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Transportation and Telecommunications Committee
January 23, 2018

[LB671 LB711 LB769 LB900]

The Committee on Transportation and Telecommunications met at 1:30 p.m. on Tuesday, January 23, 2018, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB769, LB711, LB671, and LB900. Senators present: Curt Friesen, Chairperson; Jim Smith, Vice Chairperson; Bruce Bostelman; Suzanne Geist; Mike Hilgers; Dan Hughes; and John Murante. Senators absent: Tom Briese.

SENATOR HUGHES: We'll begin the Transportation and Telecommunication. I am not Senator Friesen. He is introducing a bill in another committee, and Senator Smith will be joining us later. So thank you for your indulgence. Welcome to this afternoon's public hearing of the Transportation and Telecommunication Committee. I will begin with a few procedural items. Please silence your cell phones and other electronic devices. We will be hearing the bills in the order listed on the agenda. Those wishing to testify on a bill should move to the front of the room and be ready to testify. We have set aside an on-deck chair here in the front, so the next testifier will be ready to go when their turn comes. If you will be testifying, legibly complete one of the green testifier sheets located on the table just inside the entrance. Give the completed testifier sheet to the page when you sit down to testify. Handouts are not required but, if you do have handouts, we need ten copies. One of the pages will assist you if you need help. When you begin your testimony it is very important that you clearly state and spell your first and last names for the record. If you happen to forget this, I will stop your testimony and ask you to do so. Please keep your testimony concise and try not to repeat what has already been covered. We use the light system in this committee. Beginning with the green light, you will have five minutes for your testimony. The yellow light indicates you have one minute left. When the red light comes on, please wrap up. Those not wishing to testify may sign in on the pink sheet by the door to indicate their support or opposition to a bill. I'd now like to introduce the other members of my committee and the staff who will be assisting us this afternoon. On my far right...I'll let you introduce yourself.

SENATOR BOSTELMAN: I'm Bruce Bostelman, District 23, from Saunders, Butler, and the majority of Colfax Counties.

SENATOR MURANTE: John Murante, District 49: Sarpy County.

SENATOR HUGHES: And on my left...

SENATOR HILGERS: Mike Hilgers, District 21: northwest Lincoln and Lancaster County.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

SENATOR GEIST: Suzanne Geist, east Lincoln and the towns of Waverly and Walton.

SENATOR HUGHES: And as I stated, I'm Dan Hughes. I represent District 44, which is ten counties in southwest Nebraska. We are also joined today by our committee clerk, Elice Hubbert, on my left, and we have Tip O'Neill, the committee counsel, on my right. We're also joined...our page today is Lee-Ann Sims. She is from Lincoln and she is a junior--correct?--in political science at UNL. So with that, we will open on LB769, Senator Quick. Welcome to the Transportation and Telecommunications Committee. [LB769]

SENATOR QUICK: (Exhibit 1) Good afternoon and thank you, Vice Chairman Hughes and members of the Transportation Committee. My name is Dan Quick, D-a-n Q-u-i-c-k, and I represent District 35 in Grand Island. I have introduced LB769 to reverse the sunset placed on membership to the Midwest Interstate Passenger Rail Commission, or MIPRC. The sunset was brought about through LB317, a bill introduced and passed in 2015. LB317 removes the...removes Nebraska from the compact, effective on June 30, 2018. LB769 and the amendment I am submitting would allow Nebraska to remain members in the compact. The amendment removes the obligation of the Legislature to appropriate funds and removes the obligation of the state to pay membership dues to MIPRC from General Fund dollars. Within the original legislation, there has always been a provision for a cash fund that allows for contributions from other sources to pay the dues. The sources consist of gifts, grants, or bequests from any source, including federal, state, public, and private sources. The money shall be used to carry out passenger rail initiatives under the Midwest Interstate Passenger Rail Commission. These provisions were made in LB769 to provide a vehicle to pay the dues to MIPRC. Currently, Senator Lynne Walz and I are the Legislature's appointed commissioners to MIPRC and, since our appointment last year, we have taken an active role in being advocates for passenger rail service in Nebraska. I have come to understand the significant role that passenger rail plays in our state and benefits provided through our membership in MIPRC. As I have been talking with many of you in the Legislature, I have been asked a few questions about our membership in MIPRC, and so I feel like I would like to address a couple of those questions now. One of the questions that's been asked of me is how Nebraska benefits from being members of MIPRC. And my answer is as follows: It's about having a collective voice at the table and advocating for something you truly believe will benefit the state. And what I mean by collective voice is there are currently nine states working together to advocate for passenger rail service across the Midwest. One example took place last May, when President Trump proposed, in his budget, to cut funding to long distance passenger rail. Laura Kliewer, the director of MIPRC, and staff provided information and talking points to each commissioner represented in the compact, set up lodging and travel, put together a PowerPoint, set up presentations to be given to both Senate and House staff, set up office meetings with Senate and House members, and also a meeting with Amtrak officials. All commissioners were coached on talking points and participated in the PowerPoint presentation for staff members. At the meetings with our House and Senate

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

members, we expressed our concerns about the budget cuts and explained to them the benefits that passenger rail provides for our state and the Midwest region. I attended the annual MIPRC meeting that took place in Wichita, Kansas, last October, where we received information on several different topics, including rail improvements in the region, federal level updates for rail, and a planning study by the FRA. I have attended several ProRail Nebraska meetings in Lincoln and Omaha to provide information to them as commissioners, as myself as a commissioner, on MIPRC. And what I've learned from those who attend the meetings is a knowledge and passion to advocate for passenger rail and other forms of public transportation, to find ways to increase ridership in our state. Another question that has been asked of me is: Can we provide the same benefit without being members of MIPRC? My answer is that I truly believe that if we are not members of MIPRC that, as a state, we will not have the information, knowledge, and motivation to advocate for long-distance passenger rail service. It's like the old saying goes: out of sight, out of mind. As a commissioner, the information and support I've received from MIPRC has been vital to increase my knowledge so I can advocate for passenger rail service in our state. It's like having extra staff, because they have worked so closely with us and provided valuable information. To be honest with you, along with MIPRC, we need to work with...work together across all departments within our state, in cooperation with other states, to find ways to increase ridership on passenger rail. For example, in transportation, if we could work with them to look at all forms of public transportation, including buses and roads that connect rail service to communities. With long-distance passenger rail using freight lines, there's a need to advocate for federal funds to maintain infrastructure. This promotes jobs for maintenance and upgrades to infrastructure and provides safe travel for, not only passengers who use rail services, but also for motorists who use our underpasses, viaducts, and railroad crossings every day. On economic development: When employers look at moving their businesses into our state, one area they look at is public transportation and if the state takes an active role in promoting and providing all forms of transportation. We are always looking at ways to grow our economy and bring more jobs to our state. For tourism: We need to find ways to increase tourism in our state, and I think passenger rail adds another way to bring people from out of state here. In 2017, 55,693 people boarded and deboarded in Nebraska. Over the last ten-year period, ridership has increased by 19.1 percent and, in 2016, 118,692 people passed through our state on Amtrak. I don't have the numbers, but I've had conversations with our Convention and Visitor's Bureau director in Grand Island, and he has informed me that people have traveled by rail to our state to come to an event, such as the crane migration. We need to do more to promote tourism in our state, and passenger rail is one way to do that. The visitors who come here spend money on lodging, food, and shopping while they are in our state, and this adds much needed revenue. I believe that MIPRC provides our state with the support and knowledge to advocate for passenger rail and increase ridership which, in turn, will increase revenues for our state. In closing, I would like to encourage you to vote for LB769, with the amendments, so we can continue to partnership with MIPRC to advocate for passenger rail in Nebraska and across the Midwest region. I feel that the \$15,000 we pay in dues is small, compared to the benefits we receive. But I understand that, with

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

another budget shortfall, the amendment is necessary to remain in the compact. Unfortunately, I will not be able to stay to close today; I have two bills in Urban Affairs. But I want to leave you with a quote that I lived by during my years as a union leader and negotiator, and one that I believe relates to our membership in MIPRC: "If you are not at the table, then you're probably on the menu." So thank you, Chairman Hughes, and I'd be happy to answer any questions. [LB769]

SENATOR HUGHES: Thank you, Senator Quick. Are there questions from the committee? Senator Hilgers. [LB769]

SENATOR HILGERS: Thank you, Senator Hughes. Thank you, Senator Quick, for being here today. Just so...just so I've got, sort of, everything together correctly...so I understand that Nebraska is currently a member of the compact, and that is in Chapter 74-1601. Is that right? [LB769]

SENATOR QUICK: Um-hum. [LB769]

SENATOR HILGERS: But we repealed...the Legislature repealed it with an operative date of June 30 of this year. Is that correct? [LB769]

SENATOR QUICK: Yeah. [LB769]

SENATOR HILGERS: And by my review of it, Section 1 of your bill appears to be, basically, what it has been in statute already, from before. Is that correct? [LB769]

SENATOR QUICK: Yes, yes. Yes. [LB769]

SENATOR HILGERS: Is there...did...are there any changes to that piece? Not section 2 or 3, but... [LB769]

SENATOR QUICK: Oh, no. There's not any changes. There's no changes in anything except for the obligation for the Legislature to appropriate funds, and that would be on...that's with the amendments...what the amendment does. [LB769]

SENATOR HILGERS: So it's section...see, I couldn't find it, but that...I just might be missing it. So Section 2 and 3, on page 7 of the green copy, is that...is that currently in statute? Or is that... [LB769]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

SENATOR QUICK: It will be until June... [LB769]

SENATOR HILGERS: Until it's... [LB769]

SENATOR QUICK: Yeah, it still is, yes. [LB769]

SENATOR HILGERS: Okay, okay. Got it. Okay, thank you. [LB769]

SENATOR QUICK: Um-hum. [LB769]

SENATOR HUGHES: Any additional questions? Seeing none, thank you, Senator Quick. [LB769]

SENATOR QUICK: Thank you. [LB769]

SENATOR HUGHES: So we'll open up proponents for LB769. Welcome. [LB769]

BETH McCLUSKEY: Thank you. Ready? [LB769]

SENATOR HUGHES: Yes. [LB769]

