

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee February 12, 2019

GEIST: [RECORDER MALFUNCTION] Transportation and Telecommunications Committee. I'm Suzanne Geist. I am the Vice Chair of the committee. Our Chair, Curt Friesen, is presenting a bill in another committee and will return when he's done. I represent District 25. We'll begin with just a few procedural items. Please silence all cell phones and other electronic devices. We will be hearing the bills in 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; and that's right there. 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. Hand, handouts are not required but, if you do have a handout, 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 slowly 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 been covered already. We will use the light system in this committee. Beginning with the green light, you will have five minutes for your testimony. The yellow light indicates there's one minute left. When the red light comes on, time is up and I will have you wrap up. Those not wishing to testify, to testify, may sign on the pink sheet by the door to indicate their support or opposition to the bill. I would like to introduce the staff who will be assisting this afternoon: committee legal counsel Tip O'Neill, to my right; committee clerk is Sally Schultz and she is right back here. The pages are Alyssa and Preston-- Alyssa and Preston. And I will have the committee members introduce themselves, beginning on my right.

HUGHES: Dan Hughes, District 44: Perkins, Chase, Dundy, Hayes, Hitchcock, Frontier, Red Willow, Furnas, Gosper, and Harlan Counties.

CAVANAUGH: Machaela Cavanaugh, District 6: west-central Omaha and just Douglas County.

DeBOER: I'm Wendy DeBoer, District 10, which is Bennington, the surrounding areas, and northwest Omaha.

ALBRECHT: Senator Joni Albrecht from Thurston, Dakota and Wayne, Nebraska-- northeast: District 17.

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BOSTELMAN: Bruce Bostelman, District 23: Saunders, Butler, majority of Colfax Counties.

GEIST: And Senator Hilgers could not join us this afternoon; and he would be sitting right here. With that, we will go on and open the hearing on LB719. Good afternoon, Senator Hughes.

HUGHES: Good afternoon. Thank you, Vice Chairman. Members of the Transportation and Telecommunication Committee, for the record my name is Dan Hughes. That is H-u-g-h-e-s. I represent the 44th Legislative District. LB719 will end duplicative reporting for Nebraska scrap recyclers and junk and salvage yards, becoming the first state to streamline state and federal title reporting requirements through the Department of Motor Vehicles. Currently scrap recyclers, junk and salvage yards are required to surrender titles for junked motor vehicles to the Nebraska Department of Motor Vehicles. The Nebraska DMV is updating this process later this year to require licensed wreckers and salvage dealers to report this information electronically. In addition to those reporting, scrap recyclers, junk and salvage yards must also currently report their full inventory of all junk or salvage motor vehicles obtained, in whole or in part, to the National Motor Vehicle Title Information System. Scrap recyclers and junk and salvage dealers in Nebraska want to end this duplicate, duplicative reporting to both the Nebraska DMV and the NMVTIS. LB719 would authorize the DMV to submit required reports to the NMVTIS from the reports they receive from scrap recyclers, junk and salvage dealers, thus ending, ending the duplicative reporting. We have an amendment that I would like the committee to consider, but I, but I understand that it has raised some concerns with the DMV. We are willing to work with the committee and all parties involved to find a solution. Following me will be testimony from those in the industry. And with that, I will try to answer any of your questions. Thank you.

GEIST: Thank you. Are there any questions from the committee? Seeing none, we'll have the first proponent.

DANIELLE WATERFIELD: Good afternoon, Madam Vice Chair and distinguished members of the committee. My name is Danielle Waterfield, D-a-n-i-e-l-l-e W-a-t-e-r-f-i-e-l-d. I represent the Nebraska members of the Institute of Scrap Recycling Industries. We are a nonprofit organization with 21 state and local chapters around the country and a headquarters in Washington, D.C., and we are here in support of LB719. Basically I, in the interest of time-- I understand this committee has quite an agenda in front of it, so I did submit

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prepared statements for the committee that I would refer to if you have any further questions. And I'll keep my remarks concise and just say that the industry has been wanting to work, as part of the solution, and wanting to work with law enforcement and state officials for years and trying to help facilitate information, information collection for law enforcement purposes in helping attack the issue of vehicle fraud and VIN fraud. And we have been supportive of the DMV's efforts over the past few years to put into place the new VTR system that Nebraska has. My role at ISRI, as we call ourselves, has been as assistant counsel, and I coordinate all of our industry's efforts across the 50 states. And for the past 10 years I have focused on detitling and vehicle, salvage vehicle issues. And so I can say that Nebraska's VTR system is the first in the nation that has been developed in a way that is capable of, technologically speaking, of collecting the data from the recycling industry and transmitting it into the federal database. Now the difference is, is this is a federal database and, by federal law, recyclers are required to report certain information to the federal database. This is outlined in the SB719 [SIC]. The state also has requirements to report to the federal database as well as other industries such as insurance industries, the salvage pools and tow operators. So it's a collective massive database but the law requires reporting every 30 days. Well, we would like to help law enforcement in Nebraska because, if you incorporate this reporting into state law, you give state officials the ability-- more enforcement capability. Right now the federal law is only enforceable through federal officers. By incorporating requirements into state law, you give state officials the ability to also enforce some of these requirements. It also will help create a more seamless database nationwide, which helps again all officials involved with dealing with title fraud and VIN fraud that is becoming a problem across the country. So with that, and my full statement in the record, I'm here to answer any questions if you have any. And with that, I'll conclude my remarks.

GEIST: Very good. Thank you, Miss Waterfield. Any questions from the committee? Seeing none, thank you for your testimony. The next proponent. OK. Seeing none, the, the first opponent. Seeing none, anyone that wishes to testify in the neutral position.

RHONDA LAHM: Good afternoon, Vice Chair Geist and members of the Transportation and Telecommunications Committee. I'm, I'm 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 neutral testimony on LB719.

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Operators of junkyards, salvage yards, and auto recyclers are required to inform the federal government monthly on inventory of all salvage automobiles obtained, in part or in whole, in the prior month. This information includes details of the individual from whom the vehicle was purchased, details of the vehicle, and indication of the, of the disposition of the vehicle. This information is reported to the National Motor Vehicle Title Information System-- or commonly referred to as NMVTIS, authorized by the U.S. Department of Justice, and jointly administered by the association, the American Association of Motor Vehicle Administrators-- or AAMVA. NMVTIS uses this data in an effort to prevent the introduction or reintroduction of stolen vehicles into interstate commerce, protect states and consumers from fraud, reduce the use of stolen vehicles for illicit purposes, and to provide consumer protection from unsafe vehicles. Many salvage dealers, dealers currently use a third party to meet this federal obligation. In addition to reporting these details to NMVTIS, these dealers must also report related information to the state. This bill would not change the information being reported, but would implement a new option by which the information is relayed. The intention is to create a process in order to reduce the redundancy of reporting experienced by these operators while remaining cost neutral to the state. The concept would involve creating a mechanism by which salvage dealers report to the department. And this information is relayed by the department to NMVTIS. To effectively implement this new process, it will involve numerous stakeholders and system modernization projects. Because of this, we are unable to determine a time line in which this development and implementation will occur. Additionally, establishing an accurate financial structure will require information which is currently unavailable. As a number of matters need to be considered before a solution is fully developed, the bill does not include an operational date. Likewise, the bill is permissive in nature, allowing the department to fully scope all of the issues involved. Vice Chairman-- or Chairwoman Geist, at this time I'd be happy to answer any questions the committee may have.

GEIST: Thank you, Director. Are there any questions from the committee? Senator Albrecht.

ALBRECHT: Thank you. Can you answer me then, you would want an amendment to talk about the time line, making it neutral for the department of, your, your particular department, and then date specific?

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RHONDA LAHM: So currently, currently the bill is introduced. It doesn't have any specifics for financials because we don't even really have the information or data available at the current time to determine what those numbers would be. And so that's why it's not in the bill. The bill authorizes us to charge a fee but doesn't set the fee. As far as the date, we don't-- there's a lot of different factors involved in the date right now. One factor is our modernization project which we-- that's probably the most known factor; we know when that's going to happen and when that's going to go live. At the current time, the Department of Justice is working with AAMVA to renegotiate their contract for administering the system and, after that's completed, AAMVA is going to be doing a modernization of the NMVTIS system. So it doesn't make a lot of sense financially to develop an interface into an old system and then rewrite a new interface into the new system, because that will increase the costs significantly which, according to the bill and would be our position, would be passed on then to the users. So there's no reason to increase costs to those people who would be using it. So that's another unknown time line factor. And so that's the reason there's no time line in the bill and that, at this time, I don't really have an accurate time line that I can provide you. But we're willing to work with industry on that time.

ALBRECHT: So can you tell, do you have any idea? Every 30 days these salvage yards have to, to validate how many claims they would have with, with VIN numbers on their stock, their, their inventory, I guess. So do you have any idea how many they have in a year's time?

RHONDA LAHM: So we looked at our records that show how many titles have been, you know, salvaged or junked in a year, and the number was slightly above 25,000 per year. So that would be a starting point for a number. There are some vehicles that are reported, also, to NMVTIS that may not necessarily be reported to us because the criteria are not exactly identical. So we would have to do some additional research to make sure that we had an accurate number in that regard, but that would be our starting point where we would start.

