle, and is internationally understood to mean slow down and use caution, better represents what the driver of a vehicle who is approaching a designated bus loading zone, with signage adjacent to a school but is out of the lane of traffic, is to do. In summary, we don't want to stop traffic in those situations, but we want to make them aware that students are loading and unloading because they're in a cutout and adjacent to the school but not on the street. So in summary, there are directives and terminology in the existing law that are outdated and in some cases impossible to comply with in light of new technology and safety devices. The amended law corrects these discrepancies and I applaud Senator Brasch and her staff for working on this bill. Thank you. [LB1039]

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SENATOR HADLEY: Thank you. Are there questions for Mr. Casey? Senator Campbell. [LB1039]

SENATOR CAMPBELL: Mr. Casey, I might have missed when you started your testimony, but you are with... [LB1039]

RICHARD CASEY: Oh, I'm sorry, I did not say. Bellevue Public Schools. [LB1039]

SENATOR CAMPBELL: Thank you. [LB1039]

SENATOR HADLEY: Senator Janssen. [LB1039]

SENATOR JANSSEN: Thank you, Vice Chair Hadley. Thank you, Mr. Casey, for your testimony and I thought the same thing with the fine that I certainly would...if that would ever happen to me, if I got a \$500 fine, I certainly would tell a lot more people about it than if I got \$100 fine, so I appreciate your acknowledgement of that. And still the educational piece I think is very, very important in this. On a different note and based kind of on the question we had before of what's a child's life worth, I mean, that's tough, that's a very tough question. Would Bellevue Public Schools be in favor of seat belts on all their school buses? [LB1039]

RICHARD CASEY: I would say no. Certainly I have a new superintendent and some new board members, but I testified here I believe it was two years ago on behalf of Bellevue Public Schools against seat belts on school buses. [LB1039]

SENATOR JANSSEN: So, so I guess the same question comes back...and maybe I'm asking the wrong person, but...so there is a price out there then, because it was a cost issue, I seem to recall, more so, because the seat belts are safer, but buses are very safe to drive on, pretty much, I mean to ride on. [LB1039]

RICHARD CASEY: Well, I mean I would be happy to get into that debate, but I would say seat belts are not safer in most cases on a school bus for various reasons. For me it is absolutely not a cost issue, and I agree there is no price for a child. I have children also. But I believe seat belts on school buses do not make school buses safer. [LB1039]

SENATOR JANSSEN: We could have another debate on that, not with me,... [LB1039]

RICHARD CASEY: I'm sure we could. [LB1039]

SENATOR JANSSEN: ...but I'm sure I could find a lot of people to debate you on that. Thank you very much for your testimony. [LB1039]

SENATOR HADLEY: Thank you, Senator Janssen. Senator Price. [LB1039]

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SENATOR PRICE: Thank you, Senator Hadley. Thank you, Mr. Casey, Chief, for coming down and testifying. The one question I have, and I don't want to get caught chasing shadows, but if there is a mechanical failure on that arm, you know, and it stuck out there and now we've said there's no one around, is there a way that you would put it in if you had an appropriate way of covering the arm? You know, again, you made a single point of failure here--not you--buses the single point of failure. Door opens, lights are all on. It's all on or all off, it kind of seems like. So if there's anything that goes awry, there's no fix, unless you want to pull out the fuse or turn it off, or I have no idea exactly how we do it. But I don't know, is there something somewhere else prescribed about what happens then or? [LB1039]

RICHARD CASEY: As far as it not deploying, you cannot pick up students if the stop arm doesn't deploy, so the bus would have to come off route until maintenance repaired it or another bus replaced it. I personally never had a situation where a stop arm would not retract. In some cases they are manual and it's right outside your window and you can pull it in. In other cases, I suspect it's probably not as easy. In that case you would get out of the lane of traffic and request maintenance assistance. [LB1039]

SENATOR PRICE: So you would put your vehicle out of service is what you would do. [LB1039]

RICHARD CASEY: Absolutely. You wouldn't drive around with a stop arm exposed. [LB1039]

SENATOR PRICE: I just wanted to make sure we covered that avenue. Thank you so much. [LB1039]

SENATOR HADLEY: Okay. Mr. Casey, I guess I would...more of a comment than a question, I would kind of echo what Senator Campbell commented. I'm trying to think back of the situations the last few years where at times I have been behind school buses and other people have, and there seems to be significant confusion at times of when the driver can go and not go and such as that. So, obviously, education must be a part of this process and while the fines can be a deterrent, it's an after the fact deterrent, but I think there is at times confusion by people as to when can I pass that school bus and when can't I, and somebody finally gets up enough courage to seem to go around and such as that. [LB1039]

RICHARD CASEY: Yes, sir, and I agree. And we see that almost daily: people stopping for a school bus when they don't need to stop. [LB1039]

SENATOR HADLEY: They don't...yeah, it seems to me that a lot of people are just afraid...frightened to go around it, so they end up stopping and (inaudible.) [LB1039]

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RICHARD CASEY: I prefer that situation, but unfortunately it doesn't happen every time. [LB1039]

SENATOR HADLEY: Thank you, Mr. Casey. [LB1039]

RICHARD CASEY: You're welcome, sir. [LB1039]

SENATOR HADLEY: Are there further proponents? [LB1039]

FRED CARRITT: Good afternoon, Senator Hadley, Louden, Dubas, Price, Campbell. My name is Deputy Fred Carritt. I'm a member of the Washington County Sheriff's Office and I'm the school resource officer for the Sheriff's Department. Back in... [LB1039]

SENATOR HADLEY: Would you please spell your last name, sir. [LB1039]

FRED CARRITT: C-a-r-r-i-t-t. Back in 2001, it became very apparent to me through communications with the school bus drivers in Washington County that they were concerned about the fact and the number of people that pass a stopped school bus while the red lights are flashing and the stop sign is extended. I have, since 2001, developed a reporting program that is followed by all of the schools in the district and has grown in popularity enough that the Tekamah-Herman Schools and Bennington Public Schools have requested that I provide them with a report form. The report form is a simple form that was developed by then transportation director Mark Dickinson, and it just has simple questions about the stop: location, date, time, address, a description of the vehicle, license plate number, and any other information that they can provide. I have had this program in effect now since 2001 when it really became apparent; I went back as a school resource officer for the sheriff's office. Since we started keeping track of these violations, I alone have written 49 citations by following the school buses. And these citations are issued based on a state statute which clearly states when you approach a school bus from either direction and the yellow lights are activated, you are to slow to a speed of 25 miles an hour and prepare to stop. Over 50 percent of my citations that I write are people that go through the yellow lights at 60 or better. I have had semi drivers approaching the buses with the yellow lights activated and they will slam on the brakes and slid past the school bus. I've had that happen twice. I've had four test cases in court with my county attorney and our seated judge right now and all four cases were...we won them. There were no questions. The judge asked the questions, and in one case the driver lied to the judge and he got smacked \$500 and \$48 court costs because the judge caught him in a lie. I have a video camera in my cruiser. Every time I write a violation, that videotape is...or that video disk is secured in evidence and it's kept in case the driver decides to fight it in court. My only question is, if all of these schools that have buses also have driver's ed program or some type of