BETH McCLUSKEY: (Exhibits 2, 3, and 4) Senator Hughes and members of the Nebraska Unicameral Committee on Transportation and Telecommunications, thank you for allowing me to speak in support of LB769, a bill that would continue Nebraska's membership and active participation in the Midwest Interstate Passenger Rail Compact. My name is Beth McCluskey; that's B-e-t-h...McCluskey is M-c-C-l-u-s-k-e-y. I am the director of the Office of Intermodal Project Implementation with the Illinois Department of Transportation, and Illinois Governor Bruce Rauner's designee to the Midwest Interstate Passenger Rail Commission, MIPRC. I currently serve as the commission's chair. Accompanying me is Laura Kliewer. She's the director of the commission, which is based in Chicago. Laura has been with the commission since its inception at the Midwest (sic--Midwestern) Legislative Conference meeting in 1996. Nebraska was one of the first states to join the compact. Its purposes are to: 1) promote development and implementation of improvements to intercity passenger rail service in the Midwest; 2) coordinate interaction amongst midwestern state elected officials and their designees on passenger rail issues; 3) promote development and implementation of long-range plans for higher speed passenger rail service in the Midwest and among other regions of the United States; 4) work with public and private sectors at federal, state, and local levels, to ensure coordination amongst the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

various entities having an interest in passenger rail service and to promote Midwestern interests regarding passenger rail; and 5) to support efforts of transportation agencies involved in developing and implementing passenger rail service in the Midwest. Then-Governor Mike Johanns signed the compact's enabling legislation into law here in 2001. Former Senator DiAnna Schimek was one of the first officers of the commission, which held its inaugural meeting during the Midwestern Legislative Conference annual meeting in Lincoln in August of 2001. Since that year, MIPRC has worked to promote, coordinate, and support improvements to passenger rail service within its member states, among them, and nationwide. Involving its bipartisan mix of gubernatorial, legislative, and private sector delegates from each member state, MIPRC has been successful in protecting long-distance passenger rail, including the California Zephyr service through Nebraska that is valuable to many Midwesterners. Nebraskans, and visitors to your state, are increasingly using passenger rail. Although currently only one round trip per day serves Nebraska, and that one--the California Zephyr--comes through the state late at night and into the wee hours of the morning, boardings and alightings at station stops in Nebraska have grown by almost 20 percent in the last ten years. Some stations, such as Lincoln and Holdrege, have seen much higher growth, as you'll see in the flyer that we distributed. The economic impact of Amtrak's purchases here has also grown exponentially over the last ten years, from less than \$325,000 in fiscal year 2007, to almost \$3.7 million in fiscal year 2017. In addition, 24 Nebraskans were employed by Amtrak in 2017, adding another \$2 million to the state's economy. Even with limited service, passenger rail is providing a vital transportation option to many Nebraskans and even contributing significantly to your economy. And the Midwest Regional Rail Initiative plan envisions passenger rail service improving and increasing in Nebraska, thereby increasing Nebraskans' regional connections. It would allow riders to take the train from Omaha to Chicago in about seven hours and to Des Moines in less than two hours. Improvements to the Omaha station and development in the area due to the increase in service are projected to bring millions of dollars more in economic impact. The Iowa DOT has secured funding and completed a service development plan for the proposed new route between Chicago and Omaha. And when that funding is available, both environmental work and construction will begin. In fact, Illinois and Iowa DOT have begun work on the Chicago-to-Quad Cities portion of that route. Through the MIPRC compact, our Midwestern states are better able to stand together as a region to promote, coordinate, and support regional improvements to passenger rail service. We are unique and advanced among the regions of the country that are working to plan and coordinate this passenger rail service. In 2015 the Midwest was chosen, based on a statement of interest submitted by MIPRC on behalf of the Midwest and relying in part on the work done for the Midwest Regional Rail Initiative, as one of two regions that the Federal Railroad Administration is partnering with to develop a long-term, 40-year vision for an integrated regional rail network and a governance model that could be used by our states to advance planning, procurement, and operation issues for passenger rail service. Along with MIPRC and the other Midwestern states, the Nebraska DOT is a primary stakeholder in the Midwest Regional Rail Planning Study. The Omaha-Council Bluffs Metropolitan Area Planning Agency

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

has also participated as a supporting stakeholder in the study, which is expected to be released sometime this spring. Through their commissioners, MIPRC states share information on important state and federal rail developments. MIPRC regularly updates its commissioners on state, regional, and federal intercity passenger rail-related issues and often submits testimony on important federal legislation affecting the states. We have been asked, several times over the years, to testify before Congress and to submit questions to members for use in hearings. MIPRC sponsors its commissioners' Washington D.C. legislative outreach annually to educate members of Congress and other federal officials on the Midwest passenger rail needs and activities. We meet with members individually and hold briefings for legislative staff. Nebraska's legislative appointees to MIPRC, Senator Dan Quick and Senator Lynne Walz, went to D.C. with our contingent last year and met with and briefed all of Nebraska's U.S. senators and representatives, as well as Amtrak officials and legislative staff. From an Illinois perspective, the importance of this legislative outreach cannot be understated, as we know this to be a contributing factor to the success we've had in securing both planning and funding resources for Midwest passenger rail in recent years. Also, throughout the U.S., passenger rail and freight rail are inextricably integrated. So improvements to passenger rail typically correlate to a more fluid and efficient freight network, as well, as is the case in Chicago-to-St. Louis high-speed rail, where the Union Pacific is our operator, our partner, and a big beneficiary of the dollars and the improvements through the high-speed rail program there. The commission also covers commissioners' annual meeting attendance, held in a Midwestern state on a rotating basis, where the agenda includes informative presentations, information sharing, and collaborative action items. So in conclusion, Nebraska is a valued member of the MIPRC Commission, and we hope that you will agree that Nebraska benefits from the education, planning, and advocacy provided and facilitated by MIPRC. We further hope that you will agree that the state should continue as a voice in the current and future passenger rail development that will bring significant benefits to the state. Thank you for your consideration; I'm happy to answer any questions. [LB769]

SENATOR FRIESEN: Thank you, Ms. McCluskey. Any questions from the committee? Seeing none, thank you for your testimony. [LB769]

BETH McCLUSKEY: Thank you. [LB769]

SENATOR FRIESEN: Other proponents? Welcome. [LB769]

BOB BORGESON: Good afternoon, Senator. My name is Bob Borgeson, spelled B-o-b B-o-r-g-e-s-o-n. I'm a state legislative director for SMART Transportation Division, a part of the International Association of Sheet Metal, Air, Rail and Transportation Union. We represent railroad workers in Nebraska. We're here in support of Senator Quick's bill, LB769. We have supported similar bills over the years concerning the Midwest Interstate Passenger Rail

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

Compact, and we do support LB79 (sic--LB769). We support the idea of high-speed rail. We support the idea of the state being involved with the compact, keeping abreast of what's happening regarding passenger rail in the Midwest. And I'd be happy to answer any questions. That's really all I have. [LB769]

SENATOR FRIESEN: Thank you, Mr. Borgeson. Any questions from the committee? Seeing none... [LB769]

BOB BORGESON: Thank you. [LB769]

SENATOR FRIESEN: Thank you for your testimony. Welcome. [LB769]

MATTHEW ROQUE: (Exhibit 5) Hello. My name is Matthew Roque; that's M-a-t-t-h-e-w R-o-q-u-e. Thank you for allowing me to come here today. First I'd like to thank Senators Quick, Harr, Kolowski, and Walz for introducing LB769. My appreciation is also extended to Senator Friesen and the rest of the committee for the work that you do on behalf of the citizens of Nebraska. I'm here today representing ProRail Nebraska, a nonprofit advocacy group focused on increased passenger rail service, as well as other public transportation needs within the state. At its inception, Nebraska was a founding member of the Midwest Interstate Passenger Rail Compact. Nebraska took this bold step because members of the Legislature recognized there were benefits to cooperating with other states. MIPRC provides a source for regional passenger rail planning, as well as multistate information sharing and contacts. It is a forum for discussion and developing essential, technical, and professional contacts in other states, such as Kansas and North Dakota, with similar rail needs and challenges. As some of you are aware, Amtrak, the National Passenger Railroad Corporation, daily serves the state with a pair of passenger trains--the California Zephyr--operating between Chicago and Emeryville, California. These trains stop at five stations: Omaha, Lincoln, Hastings, Holdrege, and McCook; and, in 2017 had 55,693 passenger arrivals and departures, up from fiscal year '16. This benefit is in addition to the approximately \$5.6 million spent by Amtrak, within the state, for wages, goods, and services. If we do not readopt the Midwest Interstate Passenger Rail Compact, we will be sitting on the outside looking in. All of you have sat on boards of various organizations. I am sure you recognize the importance of having a seat at the table, of being a part of the discussion. Decisions are made by those who show up. If we allow ourselves to be removed from the MIPRC, we will no longer have a seat at the table. Please vote to advance LB769 from your committee. Thank you. [LB769]

SENATOR FRIESEN: Thank you, Mr. Roque. Any questions from the committee? Senator Bostelman. [LB769]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

SENATOR BOSTELMAN: Thank you, Chairman Friesen. Mr. Roque, a question for you, out of curiosity...point of interest. [LB769]

MATTHEW ROQUE: Yes. [LB769]

SENATOR BOSTELMAN: First ten years that we've been a part of this, or since '96 we've been part of this, we have one rail, one train. The Zephyr comes through, it stops five times in our state. It's the middle of the night. Where do you see growth or expansion in our state for rail travel in the area, if we continue with this? [LB769]

MATTHEW ROQUE: Thank you for your question. I'm actually very excited. You are correct that right now there's just the one train, the California Zephyr, that does go through the state in the middle of the night. It's interesting because working with MIPRC for the last several years, as I have on the board of the ProRail Nebraska, there is an effort under way with the states of Illinois and Iowa, to add another train that goes from...from--sorry--from Chicago through Iowa, through Quad Cities to Des Moines and then to Omaha, hopefully then coming in to Lincoln. This is a project that, to my understanding, is still underway. It's being planned at this time and I don't know the exact time line on it; I would have to defer to our guest from MIPRC. But that is a future venture that I'm excited about, and that has been discussed and is being planned. The environmental impact studies for it have already taken place. One of the reasons why it's so important to be a member of the MIPRC is because you have to, literally, plan now for something to see the benefit 10-15 years from now. Rail initiatives...rail projects are that long in the making. [LB769]