ALBRECHT: Very good, thank you.

RHONDA LAHM: Um-hum.

GEIST: Any other questions? Seeing none, thank you for your testimony.

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RHONDA LAHM: Thank you.

GEIST: Anyone else that wishes to testify in the neutral position?
Good afternoon.

JOE KOHOUT: Good afternoon, Vice Chairwoman Geist and members of the Transportation and Telecommunications Committee. My name is Joe Kohout, J-o-e K-o-h-o-u-t, and I'm a registered lobbyist, appearing today on behalf of our client, the Insurance Auto Auctions, Incorporated. You've heard my comments before about what insurance auction, auction, auto auctions do, so I won't repeat that. I would note that we've had conversations with the Institute, with Senator Hughes's office, over the last few weeks. And while we had initial concerns with LB719, the AM258 that you have in your possession now, that was provided to you by Senator Hughes, is one that we can agree to. And our concerns go away with the adoption of the amendment. So I just wanted to get that on the record.

GEIST: Thank you for your testimony. Are there any questions of our committee? Yes, Senator Bostelman.

BOSTELMAN: Thank you, Chairwoman Geist. Mr.--

JOE KOHOUT: Kohout?

BOSTELMAN: Holding everything up. How is it currently, the information transferred? Is it in writing, by documents? Is it-- how is that done now?

JOE KOHOUT: My understanding is, is that in, IAA has invested a significant amount of resources into the development of their, their system and to comply with NMVTIS. So we're transmitting that electronically right now, is my understanding.

BOSTELMAN: And how does that apply to vehicles that have been flooded?

JOE KOHOUT: You know, Senator, I, I--

BOSTELMAN: Those type of things?

JOE KOHOUT: I don't know off the top of my head I can get you an answer that question though.

BOSTELMAN: That's something we talked about here, I think last session maybe, about those vehicles that may be coming up here that have

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either been in, been in a hurricane zone or a flood zone and how those were treated. So I appreciate that; thank you.

JOE KOHOUT: We'll check into it.

GEIST: Thank you for your question. Any other questions from the committee? Seeing none, thank you for your testimony.

JOE KOHOUT: Thank you.

GEIST: Anyone else wish to testify in the neutral position? Seeing none, Senator Hughes, You're welcome to open-- I mean close. Or you can keep going if you--

HUGHES: Thank you, Vice Chairman Geist and members of the committee. We've got just a couple of little wrinkles to work out. You know I'm, I'm definitely committed to making sure that we address the concerns of DMV to make sure that it is not a cost to the state in order to streamline this process for the recyclers and the scrap and salvage dealers. So we will be working on that and bringing something to the committee at some point soon. Thank you.

GEIST: Thank you. Are there any questions by the committee? Seeing none, this will close the hearing on LB719. We will move on to LB378. I apologize. I need to read one letter of support from the Automotive Recycling Industry of Nebraska, and another letter, Institute of Scrap Recycling Industries, for LB719. I apologize for that. Now we will begin the hearing on LB378. Good afternoon, Senator Hansen.

B. HANSEN: Good afternoon. My first time testifying in this pretty nifty hall, so thanks for having me.

GEIST: In the hot seat.

B. HANSEN: OK.

GEIST: Glad to have you.

B. HANSEN: Good afternoon, Vice Chair Geist and members of the committee. My name is Ben Hansen, B-e-n H-a-n-s-e-n. I'm the senator for Legislative District 16, and I'm here to introduce LB378, to allow persons over the age of 21 to ride motorcycles without a helmet. Many of you on the committee are familiar with this, previous versions of this bill, and have taken votes on it in the past. Even those of you who are new to the Legislature this year are likely familiar with the

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almost perennial attempt to pass this bill for the last decade or so. During this year, you may hear testimony that riding motorcycles without a helmet is unsafe and that riding with helmets saves lives. You may hear testimony about the increased healthcare costs due to increased motorcycle injuries, and you may even hear emotional stories about loved ones lost because they were riding without a helmet. My intention is not to downplay those stories or to invalidate them in any way. In fact, as a physician, I understand that riding without a helmet may be dangerous. The core issue here is not about safety. The statistics can show that it is indeed safer to ride with a helmet than without one. The core issue here is about whether or not riding without a helmet creates danger on the road and whether or not forcing riders to wear a helmet is a violation of personal freedom and individual liberty. I'm going to repeat that one again. I think that's the core to what my argument is here, not about whether helmets are safe or not. The core issue here is about whether or not riding without a helmet creates danger on the road, and whether or not forcing riders to wear a helmet is a violation of personal freedom and individual liberty. I believe, and I think you will agree, that forcing riders to wear a helmet is a burden on their individual freedoms and that riding without a helmet, unlike other road safety laws such as drinking and driving laws, endangers no one else on the road. I do want to address one trend regarding motorcycle licenses in the state of Nebraska, in Basic Rider [SIC] training certificates; that's what these handouts have to deal with. Although the number of licensed riders have remained relatively even since 2012, the number of training course certificates issues has dropped from 2,408 in 2012 to only 1,419 in 2017. That's why I'm working on an amendment to this bill that would require all new license holders to take and pass the Basic RiderCourse training class. Regardless of disagreement on unhelmeted riding, I do think we may all agree that increased training and education would benefit everyone on the road and does contribute to overall road safety. I believe that with some of the changes to this bill and the realization that Nebraska tourism is "not for everyone," the time is right to lift the burden on motorcycle riders and open up Nebraska to the economic boom that increased ridership promises. I am excited for the floor debate on this bill and ready to answer any questions you may have. Thank you.

GEIST: Thank you for your testimony. Are there any questions from the committee? I have one.

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B. HANSEN: Yes.

GEIST: Do you know-- I, it's been a long time since I've taken my driving course. Is there anything about motorcycle safety included in a driving, a vehicle driving course? Do you know?

B. HANSEN: You know, I think they do mention it, but I know how to what extent it is, so I can't really say that for sure.

GEIST: OK.

B. HANSEN: Good question; thank you.

GEIST: Thank you. But just so that I'm clear, the motorcycle Basic RiderCourse is not currently--

B. HANSEN: It's optional right now in the state of Nebraska; it is required in the state of Iowa.

GEIST: OK.

B. HANSEN: And we'd kind of like to mimic that because they have seen a decrease in fatalities.

GEIST: So that will be reflected in your bill, that--

B. HANSEN: Yes, that's what we're planning on amending. Yeah.

GEIST: Good.

B. HANSEN: All right.

GEIST: All right, thank you.

B. HANSEN: Thank you.

GEIST: Any other questions? Thank you for your testimony.

B. HANSEN: All right, thank you.

GEIST: You're planning to stay and--

B. HANSEN: I will be sticking around, yes. Thank you.

GEIST: OK. Thank you. We'd like to hear from the first proponent. Good afternoon, Senator.

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DAVE BLOOMFIELD: Good afternoon, Senators. My name is Dave Bloomfield, D-a-v-e B-l-o-o-m-f-i-e-l-d. I am a former state senator for Legislative District 17. That seat is now well represented by a member of this committee, Senator Albrecht. I'm a little sad to be appearing in front of you today because this issue should have been settled years ago. I am, however, proud to be supporting this legislation, not only because I carried similar bills myself, but because it's the right thing for Nebraska. Freedom is a precious commodity that, once lost, is nearly impossible to regain. Nations have learned this bitter truth in the past. Ask some from, someone from what was East Germany or Poland, what it took to regain their basic rights. We have fought wars to keep or restore the freedom of people around the world. Yet we endanger it here in Nebraska. The right to decide about wearing a helmet may not seem to compare with the right of free speech or the right to freely assemble or the right to worship God as we please. Or does it? Maybe we get pretty close. What about life, liberty, and the pursuit of happiness? Freedoms are not usually lost all at once but by piecemeal enactment of laws that restrict some of the freedoms of a small minority that most people don't care much about. The states around Nebraska have pretty much repealed their overly restrictive helmet laws and still seem to be doing just fine. What is it about a little freedom that scares Nebraska? While to me freedom is more than reason enough to toss this old law into the dustbin of history, there are more reasons to repeal it that should be considered. The budget in Nebraska, as you well know, has its issues-- too much going out, not enough coming in. This could be somewhat alleviated if we could get more people to come here and spend some of their recreation dollars in Nebraska. Motorcyclists and their families will come here if we get rid of this bad law. These people will spend money in Nebraska. They will stay in our motels. They will eat in our restaurants. They will visit our parks and our gift shops. They will buy gas at our stations. They will buy snacks and gifts at our Quik Shops. Some of them will buy cigarettes and maybe even a little beer. They will buy repairs and accessories, and they won't all just be riding their bikes. Some of them will be pulling trailers, hauling their bikes. Besides helping out, helping our business people make more money, the state of Nebraska-- the cities and the towns will be collecting taxes. We all know that the best revenue that a state can take in is that from other states. But that's not the only revenue we're missing out on. Too many of our citizens take their bikes and their business to border states because they're not forced to wear a hot, heavy helmet that impairs their vision and their ability to hear the warning sounds of the road. When I was carrying this bill, we did a lot of research on what it's

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costing us. We're losing thousands of visitors and millions, if not tens of millions, in sales and revenue. We were told during the debate the last time that I sponsored the bill that western Nebraska did not have the infrastructure to handle the increase we would see in tourism. Wouldn't it be a shame to see new motels built or restaurants in some of our small towns reopen? We can't guarantee that all this will happen with the passage of LB378. We can, however, know for sure that the cyclists and their families will not come if you fail to pass LB378. We have years and years of proof of that. Many won't even drive through our state in their cars; they hate the law that much. People all across the country are watching Nebraska and this legislation. I learned that while visiting Oregon a few years ago when I talked to some California cycle riders and I told them that I was trying to repeal the helmet law in Nebraska. And from that, they knew my name. So we can gain revenue, gain tourism, and gain respect from other states. While all of that is nice, I repeat the most important thing that we can gain is the restoration of one freedom that the government has removed from a small minority that not many people care or think about. I close, as I have in the past, with a quote from President Ronald Reagan. "Government exists to protect us from each other. Where government has gone beyond its limits is in deciding to protect us from ourselves." Thank you for listening. Please send this bill to the floor for passage. And I'll try to answer any questions you might have.

