

ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017
COMMITTEE STATEMENT
LB78

Hearing Date: Monday January 30, 2017
Committee On: Transportation and Telecommunications
Introducer: Crawford
One Liner: Change provisions relating to relinquishment or abandonment of any portion of a state highway system

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Bostelman, Briese, Friesen, Geist, Hilgers, Hughes, Murante, Smith
Nay:
Absent:
Present Not Voting:

Verbal Testimony:

Proponents:

Senator Sue Crawford
Jeff Roberts
Christy Abraham

Representing:

District 45
City of Bellevue
League of Nebraska Municipalities

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Amends section 39-1314- abandonment and relinquishment of a portion of the state highway system.

The section currently provides prior to the abandonment of any portion of the state highway system the Department of Roads shall offer such segment to any political subdivision where such segment is located.

Currently an offer to relinquish may be made subject to or conditioned upon the reservation of any right which the Department of Roads deems necessary. The department may reject any relinquishment should the political subdivision fail to accept the terms and conditions proposed by the department. Once completed, the documentation of the relinquishment is filed with the appropriate register of deeds.

The bill strikes the language allowing the department to place conditions or reservations on an offer to relinquish and proposes new language that provides that when the department receives notification that a political subdivision is interested in acquiring a segment of highway to be abandoned, the political subdivision may negotiate the terms or conditions of a relinquishment, including any rights either party wishes to reserve. Such terms and conditions shall be a part of a memorandum of understanding executed by both parties.

Following the completion of the memorandum of understanding and the formal completion of the relinquishment of the

highway segment a political subdivision may, upon a showing a change in financial or other circumstances or for economic development purposes, petition the department to renegotiate the terms and conditions of the relinquishment or revert to an abandonment of the highway segment.

Explanation of amendments:

The committee considered and adopted an amendment which accomplishes the following:

- 1) language is added that provides any right or condition asserted by the Department of Roads as existing at the time the department acquired the right-of-way or stipulated as a requirement to receive federal fundingshall not be subject to negotiation;

- 2) Language is added that provides that the memorandum of understanding shall detail the reservation of rights made by either party and shall state the right of the political subdivision to petition the Department of Roads to seek renegotiation of the terms and conditions at a future date.

Curt Friesen, Chairperson