SENATOR BOSTELMAN: Thank you. [LB769]

MATTHEW ROQUE: Yes. [LB769]

SENATOR FRIESEN: Thank you, Senator Bostelman. Any other questions from the committee? Thank you for your testimony. [LB769]

MATTHEW ROQUE: Thank you. [LB769]

SENATOR FRIESEN: Welcome. [LB769]

RICHARD SCHMELING: (Exhibit 6) Senator Friesen and members of the committee, my name is Richard Schmeling. Primarily I'm here today on behalf of... [LB769]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

SENATOR FRIESEN: Would you please...please spell your name? [LB769]

RICHARD SCHMELING: S-c-h-m-e-l-i-n-g. I'm here primarily today on behalf of an organization called Citizens for Improved Transit. And I also wear other hats or, in this case, other tee shirts, because I'm also a member of ProRail Nebraska. Citizens for Improved Transit functions essentially in the Lincoln and Omaha areas. And, in order to have a good transportation system, what we need is we need a good intermodal mesh. If we put more trains through, like in Omaha or across Nebraska, there has to be some sort of a system so that people can get to their ultimate destinations. And last year our group was able to get an additional \$1.2 million for StarTran. As a result, we expanded the routes and we now have some evening service in Lincoln. So I want to strengthen the bus service in Lincoln so, when we get that additional pair of trains, there will be a way to get from the train station to their ultimate destinations. We have, in the state of Nebraska during the time I've been alive, seen public transportation essentially almost killed off completely. Senator Bostelman and I share kind of a commonality in that we both grew up in Superior, Nebraska. When I was growing up, we had a passenger train through Superior each way each day. Now it wasn't a very fancy train; it was kind of a putt-putt thing. It was called the doodlebug or a motor car. But at least we had train service. If we went south into Kansas, we could get the Rock Island Rocky Mountain Rocket. If we went to Hastings, we could get a variety of Burlington passenger trains. In addition to the trains, we had a bus system that went from Superior up to Lincoln, and we had a bus system that came from Hastings down to Superior. All those are gone. We just...if...in Nebraska right now, if you don't drive and you don't have a car, it's hard for you to get around. And I would just simply encourage you to advance this bill out of committee, and adopt it. The cost of membership is fairly nominal, and our Department of Transportation director, the other day, had a press release where he said that during the next 20 years, Nebraska is going to spend \$12 billion--not million but \$12 billion--on highways. So this membership fee for MIPRC seems fairly small in comparison. We talked about a second pair of trains in Nebraska, and that has, in fact, been studied for a number of years. Amtrak did a study and concluded that there would be sufficient ridership and patronage for a second pair of trains. The only thing keeping it from happening is Amtrak struggles to get funded adequately in D.C. And that's where MIPRC can make such a big difference, going to D.C. and getting more money. I did just a little projection about a second pair of trains for Nebraska and what it would mean in terms of economic benefit. I have three different scenarios. Scenario number one is an additional pair of trains which terminate in Omaha. And I looked at the wages that would be paid to the employees of those trains. I looked at wages to be paid for support service, for supplies bought in Nebraska, fuel for the engines, oil, lubricants, and so on. My total, for just having those two trains come as far as Omaha, was \$1.73 million. And that would be in addition to the money Amtrak is already spending in the state for the two trains that are running now. My second scenario was that that pair of passenger trains would come down here to Lincoln, which is very easy to do. So under that scenario, we would add an addition \$80,000 and our total economic benefit would be \$1.8 million. Scenario number

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

three puts those two trains between Chicago and Denver, through the counties where Senator Hughes has many of his constituents. And if we were to do that, we would need a crew change in McCook, and the total benefit for the state would be in the neighborhood of \$3.56 million. So there's a lot at play here. In addition to people coming to watch the cranes, we have the Nebraska football games, we have the College World Series in Omaha, and if we provide more train service, we're more likely to attract visitors to the state, and that stimulates our economy. And I think that concludes my remarks. If there are any questions, I'd be glad to answer them. [LB769]

SENATOR FRIESEN: Thank you, Mr. Schmeling. Any questions from the committee? Seeing none, thank you for your testimony. [LB769]

RICHARD SCHMELING: Thank you. [LB769]

ROBERT KUZELKA: (Exhibit 7) Good afternoon. My name is Robert Kuzelka, R-o-b-e-r-t K-u-z-e-l-k-a. Senator Friesen and members of the Transportation and Telecommunications Committee, I want to thank you for the chance to speak today in favor of LB769. I'm not going to read my entire testimony because you can do that if you choose to, but I'm going to point out what I think is the single most important reason for the expenditure of funds and for the continuation of our participation in the Midwest Passenger Rail Compact. It represents the only active state government-level sanctioned recognition of the importance of passenger rail service. If you take this away, we have nothing at the state level that even is remotely interested in passenger rail. If nothing else, having hearings on this particular organization, year after year, has done a lot to keep passenger rail before all of it. There are three perspectives on this--singular important reasons--and they come from three parts of our history. The first is that we were, as a state, dependent upon passenger rail from our earliest settlement. And on the reverse side of your handout, you'll see seals from the state of Nebraska and from the University of Nebraska, both who, 150 years ago, saw fit to include rail and passenger rail in the seals, which continue today, of our state. Secondly, the state has been aided through the years, in economy and growth, by passenger rail. And finally, its future will be enhanced by the existing, and a strengthened, passenger rail service. Your advancing of LB769 to the floor will help keep awareness and planning for this vital transportation mode before the state's Legislature--your body, the executive branch--the Governor and his agencies, and the citizens of this state. Thank you for your time, and I'd be happy to answer any questions. [LB769]

SENATOR FRIESEN: Thank you, Mr. Kuzelka. Any questions from the committee? Seeing none, thank you for your testimony. Any other proponents? Welcome. [LB769]

LAURA KLIEWER: Hello. My name is Laura Kliewer, L-a-u-r-a K-l-i-e-w-e-r. And Chairman Friesen and members of the Nebraska Unicameral Committee on Transportation and

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

Telecommunication, I am with...I am the director of the Midwest Interstate Passenger Rail Commission and here accompanying Beth McCluskey, whose testimony you heard earlier. And I just wanted...thought I would come up at the end of the proponents to see if any questions had percolated or anything else that I could explain to you about the commission. We...MIPRC has been very glad to have Nebraska as a founding member of the compact and actively involved in helping the region speak as a unified voice and work on, at the federal, state, and local levels, making sure that passenger rail continues as a vital transportation option for our region. So I'd be glad to answer any questions or talk with any of you later, if you would like my contact information. [LB769]

SENATOR FRIESEN: Thank you, Ms. Kliewer. Senator Hilgers. [LB769]

SENATOR HILGERS: Thank you, Mr. Chairman. Thank you for being here. Dovetailing off Senator Bostelman's question to the previous testifier, where do see, over the next 10-15 years, sort of a...realistic scenarios for passenger rail in Nebraska? And I know there has some discussion of the Chicago...a potential new route from Chicago all the way to, maybe, Omaha or Lincoln. What...is that...anything in addition to that, or how do you see it over the next 10-15 years? [LB769]

LAURA KLIEWER: Well, the route that Iowa has completed, the Iowa DOT got federal funding to complete a service development plan for Chicago to Omaha. That has been completed. There are, as in any...as you all know from being in transportation, there's various stages. Service development plan kind of lays out a first options, and then that gives you options to work from, to then do environmental work to do...and then to do construction. Part of the work is already being done, as Beth McCluskey pointed out. Chicago is actually...Chicago to--sorry--Illinois is working on establishing service between Chicago and the Quad Cities. So that's part of the way. And so it can be done in...it can be done in stages. I mean various things have been...various routes have happened that way. And right now it would be between Chicago and Quad Cities with eventual to Omaha, through Des Moines. So that would be a new route. The service development plan pointed out that the route through Des Moines, Iowa would be the best option. [LB769]

SENATOR HILGERS: Okay, thank you. [LB769]

SENATOR FRIESEN: Thank you, Senator Hilgers. Any other questions from the committee? Senator Bostelman. [LB769]

SENATOR BOSTELMAN: Thank you, Chairman Friesen. Thank you for being here today.
[LB769]

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Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

LAURA KLIEWER: Absolutely. [LB769]

SENATOR BOSTELMAN: Going down this rail, if you will, to a sort of a path--well intended, pun intended there--the cost for this, as far as how...are there things between the compact where we share in cost, we benefit in leveraging something for cost? And am I hearing it would be a new rail, it would be a new rail line? Or is it existing rail lines that are being used for this Chicago to Des Moines to Omaha? Could you talk to that just a little bit so I understand that better? [LB769]

LAURA KLIEWER: Um-hum. Well, thus far and for most of the planning that--and most of the existing service, even what's called state-supported service--several of our states have instigated and initiated more frequent service that, say from Chicago to St. Louis, from Chicago to Detroit, from Chicago to Milwaukee, across Missouri, between Kansas City and St. Louis, the states pay for service--additional service. And so that is possible to do. It's been on existing track, but the tracks have been like, for--and Beth McCluskey could detail this--but to make improvements to the track, you know, sometimes they'll put sidings so that they'll improve grade crossings, they're improving signaling. All of these things benefit the freight railroad that they travel on, as much as it does the, you know, the passenger rail. So the route across Des Moines, it would be the Iowa Interstate Railroad, I believe, most of it, as far as what they were looking at now. But further work would have to be done to actually, you know, make that for sure a reality. [LB769]

SENATOR BOSTELMAN: Okay, thank you. [LB769]

LAURA KLIEWER: Um-hum. [LB769]

SENATOR FRIESEN: Thank you, Senator Bostelman. Any other questions from the committee? I noticed, in the bill, you take out state appropriations. So are there other states, too, that fund it with private dollars--the membership? [LB769]

LAURA KLIEWER: Not that I'm aware of. [LB769]

SENATOR FRIESEN: Okay. Seeing no further questions, thank you for your testimony. [LB769]