GEIST: Thank you for your testimony. Are there any questions from the committee? Seeing none--

DAVE BLOOMFIELD: Thank you.

GEIST: I appreciate it.

JOHN ROSS: Oh, I see we changed. Good afternoon, Senator Friesen, Chairman of the Committee, and fellow senators of the committee. My name is John Ross, J-o-h-n R-o-s-s. I'm testifying for myself. I support LB378. It does two things: protects our youth, and gives adults a choice. Most young people do not totally understand the risks of riding these vehicles on a highway. When you are young it is very easy to think: it will not happen to me, I will be careful, and I am a great rider. But even experienced riders have accidents. Many accidents are not your fault. With this law, no matter whose fault the accident was, our youth would have the protection of approved protective helmets. As you grow up and gain experience, most people will understand the dangers of some of the things they do. I believe

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that adults should have a choice in how much risk they want to take in their lives. People that are 21 years of age should be allowed to make the choice to wear a helmet or to not wear a helmet. Our Constitution says we have life, liberty, and the pursuit of happiness. If an adult is happy when they ride a motorcycle without a helmet, let's let them. Government cannot protect everyone from everything with laws. People need to be allowed to make choices; it is their life. There are some laws that are needed-- traffic laws while we're talking about being on road: speeding, stop signs, stoplights, etcetera. These laws make roads reasonably safe for everyone. Wearing a helmet does not make driving safer for everyone on the road. Another example is hunting laws. Wearing hunter orange during the November deer season protects you from being shot and protects other hunters from the possibility that they would accidentally shoot you. This is safety for everyone while they are hunting. A lot, another example of a hunting law is hunting from a tree stand and not using a fall arrest system. That is very dangerous. It is not a law currently. If you fall from a tree stand without a fall arrest system, you can be severely injured and maybe even become a fatality. This choice should be yours, not the government's. Probably much to your surprise, I am not a motorcycle rider. But I believe in the freedom of choice. Thank you for listening to me.

FRIESEN: Thank you, Mr. Ross. Any questions from the committee? Seeing none-- so you've never ridden a motorcycle?

JOHN ROSS: No, never have. And then I don't know why. It's just--

FRIESEN: I really haven't ever either and I don't--

JOHN ROSS: It's probably a lot of fun. I just asked some of the people that ride them. And they want to ride without a helmet if that's their choice.

FRIESEN: Thanks for coming in to testify.

JOHN ROSS: Thank you.

FRIESEN: Any other proponents?

SCOTT HOFFMAN: Well, I didn't have a prescription here, so I'm just going to talk off the top of my head. My name is Scott Hoffman, S-c-o-t-t H-o-f-f-m-a-n. I want to start this off applauding Senator Hansen for introducing the addendum about taking a motorcycle safety

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course. Actually Michigan was the last state that repealed their law, and they did have that addendum on it. It seemed to make a big difference in getting that helmet law repealed. The other reason why I'm here is I was back-- the last time I appeared before the committee here was back in 2015. This was the 75th year of Sturgis Motorcycle Rally, and there was just a tremendous amount of people. I mean I spent almost ten minutes in line and this was just to fill up of small motorcycle tank with gas. There was just a tremendous amount of people up there. And this is the thing that we're trying to implement upon you, is that the, the tourism that this state can gain through that rally is tremendous. Now we don't want to fully put it on that. I mean, when you look at the byways from east to the west coast-- you know, Interstate 70 going through Kansas, Interstate 80 going through Nebraska, Interstate 90 going through South Dakota-- that mean that the motorcyclist can take a different route to get around this state. And that's just through the whole year. Now since 2015, I've got a larger motorcycle because my wife wasn't going to ride on the back of my smaller motorcycle; she wanted a bigger bike. And that was the only way I could convince her to start riding for me across the country. But I start going to the rallies. I've logged in over 100,000 miles without a helmet across the country in about 20 years, quite a few here in the last. But I when I rode to Laconia, New Hampshire, which is close to Boston, Massachusetts-- it's a 1,700-mile ride-- I took my helmet off in Council Bluffs, Iowa, and I rode all the way to New York. And I did the same thing on the way back. Now I had to put it back on because New York has a helmet, you know, law; and to get to New Hampshire, you have to go through that state. So-- but my wife, you know, she-- I don't know if it's a hair thing or whatever, but in fact I talked to her before I came here-- says yeah, it's my choice, I go, and she does wear her helmet. So I choose not to. And some people have confronted me and said: Hey, Scott. Why, why don't you, why don't you wear a helmet? Don't you think it's safe? I go well, you know what? A lot of times when you're riding, it's in the summer. And here in Nebraska we know how the heat gets and, you know, you got a heat index of 68 dew point and 90 degrees outside. It's hot sun, and you're wearing a black helmet. Yeah, and it gets-- that one- or two-pound helmet becomes like 25 pounds; and it does get extremely, extremely hot and heavy. And that's why enjoy not wearing one, you know, because of the fatigue. I ride-- usually I put in 700 miles a day, so-- and that's the thing now. The other thing is whether I'm wearing that helmet or not, every state around us does not have a helmet law except Missouri. Iowa has no helmet law, a law at all. You can be a child, you know, at any age. And the only other state that has that is New

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Hampshire. In fact, I'm told that New Hampshire don't even have a seat belt law. I didn't even know that. In fact, some people might know the slogan on New Hampshire's license plates: Live Free or Die-- kind of harsh, but that's something I was always surprised with, in fact of I didn't realize when I saw it, when I was riding behind a car. But anyway, what I'm trying to say is if I'm in another state, with or without a helmet, and I get in a collision, where am I going to come back to be cared for? Nebraska. And that's, that's the situation we're talking, if we're talking [INAUDIBLE], because if people-- you can't just sit there and tell somebody, well, you should wear a helmet because you've got to wear a helmet in Nebraska. This kind of reminds me when I was a child and my mom would yell out the front door when I was on my tricycle: Now don't go too far, you know, or where, where we'd get motorcycles and we'd ride across the country. It's like "Wild Hogs" with John Travolta and Tim Allen, you know-- I just want to ride, I just want to ride, you know. But if you've ever saw it, it's kind of a comical. But that's what we do. That that's what we do, Senators. We, we get our motorcycles and we ride across this, across, across the country. And I will tell you I've been to Sturgis for the last 20 years straight and, in that time, I'm starting to see more and more people wear helmets because it's their option and their choice. You know, some people don't; a lot of people do. And you can see the change, and it is happening. But it has, doesn't have to be compulsory, and that's what I'm here to speak for you today. And then, and it-- I know I've got a little bit more time. In 2016, I suffered a cut on my head several days before I went to the motorcycle rally-- wasn't severe or anything like that. And when I put my helmet on, well it hurt. So I had a choice: either ride with a helmet from Lincoln, Nebraska, all the way to Sturgis, South Dakota, or stay home. Well, I rode without a helmet and made it all the way. No, Senators, I will not tell you my route, but it was something I had to make a choice because I had reservations and I had to do it. So anyway, that's it; thank you. Any questions?

FRIESEN: Thank you, Mr. Hoffman. Any, any questions from the committee? So you used your wife as an excuse to buy a bigger, newer bike?

SCOTT HOFFMAN: No, Senator, she forced me to buy the, the deal and then, too--

FRIESEN: I like, I like that thought process.

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SCOTT HOFFMAN: And the other thing is, and I know we had a little bit-- I had my hip replaced in 2018. I did that on a 900-pound motorcycle with a bad hip. I've had it replaced, and I think I'm in pretty good shape right now so-- but that's, that was a task.

FRIESEN: OK. Seeing no questions, thank you for your testimony.

SCOTT HOFFMAN: Thank you, Senator.

FRIESEN: Welcome.