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driver's ed program, if you look in the driver's manual it very clearly states the state statute for school buses just as we've discussed. And what I don't understand is the semi drivers and the truck drivers and the commercial operator licenses, why those people who study from the same book that the school bus drivers study from, violate stop arms and lights. [LB1039]

SENATOR HADLEY: Thank you, Deputy. Are there questions for Deputy Carritt? Seeing none, thank you, sir. Are there further proponents? Are there opponents? Is there anyone to testify in the neutral capacity? Seeing none, Senator Brasch, you're free to close. [LB1039]

SENATOR BRASCH: Thank you, Vice Chairman and members of this committee. I just wanted to simply restate something that Mr. Hall said earlier, a great concern I believe everybody shares, not just for our school-age children, but drivers are becoming very distracted with cell phones. They're not supposed to be texting, you know. They are...it is affecting school buses. Senator Janssen has stepped out, but I believe a couple of the school incidents with the cars running into the rear end of a school bus have been in his district, and we do need to work harder on protecting our children as we transport them to and from school. The changes are written into here to help clarify. There are yellow flashing lights which means the school bus is preparing to stop; slow down to 25 miles an hour; get ready to stop. The red flashing lights with the stop arm, they work together in conjunction. You can't use one without the other. You had better be stopped and holding and waiting until the school bus starts moving again. There are also school buses that are used for nonschool hours during school activities, and they are masked. When they are stopped, they use their...what I would call is flashing emergency lights. There are areas where the school buses are pulled over definitely. We have our driver's manual that outlines this information. Mr. Hall also indicated that he has worked in conjunction with other school safety chairmen about education efforts they have taken place. Currently, the \$100 fine is not effective because the numbers have gone up every year. It's a national problem. It's not a Nebraska problem specifically. Drivers are distracted. This fine, the points, is designed to protect our school children especially and exclusively. I would like your consideration in supporting this bill. Are there any other questions? [LB1039]

SENATOR HADLEY: Are there any questions? Senator Price. [LB1039]

SENATOR PRICE: Thank you, Senator Hadley. Just one quick question. Do we know in the universe of offenders how many of them are repeat offenders? If you can find that out I would appreciate that. [LB1039]

SENATOR BRASCH: We can find that out. Absolutely. [LB1039]

SENATOR PRICE: Thank you. [LB1039]

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SENATOR HADLEY: Any other questions? Thank you, Senator Brasch. [LB1039]

SENATOR BRASCH: Thank you. [LB1039]

SENATOR HADLEY: With that we will close the hearing on LB1039 and open LB875. Senator Howard. [LB1039]

SENATOR HOWARD: All right.

SENATOR HADLEY: We've been waiting.

SENATOR HOWARD: I think we're on the same page. That's good.

SENATOR HADLEY: Okay, Senator Howard, well, I know. I think you've testified...yes, you've testified before us, haven't you.

SENATOR HOWARD: Oh, "move over" bill.

SENATOR HADLEY: Okay.

SENATOR HOWARD: Which you passed out.

SENATOR HADLEY: We did pass out.

SENATOR HOWARD: Which we passed on the floor.

SENATOR HADLEY: Okay.

SENATOR HOWARD: So it's all good. Thank you, Senator Fischer, Senator Hadley, and members of the committee. For the record I am Senator Gwen Howard, that's H-o-w-a-r-d, and I represent District 9. LB875 would make it a primary offense to text while driving in a school or construction zone. My remarks will be brief because I believe this bill is so commonsense there's not that much to say. Texting while driving endangers every single person on or around the road. Last year, over 3,000 fatalities occurred on our nation's streets and highways because of distracted driving. When a driver uses a cell phone, he or she misses half of what is going on in the driving environment. Texting while driving makes a driver 8 to 23 times more likely to have an accident. One study found a single text behind the wheel to be the equivalent of drinking and driving after four beers. Drivers have slower reaction times, difficulty staying in the correct line, and are less likely to see high and low objects, visual cues, red lights, and stop signs. In construction and school zones, these low objects and visual cues may be a worker or possibly a child. In the best driving conditions, driving in a construction zone

requires a heightened level of attention. In the best conditions, driving in a school zone requires extra watchfulness. Drivers who text are not capable of even a normal level of attention or watchfulness. I am positive that no one in this room wants their spouse working on the road or driving in the same construction zone as a texting driver. Certainly no one in this room wants their child to be walking to school near a texting driver. Last month the National Transportation Safety Board recommended banning all cell phone use while driving. Past experience has shown us that our Unicameral likely will not go so far. LB875 is the very least we can do. Zones for which LB875 would make texting a primary offense require a level of alertness that no one can achieve while engaging in this behavior. And I'll leave you with one last fact: Texting requires a driver to take their eyes off the road for an average of five seconds at 55 miles an hour, which is not unheard of speed in a construction zone on the interstate. A texting driver would likely be blind for the entire length of a football field--an entire football field of hazards, visual cues, mothers, fathers, and children, that this driver is surely going to miss, visually and tragically may fail to miss with a vehicle. I appreciate your time and attention to LB875. And if you have any questions. [LB875]

SENATOR HADLEY: Are there questions? [LB875]

SENATOR HOWARD: You're the diminishing party, aren't you? [LB875]

SENATOR HADLEY: Senator Dubas. [LB875]

SENATOR DUBAS: Thank you, Senator Hadley. Thank you, Senator Howard. I just want a couple of clarification questions because I think I know what I've read, but I want to make sure. It talks about primary offense for learner's and provisional operator permits, but how about for adults? I mean, you're talking about that as a primary offense. [LB875]

SENATOR HOWARD: Right, yes. [LB875]

SENATOR DUBAS: Is that for across the board any driver or is that just for those targeted driver licenses? [LB875]

SENATOR HOWARD: Well, I believe we looked at the targeted drivers, but I'm certainly open to an expansion of the scope. [LB875]

SENATOR DUBAS: Okay, but this bill itself is just looking at the... [LB875]

SENATOR HOWARD: Right. [LB875]

SENATOR DUBAS: Okay, I wanted to make sure that I understood that. And then, you know, technology changes as we're sitting here right now. [LB875]

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SENATOR HOWARD: Faster than we can keep up with. [LB875]

SENATOR DUBAS: And I know there's like hands-free devices now, there's the Bluetooth, there's the...even this new talk-to-text. Does this bill encompass any of those or just more the traditional? [LB875]

SENATOR HOWARD: You know, I really didn't...I didn't want to go down that road because, like you say, it changes so quickly. For me texting is a distraction, plain and simple. And there could be enhancements that maybe make it easier, but the statistics show us that if you're going to drive a vehicle out on the highway at minimum 55 miles an hour, you need to be able to focus on that. And that's how I would leave it. [LB875]

SENATOR DUBAS: I agree. Thank you. [LB875]

SENATOR HOWARD: Thank you. [LB875]

SENATOR HADLEY: Senator Howard, I have a question. Since I was on the losing end of trying to make this a primary offense for all texting... [LB875]