LAURA KLIEWER: Thank you. [LB769]

SENATOR FRIESEN: (Exhibits 8 and 9) Any other proponents? Seeing none, is there anyone who wishes to testify in opposition? Oh, we have a couple of letters: from Clyde...one from Clyde Anderson from Transportation Issues, chair from Nebraska Sierra Club; and Frank

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

Uhlarik, sustainability and compliance administrator from the city of Lincoln--in favor. Is there anyone who wishes to testify in opposition? Seeing none, anyone who...anyone wish to testify in a neutral capacity? Seeing none, did Senator Quick wish to close? Or did he have to... [LB769]

SENATOR GEIST: He had to leave. [LB769]

SENATOR HUGHES: No, (inaudible). [LB769]

SENATOR FRIESEN: ...waive closing? Okay. With that, we will close the hearing on LB769. Now we will open the hearing on LB711. Welcome, Senator Baker. [LB769 LB711]

SENATOR BAKER: (Exhibit 1) Thank you, Chairman Friesen. My name is Roy Baker, R-o-y B-a-k-e-r, representing District 30 in the Nebraska Legislature. So members of the Transportation and Telecommunications Committee, in simplest terms, LB711 seeks to make one change in the requirements relating to the use of occupant protection systems. And that is, it would...it would...on page 4 of the bill, lines 2-6 and, except for the special provisions already noted--the statutes, it would now require that all occupants of motor vehicles wear occupant protection systems properly adjusted and fastened. As it is now, the requirements apply only to front-seat occupants. A few months ago I decided to introduce legislation to this effect when I learned, while watching a news report, that rear seat belts were not required. I had not realized that. Rhetorically speaking, were you? The safety reasons are strong. Riding unrestrained in back seats of motor vehicles is as dangerous as doing so in the front seats. If you have any doubts, look at the handout for a link to a test with crash dummies--a video. In addition, rear seat occupants...not only can they be ejected from the vehicle, but they can also become projectiles, coming over the front seat and injuring people riding in the front seat. In the data from 1995-2016, with regards to a safety-use information, in fatal crashes only 26.4 percent of those fatally injured were wearing seat belts, and not used...when seat belts were not used, 71.4 percent. So 300--or 3,760--people not wearing seat belts died, 1,391 wearing seat belts died, two to three to one ratio, demonstrating that seat belts do save lives. Belt usage is also low in accidents which result in the most severe injuries. Nebraska's mandatory seat belt law went into effect January 1, 1993. The law calls for secondary enforcement, meaning that a citation can only be issued if the driver is first charged with another violation. I chose to leave it that way for the desire to get a bill that would pass. The data show that, in places where seat belt usage is a secondary offense, about 80-83 percent of people use seat belts. In places where it's a primary offense, about 89 percent. So there is a small difference in seat belt usage in places that have it as a primary violation or a secondary violation. So I've kept the information introduction short. I don't want to overkill a topic that, very likely, you already agree with. I know there had been people who had planned to come to testify today; I received information from some people in

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Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

Norfolk who were going to come. I don't know whether anybody will be here or not today, but I'd be happy to answer any questions. [LB711]

SENATOR FRIESEN: Thank you, Senator Baker. Any questions from the committee? Senator Hilgers. [LB711]

SENATOR HILGERS: Thank you, Mr. Chairman. Thank you, Senator Baker, for being here. I do have a question, not on that piece, but on page 2 of the bill, where it changes the standard...it says, "as such standards existed," and it previously says--or currently says--January 1, 2009, and changes that to 2018. [LB711]

SENATOR BAKER: Yeah, it did update to all the federal standards. [LB711]

SENATOR HILGERS: Yeah, is that...would that exclude...I mean, if it's a new standard, are...would that...would there be any older vehicles, say if someone bought a, say, 2014 car that might not comply with the '18 standard, that would then sort of not comply with this law? [LB711]

SENATOR BAKER: No. [LB711]

SENATOR HILGERS: Or is that kind of a de minimis change? [LB711]

SENATOR BAKER: I don't think so. There's...somewhere in the laws, there was an exemption for cars manufactured before 1963, or something like that. [LB711]

SENATOR HILGERS: Okay. Okay. Thank you, Senator Baker. [LB711]

SENATOR FRIESEN: Thank you, Senator Hilgers. Any other questions from the committee? Seeing none, thank you. Proponents who wish to testify for LB711? [LB711]

LAURIE KLOSTERBOER: (Exhibit 2) Senator Friesen and members of the Transportation and Telecommunications Committee, my name is Laurie Klosterboer. Laurie is L-a-u-r-i-e; Klosterboer is K-l-o-s-t-e-r-b-o-e-r. And I am the executive director for the Nebraska Safety Council. As I prepared my testimony today, since the bills are similar with this one, LB711, and Senator Krist's LB671, I combined my testimony. Is that all right if I...you probably don't want to see me come up here twice, do you? "The Nebraska Safety Council is a nonprofit organization, and our mission is to educate Nebraskans on living a safe and healthy life. One of the core

programs to serve our mission is providing traffic safety education. We're here today, testifying in support of LB671 and LB711, which would update and improve very basic safety rules while operating vehicles on our roadways. Now as I understand Senator Baker is not looking to move his bill, the seat belts, from secondary to primary. We would support moving it from secondary enforcement to primary enforcement. Seat belts are the oldest form of occupant protection, with Volvo patenting the first rudimentary seat belt in 1889. Beginning in 1968, the federal government required seat belts to be installed in all new passenger cars. All these years have provided much research on the effectiveness and value of being buckled up in our vehicles at all times and in all seating positions. The Insurance Institute for Highway Safety is just one of many organizations that has researched this issue and included an excellent Q and A section, on their Web site, about the research. How effective are safety belts? In both the front seat and the back seat, safety belts reduce the risk of serious injury or death in a crash. Research has shown a 45 percent reduction in the risk of a fatal injury to front-seat car occupants when lap and shoulder belts are used. The risk of a moderate-to-critical injury is reduced by half. For people in front seats of SUVs, vans, and pickups, the use of lap and shoulder belts reduces the risk of a fatal injury by 60 percent and a moderate-to-critical injury by 65 percent. In the center rear seat, lap and shoulder belts reduce the risk of fatal injury by 58 percent in cars and 75 percent in SUVs, vans, and pickups. Do unbelted occupants pose a risk to other people in the vehicle? Yes. In a frontal crash, drivers and front-seat passengers are at increased risk of injury from unbelted back-seat passengers and, in a side impact crash, passengers sitting adjacent to unbelted passengers are at increased risk of injury. Exposure to unbelted occupants increases the risk of injury or death to other occupants in the vehicle by 40 percent. In a frontal crash, an unbelted rear-seat passenger sitting behind a belted driver increases the risk of fatality for the driver by 137 percent, compared with a belted rear-seat passenger. Have belt laws reduced injuries and fatalities? Yes. Systematic literature reviews show that primary and secondary laws reduce deaths and nonfatal injuries, but primary laws have the greater effect. The incremental effect of primary-versus-secondary laws on fatalities is estimated at 3-14 percent. Institute research has shown that switching from a secondary law to a primary law reduces passenger vehicle deaths--driver deaths--by 7 percent. Based on this research, if all states that still had secondary laws in 2015 had switched to primary laws, 246 lives could have been saved. Have belt laws increased belt use? Yes, but some types of laws are more effective than others. An important consideration is whether a belt use law allows primary enforcement. Legislators in some states were reluctant to enact primary laws because of concerns the police would use the safety belt law to harass minorities. However, several studies found that changing from secondary to primary enforcement resulted in proportionally equal or fewer tickets for minorities. I would also say that I think it's just important for our minorities to make sure that they're buckled up as well, because they die on roads without wearing their seat belt, just as well as all of our populations. Today 34 states and the District of Columbia have primary laws, while 15 states have secondary safety belt laws. In 2016, observed front-seat occupant belt use rates were 9 percentage points higher in states with primary enforcement than in states that did not. Also talking about the cost for belted versus

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Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

unbelted, in Nebraska this issue has been looked at specifically, using the Nebraska code's data for the years 2008-2012. The median hospital charges for an unrestrained occupant were \$7,236 higher, compared to the restrained occupant. In closing, LB671 and LB711 makes good, sound policy for Nebraska, its citizens, and businesses. Let's save lives, decrease costs, and implement common sense legislation. Please move these two bills out of the committee and to the floor. And I provided you with some information that's specific about Nebraska. And I would be happy to entertain any questions, if you would have any. [LB671 LB711]

SENATOR FRIESEN: Thank you, Ms. Klosterboer. Any questions from the committee? Senator Hilgers. [LB711]

SENATOR HILGERS: Thank you, Mr. Chairman. And thank you for being here. According to the information you gave us, if I have this correctly, 49 states...is that 49 states and the District of Columbia have some seat belt law. Is that right? [LB711]

LAURIE KLOSTERBOER: I've got it. [LB711]

SENATOR HILGERS: 34 states... [LB711]

LAURIE KLOSTERBOER: 34 have... [LB711]

SENATOR HILGERS: ...have primary, 15 are... [LB711]

LAURIE KLOSTERBOER: ...primary, yes, yes. [LB711]

SENATOR HILGERS: Are those...of those, do you know which ones, or how many, are front-seat-occupant-only, like Nebraska is...currently is... [LB711]

LAURIE KLOSTERBOER: I do have... [LB711]

SENATOR HILGERS: ...or how many are all seats? [LB711]

LAURIE KLOSTERBOER: I do have that. I've got that with me, so I can give that to you. I don't have it sitting right here, but I have the information with me that shows every state... [LB711]

SENATOR HILGERS: Okay. [LB711]

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Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

LAURIE KLOSTERBOER: ...and who's got front- and back-seat belt laws. [LB711]

SENATOR HILGERS: To the extent that any have changed from, as is being proposed here, from front- to all-seat, what kind of changes...what does the data reflect in terms of the decrease, or the impact, of those changes for those particular states? Do you have that data? [LB711]

LAURIE KLOSTERBOER: For that went from... [LB711]

SENATOR HILGERS: From front seat only to all seating positions. [LB711]