RICK PACE: Oops. Good afternoon, members of the committee. My name is Rick Pace, P-a-c-e. I'm from Omaha and I came up here. I've been with ABATE of Nebraska now for some odd 35 years. Bought my first Harley April 10, 1979. So I've got quite a few years, quite a few miles. I remember before Nebraska had the helmet law I was riding. And I'm not here as an expert witness, just to share a little bit of my experience with you. And as far as the helmet law goes, I prefer not to wear one. I ride a lot with my wife of 22 years. She likes to wear one. Statistically, there are statistics that go both ways; you can make it for our side or you can make it in opposition to our point. I think the fact that the statistics are so close either way proves right there that they really-- that the statistics don't actually give you a clear representation of, of what it's like. So I guess I'm just here. I've been doing this for a number of years, and I think one thing that's important, too, is I hear in some of these testimonies, is the protection value of a helmet. And a helmet really is not protection; I've buried friends both ways, with helmets and without. And it's not protection. It, it in certain instances, it can afford a little bit of protection but, at highway speeds or anything, it's not protection. It's no guarantee that you're going to survive it just because you're wearing a helmet. I, I-- you know riding a motorcycle is not inherently dangerous, although it's very unforgiving of carelessness. And I think education and instruction-- the education course and stuff-- is truly the way to go. And I didn't actually prepare to be a witness today so I don't have a whole lot of information for you. If there are any questions from you--

FRIESEN: That's OK. Thank you for your testimony. Any questions from the committee? Seeing none, thank you.

RICK PACE: Thank you.

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FRIESEN: Proponents?

DON MORGAN: Thank you for allowing me to speak today-- a little bit nervous, never done this before.

FRIESEN: Relax.

DON MORGAN: My name is Don Morgan, D-o-n M-o-r-g-a-n. I live in Kennard, Nebraska, Washington County. I'm a full-time deputy, a law enforcement officer; been doing that for just under 19 years. I did 20 years of volunteer fire and rescue service. I'm a lifetime avid motorcyclist and I've also got a small little business I do on the side. First I want to say thank you. I've got a gentleman here that came today. He's a proponent of this helmet bill. He, he lost his parents in an accident on the motorcycles, and they were wearing their helmets. So just as the last gentleman said, helmets don't protect everything you, you think they do. They made a choice. They had it on. They still aren't, you know, they're not here today. Statistics, statistics can be twisted. The reason I bring that up is, is when a person reports an accident in Nebraska, only two questions are on the accident, the DR 40 report form that pertain to, actually, just to specifically motorcycles. Was the person wearing a helmet? And was that a DOT-approved helmet? That's it. Other questions come up if, is-- first of all, they don't have to make a report if it's less than \$1,000 worth of damage. So if you have a minor accident-- the person dumps a bike-- they don't even have to make a report. So many times minor accidents they have no injuries have no type of-- hardly any damage at all, don't even get reported. The other problem is, is that to make it a personal injury accident, it could-- the severity of the injuries can be any type of injury, such as a scratch, a bruise, or even a complaint of pain. So when they, when an accident is made out as a personal injury accident involving a motorcycle, it can be that it is just that the person pulled a muscle in their arm. And that's just a minor, minor injury. So from these statistics, from the DR 40 that we, all law enforcement fill out and send to the state, this is where your special interest groups come up with their numbers, and they, they turn these in and try to get you to go and stay with the helmet law. And understand that it can be twisted around. For the last 10 years, although fatalities have stayed fairly constant, within about the low 20s in the state, the number of actual licensed riders has actually increased significantly-- from 2008 was 78,625 licensed riders, and in 2016 that number jumped to 100,695 licensed riders. That's a climb of over 20,000 licensed riders. An interesting fact,

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though-- and in 2008, 30 percent of the fatalities that took place with the motorcycles involved a blood alcohol content of .164; that's twice the legal limit that we have in the state of Nebraska. In 2016, 55 percent involved alcohol with an average blood alcohol of 156, or .156. So, you know, if we're looking at ways to try to save people, let's put our emphasis into something more about the alcohol, the alcohol being used. Maybe we can make a more dynamic number and cut those numbers. Another problem is that 30 percent of motorcycle accidents are actually caused by other motorists who change lanes or fail to even yield to motorcyclists. In response, motorcyclists have chosen, made their own choice to take actions, making themselves more visible by wearing special jackets that's more lit up, or even lighting on the motorcycle to help themselves be seen. But these are actions motorcyclists are doing for themselves. They're making these choices on their own. Nobody wants to live in a state that dictates all your choices. The motorcycle industry in Nebraska is still coming back from the damage the helmet law did in 1989, in our tourism and in the revenue potential brought in by riders who choose where and if to ride. Any given weekend where I live, during the spring, summer, and fall, riders fire up their bikes, including myself, take off for rides. And if you live, like I said, where I live-- close to Blair-- you strap on your helmet, we take off, go across the bridge. And as soon as we cross the bridge, we pull over and off goes the helmet, goes in our bags. And we go ride in Iowa. We're spending our money, touring their countryside, you know, paying their gas, patronizing their businesses. Now in late summer the annual migration to Sturgis, as you were, they were talking about earlier, the state of Nebraska's bypassed. I-29 is full of motorcyclists every summer as they travel and go past. Occasionally somebody will come in, they don't have their helmet on, I get to meet them and I instruct them and to, you know, tell them about our law. They turn around and they head straight back to Iowa. We're missing out on that tourism. You and I have a common responsibility. We have an ability to create or dictate consequences for people's actions, myself in law enforcement, you in making the laws. We don't want to become a state of dictatorship where you and I control every little aspect of what people do. The current helmet law is one of those laws that should be left for people to decide for themselves. It's all about choices. The state motto is "Nebraska. Honestly, it's not for everyone." That stands especially true for you if you're a motorcyclist. Thank you for letting me talk.

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FRIESEN: Thank you, Mr. Morgan. Any questions from the committee?
Thank you for your testimony.

GARY NEEMAN: Wow, all these familiar faces.

FRIESEN: Welcome.

GARY NEEMAN: Hello. My name is Gary Neeman. G-a-r-y N-e-e-m-a-n, here to testify. If I may indulge you here, our attorney, Tony Brock, just sent this to me to want to have read to you, if that's, if I may. It's his testimony in, and kind of stepped on me here, but we'll get through this, so. And thank you for hearing us today, and good to see you again run the committee. So this comes from Tony Brock: To the honorable committee regarding LB378: Those opposed to repealing the helmet law in Nebraska often point to statistics to support the false idea that requiring helmets result in lower medical bills being paid by the taxpayer. Those statistics remove the human aspect of the argument about whether government should or should not remove competent adult, competent adults the ability to decide for themselves how to conduct their personal lives. If I may address this issue while leaving the human aspect out and leaving, leaving out the ideals of liberty and freedom, words that those bent on making rules governing personal conduction (smile and wink), let me point out two real cases I recently was involved in. Keep in mind in both cases the riders were wearing helmets, and in both cases the wreck was caused by a driver of an automobile. In the first case, medical expenses for one of the injured motorcycle riders more than \$1.8 million. It took this rider just over a year to pass away. And I had a front, front, front row seat to this most horrible kind of dying. Had this rider had not been wearing a helmet, death would have likely been immediate, and the medical bills would have been zero or very close to it. The burden on the family of the injured rider was not less as a result of the dying process; it was exponentially more. Of course, the taxpaying public bore the brunt of the cost of the medical expenses in that case. I'm not familiar with the medical expenses of the other rider injured in this crash, but I'm aware that he also suffered caster, catastrophic injuries requiring around-the-clock care for months following the wreck. The last I heard, this gentleman was in a long-term care facility. I am quite confident of two things concerning this rider. He had little or no insurance, meaning that the tax-paying public was on the hook for his medical bills, and his bills are very similar to those of the first rider I discussed. The second crash that I'm familiar with happened very recently. The rider was wearing a helmet,

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which probably saved his life. Without the helmet he likely would have died and the medical expenses would little to nothing. Like the first wreck, there was inadequate insurance coverage, and the taxpaying public is on the hook for the massive medical expenses. These two wrecks are not isolated incidents. As a practicing attorney, I see this sort of, sort of situation replay many, many times every year. And rather a governing body acting under principles of liberty and justice, opponents of the helmets law repeal want you to focus on numbers, numbers that won't change at all whether we repeal the helmet law or not. If the Legislature were really concerned about having appropriate coverage for damages caused by wrecks, it would increase the minimum liability policy limits required of all motorists. In both wrecks I discussed here today, the negligent drivers that caused the wrecks had \$25,000 liability limits. This is the crime, and it can be easily fixed by the Legislature without restricting anyone's liberty or freedom of choice. It's difficult to me-- a veteran, a trial lawyer, a father, and a taxpaying citizen-- to understand how easily some citizens surrender liberty and freedom, even when it makes no sense. Other than to make themselves feel good temporarily, it's ironic that some who complain about their pro-choice rights being threatened and quite happy to restrain others' right to choose, so as long as we are talking about an issue that is not near or dear to their heart. At the same time, there are those to whom freedom and liberty are worth noting, are worth nothing-- pardon me-- so long as it is someone else's freedom of liberty. The right of self-determination is central to our way of life. It has been unsuccessfully curtailed in this state for those who ride motorcycles. This bill is not whether riders should or should not wear helmets. This bill is about whether adults should be able to make decisions for themselves without undue governmental interference. This requirement-- must wear a helmet-- should be abolished in the name of liberty and freedom. Tony Brock, Attorney at Law.