SENATOR HOWARD: I remember that. And you did a good job of... [LB875]

SENATOR HADLEY: Yeah, well anyway. The question I have is that the people that are texting, are they going to know they are in a school zone or going through a construction zone if they're texting in the first place? That's kind of a rhetorical question, but. [LB875]

SENATOR HOWARD: Yeah, and, well, most of that's posted. You know, when you go through a construction zone on a highway, it tells us stay in your lane, here's your speed limit, you're in a construction zone. [LB875]

SENATOR HADLEY: But if I'm sitting there texting, I may not even... [LB875]

SENATOR HOWARD: You're making my argument. [LB875]

SENATOR HADLEY: Yeah, well, I think that's great. Okay, okay. Well, thank you. [LB875]

SENATOR HOWARD: Thank you. [LB875]

SENATOR HADLEY: Okay. Any other questions? Thank you, Senator Howard. [LB875]

SENATOR HOWARD: Thank you, Senator. [LB875]

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SENATOR HADLEY: Are you going to waive closing or will you stay? [LB875]

SENATOR HOWARD: I will stay for a while. We were in Education, I'll stay here for a little while. [LB875]

SENATOR HADLEY: (Exhibit 8) Okay. I do have a letter in support from Jerry Stilmock representing the Nebraska Volunteer Firefighters Association with a proposed amendment. Are there proponents? Opponents? Neutral? [LB875]

LAURIE KLOSTERBOER: Senator Hadley and members of the Transportation and Telecommunications, my name is Laurie Klosterboer. Laurie is L-a-u-r-i-e, last name Klosterboer is K-l-o-s-t-e-r-b-o-e-r. I'm the executive director for the Nebraska Safety Council. We're a private nonprofit organization. We do a lot of teaching of teens behind the wheel, driving safety, workplace safety, home and community. We're testifying neutral just because we appreciate Senator Howard's efforts but we would like to go for a primary as far as the texting, and it would be primary for all ages adults. So as the Nebraska Safety Council, we just feel that we should not limit it to the construction and the children zones, school zones, but expand that. And that concludes my testimony. [LB875]

SENATOR HADLEY: Thank you so much. Are there questions? Okay, none. Thank you. [LB875]

LAURIE KLOSTERBOER: Thank you. [LB875]

SENATOR HADLEY: Any further neutral? With that, Senator Howard, do you wish to close? [LB875]

SENATOR HOWARD: Thank you. On the interstate between Lincoln and Omaha, and I drive that twice a day, there's a particularly sharp turn at the Waverly exit. I'm sure the members of this committee who return to Omaha each night, as I do, know the turn that I'm speaking of. The road barriers on this particular turn are right up against the road. This makes it a very dangerous area. Added to this is the fact that this part of the interstate seems to always be a construction zone and the lanes change with frequency. It becomes even more dangerous at night. After several serious accidents, the posted speed limit was reduced to 55 miles per hour. If you put a texter in this situation, and they sent only one text, blindly driving for the entire length of a football field, the likelihood of flying off the road, running into a gravel truck, or causing one or more of the 3,000 distracted driving-related deaths that occur each year is very high. Right now, texting in this construction zone is a secondary offense. We've been talking an awful lot on the floor about the purposes of punishment, especially as a deterrent. If we are honest with ourselves, we would admit that the secondary offense status of texting is

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hardly any deterrent at all. LB875 will make it a primary offense to text while driving in this dangerous construction zone, and I truly believe that it will save someone's life. And, Senator Dubas, I owe you an apology. We're going to make this for everyone, not only the minors. So I'm glad you pointed that out. [LB875]

SENATOR HADLEY: Okay, further questions for Senator Howard? Well, Senator Howard, by the time they get the construction done between Lincoln and Omaha we will be using some kind of different technology that no one has even thought about at this point in time. Thank you. [LB875]

SENATOR HOWARD: It will be telepathy by that time. We do what we can. Thank you. [LB875]

SENATOR HADLEY: That now closes LB875, and we'll move on to LB746. And I will turn the committee over to Senator Campbell, as I am introducing this bill. [LB875]

SENATOR CAMPBELL: Thank you, Senator Hadley. We will open the hearing on LB746. And, Senator Hadley, you can begin whenever you're ready. [LB746]

SENATOR HADLEY: Thank you. My name is Galen Hadley, that's G-a-l-e-n H-a-d-l-e-y. I represent the 37th District. LB746 is a bill dealing with the provisions of the law authorizing the issuance of school permits. Before addressing the provisions of LB746, I will outline the current law concerning school permits. A school permit, when issued, authorizes a holder to drive a motor vehicle, moped, or motorcycle to and from where he or she attends school by the most direct and accessible route by the nearest highway from his or her place of residence if such person lives a distance of one and one-half miles or more from such school and either resides outside the city of the metropolitan, primary, or first class, 5,000 or more people, or attends a school which is outside a city of the metropolitan, primary, or first class. A school permit shall be used for the purpose of transporting such person or any family member who resides with such person to attend duly scheduled courses of instruction and extracurricular or school-related activities at the school. The holder of the permit may drive at any time while accompanied or under the supervision of a licensed driver who is at least 21 years of age. The holder must have held a learner's permit for at least two months prior to applying for a school permit. The holder must be at least 14 years and 2 months of age. The school permit expires when the holder obtains the age of 16 years and 3 months of age. The applicant shall be required to pass a vision and written test prior to being issued a school learner's permit. If the applicant has successfully completed an approved driver safety course and/or driven 50 hours of supervised driving, then certain courses and other requirements could be waived. LB746 adds language to the current statute which would authorize the issuance of a school permit if such a person lives one and one-half miles or more from the school he or she attends and resides in a city of the first class and has held an LPA, learner's permit for 2 months. I feel this change is one

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of equity. In the city of Kearney, I know of an instance where a family lives five miles from their home to the high school and they're still within the city limits of Kearney. Their children are not allowed to have this learner's permit, this school permit, because they do not live outside the city limits of Kearney. I know another family whose student lives just a little over one and one-half miles from the school and they happen to live outside the city limits of Kearney. They are allowed to receive the permit because the student resides outside the city limits of Kearney. I believe it's a matter of equity and I think you will hear from some of the testifiers that it does cause at times a hardship when you live three, four, five miles from the school of trying to juggle schedules to get children to the...the high school students, which this would be, to the school. So I would ask the committee to favorably look at LB746 and I would be happy to answer any questions. [LB746]

SENATOR CAMPBELL: Are there any questions for Senator Hadley? Senator Hadley, I just have one question. The first-class city would be any city in Nebraska, except for Lincoln and Omaha, would that be right? [LB746]

SENATOR HADLEY: Actually, it's 5,000 to 100,000 is the first class. [LB746]

SENATOR CAMPBELL: Oh, okay. [LB746]

SENATOR HADLEY: So under 5,000, I believe they're called cities of the second class and then we have villages. [LB746]

SENATOR CAMPBELL: Okay. So at this point those who are below 5,000 still qualify. [LB746]

SENATOR HADLEY: Yes, yes. [LB746]