LAURIE KLOSTERBOER: To all-seat. And I think I do have that. I'm going to look in my stuff. If I don't have that, I will get that for you. [LB711]

SENATOR HILGERS: Okay. Thank you. And my last question, really out of curiosity, is: Which is the one state that doesn't have a seat belt law? Do you know? [LB711]

LAURIE KLOSTERBOER: New Hampshire. [LB711]

SENATOR HILGERS: New Hampshire. Live free...live free or die, right? [LB711]

LAURIE KLOSTERBOER: That...yes (laughter). [LB711]

SENATOR HILGERS: Okay, thank you. [LB711]

SENATOR FRIESEN: Thank you, Senator Hilgers. Senator Hughes. [LB711]

SENATOR HUGHES: He asked my questions. [LB711]

SENATOR FRIESEN: Okay. Thank you, Senator Hughes. Any other questions from the committee? In the dates there, when you, when we're upgrading from 2009 to 2018 standards, what kind of changes were made in that time frame that would be adopted along with this? [LB711]

LAURIE KLOSTERBOER: You know what, I would have to check, Senator. I don't have that information at my disposal... [LB711]

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Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

SENATOR FRIESEN: Okay. [LB711]

LAURIE KLOSTERBOER: ...about where you're talking the standards in the cars, and what the changes...yeah. I don't have that. I can research that, and I can get that for the committee. [LB711]

SENATOR FRIESEN: Okay, thank you. Seeing no further questions, thank you for your testimony. [LB711]

LAURIE KLOSTERBOER: Right, thank you. [LB711]

ERIC KOEPPE: (Exhibit 3) Good afternoon, Senator Friesen and members of the Transportation Committee. I'm Eric Koepppe. I'm the president and CEO of the National Safety Council, Nebraska. Of course we are an organization that provides programs, resource... [LB711]

SENATOR FRIESEN: Will you please...please spell your name? [LB711]

ERIC KOEPPE: Oh. Eric Koepppe, E-r-i-c Koepppe, K-o-e-p-p-e. Our organization provides programs, resource services, and education to prevent injuries and save lives, associated with personal injuries, accidents, and health hazards. I'm here today to testify in favor of LB711. I would like to thank Senator Baker for introducing this very important legislation. In 2017 the National Safety Council released their State of Safety report, and they ranked each state in the nation on a number of subjects. One of them was roadway safety. Nebraska ranks 35th in roadway safety, receiving a "D" letter grade. Two main areas of concern for the National Safety Council report related directly to distracted driving and seat belts. LB711 would make strides in making the necessary changes to save lives in Nebraska, by making all passengers in the motor vehicle...need to be restrained. I'd like to point out, you know, some facts that I'm sure you are aware of, but in 2016 Nebraska had 34,890 crashes. And we talk a lot about the 218 people that were killed in 2016. But when I do my speeches, I talk a lot about the 17,000--that's 17,000 people--that were injured in crashes in 2016. Nebraska seat belt usage rate is currently at about 83 percent, well below the national average of 90 percent. In 2016 seat belts were not used in 65 percent of vehicle occupant fatalities in Nebraska. 65 percent of fatalities in Nebraska, on our roads, were results of people not wearing their seat belt. Here's the stat that we focus on, too. All 12 teens that died in automobile crashes in 2016 were not wearing their seat belts--all 12. Seat belt usage is the single most effective driver and passenger behavior that reduces deaths in motor vehicle crashes. Wearing a seat belt can reduce serious crash-related injuries and death by approximately 50 percent. While this bill does require seat belt use by all passengers in the motor vehicle, we believe that primary enforcement of our seat belt laws would be a great addition. We would encourage the committee to consider making our seat belt laws primary

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Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

enforcement. In closing, I'd like to say that research and education are not enough. In order to get drivers to adopt safer behaviors, education must be combined with strong laws and appropriate enforcement. I encourage you to advance LB711 from the committee. Thank you for consideration, and I'll answer any questions you may have. [LB711]

SENATOR FRIESEN: Thank you, Mr. Koeppe. Any questions from the committee? One question: When you were...when you were using the number of people that were injured in accidents... [LB711]

ERIC KOEPPE: Yes. [LB711]

SENATOR FRIESEN: How many of those were in the front seat and should have been wearing their seat belt? [LB711]

ERIC KOEPPE: I do not have that with me, but I can certainly get that to you. What I will point out is that, in general, 65 percent of those passengers that were killed on our roads were not wearing their seat belt. But I can certainly research that and get that to you. [LB711]

SENATOR FRIESEN: Okay. Thank you. I see no further questions. Thank you for your testimony. [LB711]

ERIC KOEPPE: Thank you. [LB711]

COLEEN NIELSEN: Good afternoon, Chairman Friesen and members of the Transportation and Telecommunications Committee. My name is Coleen Nielsen. That's spelled C-o-l-e-e-n N-i-e-l-s-e-n, and I'm the registered lobbyist for State Farm Insurance Companies. State Farm and its affiliates are the largest providers of auto, home, and individual life insurance policies in the United States, and the largest auto insurer in Nebraska, with 415,000 auto policies in force. State Farm supports LB711. The Institute for...The Insurance Institute for Highway Safety, that State Farm also supports, reports in an August 2017 article that adults have gotten the message that it's safer for kids to ride in the back seat, properly restrained. But when it comes to their own safety, there's a common misperception that buckling up is optional. The new survey reveals that many rear seat passengers don't think that belts are necessary because they perceive the back seat as safer than the front. This shows a clear misunderstanding about why belts are important, and no matter where the person sits in the vehicle. Further, IIHS states that though safety belts are proven to save lives, more than half of the people who die in passenger vehicle crashes in the U.S. each year are unbelted. One person's decision not to buckle up can have consequences for the other people riding with them. In the rear seat, a lap shoulder belt is the primary means of

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

protection in a frontal crash, Without it, bodies can hit hard surfaces and other people at full speed, leading to serious injuries. Nearly 40 percent of people surveyed said that they sometimes don't buckle up in the rear seat because there's no law requiring it. If there were such a law, 60 percent of respondents said it would convince them to use the seat belts in the back seat. A greater percentage said that they would be more likely to buckle up if the driver could get pulled over because someone in the back wasn't buckled. Again, State Farm supports LB711, and we ask the committee to advance this bill. [LB711]

SENATOR FRIESEN: Thank you. [LB711]

COLEEN NIELSEN: And I'd be happy to answer any questions. [LB711]

SENATOR FRIESEN: Thank you, Ms. Nielsen. Any questions from the committee? Seeing none, thank you for your testimony. [LB711]

COLEEN NIELSEN: Thank you. [LB711]

SENATOR FRIESEN: (Exhibit 4) Other proponents of LB711. Seeing none, anyone wish to testify in opposition to LB711? We have one letter from the National Safety Council, in proponent. Anyone wish to testify in opposition? Seeing none, anybody wish to testify in a neutral capacity? Seeing none, Senator Baker, do you wish to close? You waive closing. With that, I will close the hearing on LB711. We're waiting for Senator Krist to show up. And there's the man himself. [LB711]

SENATOR KRIST: You're all pretty good looking on TV, too. I just want to let you know that. [LB671]

SENATOR FRIESEN: We will now open the hearing on LB671. Welcome, Senator Krist. [LB671]

SENATOR KRIST: Thank you, Chair Friesen. Good afternoon, Senator Friesen and members of the Transportation and Telecommunications Committee. For the record, my name is Bob Krist, B-o-b K-r-i-s-t. I represent the 10th Legislative District in northwest Omaha, along with the north-central portion of Douglas County, which includes the city of Bennington. I appear before you today in introduction and support of LB671. LB671 is intended to create safer driving conditions in our state and hold young, distracted drivers more accountable. LB671 changes provisions of operators' permits restrictions from secondary offenses to a primary offense, and changes certain uses of interactive and handheld wireless communication devices from

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

secondary offenses to primary offenses. Specifically LB671 makes it a primary offense for the holder of a provisional operator's permit, LPE learner's permit, school permit, or LPE learner's permit to use any type of interactive wireless communication device while operating a motor vehicle. LB671 updates the references to certain federal provisions and repeals 16 sections, 60-6,271. Additionally, in the case of a permit holder, it regards that...in regards to a motorcycle or moped, LB671 requires that he or she is within visual contact and under the supervision of a licensed motor vehicle operator. Also, this bill changes violations of certain occupant protection systems enforcement requirements from secondary offenses to primary offenses, as well as changes a requirement relating to the wearing of an occupant protection system. Specifically LB671 states that any driver in Nebraska shall ensure that all children, age 6-18, being transported in their vehicle which has, or is required to have, an occupant protection system or a three-point safety belt system, use an occupant protection system. Additionally, LB671 makes it a primary offense for the violation of the requirement that a person being transported by a vehicle operated by a holder of a provisional operator's permit or school permit use the occupant protection system or three-point safety belt system. Lastly, LB671 prohibits school bus operators from using interactive wireless communication devices, as prescribed. And I think the prescription in that is basically only related to an emergency for an allowance. Those of you who have been on this committee before know that I've been here at least a half a dozen times, asking us to make sure that every person who is in a vehicle have a seat belt on and that I have also prescribed, or have suggested that we prescribe, that there are no texting or handheld devices that are being used, in terms of trying to avoid distractions and distracted driving. It is extremely important that we focus on safety of our vehicles. In this state we've had several tragedies. One of them happened in my district. Three school-age girls in a Volkswagen Bug...the person in the back seat was not belted in. The driver was texting, there was a bad accident, and that young lady that was in back seat became a flying projectile...and all over the fact that there was a distracted-driving incident. And she is alive, but barely and, cognitively, very much impaired. So I think we should take this very serious. This is my last shot at this because you know I'm term-limited. I'd like to see something, either in terms of Senator Baker's bill or this bill, come forward and we get serious about the safety of our transportation and our kids and our adults. Thank you, Senator Friesen. And thanks for listening. [LB671]

SENATOR FRIESEN: Thank you, Senator Krist. Any questions from the committee? Senator Geist. [LB671]

SENATOR GEIST: Yes. Thank you for bringing this, and I do have a question, if you would just refresh my memory. When...is a provisional operator's permit...is that from 16-18? Or when does that end? [LB671]