FRIESEN: Thank you for your testimony. Any questions from the committee? Seeing none--

GARY NEEMAN: How much time do I got, a minute?

FRIESEN: Yeah, you were out of time.

GARY NEEMAN: Oh geez. Guess I got to learn how to read faster. Thank you for your time; appreciate it.

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FRIESEN: Well, I know you--

GARY NEEMAN: I'm sorry.

FRIESEN: --you've been here numerous times, probably, following this bill. And do you see the debate changing at all, or is it the same, same process? We're going to get--

GARY NEEMAN: [INAUDIBLE], I still see the same. I do, unfortunately.

FRIESEN: OK.

GARY NEEMAN: I do, unfortunately.

FRIESEN: Thank you for your testimony.

GARY NEEMAN: You bet; thank you.

FRIESEN: Welcome.

RANDALL GEER: Senator Friesen and members of the Transportation Committee, thank you for letting me testify in favor of 370-- LB378. My name is Randall Geer, R-a-n-d-a-l-l G-e-e-r. I'm assistant state coordinator for ABATE of Nebraska. We are a motorcycle rights organization. We promote safety and try to promote safe riding habits for all of our riders and encourage safe riding habits. You heard a lot of, a lot of talk here about all the tourism we're missing out on. I did a little research this morning and it didn't take me long to do this. But I took, out of the 55,360 registered motorcycles in the state of Nebraska, I took 25 percent of those and, if they the, left the state one weekend a month or six times during the riding season, there was \$20 million, and spent \$250 on a weekend which, by the time you've-- if I take my wife anywhere, I can't get out, I can't get out of the store for under 100 bucks. But, but by the time it was all said and done, when I looked at that, at \$250 for a weekend, that was over \$20 million a year of Nebraska dollars that leave our state to go to our other states. Other states will not come through our state-- other riders will not come through our state and spend that kind of money as long as we have a helmet bill here that restricts the riders' liberty to choose. I strongly urge you to, to bring this to the committee, bring this to the floor for debate and pass LB378. Thank you for hearing me. And does anybody have any questions?

FRIESEN: Thank you, Mr. Geer. Senator Geist.

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GEIST: Yes. Mr. Geer, thank you for being here. Can you tell me how many members of ABATE are in the state of Nebraska?

RANDALL GEER: It's right around 1,500.

GEIST: Do you have a headquarters somewhere or are you just different?

RANDALL GEER: It is-- we all have different districts. We, we, we don't have a state office, per se.

GEIST: OK. Thank you.

RANDALL GEER: Thank you.

FRIESEN: Thank you, Senator Geist. Any other questions from the committee? Seeing none, thank you for your testimony. Other proponents? Seeing none, any who wish to testify in opposition to LB378?

ERIC KOEPPE: Good afternoon members of the committee chairman Friesen. My name is Eric Koeppe. I'm the president and CEO of the National Safety Council of Nebraska. As many of you are aware, we are a nonprofit organization providing programs, resource services--

FRIESEN: Could you, could you please spell your name?

ERIC KOEPPE: Oh, sorry. I was sitting there, I think, the whole time, [INAUDIBLE] about that. So E-r-I-c K-o-e-p-p-e. Next time I'll put that right in there. We provide programs, resource services, education to prevent and reduce both the personal and economic loss associated with injuries, accidents, and health hazards. I appear before you today in opposition to LB378. I'm going to keep my marks concise here today with a few stats. I gave all of you a copy of some stuff that-- some research that's been done recently in Michigan, where they've repealed their law in 2012. In support of a universal helmet law, I provide the following facts. The National Highway Transportation Safety Administration estimates that helmets are estimated to be 37 percent effective in preventing fatal injuries to motorcycle riders. And furthermore, I thought it was interesting that they estimate that helmets saved the lives of over 1,800 motorcyclists in 2006. In 2012, Michigan's universal helmet law was partially repealed. And a recently published study by the University of Michigan Injury Center found that partially, the partial repeal the helmet law resulted in a 25 percent decline in statewide helmet use and a 14 percent increase in head injuries requiring trauma center treatment. The study's findings go on

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to state that the proportion of head injuries that were concussion-related fell 17 percent. But while the proportion of head injuries due to skull fractures increased 38 percent, the need for invasive neurosurgical procedures nearly doubled following the repeal, from 3.7 percent to 6.5 percent. The average acute-care costs for nonhelmeted riders who were hospitalized after a crash is about \$33,000, according to their study, which is 35 percent higher than the cost for helmeted riders. I provided you all a copy of the fact sheet on that and a copy of some of the studies on that, so you have that in front of you. We know that helmets save lives and prevent injuries. I encourage you to not advance LB378 from this committee. Thank you for your consideration, and I will answer any questions you may have.

FRIESEN: Thank you. Any questions from the committee?

ERIC KOEPPE: Thank you.

FRIESEN: Do you have, do you have statistics on what are, what are the most, I guess, the number of brain injury accidents? What, what causes them? What is the highest cause?

ERIC KOEPPE: I know there's going to be some people testifying today that are more, more-- that's more of their area.

FRIESEN: OK.

ERIC KOEPPE: So if you do not get that information in the testimony today, please contact me at my office and I would gladly get that for you.

FRIESEN: OK.

ERIC KOEPPE: OK.

FRIESEN: OK, thank you. Thank you for your testimony.

ERIC KOEPPE: Thank you, Senator Friesen.

FRIESEN: Welcome.

ROSE WHITE: Thank you, Senator. Good afternoon, Senators, and thank you very much. My name is Rose White, R-o-s-e W-h-i-t-e, and I'm here basically to address the tourism issue associated with his bill. But before I do so, I want you to take a look at another document that's being handed out to you today that caused me some great concern. A

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review of the 2018 motorcycle fatalities here in Nebraska shows that 55 percent of the fatality drivers in Nebraska did not have a valid motorcycle endorsement on their license. To me, that is extremely alarming and shows that we have an even bigger issue here to take care of before we even consider moving in this direction to repeal our helmet law. I also want to mention that in Michigan, huge, significant hundred-million-dollar figures were thrown at them during the debate on whether or not to remove the helmet bill, saying this is going to bring in millions and millions of tourism dollars. During the experience that we've seen since the law has been repealed, there has been no increase in tourism. It has basically shown that, with the results of the motorcycle crashes that have occurred in their state, it remains consistent that 5 percent of them are from out-of-state tourists. And so basically like this is we've heard the same story here in Nebraska, that repealing this law is going to bring us in anywhere from \$15 million to \$25 million just during the Sturgis week alone. And the information that I'm providing you here today basically disputes that. We have to take a look at the U.S.A. map, find out how many cities along the U.S.A., across the U.S.A. would those tourists from other states be required to drive through Nebraska? The bulk of them would not. In fact, a small section from Kansas, Oklahoma, Texas, they would be, very basically, driving through Nebraska. But we also know at the Sturgis Rally, that over half of them do trailer their bikes to the Sturgis Rally. We also know 12 percent take other means to get there; they drive a car. We also know that even in the helmeted states, that usually about 50 percent wear their helmet regardless of what the laws are. And so if you deduct all those numbers, it basically takes that number down to just a very insignificant number. And then, in addition to that, you have to take a look at how many hotels that are located along those routes, during the peak summer months when the Sturgis Rally is held, have availability. I'm also providing to you in the information an article that came out in a Broken Bow newspaper that talks about how Broken Bow had just a tremendous result from the Sturgis Rally folks that came through their town. In fact, they said that they saw 1,000 in one day, and that's amazing. They also said her store sells premium gas, which she said seemed to be very popular with motorcyclists. And I had this confirmed, by going on blog sites and so forth, that many motorcyclists aren't concerned about our helmet law; they're concerned about whether or not premium fuel is available because that's what many of the bikes require. And then, also, it talks about the hotel managers saying that many of the Sturgis people-- they book their rooms by January for the Sturgis Rally, and that many of them book a

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year in advance, and that she's completely booked out for that week. And so we have to take a look at that. What is the impact that we have right now? We know right now that many people do travel to our state. It's not a helmet issue. It's do we have premium gas? Do we have hotel availability? And as I mentioned before, promises have been made about we will just see a windfall of tourism revenue, and that just has not been the case. And again, like I said, is what I want to just stress is we do need to be concerned about the high number of motorcyclists currently in Nebraska that do not have a motor, motorcycle endorsement. That is alarming. We're very concerned about that. I'd like to answer any of your questions that you might have at this time.

FRIESEN: Thank you, Ms. White. Any questions from the committee? Seeing none, thank you for your testimony.

ROSE WHITE: Senator Friesen, thank you.

FRIESEN: Welcome.