SENATOR CAMPBELL: Is that correct? [LB746]

SENATOR HADLEY: That's correct. [LB746]

SENATOR CAMPBELL: Okay. Any other questions? Thank you, Senator Hadley. We will take the first proponent for LB746. Good afternoon and welcome. [LB746]

ELAINE ANDERSON: Good afternoon. My name is Elaine Anderson, E-l-a-i-n-e, Anderson, A-n-d-e-r-s-o-n. Senators and members of the committee, thank you for allowing me the opportunity to speak today as a private citizen in support of LB746. My husband and I live in Kearney, on the west edge of Kearney, with our three children, Erica (phonetic), Brenton (phonetic), Brooke (phonetic). Our children go to three different schools, a high school, a middle school, and an elementary school, and we live two and a half miles from school. We are within the city limits. And my husband and I

both work and have always done so. He works on the south part of the town and I live on the north side. And because of the location of our work, our schools, and our home, we have always struggled with how to get our children home after school. At the time that I asked Senator Hadley about the law concerning school permits for 14-year-olds I was commuting 80 miles a day back and forth from work which presented even more problems with getting my kids home after school, especially when a child got sick or hurt. At the time, I had a 14-year-old and, could he have driven on that school permit, that would have helped us out of our predicament. As you know, the current provisions allow children age 14 outside the city limits to drive to school functions on a school permit. Those same country kids have the option of bus service. Because we are within the city limits, we don't have either option and I know this is a problem shared by many others in Kearney. Over the last years my husband had operated a self-employment business which he either closed up during that time to get the kids after school, so he closed up his business for 45 minutes to pick up the kids and get them across town to school. Or we would, as I put it, beg or borrow or steal rides home for our kids. And this created a lot of stress during the work week not knowing if our kids were getting home, if they were getting into the right vehicle after school, putting stress on school staff to make sure that they were getting into the right vehicle. And on occasion, even the best laid plans would go awry and on occasion we'd have a kid that would get left at school. As I said, we live two and a half miles from school, but I know of others who live even further than that within the city limits, some probably further than their country friends who are legally able to drive to school. No longer do families live within walking distance to school or even very close to their work site to allow for the time to leave work, drive across town to pick kids up from school, get through very congested school parking lots, drive across town to drop them off at home, and then back across town to work. This creates a lot of stress for the employer, as well as the employee, having an employee out of the office for that length of time, and I think jeopardizing jobs and security at work. And I would ask you if you lived within two miles of your place of work if you would walk to work. It is not really an option for me to have an 8-year-old and a 12-year-old walk home two and a half miles regardless of how nice the weather is, whether it be snow, sleet, wind; nor does it give me any sense of relief to know that my kids would be walking across a very busy Highway 30, a highway that I have problems crossing at peak times during the day. On Friday, I carried my son's backpack into the house and because of its bulkiness and this discussion today I weighed that backpack at 25 pounds and it was very heavy. If a kid walked home under the weight of today's backpacks and books, if they didn't have back problems by the end of the semester, they would. Many things have changed since this initial law was passed. Our towns and our cities encompass a larger area. Our society has changed with single parents having lower household income and no monies to pay for rides for their children. In two-parent households, most often both parents work with little flexibility to pick up kids from school. I know we may not want all of our 14-year-olds on the road driving, and I do want to ensure the safety of our kids and citizens on the roads, but I feel that as a parent and as a taxpaying citizen that I should be afforded the same right and the same

decision-making that my country friends are making...the country parents are making to decide whether or not my 14-year-old is responsible enough and mature enough to drive. This law has benefited many and I took advantage of it when I was 14, driving seven miles into school one way. And when my car tire blew out, I managed just fine and it was good learning experience for me. And this law was made into effect, I believe, to benefit the farm kids, It was made at a time when farm kids were driving tractors and large equipment on the farm, therefore the thought was that they were more experienced drivers at the time. Many farm kids no longer operate the larger equipment we have today, and many families simply build homes out in the country with no farm and no farm equipment being operated. Therefore, these country kids really are no more experienced in driving than the city kids. It was made to decrease the hardship of these farm families and I do believe it has served its purpose and it continues to do that. Hardships now exist for those of us that live in cities and towns because of the size of our cities and the changes in our society, the changes in income and family structure. Therefore, I ask that you give consideration to changing the law allowing 14-year-olds in the city to have the option of a school permit to drive to school. I think that with certain provisions that we can keep our kids safe, the drivers on the road safe. Thank you for considering my position on this issue. [LB746]

SENATOR CAMPBELL: Thank you, Mrs. Anderson. Questions? Senator Dubas. [LB746]

SENATOR DUBAS: Thank you, Senator Campbell. Thank you, Mrs. Anderson, for being here today. And I am rural but I certainly have sympathy for...I mean, our children are involved in so many things and going so many different directions, so I certainly understand where you're coming from, but I'd like to just clarify how you would see this unfold should it be passed. Would you have the expectation that your 14-year-old, if you had younger children, would be driving those younger children to their schools? [LB746]

ELAINE ANDERSON: I would. Again I would assess the school, the timing, and how well-prepared I think my child is in doing that. [LB746]

SENATOR DUBAS: Because right now, you know, we just have one school in Fullerton, so even though my 14-year-old was driving the younger ones, they were going to one parking lot and the kids were going into the same building. [LB746]

ELAINE ANDERSON: Um-hum, right. [LB746]

SENATOR DUBAS: Where you would have these children may be driving to different school buildings. I could envision that having... [LB746]

ELAINE ANDERSON: And we have discussed that. My son turns 16 tomorrow and so in talking about the driving and what we, you know, there are other options to drop her off

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a block away from the school so as not to have to manage through that busy street and the intersection. [LB746]

SENATOR DUBAS: I would see these as being enforcement-type questions, you know. Okay, are you taking the shortest route? How far are you having to go to get to where you have to go? That's why I'm raising these questions because these would be questions that those who would have to enforce the laws would likely ask. Now you said you had a middle-school child, is that correct? [LB746]

ELAINE ANDERSON: Um-hum. [LB746]

SENATOR DUBAS: What's middle school in Kearney? What grades does that encompass? [LB746]

ELAINE ANDERSON: Sixth, seventh, and eighth. [LB746]

SENATOR DUBAS: Sixth, seventh, and eighth. [LB746]

ELAINE ANDERSON: And so my middle schooler is 13, will be 14 this fall. [LB746]

SENATOR DUBAS: Would the school have the capacity for children parking, that type of thing? [LB746]

ELAINE ANDERSON: It does. Yeah, Kearney does. [LB746]

SENATOR DUBAS: Okay, all right. That was just a curiosity. I wasn't aware of what that would be. [LB746]

ELAINE ANDERSON: Yeah. [LB746]

SENATOR DUBAS: I think that's probably one of the biggest questions is if we're going to have these children in larger communities where schools are scattered, you know, I mean I know you're still technically in neighborhoods, but I think those would be some enforcement questions. But I sure...again, I'm very sympathetic to what you've brought to us and I think it's a question that deserves discussion. [LB746]

ELAINE ANDERSON: Thank you. [LB746]