SENATOR KRIST: There's going to be somebody behind me that will identify... [LB671]

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Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

SENATOR GEIST: Okay. [LB671]

SENATOR KRIST: ...that provisional permit. [LB671]

SENATOR GEIST: Okay. [LB671]

SENATOR KRIST: And, if not, if they don't specify, I will make sure that I get you that data. [LB671]

SENATOR GEIST: Okay. [LB671]

SENATOR KRIST: I don't want to quote it because I don't want to misquote it. [LB671]

SENATOR GEIST: Okay, thank you. [LB671]

SENATOR KRIST: Thank you; thanks for the question. [LB671]

SENATOR FRIESEN: Thank you, Senator Geist. Any other questions from the committee?
Senator Bostelman. [LB671]

SENATOR BOSTELMAN: Thank you, Chairman Friesen. Senator Krist, thank you very much for bringing this. How does this differ from distracted driving, as far as law enforcement being able to stop an individual or ticket an individual for that? Is there a difference? [LB671]

SENATOR KRIST: I don't think there's a difference. I would believe, in my mind, that if a law enforcement officer sees a situation in which he believes that a person is distracted, either using a device or distracted in some other way, that he has...he or she has the authority to pull that vehicle over, because it is a primary offense. And I think that's the missing piece in the equation as we have the law today. [LB671]

SENATOR BOSTELMAN: And just for my clarity, did I miss...is this primarily for 18 and under, or for all drivers? [LB671]

SENATOR KRIST: It's all drivers. It's focusing on the young...making sure that we focus on the young, building habits, but essentially all drivers. [LB671]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

SENATOR BOSTELMAN: Sure. Okay, thank you. [LB671]

SENATOR KRIST: Um-hum. [LB671]

SENATOR FRIESEN: Thank you, Senator Bostelman. Any other questions from the committee? Senator Hilgers. [LB671]

SENATOR HILGERS: Thank you, Mr. Chairman. Thank you, Senator Krist, for bringing this. In your research, I mean I think that...I think texting while driving is a huge problem. I'm just curious. In your research, do you see any other ways that states are trying to address this, either through any other types of approach to the law? I know that sort of any kind of technological mandate is probably outside of the purview of the states, but have you seen any other way to approach this, in addition to you making it a primary offense? [LB671]

SENATOR KRIST: Well, if you're driving on any military installation, if you have a device in your hand, you're guilty, and they will pull you over. So they do treat it as a primary offense, although they don't consider primaries versus secondaries on an installation. I was deployed to Istres, France in 1990. And in France, in 1990, if you were on a phone, you were...you basically lost your license for a period of time. It was a punishable offense. Second offense is loss of license for a great deal of time. Iceland is the same way, very strict on it. So not only do we have many other states that have outlawed texting and use of handheld devices, but internationally it's become an issue. And I think, again, if you listen to the folks who are involved with public safety and transportation safety, they'll give you the number of states and all the rest of it. I am one of those people that I do think we need to look at best practices, and we need to look at what other people are doing. But in this state, I think it's almost criminal that we don't have a mandatory provision for people in the back seat of a vehicle to have seat belts on. That, by itself, is huge for me. But the distracted driving is becoming worse and worse. We had a lady in Omaha...I don't know if you're familiar with the Radial Highway, but it kind of narrows down in parking spaces. And she was so concerned because the phone was ringing and she had dropped it. As she leaned down, she ran into a parked car in front of her and cut the legs off of a woman who was behind it. That, to me, is the ultimate distraction, and we need to start eliminating the distractions. And the only way to do that is to make it primary and remind people that they need to focus on what they're doing. If you want to be on the phone, pull over, make your call, and then continue to be a nondistracted driver on the road. We don't need these kinds of problems. [LB671]

SENATOR HILGERS: Thank you. [LB671]

SENATOR FRIESEN: Thank you, Senator Hilgers. Any other questions from the committee?
Seeing none... [LB671]

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Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

SENATOR KRIST: Thank you. [LB671]

SENATOR FRIESEN: You going to stick around for closing? [LB671]

SENATOR KRIST: I'll stick around here for the testimony. I don't necessarily have to close, but... [LB671]

SENATOR FRIESEN: Okay. Proponents. [LB671]

ERIC KOEPPE: (Exhibits 1 and 2) Good afternoon again, Senator Friesen and members of the committee. I'm Eric Koeppe; it's E-r-i-c K-o-e-p-p-e, again presidency over the National Safety Council, Nebraska. I'm certainly here today, testifying in favor of LB671. This bill promotes the ideals of keeping the state of Nebraska a safe, contemporary place to live. I will say that, as long as I have been involved in the Safety Council--it's been over 12 years--this bill does as much, or more, for the roadway safety that we can do in the state of Nebraska. And I'm...our organization is in high support of it. I talked a little bit about the National Safety Council report, talking about the letter grade "D." In addition this morning, I got some information from the Advocates of (sic--for) Highway and Auto Safety. They recently named Nebraska to one of their worst-states list, specifically pointing out that Nebraska's lack of primary enforcement of seat belt and texting messaging laws. Those two were things that were certainly pointed out. LB671 makes great strides in making the necessary changes to save lives and bring Nebraska to the forefront of states making roadway safety a priority. I will point out that Nebraska...of all the states that have a texting ban, Nebraska is only one of four states that enforces texting while driving as a secondary law. All other states that have a law treat it as primary enforcement. An increasing body of research shows that the use of electronic devices while driving can lead to severe visual, manual, and cognitive distractions, thus impairing a driver's ability to process and respond to an immediate driving situation. These distractions place a texting driver 23 times greater risk of being involved in a serious or fatal injury crash--23 times greater risk if you're texting and driving. For these reasons, Nebraska must move to prevent the continued expansion of distractions behind the wheel and send a message that texting while driving is not acceptable. I've talked about the number of deaths and injuries on our roads in my last testimony, but I want to point out that teenagers were involved in 26 percent of all crashes involving distracted driving. It is especially, as Senator Krist pointed out, it is necessary for all drivers, but it is extremely necessary that our young people start out with good habits, and part of that is enforcement. I've talked about our seat belt usage at 83 percent. I think it is important in this law...we're very much in support of LB671 because it does two things: It requires all passengers in the vehicle to have it, plus it makes it primary enforcement. As I said before, research and education is not enough. A number of us organizations engage in research and education, but we can only do so much. In order to get drivers to adopt safe behaviors, education must be combined with strong laws and

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Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

appropriate enforcement. I encourage you to advance LB671 from committee. Thank you for your consideration, and I will answer any questions you may have. [LB671]

SENATOR FRIESEN: Thank you, Mr. Koeppe. Any questions from the committee? Seeing none, thank you for your testimony. [LB671]

ERIC KOEPPE: Thank you. [LB671]

COLEEN NIELSEN: Good afternoon again, Senator Friesen and members of the Transportation and Telecommunications Committee. My name is Coleen Nielsen; that's spelled C-o-l-e-e-n N-i-e-l-s-e-n. And I'm the registered lobbyist for State Farm Insurance Companies, testifying in support of LB671. State Farm supports every aspect of this bill, but my testimony is going to focus on teen drivers, as well. State Farm is very involved in the concept of distracted driving and helping to educate teens and adults, as well, on this issue. In July of 2016, State Farm conducted an on-line survey with teens, ages 16-19, to examine their attitudes and behaviors regarding use of smartphones while driving. Here are some of the highlights. The vast majority of teenage drivers reported using smartphones while driving. When asked about a series of 14 smartphone-related activities, 84 percent of the respondents reported doing at least one activity sometimes, or more often, while driving. Additionally, 59 percent of respondents reported doing at least one activity often and 27 percent admitted to almost always doing one or more of these activities. The most common activities reported were programming the GPS and listening to the navigation apps and searching for music on the cell phone. However, even the least reported of the 14 activities listed, that being watching videos such as Netflix or YouTube, saw 15 percent of the respondents saying that they do this at least sometimes while driving. Teens reported that these activities were distracting and that this behavior increases the likelihood of a crash. So if a teen knows this is dangerous behavior, what are the reasons for engaging in it? Of the teens surveyed who reported using smartphones while driving, teens commonly cited wanting to stay in touch with family and friends, as well as it is a habit, as reasons for exhibiting these behaviors. For teens who reported not participating in these behaviors, they commonly cited that their behaviors were dangerous and that the behaviors were illegal as reasons for not participating in them. Related to the legality of these behaviors, among all teens some respondents did not know that their state laws regarding cell phone use and texting. Importantly, perception of state cell phone laws appear to impact driving behavior regardless of what the respondents' state laws actually say about cell phone use while driving. Respondents were significantly more likely to report talking on a handheld cell phone as well as texting, if they thought it was legal than if they thought it was against the law. So again, State Farm strongly supports LB671 and we ask the committee to advance the bill. I'd be happy to answer any questions. [LB671]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

SENATOR FRIESEN: (Exhibit 4) Thank you, Ms. Nielsen. Any questions from the committee? Seeing none, thank you for your testimony. Any other proponents who wish to testify on LB671? Seeing none, I'll switch to opposition testimony. We have one letter from the National Safety Council in...as a proponent. Welcome. [LB671]