ALLISON VLACH: Chairman Friesen and members of the Transportation and Telecom, Telecommunications Committee, my name is Allison Vlach; that's A-l-l-i-s-o-n V-l-a-c-h. I am a second year medical student at the University of Nebraska Medical Center. I represent Student Delegates, which is an independent student organization that votes on priority legislation from the Nebraska Legislature that we advocate on throughout the legislative session. One of our priority bills is LB378. We are in opposition to this bill. So I want to tell you just a couple things today, some stories from people I know that have experienced motorcycle accidents. But my first points I want to make is that a big issue around this bill is the idea that the things we do in our life only affect us. But there are a lot of other consequences from the decisions that we make that affect other people around us. And I think that's something to consider when you are choosing to move this bill forward or not. So I grew up in Topeka, Kansas. There is no motorcycle helmet law for people over the age of 18 in Kansas. I've been a Husker since birth, and I moved here as soon as I could to become a real Husker and go-- I went to the University of Nebraska-Lincoln for undergrad, and I stayed here so I can continue my medical education at UNMC. And I plan to stay here even after. So several years ago in Topeka, my mom witnessed a man crash on his motorcycle on just a normal city street, going about 40 miles an hour. She witnessed this in her rear-view mirror and, after seeing him fly off his motorcycle, she ran over to help him, and as well as other people who had witnessed it. He had severe, a severe head injury. He

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was bleeding. My mom's a nurse so she knew to stop the other people who were around from trying to turn him over from-- he was lying on his front and they were trying to turn him over. But she knew that if he had any brain damage or spinal cord damage, it could be worsened. Unfortunately though, it was too late. He'd already been injured severely and, over the next five years, my mom occasionally heard updates on this man. He was put in a nursing home. He lived in a persistent vegetative state for five years until he died. His healthcare was paid for by Medicaid, which is extremely expensive but, since he's disabled at this point, he was qualified. So this man was not wearing a helmet and so very likely, if he had worn a helmet he would have been prevented from having such severe head injuries and his family would not have lost their father and husband. And all the people around who witnessed it would not have been traumatized. My mom told me afterwards that for years she continued to have recurrent nightmares about what she saw when this happened. So this goes to show that the decisions we make and the things that happen to us don't only affect us. Another story was from my boyfriend, just a few weeks ago here in Nebraska. He was leaving a store on West Center Road in Omaha, and he heard some, some screeching noises outside from his car. He looked up and he saw a man on his motorcycle sliding on the road. He watched him as he hit his head on the road and came to a crash along the side. Before my boyfriend could even get over to help this man, he had already crawled off onto the side of the road. He was able to move himself, and he was fine except for a little bit of road rash. Other people came over to assess him and people would call an ambulance but, besides the shock and the scrapes, this man was able to get up and walk on his own. He was protected from severe, a head injury because of the helmet that he was wearing. So it's just amazing to me to see that these two vastly different stories have occurred solely because of this helmet law that's protecting people. And I think it's important that we take these steps to prevent Nebraska citizens from, from these injuries by maintaining this law. I think the idea of having choices and liberty in Nebraska-- this isn't the question that we should be asking ourselves. The choice that we are making is to ride a motorcycle. But if you're going to make that decision, then there are safe, safety precautions that we have to follow, including if you choose to drive in a car, we have laws that say you have to wear a seat belt. Why would it be any different for something that is inherently more dangerous? Why would we not have these restrictions and these laws to help people stay safer if they choose to use a motorcycle? If you guys have any questions I'm happy to answer them.

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FRIESEN: Thank you for your testimony. Are there any questions from the committee? I mean it's-- I appreciate you coming. Second year law student-- or a doctor, I guess-- or you're a med student. I take it your schedule's probably pretty busy, but it's nice that you take an interest in what's going on.

ALLISON VLACH: Yeah, thank you.

FRIESEN: I do appreciate that. Thank you for your testimony.

ALLISON VLACH: Thank you so much.

KEITH VALENZUELA: Thank you, Senator. Friesen and members of the committee. My name is Keith, K-e-i-t-h; last name is Valenzuela, V as in victor-a-l-e-n-z like zebra-u-e-l-a. I represent myself. I am a Motorcycle Safety Foundation instructor; have been certified since 2000. I have trained approximately 7,200 students, since I became certified, through my personal training company in Colorado as well as here in the great state of Nebraska. I've been actively riding since 1970. I went to street bikes in 1980 and, since that time, I have amassed over 500,000 miles under my belt. I sustained a traumatic brain injury. It took me five years of recovery. This was not a motorcycle related crash; it was vehicular. That changed my life. And I wonder how many people here that are for this bill have a personal loved one that has been affected by that. I'm against this bill. Motorcycling is a sport. It is a privilege. I've heard two people here say that helmets don't do anything. If that's true, then why did the Huskers wear helmets? And if that's true, why do we have hockey players wearing helmets? Motorcycling is an inherently dangerous sport; I get it. We choose to ride. However, how many of you who have said that you're for this bill are willing to see a loved one be permanently changed through a traumatic brain injury, a cognitive deficit, unable to function properly, unable to form words? The eight inches in between our ears is what makes us. You take that away, we're nothing. If you go to dot.nebraska.gov, it says NHTSA estimates that helmets saved 1,772 motorcyclists' lives in 2015, and that 740 more could have been saved if all motorcyclists had worn helmets. People that don't wear a helmet are three times more likely to suffer a traumatic brain injury. Now I've heard people say this is going to affect our, our commerce, our economy; we want to have more money coming in. What about protecting our own? What about protecting our fellow Nebraskan? It's a privilege to ride, just like driving a car. I'll also say that our central vision is a three-degree cone. People say helmets block your vision. That's not true. If you look straight

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ahead you can only see three degrees. You must turn your head and turn your eyes in order to see what's going on. They say they can reduce your hearing. If that's the case, then why do motorcyclists wear earplugs? To save their ears. They say helmets don't do any good. They do, if they are visible; conspicuity is our game in training and in riding. A white helmet, you'll be able to see the person. And we're such rugged individualists. If we're such rugged individualists, why do all riders, or the majority of them, wear black? High visibility vest, high visibility jacket, proper training, having the proper mindset, the mental attitude to survive and to keep your emotions out of it when you're riding, that's what helps. But also, the helmet greatly benefits the rider. I appreciate your time.

FRIESEN: Thank you, Mr. Valenzuela. Any questions from the committee? So where do you, where do you have your training facilities at?

KEITH VALENZUELA: I train for the state in Nebraska as a contractor.

FRIESEN: OK.

KEITH VALENZUELA: So I trained for 10 years in the state of Colorado, in Colorado Springs with my company, Wheels in Motion, which I eventually sold to move out here to be closer to family.

FRIESEN: Do you ever, do you ever track the riders that you've, that have gone through your course to see them, if-- how many have had accidents and how many is prevented? Because I think a friend of mine took a safe driving course and he thought it benefited him greatly, and he'd driven motorcycles for 20 years. But he, it gave him a new perspective on safety.

KEITH VALENZUELA: Yes, Senator, we did not formally track the numbers, but I had many graduates that would come to me and say: you know what, I, I had an altercation and, if it wasn't for my helmet, I wouldn't be here. I've had other students, graduates that have come by, that says: thank you for your training; I heard you in my head-- do this. Or, you know, they remembered some of the training. The training is important, the helmets equally so.

FRIESEN: OK, thank you for your testimony.

KEITH VALENZUELA: Thank you, Senator.

JERRY STILMOCK: Mr. Chair, members of the committee, my name is Jerry Stilmock: J-e-r-r-y Stilmock, S-t-i-l-m-o-c-k, testifying on behalf of

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my clients, the Nebraska State Volunteer Firefighters Association and the Nebraska Fire Chiefs Association, in opposition to LB378. I will not share the anecdotal stories that my members, the members of the two organizations have throughout the state, but I just do share with you that, as first responders outside of Omaha, Lincoln, and a couple of larger first-class cities, the volunteers are the first responders reporting to the scene of accidents. One of the items that one of the previous testifiers shared with you, 37 percent, 37 percent of fatalities are reduced because of wearing motorcycle helmets. My clients have always been supportive of retaining the helmet law. They've always requested you to hold this bill in committee. And I'll leave you with this one last thought. In my reading and preparing for this afternoon, I noticed the state of Louisiana in 1999-- and perhaps because of my tardiness of appearing at the hearing after it already started, you've already heard this and, if you have, I apologize. But I took interest that the state of Louisiana in 1999 repealed their motorcycle helmet, and in 2004 they reinstated it. I'd venture to say they reinstated it because of the losses of lives that they felt and experienced in the state of Louisiana after it was repealed. And I'd leave you with that thought and ask you to consider my comments on behalf of the ladies and men that I represent throughout the state. Thank you.

FRIESEN: Thank you, Mr. Stilmock. Any questions from the committee? Seeing none--

JERRY STILMOCK: Thank you, Senators.

FRIESEN: --thank you for your testimony.

JERRY STILMOCK: Yes sir.