SENATOR CAMPBELL: Other questions? Mrs. Anderson, I have a question. At what distance does the Kearney Public School system transport children? [LB746]

ELAINE ANDERSON: There is no bus service for those within city limits. [LB746]

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SENATOR CAMPBELL: None. [LB746]

ELAINE ANDERSON: No. The bus service is for the rural children and I believe for some disabled children. This morning I saw a small bus in our area twice, but I believe it is to transport a disabled child. There is no bus service and I have called the last couple, probably two or three times in the last year trying to see if there was some option. And the only option is for me to take my kids to another school and a bus will pick them up and take them to my school. But that school is even further away from my work site so it really doesn't resolve any issues, and it costs. It's about \$100 a month, I think. [LB746]

SENATOR CAMPBELL: So the Kearney... [LB746]

ELAINE ANDERSON: And to me that makes no sense. I'm a taxpayer, so I'm going to pay more money for that bus service that the country kids get for free. [LB746]

SENATOR CAMPBELL: So the Kearney Public Schools charges the parents money to transport the children, is that what you're saying, \$100? [LB746]

ELAINE ANDERSON: They will transport them from Central School to Kenwood School, but you still have to get them...I would still have to get my kids to Central School. [LB746]

SENATOR CAMPBELL: And they would charge you \$100? [LB746]

ELAINE ANDERSON: I believe...I know there's a cost associated with it. [LB746]

SENATOR CAMPBELL: That's okay. And we can follow up on that. At any point have a group of parents approached the Kearney Public Schools and saying this community is growing; would you relook at what distance you transport children? [LB746]

ELAINE ANDERSON: I don't know that that has happened. [LB746]

SENATOR CAMPBELL: Okay. I just know that from the Lincoln Public Schools, the community I live in, there has been always great discussion about at what distance the schools transport kids, and not only is it a distance issue, but at times it's also where they're crossing which is a point that you brought up. I would have to say, what makes it different for a young person in Kearney versus a young person who lives in Lincoln? Why would we say cities of the primary class, but if you live in Lincoln or Omaha you couldn't do this? [LB746]

ELAINE ANDERSON: I think the issue is that there is bus service in Lincoln and Omaha, and there would not be in Kearney. [LB746]

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SENATOR CAMPBELL: Not for all distances and not for high school students. [LB746]

ELAINE ANDERSON: Um-hum. [LB746]

SENATOR CAMPBELL: So we still have some parents in Lincoln who would suffer from what I would say is that the bus doesn't transport. I had a 14-year-old daughter who had a permit, but we lived outside the city limits and we lived on agricultural land at that point. Any other questions? Thank you, Mrs. Anderson, for coming today. [LB746]

ELAINE ANDERSON: Thank you. [LB746]

SENATOR CAMPBELL: Other proponents? Any other proponents? Those who oppose LB746? Good afternoon, Director. [LB746]

BEVERLY NETH: (Exhibits 9 and 10) Good afternoon, Senator Campbell and members of the Transportation and Telecommunications Committee. I am Beverly Neth, B-e-v-e-r-l-y N-e-t-h, director of the Department of Motor Vehicles. I'm appearing before you today to offer testimony in opposition to LB746 and to provide you with information regarding the potential impacts of expanding the number of existing teen drivers in Nebraska. LB746 would expand access to school permits to 14-year-olds who reside within the first-class city and who live more than one and one-half miles from the school he or she attends. Nebraska law defines a first-class city as one having a population between 5,000 and 100,000 persons. Attached to my testimony is the list of 30 first-class cities that would be affected by LB746. As you can see from the list, this bill would affect some large populated areas including La Vista, Papillion, and Ralston here in Nebraska. In 2010, 4,409 14-year-olds and 15-year-olds held school permits. Currently, 10,371 15-year-olds hold a learner's permit. Obviously, some portion of those 15-year-olds would be eligible for a school permit under LB746, as well as additional 14-year-olds. Over the past several years, Nebraska, and every other state in the country, has engaged in a critical assessment of the driving privileges as it relates to younger drivers. Every state has some form of graduated driver licensing, commonly known as GDL, which rewards novice drivers with additional driving privileges as they gain experience and maturity. Nebraska has adopted several of the GDL provisions into its statutes over the years. The attached charts evidence that Nebraska's adoption of GDL laws have been effective towards lowering crashes, injuries, and fatalities relating to teen drivers. I've attached a number of charts for you. The idea of expanding school permits to even more younger drivers is a policy that should be carefully evaluated. This age group of drivers has the highest rate of accidents per miles driven than any other age group of drivers, including the elderly. I have attached several charts from the Nebraska Office of Highway Safety that illustrate the dangers faced by the youngest drivers on the road. I recognize that both children and parents look forward to the freedom and convenience afforded with a child's unsupervised driving privilege. However, I urge you to consider the risks associated with expanding the driving

privileges to a group of young drivers who lack the experience and judgment to navigate safely in city traffic. I'll be happy to answer any questions that you might have on this issue. [LB746]

SENATOR CAMPBELL: Questions for Director Neth? Director Neth, one of the questions that I would have, and perhaps you have them in your chart, and I think it was a point that Mrs. Anderson brought up which I thought was well-stated in terms of do we have any idea in these communities how many of the educational systems provide transportation for students and at what distance? I'm sure...I mean, from her point, she does not have access to transportation provided by the school system. So I just wondered whether we've done any research into that. [LB746]

BEVERLY NETH: I certainly have not asked the Department of Ed if they have those numbers. Just anecdotally, living in Lincoln, that is a service that previously was provided that isn't provided anymore. I think just around the state in efforts to deal with the shrinking budgets, school districts have looked at eliminating school busing as an option for many drivers or many of their students at this time. But I question given...if you look at the facts associated with teen drivers and you understand what is going on out there with teen driving, as a society is that the way we want to deal with the issue of maybe a lack of funding at the educational level for busing? Is it just broadening the driving privileges to a group of young drivers? And then you have to question why...I mean, if I'm the young driver and I have a friend who lives a mile and a half and I live a mile, now why can't I drive that mile? What is the artificially imposed barrier? Why is a mile and a half a magic number if we're going to open it up for everyone? Well, I think you would have to really look at if it's a fairness and equity issue, what are the factors that go into that discussion? Even if you look at...you talk about a school learner's permit is essentially a two-month permit; the 14-year-old holds it for two months. When I'm a 15-year-old driver, I have to hold my learner's permit for six months. So there's an equity issue already that leans more towards that 14-year-old driver. And when you look in terms of experience behind the wheel as one of the factors that makes you a better driver and less likely to have a crash, it would seem that we should be talking about expanding that school permit to six months or a longer period of time. If you look at what is going on across the country, it's not that states are lowering their age rate of driving; it is that they are raising the age of driving. [LB746]

SENATOR CAMPBELL: Questions for the director? Senator Louden. [LB746]

SENATOR LOUDEN: Yes, thank you. Director Neth, I was looking and it took me awhile to look this information over here, and I guess when I look at the ones this chart with the blue and the red and all that... [LB746]