SPIKE EICKHOLT: Well, thank you. Good afternoon, Chairman Friesen and members of the Transportation and Telecommunications Committee. My name is Spike Eickholt. First name is S-p-i-k-e; last name is E-i-c-k-h-o-l-t, appearing on behalf of the Nebraska Criminal Defense Attorneys Association, opposed to at least a portion of this bill. Just to be clear, we are not opposed to the provision or suggestions of the bill that relate to the seat belts, and we're not opposed to the provision of the bill that deals with learners' permits and the requirement that a licensed driver be within visual or contact of the driver and be supervising that learner's permit driver. The portion of the bill--portions of the bill--that we are opposed to is the suggestion or the request or the proposal to make a use of a handheld communication device a primary offense. It's our position and our concern, for those of us who do practice criminal defense, is that making that a primary offense will make it very difficult and will allow, essentially, law enforcement to stop a driver really at any time the officer witnesses--or believes the officer witnesses--or feels that the officer has observed somebody touching, using, or maybe just moving their phone within the vehicle itself. Our Supreme Court has held that any primary traffic offense, no matter how minor, no matter how petty, justifies a stop. There's also a second, sort of, tenet of that, and that's the notion of good faith, where the officer believes that a person has actually, sort of, committed a primary offense. So for instance, somebody could be pulled over for speeding but, in fact, the officer was just mistaken and that mistake was in good faith. The courts will say: That's fine. It doesn't matter if that person was speeding or not; the stop is still valid. Anything stemming from that stop can be used against that person in any kind of case. When you're talking about use of a handheld device and, if you look at pages 9 and 10--the bottom of page 9 really and pages 10, the parts--maybe lines 1-9 on page 10 deal with use of a handheld device. It doesn't limit it to texting. It's simply sort of using that. It does include texting but it's not limited to, and it can also include using a handheld communication or wireless, a hands-held wireless communication device to access an Internet Web site. In other words, if you're using your phone to use the map feature that you have on that, that app is a Web-based app; you're violating the law. When you're talking about what an officer might reasonably mistake, or might reasonably observe, they may assume you're texting someone, or they may even assume you're somehow just on the phone--on the speakerphone--if you just happen to be talking to yourself or singing in a car. As a practical matter, when we drive we have our phones next to us in our pockets, next to the car on the console. We don't lock them in our glove box; we don't put them in the trunk. And I say that because, if a person is stopped by a law enforcement officer, the officer says: I think you were on cell phone, the person says: I wasn't on my phone...but the phone is right there. That person is not going to win in court. It would just...it would just mean that every stop would be permitted under the law, and it is our position that it gives too much discretion for law enforcement and too

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

much discretion for the state. To kind of answer something that maybe Senator Bostelman asked before, there are crimes that deal with careless driving. There's an offense called careless driving. If you are driving a vehicle and you weave in and out of lanes, if you're driving bad, really for any reason, if you're on a phone or if you're not on a phone, there's provisions in the law that allows an officer to stop and cite that person. This would add something more than simply having the phone up there with you, touching it, using it, or something similar, that's not necessarily limited to actually texting someone or watching a video or something like that. So for that portion of the bill, we are opposed to it. [LB671]

SENATOR FRIESEN: Thank you, Mr. Eickholt. Any questions from the committee? Senator Bostelman. [LB671]

SENATOR BOSTELMAN: Thank you, Chairman Friesen. Mr. Eickholt, the question I have is...in one of our vehicles we have...we have a mapping device, you know, in the...built into the dashboard, into the vehicle. [LB671]

SPIKE EICKHOLT: Right. [LB671]

SENATOR BOSTELMAN: Is that...would that constitute...do you feel that that would be, although the person wouldn't see it, obviously... [LB671]

SPIKE EICKHOLT: Right. [LB671]

SENATOR BOSTELMAN: Sometimes you're up...if they have a Garmin, or something like that, it will be up on the dashboard, and they'll see that. But would those...if that'd be similar device as a phone or... [LB671]

SPIKE EICKHOLT: Well, it might be. First, I'd argue that that's probably no more...or probably that's probably as distracting, frankly, as a phone is in some respects. But it looks like, if you look on page 10, lines 6-9, under current law that might be exempted from a handheld wireless communication device because the portion that I just referenced, it says that "a handheld wireless communication device does not include an electronic device that is part of the motor vehicle." So if that meets that definition, and I don't know what it does if your phone somehow interacts with it somehow. You know, then I think you're kind of in a gray area. But I think if you're a law enforcement officer and you see somebody sort of doing something--because you can get those little phone mounts where you can have your phone there kind of near your dash, talking, trying to look at something, I think it's as distracting, arguably. It's just maybe a handheld app that deals with the map, as well. [LB671]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

SENATOR BOSTELMAN: Thank you. [LB671]

SENATOR FRIESEN: Thank you, Senator Bostelman. Any other questions? Senator Hilgers. [LB671]

SENATOR HILGERS: Thank you, Mr. Chairman. Thank you, Mr. Eickholt, for being here. I appreciate that. I remember your testimony from last year, when you testified on Senator Kolowski's bill. My question is in other states that have made texting a primary offense, have you seen the sort of--and I don't mean to put words in your mouth, so I won't... [LB671]

SPIKE EICKHOLT: Right. [LB671]

SENATOR HILGERS: But for lack of a better description, sort of this potential of abuse of the primary offense of a text, is there any data or any other experience of these other states that it suggested that that's likely to occur here? [LB671]

SPIKE EICKHOLT: You do. I mean some states' Supreme Courts are similar to the way our Supreme Court has and that is, and I've repeated it a couple of times, that our Supreme Court has said, in a series of cases, that any traffic violation, no matter how minor, justifies a stop. Other state courts have held something different than that, that it's got to be somehow...it is permissible to stop a vehicle, but only related to that limited purpose and then no more. Other...some other states have given statutory protection for drivers, right? You can be stopped for using a car, but you can't be searched and that kind of thing. We don't have any of those there. You know, it's tough to compare state to state, and you know this from being a senator and looking at other states' laws. It's easy to say...I'm not saying that anyone has misrepresented anything, but it's easy to state those statistics like we're only one of four states that don't have this. And we might be...I don't know. But I don't know that our accident rate, our injury rate, or anything like that is any significantly higher; I don't know if anyone can show that. [LB671]

SENATOR HILGERS: Oh... [LB671]

SPIKE EICKHOLT: Go ahead. [LB671]

SENATOR HILGERS: On the point you were making, is...have you seen any sort of...I mean is there one way to solve this, as to say: Look, it's a primary offense but put in statute that this can't be the...you know, there has to be some other primary offense that...to allow for a sort of valid search and seizure for something? [LB671]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

SPIKE EICKHOLT: I think if...without waiving any of our opposition to making it a primary offense, I think that if you want to do something that...to target bad driving, reckless driving, careless driving, that's where the committee should start, because this is something more. It's driving with the phone. There doesn't have to be bad driving with it; the crime is committed when you've got the phone in your hand; that's it. You don't have to show...it's not required to show. An officer can stop just based on that alone. I think that there should be some, perhaps, amendment to the careless driving, the reckless driving, or the willful reckless driving statutes. Those are on the books, and those are enforced. I know...I've seen that happen several times. Somebody's using a phone, weaving, driving very slowly while they're on the phone, and then stopped and cited, and convicted of careless driving. So it's not like these things can't be in place now. [LB671]

SENATOR HILGERS: Thank you very much. [LB671]

SENATOR FRIESEN: Thank you, Senator Hilgers. Any other questions from the committee? Thank you for your testimony. Any others wishing to testify in opposition to LB671? Seeing none, anyone wish to testify in a neutral capacity? Seeing none, Senator Krist. [LB671]

SENATOR KRIST: (Exhibit 3) I will note that Spike Eickholt apologized to me for his testimony in opposition--just for the record (laughter). I'm going to give this to your clerk and...or to your page, and have them make a copy for you. This one was provided to me by safety folks. And I think it's important that a question about how many primaries, how many secondaries...it's all here, and it tells you which states are doing that. And I think that you could collate that, if you wanted to, with the experts, in terms of the amount of accidents, whether they're fatal or not, based upon the state readout. I'm sure legal counsel can make that available to you. I wasn't prepared to talk about that, because I think we're making decisions for this state. I'll also note just one rebuttal for the opposition testimony. There isn't a cell phone company in the world that, if you told them I need to know--if law enforcement asked them: I need to know if that phone was being used at 12:02 and 30 seconds, which was plus or minus a couple of minutes from when it was being used, they'll tell you if it was texting, if it was talking, if it was mapping, if it was apping, whatever it might have been. So it's hard to say that...it's easy to say that you may have a bad actor who's wearing a uniform and a badge, who is going to pull a bunch of people over, but you still have to make it stick. And anybody could present the testimony to say: no, I wasn't, and be done with it. So with that, I thank you all for listening again, and this will be the last time I bring a bill to this committee. [LB671]

SENATOR FRIESEN: Thank you, Senator Krist. [LB671]

SENATOR KRIST: Thank you. [LB671]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

SENATOR FRIESEN: Any questions from the committee? Seeing none, thank you. That will close the hearing on LB671. Okay, now we will open the hearing on LB900. Welcome, Senator Bostelman. [LB671 LB900]

SENATOR BOSTELMAN: (Exhibit 1) Good afternoon and thank you, Chairman Friesen and the Transportation and Telecommunications members. My name is Bruce Bostelman; that's B-r-u-c-e B-o-s-t-e-l-m-a-n. I'm here today to introduce LB900, which I brought on behalf of the Department of Motor Vehicles and the Nebraska State Patrol. I proudly represent District 23 in the great state of Nebraska. LB900 is the annual legislative update which adopts the federal motor carrier safety and hazardous material regulations, which are in effect as of January 1, 2018. The adoption of these regulations is required on an annual basis to incorporate new or revised regulations into state statute. The state statutes must remain current with the federal regulations to avoid incompatibility and jeopardizing funding for the Nebraska's motor carrier safety administration program and the potential loss of federal highway funds. This bill changes the date from January 1, 2017, to January 1, 2018, for adopting federal rules utilized by the Department of Transportation and its enforcement of state laws. Such updates are incorporated as the federal law existed on January 1, 2018. LB900 allows for the exemption of non-Class A CDL holders from a hazardous materials endorsement for hauling diesel fuel if the driver is operating in their employment as a custom harvester, an ag-chemical business, a farm retail outlet and supplier, or a placarded...placarded as required. LB900 also allows weight exemption for vehicles fueled during...primarily by natural gas, as provided in the FAST Act, as they existed on January 1, 2018. Up to a 2,000 pound difference, between the weight of the natural gas fueling system and the weight of the comparable diesel tank fueling system, which does not exceed 82,000 pounds on the Interstate Highway System, is allowed. FAST Act provides that states cannot be held out of compliance by adopting this provision into law, which allows commercial trucks to exceed 80,000 pounds on the Interstate Highway System, in terms of putting highway trust funds in jeopardy. LB900 revises Nebraska Statute 60-6,294 to change the weight exemption, as described for vehicles fueled primarily by natural gas, as provided in the FAST Act. LB900 revises the civil penalties in Nebraska Statute 75-369.03 to align with those in federal law. This bill does contain an emergency clause and, if I could have the page come over, I do have an amendment that is necessary, and has been drafted, on the bill to address one small change that is necessary. I have had the page...I'm having the page hand out that amendment. That amendment would delete the word "vehicle" on page 19, line 14, of the bill. Instead of...instead the bill will just read "gross weight limitations" instead. That amendment is AM1628. I also received word from the Fiscal Office today that the State Patrol has indicated that the passage of this bill is necessary to avoid large a loss of revenue due...due from losing out on federal funds that would create a negative fiscal impact. That is not indicated on the current fiscal note, but the Fiscal Office is working with the Patrol to get a more accurate and updated fiscal impact. I would like to thank Director Lahm, with the Department of Motor Vehicles, and Captain--I'm going to mess this up--Krolikowski, of the Nebraska State Patrol, who will be here