NICHOLAS BRUGGEMAN: Good afternoon and thank you. Hello. My name is Dr. Nicholas Bruggeman, B-r-u-g-g-e-m-a-n. I am testifying on behalf of the Nebraska Medical Association. I'm an orthopedic surgeon from Omaha. I have extensive experience caring for victims of motorcycle accidents in the last 20 years, either through training or as an attending physician at UNMC, a regional trauma center. I would like my testimony to serve two purposes: first is to share with you my personal experiences treating victims of motorcycle accidents; and secondly, I feel it is my duty as a physician to prevent-- present some science or background. I know you've heard a lot of statistics, and I apologize if some of this is repetitive. To drive home the point, these statistics surrounding motorcycle accidents and helmet

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use are crystal clear. It is my sincere hope you will consider these statistics and allow them to drive policy. You may disagree philosophically with the role of government versus individual liberty, or sympathize with motorcyclists who lobby you. But I think you owe your constituents thoughtful consideration of this law and consider how your positions may affect the taxpayers of this state. I have dozens of patients in the past who have, fortunately, survived motor, motorcycle accidents. And in my personal opinion and, I believe, anecdotally, in addition to the statistics, would support the position that many of them did survive these accidents because of their helmets. Recently I took care-- it was last year-- a young man from Omaha, riding his motorcycle, he broke both of his legs, both of his arms, the bones were sticking through the skin, things of that nature. He had a collapsed lung and had to have a chest tube placed. Fortunately he was wearing a helmet. And I remember this very distinctly. His father had his helmet in the preop bay at the university hospital, and it was caved in on the left side and had scrapes on it. And that, to me, indicates probably what would have happened to his skull; it would have been crushed had he not been wearing this helmet. I called him, just as a follow-up. He, he did well. We took care of his broken bones. I talked to him on the phone last Wednesday. He recovered; he's back to coaching youth sports. He's a construction worker, and I believe that his impact, or the fact that he was wearing a helmet definitely impacted his outcome. Another young man I took care of went over the handlebars on I-480 in Omaha. This was a couple of years back. He was just out of high school and planning on reporting to the Marine boot camp. He wanted to sign up to be United States Marine Corps. Fortunately, he was wearing his helmet. Again, his helmet was red. I distinctly remember it had scrapes all over it. He, again, had open-bone injuries where the bones were sticking through the skin. He, he healed up from his fractures and things, and he did, was able to report to the Marines. And so he's serving his country and I anticipate for the, for several years now. Generally speaking, most of our patients involved in these catastrophic injuries do heal up. They're young people, generally speaking, young males. These patients that we also take care of that survived, that have head injuries, many times don't heal up. They come to the appointments after surgery in chairs or carts, with representatives from Madonna or QLI or another nursing facility. So they don't heal up and they don't-- significant head injuries oftentimes is irreversible. So there are dozens of studies surrounding this from all across the world, not just the United States; it's pretty clear. One study concerning the economic impact of motorcycle

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helmets from impact to discharge, utilizing a national trauma database and claims data cost analysis, it was estimated the year that this study was done 197,000 motor crashes. And from claims data, the differential between helmeted versus nonhelmeted motorcycle victims, \$250 million. OK? So this, of course, did not include differential costs like loss of work, productivity, nonhealthcare costs. This also did not, not mention the pain and suffering that the, the riders and their loved ones suffered. Many, many studies concerning that-- I'll try to wrap it up. Some of you believe personal liberty and freedom should prevail in this debate. However, my experience as a physician and these well-established studies demonstrate that asking motorcyclists to wear helmets is a significant contribution towards mitigating healthcare and economic risk. And this is pretty clear. I reviewed over 100 articles on medical journals, GO-- GOA studies, CDC reports, and NHTSA data analysis. Not one study that I looked at that revealed an increased risk for helmeted riders. So I think that's just false. And the better question is to ask if motorcyclists should expect society to underwrite their risky behavior. Please do not advance LB378. And to answer your question earlier, there wasn't a specific breakdown of indications for neurosurgery, but most people who need-- 50 to 70 percent of people who need neurosurgical interventions, like drilling a hole in the skull to release pressure or to drain blood, 50 to 70 percent are from motor vehicle accidents. That doesn't break down cars versus motorcycles. The rest are falls, gunshots, and sports.

FRIESEN: All right, thank you. Any questions? Seeing none, thank you for your testimony.

NICHOLAS BRUGGEMAN: Thanks.

BROOKE MURTAUGH: Good afternoon, Senator Friesen and ladies and gentlemen of the Transportation and Telecommunications Committee. My name's Dr. Brooke Murtaugh, spelled B-r-o-o-k-e M-u-r-t-a-u-g-h. I'm a resident of Lincoln, District 25. My family's also from Wayne. I'm an occupational therapist and a brain injury program manager at Madonna Rehabilitation Hospital, covering both Lincoln and Omaha campuses. I provided education and other medical professionals on brain injury and rehabilitation regionally, nationally, and I'm a certified instructor for the national brain injury specialist certification through the Brain Injury Association of America. I've spent the last 12 years of my practice working exclusively with the traumatic brain injury population. I'm here to strongly, I'm here to strongly urge you to

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vote no to LB378. Madonna's organization admitted 441 moderate-to-severe brain injury survivors to inpatient rehabilitation in fiscal year 2018, 1,300 brain injury survivors of all severity. I have treated thousands of survivors of traumatic brain injury. I have followed many of them through their years of recovery and have seen the devastation and long-term negative impact this traumatic injury has had on their lives, as well as their families. These residual brain injury negative impact and deficits include: cognitive and physical disabilities, neuropsychological and psychiatric changes, increase in substance abuse, greater than 50 percent divorce rate, and inability to return to meaningful employment. Thus, anything that we can do, as Nebraskans, to lessen the incidence and severity of traumatic brain injury is needed. Continuing to enact the current universal helmet law would limit the number and severity of TBI in the state. Several quantitative studies have demonstrated that universal helmet laws decrease the incidence and severity of traumatic brain injury. Functional outcome studies, looking at one and five years postmoderate-to-severe brain injury, demonstrate significant long-term deficits and disability. Two-thirds of individuals continue to require a formal caregiver. One-third require daily assistance with simple tasks. Twelve percent of those were institutionalized. The percentage of those employed dropped from 69 percent to 31 percent, and unemployment increased from 11 percent to 50 percent. Traumatic brain injury is a costly injury. The lifetime costs of a single severe traumatic brain injury is estimated to be at \$3 million. Only 5 percent of persons with severe traumatic brain injury have the adequate funding for long-term treatment and supports. Ninety-five percent of individuals with traumatic brain injury rely on state and federal programs to fund and support their long-term needs. A study in the American Journal of Surgery published in October of 2018 examined the impact of repeal of the helmet law in Michigan. Michigan repealed their universal helmet law in 2012 and implemented the same law that we are considering here with only requiring those under 21 to wear helmets. As a result, helmet use decreased by 27 percent and head injuries increased by 14 percent. Helmet nonuse doubled the odds of a fatality and tripled the odds of a brain injury. Furthermore, the injuries that were sustained following the repeal were more significant, with more skull fractures and more requiring neurosurgery. More patients required the high-cost treatment services of ICUs and placement of ventilators. The study also looked at insurance coverage for helmeted versus nonhelmeted riders. Unhelmeted riders were 12 to 16 percent more likely to have government insurance or be uninsured. The state of Nebraska, as a fiscally conservative

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state, cannot afford an increase in the number of traumatic brain injuries and the cost of care for the acute and long-term needs of this population. At Madonna, we speak to 100 percent of our patients and families with moderate-to-severe brain injuries about Medicaid and Social Security disability processes and resources. We know, through our decades of experience, that no private insurance will fund or provide the resources required for long-term needs of this population. State and federal programs will be imminent for these families to care for their loved ones. According to the 2018 Nebraska Medicaid Annual Report, 12,000 Nebraska, 12 percent of Nebraskans currently utilize Medicaid. Nebraska paid out \$2.1 billion in Medicaid services in 2018. The aged, blind, and disabled cohort is the category where Medicaid recipients with brain injuries will fall. Twenty-two percent of Medicaid recipients were aged, blind, and disabled, but utilized 64 percent of the \$2.1 billion dollars. Nebraska voters just approved Medicaid expansion for the state. We currently are looking for ways to fund the expansion. Why would we pass a law that would undoubtedly increase the number of traumatic injuries and healthcare costs for the Medicaid system? I understand the prorepeal position of free choice to wear or not wear a helmet. However, when that free choice to not wear a helmet leads to traumatic brain injury and long-term needs that I, as a taxpayer, will have to fund then the free choice of that individual has now affected all of us. The societal, ethical, and economic costs versus benefit of LB378 are too high to promote repeal. I implore you, as a brain injury professional and as a taxpayer, to vote no on LB378.

FRIESEN: Thank you, Dr. Murtaugh.

BROOKE MURTAUGH: Any questions that I can answer?

FRIESEN: Any questions from the committee?

BROOKE MURTAUGH: Yes.

ALBRECHT: That was a great report. Thank you very much. What, what caught me right away is you said in 2018 you had 441 moderate-to-severe brain injuries. Do you have that broken down as to what happened? Like was it-- how many were motorcycle accidents versus sporting events versus a car accident versus--

BROOKE MURTAUGH: No, that's the number that we can certainly break down with our data that we have at Madonna. I don't have that broken down. The national leading cause of traumatic brain injury is falls,

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and I see that quite frequently in our population and our practice at Madonna. But a good portion of them, as well, are motor vehicle accidents, either motorcycle or cars.