BEVERLY NETH: Um-hum. [LB746]

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SENATOR LOUDEN: ...it mentions the fatalities and the injuries for, what, 10, 11 years, whatever that is. And that's compared to what? I mean, what were those same numbers for, say, drivers from 20 to 30 years of age, or something like that? Do we have any way of knowing other than on the next page when you talk about the teen drivers, you're being on a percentages, 22 percent of all reported crashes, that's a little over a fifth. [LB746]

BEVERLY NETH: Um-hum. [LB746]

SENATOR LOUDEN: How many of those...what is the percentage of those of drivers in that category, 18 years and younger, I mean I don't suppose it's a fifth of them, but is that higher than accordingly? [LB746]

BEVERLY NETH: You know, in the group of drivers 19 years and younger, they make up about 7.4 percent of the total drivers in Nebraska, yet they represent 22 percent of the crashes. So they are well overrepresented in the crashes, injuries, and fatalities. [LB746]

SENATOR LOUDEN: Okay. Now is there another age group that you can take in there for comparison? Those from 40 to...well, ages 19 and younger, so that would be about a five-year span, so you take a five-year span from 55 to 60 or something like that? Do you have information on that on how that compares? [LB746]

BEVERLY NETH: I certainly have access to those numbers. I'll tell you that the often most talked about in terms of highway safety age group is, if it's not the teen driver, it's the older drivers that we're discussing usually, in terms of safety for the older class of drivers. When you look at teen drivers, 7.4 percent of drivers, 22 percent of the crashes, you look at 65 and older make up 16 percent of the drivers in Nebraska and they account for roughly 16.6 percent of the crashes. So they are not an overrepresented class in crashes. And right in the middle is everyone else, essentially, who is the vast majority of drivers in Nebraska; obviously they're going to be engaged in the majority of crashes, but they're not overrepresented. The teen drivers are the one single group that are overrepresented in crashes. [LB746]

SENATOR LOUDEN: Now what about when you get out in that middle group out there, how many...because you've taken the number of people with driver's license, right? [LB746]

BEVERLY NETH: Right. [LB746]

SENATOR LOUDEN: You know, you can have a driver's license and not drive for a year's time or anything yet. [LB746]

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BEVERLY NETH: Sure. [LB746]

SENATOR LOUDEN: Whereas these teen drivers, chances are if they got a driver's license, they're probably driving because that's the reason they got a driver's license is so they can drive. [LB746]

BEVERLY NETH: Yeah. [LB746]

SENATOR LOUDEN: If they weren't going to drive, they wouldn't have a driver's license, so I'm wondering how that factors in. [LB746]

BEVERLY NETH: Well, I don't think they're overrepresented in the number of miles driven of out of the hundreds of millions of miles that we drive each year. They're not a population that drives any more so than I probably drive. As a matter of fact, for someone who is operating on a school permit, their driving should be very limited. Senator Dubas raised the issue of whether or not the 14-year-old could drop the other kids off at school, and actually that's not allowed under a school permit. That 14-year-old is supposed to drive from their home to their school. They don't get to act as the family taxi service to chauffeur the rest of the other kids around. [LB746]

SENATOR LOUDEN: Other than they could take a family member with them to that school. [LB746]

BEVERLY NETH: To that school, that's right, and activities, their own activities related to that driving. So to talk about it in terms of one of the children may be old enough to operate on a school permit, I don't think that alleviates the issue and the convenience issue for the rest of the family if the rest of the family is younger. You're just merely allowing that one child to transport themselves to and from their school activities. So...I don't think...I would have to look at those numbers. I'm sure I can delve into those somewhere. There's probably a rate of how many miles teens drivers drive. [LB746]

SENATOR LOUDEN: Well, it would be more if...those that are on a school permit, you know they're probably driving 180 days out of the year... [LB746]

BEVERLY NETH: It's likely. [LB746]

SENATOR LOUDEN: ...because that's what the school is. Whereas some of the other people, I don't know if you drive every day, how many people around that drive every other day of the year. You would have to do that the year round is all. That's what I'm wondering, is some of this information we have, because...and I realize younger drivers certainly are more prone for accidents, because that's the reason if you have younger drivers you pay a lot more insurance premiums... [LB746]

BEVERLY NETH: Yes, you do. [LB746]

SENATOR LOUDEN: ...than you do when they get past...I think the magic age was, what, 25 or 26 for males or something like that. [LB746]

BEVERLY NETH: It's up there. And certainly I'm sure the insurance industry is looking at all of the evidence that is out there in teen drivers and the brain studies they're talking about, the studies of teens' brains these days. And when you look at those things you'll see that there is evidence. I mean, when we ask a teenager, what on earth were you thinking when they did something, I mean there is evidence that, in fact, they probably weren't thinking because their brain is not fully developed and primarily their judgment centers are the very last thing to develop in younger individuals, and for some individuals it's as old as 20, 21, 22 before your frontal lobe is fully developed so you can make good decisions. So...and decision making and judgment is one of the primary skills you need to have to be a safe driver. You need to understand how far is that car away from me; if I'm going to make this left-hand turn, am I going to make it, or am I going to get crashed by someone. I know I've had conversations with law enforcement in Sarpy County regarding the school that's on 370, and I think it's maybe Papillion-La Vista. It's a larger school, a relatively new school. And nearly all of the kids coming into that school have to make a left-hand turn against multilane traffic, and it is a very, very dangerous intersection. Accidents there all of the time. And that's with just a small group of individuals who are old enough, probably driving on their POP; they're 16 or older driving to that school. If you start lowering this rate and then allowing...that would be one of the schools I think that would be allowing 14-year-olds, 15-year-olds to be driving to...unsupervised. I shudder to think what is going to happen at that intersection if you're going to lower that rate. [LB746]

SENATOR LOUDEN: Now, then the reason you're testifying against it, you don't think they should be allowed to drive in towns or they shouldn't be allowed to...or are you against this bill allowing people 14 years and two months older to plainly drive to school? [LB746]

BEVERLY NETH: I think expanding the existing statutes is not a good idea in terms of public safety, highway safety, and the safety of children. [LB746]

SENATOR LOUDEN: Okay. Should there be designated routes that they could drive to school in a town? [LB746]

BEVERLY NETH: I think that would be really difficult. I mean when you're talking about the cities that are currently allowed to drive, I think that happens, I think there is sort of a default route that most kids probably take to get themselves into the schools, because they're not...there is not that much opportunity for them to drive in larger cities. If they're driving in cities that are under population 5,000, you've got fairly, I think probably fairly

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controlled access in and out of the school. [LB746]

SENATOR LOUDEN: Um-hum. Because I know a lot of kids and I raised kids and they drove to school from 14 years on up, but I've known of kids that had their school permit taken away from them because they were out running around someplace when they shouldn't have been through the noonhour or whatever. [LB746]

BEVERLY NETH: Right. [LB746]

SENATOR LOUDEN: I know it does happen. [LB746]

BEVERLY NETH: Sure. [LB746]

SENATOR LOUDEN: The police in some towns watch that very close, and that's what I was wondering, so. [LB746]