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

and testify today and can provide more detail on these provisions and the necessity of this legislation update. I urge your support of LB900 and its advancement to General File. Thank you. [LB900]

SENATOR FRIESEN: Thank you, Senator Bostelman. Any questions from the committee? Seeing none, thank you. Welcome, Director Lahm. [LB900]

RHONDA LAHM: (Exhibit 2) Thank you. Good afternoon, Chairman Friesen and members of the Transportation and Telecommunications Committee. I am Rhonda Lahm, R-h-o-n-d-a L-a-h-m, director of the Department of Motor Vehicles. I'm appearing before you today to offer testimony in support of LB900. I'd like to thank Senator Bostelman for introducing LB900 on behalf of the Department of Motor Vehicles. This is a joint update bill introduced each year to keep the DMV and the Nebraska State Patrol consistent with federal laws and regulations which govern the state laws administered by both agencies. LB900 adopts the most recent version of federal law in effect as of January 1, 2018, of the International Registration Plan, or IRP, the federal regulations governing the issuance of commercial drivers' licenses, regulations governing low-speed vehicles, provisions of the United (sic--Unified) Carrier Registration Act, regulations governing handicapped parking tags, and the provisions outlining requirements for security and background checks for those involved in the issuance of drivers' licenses and identification cards. Section 13 of LB900 adopts into state law a provision which is outlined in the FAST Act, which is Fixing America's Surface Transportation Act. This section allows for holders of a Class A commercial operator's license to be exempt from obtaining a hazardous materials endorsement for hauling less than 1,000 gallons of diesel fuel which is properly placarded, if the driver is operating in their employment as a custom harvester, an ag-chemical business, farm retail outlet or supplier, or livestock feeder. Statutes related to motor carrier enforcement have been updated to January 1, 2018. It also allows a weight exemption for vehicles fueled primarily by natural gas, as provided in the FAST Act. The bill also revises the civil penalties to align with those in federal law. I encourage advancement of LB900 to General File. Chairman Friesen, at this time I'd be happy to answer any questions the committee may have. [LB900]

SENATOR FRIESEN: Thank you, Director Lahm. Any questions from the committee? So when they're going to allow a natural gas-powered truck to go 82,000 pounds gross, but they won't allow regular trucks to go 82,000 pounds gross... [LB900]

RHONDA LAHM: I'm going to defer that to Captain Krolikowski just because he does the weight stuff and, honestly, it's not my area of expertise. [LB900]

SENATOR FRIESEN: Okay. It was mentioned earlier by Senator Bostelman that there would be a large fiscal note if we didn't pass this, which I take would mean if we didn't pass this, we would

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

not meet federal transportation requirements and we would lose state funding. Is that correct?
[LB900]

RHONDA LAHM: That's...yes, that's my understanding. Those are dollars that go to the Department of Roads and to the Nebraska State Patrol... [LB900]

SENATOR FRIESEN: Okay. [LB900]

RHONDA LAHM: ...that they can always share with me, if they want to. I'd always take it (laughter). [LB900]

SENATOR FRIESEN: Okay. Seeing there are no further questions, thank you, Director Lahm. [LB900]

RHONDA LAHM: If I may, Senator Friesen, I could answer Senator Geist's question regarding the permit, from the previous testimony... [LB671 LB900]

SENATOR GEIST: Um-hum. [LB671 LB900]

RHONDA LAHM: ...for the provisional operator's permit. [LB671 LB900]

SENATOR GEIST: Provisional, um-hum. [LB671 LB900]

RHONDA LAHM: Right. You're required to hold a learner's permit for at least 180 days before you're eligible for a provisional operator's permit. The provisional operator's permit: After you've held it for one year, you're eligible for an operator's license or at your 18th birthday, if you obtain the age of 18 before that year is up. [LB671 LB900]

SENATOR GEIST: Thank you. [LB671 LB900]

RHONDA LAHM: Yeah. Thank you. [LB671 LB900]

SENATOR FRIESEN: Thank you, Director. Other proponents who wish to testify? [LB671 LB900]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

GERALD KROLIKOWSKI: (Exhibit 3) Good afternoon, Chairperson Friesen and members of the Transportation and Telecommunications Committee. My name is Gerald, that's G-e-r-a-l-d Krolikowski, K-r-o-l-i-k-o-w-s-k-i. As commander of the Carrier Enforcement Division, I am here today on behalf of the Nebraska State Patrol, to testify in support of the motor carrier safety provisions of LB900. When the United States Congress passed the Motor Carrier Safety Act, emphasis was placed on the states adopting uniform safety measures, with the ultimate goal of a reduction in the number of commercial motor vehicle accidents. In order for the state of Nebraska to maintain consistent and compliant with these federal requirements, it is necessary to update our commercial vehicle safety regulations annually. This legislation will enable the Nebraska State Patrol to continue enforcing updated federal motor carrier safety regulations and the federal hazardous materials regulations. Every day our troopers strive to make our highways safe. In 2017 the Nebraska State Patrol conducted 30,300 roadside inspections. 7.3 percent of those drivers inspected were placed out of service. Of the 8,857 vehicles inspected, an average of 2.89 violations per vehicle were discovered, with 31.6 percent of the vehicles being placed out of service. The roadside inspection program has enabled the state to establish clear guidelines for commercial vehicle operators, while ensuring a Nebraska State Patrol presence to assist in correction of operators who have vehicle or driver defects. These guidelines create a significant deterrent effect. Along with our enforcement efforts, public education is a valuable tool used by the agency to improve highway safety. In 2017 the Carrier Enforcement Division of the State Patrol conducted 110 public education seminars across the state, directed at commercial motor vehicle owners and operators. In addition, the Nebraska State Patrol Web site provides a passenger carrier webinar and other vital videos for commercial motor vehicle owners, operators, and the public. Section 16 includes a new weight limit exemption for natural gas-powered vehicles. The FAST Act--Fixing America's Surface Transportation Act--authorized states to adopt a 2,000-pound weight exemption for these vehicles. The Nebraska Department of Transportation submitted a letter of support for this provision. I'll be happy to answer any questions that I can. [LB900]

SENATOR FRIESEN: Thank you, Mr. Krolikowski. Any questions from the committee? So I'm curious if, you know, some trucks now can legally travel at 82,000 pounds. Would that be correct, if they're natural gas-powered? [LB900]

GERALD KROLIKOWSKI: Currently in other jurisdictions, correct. I mean in Nebraska, they cannot... [LB900]

SENATOR FRIESEN: They cannot. [LB900]

GERALD KROLIKOWSKI: ...exceed 82,000 pounds on...80,000 pounds on the Interstate currently. [LB900]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

SENATOR FRIESEN: So if they... [LB900]

GERALD KROLIKOWSKI: They could go 82,000 pounds if they have the axles of Bridge on secondary highways. [LB900]

SENATOR FRIESEN: Right. [LB900]

GERALD KROLIKOWSKI: Sure. [LB900]

SENATOR FRIESEN: Okay. So they're just carving out an exemption for the natural gas fuel-fueled trucks. [LB900]

GERALD KROLIKOWSKI: You are correct. [LB900]

SENATOR FRIESEN: Okay. I would go further but I won't; I'll be nice (laughter). Any other questions from the committee? I do drive a truck once in a while. I get to meet some of your officers. [LB900]

GERALD KROLIKOWSKI: Yes; yes, sir, I know. So it's always a cordial..to my knowledge, say (laughter). [LB900]

SENATOR FRIESEN: Seeing no further questions, thank you for your testimony. [LB900]

GERALD KROLIKOWSKI: Thank you. [LB900]

JILL BECKER: Good afternoon, Chairman Friesen and members of the Transportation and Telecommunications Committee. My name is Jill Becker, spelled J-i-l-l B-e-c-k-e-r, and I am here before you today, as a registered lobbyist on behalf of Black Hills Energy, in support of LB900. As you might expect, we are in support of the aforementioned Section 16 that does allow our state to increase the weight limits for compressed natural gas vehicles up to 82,000 pounds. Just to provide a little bit more background, each of the states, after passage of the FAST Act, either have to do enacting legislation or some administrative action to allow this weight limit increase. We've had ten states approve such legislation in 2016, two states already allowed it, eleven states in 2017, and Nebraska is one of at least four states considering such legislation in 2018. Just by a little bit of statistics for Nebraska, I believe we have 12 compressed natural gas stations in Nebraska, and these are May statistics. We believe we have 4,812 registered CNG vehicles in our state. Now obviously, probably most of those are not going to be anywhere close

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 23, 2018

to the 82,000 pounds, but just thought I'd provide that, by way of background. With that, I'd be happy to answer any question that the committee may have. [LB900]

SENATOR FRIESEN: Thank you, Ms. Becker. Any questions from the committee? Seeing none, thank you for your testimony. [LB900]

JILL BECKER: Thank you. [LB900]

SENATOR FRIESEN: (Exhibits 4 and 5) Any other proponents in favor of LB900? Seeing none, anyone wish to testify in opposition to LB900? Again, we have some letters: for proponents, Kyle Schneweis, from the director of the Department of Transportation; and Rocky Weber, president of the General Counsel, Nebraska Coop Council. Anyone wish to testify in opposition? Seeing none, anyone wish to testify in a neutral capacity? Seeing none, Senator Bostelman...waives closing. With that, we will close the hearing on LB900. And we will have a motion to go into Exec Session. [LB900]