BEVERLY NETH: They do watch it very closely. We had some communications with Ogallala this past fall where Ogallala actually fell below the threshold for 5,000 to be a city of the first class. However, I think a few years ago the Legislature adopted a statute that allows that city to opt to remain a city of the first class, and they did that. Ogallala did that, and we had contact with the chief of police in Ogallala who understood that there were some kids who were getting the school permits and driving around inside Ogallala because the parents and the people there had thought they had fallen below the threshold, and he did not want that, did not think that was in the best interest of his community. And so we checked with the Secretary of State and found out that, in fact, they had opted back into that first-class designation. And so there were a handful of kids who had gotten permits and so we went out and took those permits back away from them so they could not drive within that city. So I think there is definitely community policing going on when kids are driving in the larger areas in the cities of first class or higher. [LB746]

SENATOR LOUDEN: Okay, thank you. [LB746]

SENATOR CAMPBELL: Any other questions for the director? Thank you, Director Neth. [LB746]

BEVERLY NETH: Thank you. [LB746]

SENATOR CAMPBELL: Anyone else in the hearing room who wishes to testify in a neutral position? Oh, I'm sorry, in opposition. I didn't want to leave you out. I'm sorry. Hello again. [LB746]

LAURIE KLOSTERBOER: (Exhibit 11) Senator Campbell and members of the

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Transportation and Telecommunications, my name is Laurie Klosterboer, L-a-u-r-i-e, Klosterboer is K-l-o-s-t-e-r-b-o-e-r, and I'm with the Nebraska Safety Council. We're a private nonprofit organization. Our mission is to provide leadership and resources to promote safety on our roads, at our workplaces, and in our homes and communities. Driving safety has been one of our primary focuses since we began in 1961. Just some teen facts specific to Nebraska. Motor vehicle crashes are the number one killer of Nebraska teenagers. In 2010, as the director was talking about, in Nebraska, drivers ages 15 to 24 had the highest percentage involvement of all age groups in both all crashes and fatal crashes. And since Nebraska enacted its graduated driver licensing law, fatal and injury crashes for drivers ages 16 to 20 have decreased from 8,146 in 1999, to 3,790 in 2010. And also I have brought some information from the National Institutes of Health, which the director was talking about as well, about the studies that have been done on youth and how their brain in the front part of the brain is just not developed until they are in their twenties, and that's why there are some of those issues with the judgment where you can have a student that may be carrying an A in school, but yet they do something stupid behind the wheel and a parent doesn't understand why. Well, there may be a reason for that. So I come here today, we are opposed to this legislation. We think that it would broaden the number of inexperienced teens behind the wheel in Nebraska. It would, in effect, be taking a step back in our safety efforts to decrease fatal and injury crashes for teens through our graduated driver licensing law and we would have more loss of life and injuries to teens and others. I have provided to you, which I believe a similar bill was introduced a couple of years ago. Senator Fischer had asked me to provide what first-class cities where there is bus service, and so I contacted the Nebraska Department of Education. They had...they said that they really...they don't keep track, but they went back through annual reports from the schools and was able to provide this information on that first sheet about what schools have buses and how they handle that. I don't have the details about ages, and, you know, how far, but that is something that I could check out with the Department of Education and see if there is a way to find that information out. I've also provided you some statistics from the Nebraska Office of Highway Safety that just shows how since we've had graduated driver licensing law how we've been able to improve the number of teens being safer and not having injuries and deaths. So you can see that, as well as the school permit drivers and how that has been decreasing through the years. Also, some information on the adolescent brain and alcohol which was the study that I was talking about from health. And then the last was just a recent article that was February 25, 2001, talking again about the brain development science on teens. Certainly I can empathize with the mother having four children and the issue of getting kids to and from school. We live in Lincoln, but we were close enough to the school that I couldn't get the bus service, so I do understand and empathize. But unfortunately we're opposed because we want to make sure that we continue the trend that we see the teen injury and deaths going down in Nebraska. And with that I would be happy to answer any questions you might have. [LB746]

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SENATOR CAMPBELL: Are there any questions for Ms. Klosterboer? Senator Janssen. [LB746]

SENATOR JANSSEN: Thank you, Senator Campbell. I think is it Laurie, is it? [LB746]

LAURIE KLOSTERBOER: Yes. [LB746]

SENATOR JANSSEN: I'm not even going to try the last name (inaudible). [LB746]

LAURIE KLOSTERBOER: It's all right. [LB746]

SENATOR JANSSEN: When you mentioned the busing services, you're speaking to school bus, like to and from school. [LB746]

LAURIE KLOSTERBOER: Um-hum. [LB746]

SENATOR JANSSEN: And the only, I guess, issue I would have with that is...and I'm just, thanks to your chart here I just was going through and I noticed that the county I represent, Dodge, actually has the second most in the state, school permits, and that makes perfect sense to me because there are a lot of country schools and whatnot. But a city of the first class, which is Fremont, has busing to school in the mornings and after school, but kids that are 14 years old, involved in athletics, after-school activities, that's where I see the main gist of this, and I'll just keep rambling here a little bit so you can answer both at the same time. And also the thing in this bill that I really like is the driver safety course. [LB746]

LAURIE KLOSTERBOER: Um-hum. [LB746]

SENATOR JANSSEN: And I think that's really beneficial and that would...regardless of age, I just think that helps, so if there is any way we can attract more kids to the driver safety course, obviously age 14 and 15, but I think that's a very positive point of the bill. So I'm not certain if there is a question, but I guess the question would be is after school, how do you address that? [LB746]

LAURIE KLOSTERBOER: I understand, Senator Janssen. It's a problem. I mean, my kids were in after-school activities as well. And if you're a parent, both parents work, it makes it tough. It was a matter of trying to find, you know, were there parents that, you know, had maybe a mom or a dad that stayed home or their hours would allow them. We did carpooling, you know. So I don't have all the answers on how we can get kids after-school activities and all those. I certainly empathize. [LB746]

SENATOR JANSSEN: I just don't want to restrict a child that's trying to, I don't know, athletics or speech or debate or something. They're very important academically and

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socially for them to attend and we could be restricting that. I know I didn't live in a city of the first class, but I was 20 miles from my high school so it was tough getting a ride home when I got detention (laughter) before I was old enough. So that school permit helped a lot. [LB746]

LAURIE KLOSTERBOER: Well, and certainly we don't want to restrict students from being able to participate in those activities either, but again, we're opposed to the expansion just because we see the statistics. We know that...and we teach driver's ed and I'm glad that you approve of driver's ed because we think students need that education before they get out on the road. [LB746]

SENATOR JANSSEN: Could you tell your students in driver's ed that it is legal to go the speed limit. I got caught behind one the other day here outside the Capitol. They were overly cautious. (Laughter) [LB746]

LAURIE KLOSTERBOER: We try. [LB746]

SENATOR JANSSEN: Thank you. [LB746]

SENATOR CAMPBELL: Other questions for Ms. Klosterboer? Senator Louden. [LB746]

SENATOR LOUDEN: Yeah, thank you. Well, I was looking at your Nebraska school permit drivers by county, you know. [LB746]

LAURIE KLOSTERBOER: Um-hum. [LB746]

SENATOR LOUDEN: And what we were wondering about is whether to let people have licenses in these other classes of towns. And I noticed Douglas County has 218 permits this year, school permits. Now, golly, Douglas County is pretty near all town isn't it? So would it be...wouldn't it be easier to drive in some of these, like Kearney or someplace, than to drive in Douglas County? Where like in Buffalo County there's only 99 permits right now in Buffalo County, and then in Lancaster County there is 252, and Sarpy County has 229. Well, those are pretty much metropolitan counties. [LB746]

LAURIE KLOSTERBOER: You're absolutely right, Senator. [LB746]

SENATOR LOUDEN: So I'm wondering if it's...if those...if they can get licensed to drive in those counties, what is the difference in allowing them to have a license to drive in some of these towns out here? I meant like Kearney, you know. There isn't much after you leave Kearney; it's all in town, if there is that much of a safety factor, if they're allowed to drive in some of those populated counties. [LB746]

LAURIE KLOSTERBOER: Yeah, Senator, I would agree with you. I think that I would be

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very uncomfortable knowing that I've got a 14-year-old that is driving who maybe lives out on an acreage or something and then is able to get a school permit to drive into Omaha or whatever that, to go to school. And as the director has said, there are lots of states that are now looking at this and saying, you know what, 14 is too young. We shouldn't have, you know, even a 15-year-old is too young to be driving. So I agree with you and, you know, maybe instead of expanding this we need to be looking at changing so that we don't have kids who are 14 and 15 out driving behind the wheel. [LB746]

SENATOR LOUDEN: Well, this doesn't say whether they are 14 or 15. All this says is a school permit and they can be anywhere under 16 years and 3 months of age and that, but I've noticed this information you put out here that some of those metropolitan counties have quite a few school permits issued there, for whatever reason I don't know. [LB746]

LAURIE KLOSTERBOER: Um-hum. Yes. And I think that you would see that grow substantially if this law were passed because I think you would have a lot more living...well, not necessarily Douglas, but in some of these other cities, Ralston, Papillion, La Vista, which to me is a pretty populated area, you would have a lot more kids in those areas that would be getting school permits to drive to school. [LB746]

SENATOR LOUDEN: There is evidently some of these people that are living in some kind of housing districts or something and have a school permit to go to school. [LB746]

LAURIE KLOSTERBOER: Well, and I wouldn't be able to address that. I don't know if the director could address that question, but I assume that those kids are...they live on an acreage or something that is outside of that school so that they can get a school permit but drive in. [LB746]

SENATOR LOUDEN: Okay, thank you. [LB746]

SENATOR CAMPBELL: Any other questions? I would just like to say for Lancaster, you have to remember that Lancaster does have rural population here and you have smaller Class B schools and C schools near or in the county. So there's a lot of rural population out there. It wouldn't just be acreage. [LB746]

LAURIE KLOSTERBOER: Okay. [LB746]

SENATOR CAMPBELL: Because you think about Norris, Crete, Palmyra. [LB746]

LAURIE KLOSTERBOER: Sure. [LB746]

SENATOR CAMPBELL: Not all of those are inside Lancaster, but kids would live here and go to school. Malcolm, Raymond Central, a lot of schools in terms of the rural

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portion of Lancaster County. [LB746]

LAURIE KLOSTERBOER: Sure. [LB746]

SENATOR CAMPBELL: Okay. Seeing no other questions, thank you for coming today. [LB746]

LAURIE KLOSTERBOER: Thank you. [LB746]

SENATOR CAMPBELL: Anyone in a neutral position? Senator Hadley, would you like to close on your bill? [LB746]

SENATOR HADLEY: I would. Thank you, Senator Campbell. I did try to get information on busing, and I went to the NSEA and they had no information either on busing. A couple of points. Senator Louden, to your point, if you read the law, the person in Douglas County could be living at 13th and Dodge Street and attending a school outside of a city of the first class, primary, or metropolitan, and could drive from 13th and Dodge Street all the way to that school--because if the school is outside of one of those cities, they can. So for example, my barber in Kearney, his son goes to Pleasanton because of the opt-out provision. Pleasanton is about 20 miles north of Kearney. So he was able to get a school permit to drive all the way through Kearney, drive 20 miles on highway at 65 miles an hour, to go to the Pleasanton school. So, you know, that could be some of the reasons that you don't have to live on the acreage in these larger counties to get a school permit. Secondly, I would hope that we could maybe tie this more to approved driver safety course. Maybe we need to change the law that says they have to have taken an approved driver safety course before they can do this. And lastly, we've got to remember that the statistics sometimes we use are all teens driving, and I think some of them drive, maybe our pages could tell us this, 24/7 is the way they drive, but this...if they are legally doing this with a school permit, they're driving by the most direct route from their home to the school and from their school to their home. This is not a permit to go out at night and drive around; this is not a permit to take their friends out to lunch from school. So there is maybe a misperception by some people, but this is not a permit to drive your car whenever you want to. Lastly, actually this bill was brought by Senator Utter about two or three years--2010, I believe--two years ago, because there were people in Hastings that lived outside of Hastings or were in Hastings that had the same concerns with distance within Hastings. I hope we look at it. And I certainly don't want to have a bill that somehow makes accidents go up tremendously, but I do think our society is changing with both parents working and trying to juggle schedules and getting children to school and back from school. I appreciate the committee listening to the bill and I would be happy to answer any questions. [LB746]

SENATOR CAMPBELL: Any further questions? Senator Louden. [LB746]

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SENATOR LOUDEN: Yes. I was involved with this quite a lot because I raised four kids and they all drove 30 miles to high school. And one time when our freshman started school that was a required course for a semester of driving. Somewhere along the line they took that out. But what Hyannis did and those that had country kids, any of those kids that had school permits took the driver's training class the first semester. Those that lived in town and didn't have a school permit had to wait until the second semester to take it. And it made sense, because the kids that were driving back in school took the training first. Somewhere along the line, the school system has quit doing that. Now I don't know if we could jump-start them at it, or what their reason was they quit, I have no idea, but after my kids got out of high school I asked something about that someday of somebody else's kid and they said, oh no, our kids don't take that class anymore. And I thought driver's education was a required course. But somewhere along the line it isn't anymore. Maybe we need to put that in there. Because I think it was something that even kids that...whether they get a learner's permit or not, it was a very good course for kids to take. [LB746]

SENATOR HADLEY: Senator Louden, and I don't know the answer, but I wonder if some of the budget cuts might have been part of the reason for that, that they tried to shift it to a pay...you know, you have to pay to take it versus not. I want to say one last thing: I'm not at all talking about doing away with the system we now have because there are kids in the country that truly do need...I mean, that is the way they get to school. We either allow them to drive under this school permit or we say you have to board in the town, and I'm certainly not saying that. Thank you. [LB746]

SENATOR CAMPBELL: Thank you, Senator Hadley. And with that we will close LB746 and our hearings for the day. Thank you for coming. (See also Exhibit 12.) [LB746]