ALBRECHT: 'Cause I'm thinking in the last couple years we might have asked that from your--

BROOKE MURTAUGH: Um-hum.

ALBRECHT: --facility, so if you could provide that to us--

BROOKE MURTAUGH: Yeah.

ALBRECHT: --that would be great.

BROOKE MURTAUGH: Yep, absolutely.

ALBRECHT: Thank you.

FRIESEN: Thank you, Senator Albrecht. Any other questions from the committee? Seeing none, thank you for your testimony.

BROOKE MURTAUGH: Thank you.

FRIESEN: Welcome.

PATRICK LANGE: Senators, thank you for having me. My name is Patrick Lange, P-a-t-r-i-c-k L-a-n-g-e. And I'm going to ask you to vote no on getting rid of the helmet law. I am a traumatic brain injury survivor. I had a motorcycle accident May 13, 2010. I was on my way home from my honeymoon with my wife. We were up in the Black Hills of South Dakota where helmets are not required. We made the choice not to wear a helmet on our way home. We were about a little over halfway home and we blew a tire. It was a faulty tire. I had good tires on my bike. I have thousands of miles riding. When the bike locked up, my wife was thrown off and landed on the base of her skull, and she was killed instantly. I have 16-inch ape hangers on my bike, and the handlebar come back and hit me in the head, and I suffered a severe traumatic brain injury. I spent 44 days in ICU and over two months in a state of coma. I learned to stand up, walk, dress myself, feed myself. I was previously divorced; this was my second marriage. I have four children from my first marriage. They had to come up and see their dad in the hospital and wonder if he was going to live. They had to go to their stepmom's funeral. My parents and my friends missed a lot of work to come up and be with me, to take care of arrangements. It affects more

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than just the person on the bike. It doesn't just affect me; it affects everybody. I am permanently disabled from my head injury. I have muscle and nerve damage also, from the fall and the head injury. I don't-- I can learn new things but I will learn very slowly. I know just-- I was in four different hospitals, including Madonna Rehabilitation. Dr. Murtaugh was one my physical therapists. And I know, just from the one main hospital I was in, in Sanford, in Sioux Falls, South Dakota, my medical bill was almost \$2 million, from one hospital. I am on disability, like I said. There is no insurance out there that will cover me as health insurance. I'm on Medicare. I do not have Medicaid; I have Medicare because of my disability. And something I have thought about is I'm grateful I live in the state of Nebraska because my sons ride motorcycles. I know when my sons crawl on a motorcycle, they have no choice but to have a helmet on. And that makes me feel better because I wonder every day-- come May, it'll be nine, nine years since this accident happened, and I lost my wife and the kids lost their stepmom. Every day I wonder if we would've made the decision-- even I, as the rider in control of the motorcycle-- if I would've said no, we're putting our helmets on, we're not going anywhere unless we have our helmets on, I know it's a choice but I'm making this decision for us, would I have lost my wife, and would I be on disability? I don't know; I can't say yes or no. I feel very privileged and blessed to be able to be here and speak to you, and I ask you to look outside of the monetary fund that we might be missing out on from the people that might come or not come to Nebraska because of our helmet law. Focus on the people that we have here. I don't know if any of you have sons or daughters or grandkids, but wouldn't you rather make sure they have that extra piece of safety equipment on when they get on a bike? We put on a seatbelt when we get in a car. My car dings if I don't put it on. And I have a cage around me. I have a-- on a bike there's nothing around you. Help us look out for our children and our future. And hopefully no other man or woman has to wonder what it'd be like for the rest of their life if they would've made that decision to put a helmet on, because I do. As a man, part of my established, part of my self-worth is working; I had a job from a young age. I was raised on a farm. I don't feel a lot of self-worth because I can't go to a daily job anymore because my body won't take it. Thank you so much for having me, and I hope for, what I said made sense. I'm sorry; my speech isn't the best, but I do my best.

FRIESEN: Thank you, Mr. Lange. You did fine. Any questions from the committee? Seeing none, thank you for your testimony.

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PATRICK LANGE: Thank you so very much.

FRIESEN: Welcome.

GARY HAUSMANN: Hello Senators, ladies and gentlemen. My name is Gary Hausmann, G-a-r-y H-a-u-s-m-a-n-n. I'm testifying for myself. I live in Blair, Nebraska. Excuse me. I do this every year; I mean I tear up every year. I'm a corporate pilot for Werner Enterprises in Omaha, Nebraska. Recently-- so I celebrated 19 years as a pilot working for Werner and over 37 years as a corporate pilot in the Omaha area. This is a huge achievement for me, since I was involved in a very serious motorcycle accident in 2006 that could have easily ended my aviation career and my life. I was a helmeted motorcycle rider on my way home from Eppley Airfield after a flight, when an SUV rear-ended a stopped car. The collision evidently pushed the car into my path when I was only 60 feet from them. With no place to go, I collided with the rear of the car. I sustained a broken C5 and C6 cervical vertebrae, a shattered sternum, four broken ribs, a collapsed right lung, and a dislocated right shoulder. However, my serious injury was a brain injury, known as diffuse axonal injury, DAI. You see only 9 percent of DAI victims actually survive, and 92 percent of the survivors are in a wheelchair for the rest of their life. Through excellent medical care at UNMC in Omaha and extensive rehabilitation at Madonna here in Lincoln, I was released to my home to continue my recovery. Two years later I contacted the FAA to get my medical certificate reinstated. They suggested I contact them at a later date. However, they also reminded me that it could easily be ten years before I would qualify for an FAA medical certificate, if at all. They told me that less than 1 percent of the pilots with injuries such as mine will ever get their medical reinstated. However, I had decide that I am not a typical brain injury victim. Through very extensive testing and perseverance, I earned my Class 1 FAA medical certificate three and a half years after my accident. I'm not boasting or bragging about this fact, but how long do you think I would have taken if I had not worn a very good quality motorcycle helmet that day? Or would have I have even survived? Probably not. I did not leave home that morning for the airport on planning, on an, planning on accident. No one does that. In 2006 a motorcycle accident that did involve head injuries would create \$1.41 million in medical bills, a figure that has probably doubled or tripled since that time. How many riders do you see every summer that you believe would have even \$1.4 million in personal wealth or insurance coverage to pay for their own accident? After all, it's all about personal freedom, isn't it? Shouldn't they have the personal

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freedom to pay their own medical bills? What about seatbelt use in autos? Does that affect our personal freedom? Would anyone in this room actually allow their friends or loved ones to ride a motorcycle without a helmet? If you would, then chances are you have never ever visited anyone in a medical facility suffering, that was suffering from a head injury sustained in a motorcycle accident. For 12 years now, I have been involved in this same debate. I have never heard one good reason to abolish the helmet law. Remember, I, too, agree with the personal freedom issue. Everyone should have the personal freedom to pay their own medical bills. This really is a no-brainer, isn't it? And by the way, something helmets and gravity have in common: not only is it a good idea, it's the law. Thank you. Any questions or comments?

FRIESEN: Thank you, Mr. Hausmann. Any questions from the committee?

GARY HAUSMANN: Thank you very much.

FRIESEN: Thank you for your testimony. Welcome.

FRED ZWONECHEK: Chairman Friesen and members of the committee, my name is Fred Zwonechek, F-r-e-d Z-w-o-n-e-c-h-e-k, very recently retired after 37 years as Nebraska's highway safety administrator for the Nebraska Highway Safety Office. After 44 years as a traffic safety professional with significant knowledge and expertise in the examination of science and data, both nationally and internationally, related to those public policy initiatives that are the most effective in the prevention of traffic-related deaths and injuries, I can assure you, with 100 percent certainty, that an enforced universal motorcycle helmet law is one of those. I can also most assuredly tell you, without any reservation or hesitation, that repealing Nebraska's current universal helmet law will most certainly result in unnecessary fatalities and injuries among Nebraska's motorcycle drivers and passengers. We have annually conducted observation surveys of motorcycle helmet usage in Nebraska and, in the past 10 years, 100 hundred percent use was observed five years, four years at 99 percent, and one year at 97 percent. We have excellent compliance. Over the period of 2008 to 2017, there were 201 motorcycle fatalities, and only 17 of those were not using helmets, or 8 percent. Over that same 10-year period, if no universal helmet law had existed and using very optimistic addition-- or projection-- of a voluntary compliance of 64 percent rate, an additional 65 motorcyclists would have been killed; and that's a conservative number. There are certainly collisions where, because of the severity of the, of the impact-- excuse me-- that are not survivable, even a helmet is not, even if a helmet is

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used. Such is the case for passenger vehicle collisions where the forces are so great that even seat belts and airbags don't, can't, can't prevent the loss of life. I can empathize with those who would like to ride and would like the choice to choose to wear a helmet or not. However, it is not just them, as several people have said previously, that will be impacted, should the worst case happen of a fatality or serious injury. It is their family, friends, coworkers, and yes, the taxpaying public with an estimated 20 percent of economic costs of these crashes that are publicly funded. Should any of you vote in favor of this proposal and should it be adopted, I would not like to be in your shoes. I know that, I know that I could not live without serious regret that I contributed to the preventable, but increasing and unnecessary loss of lives and serious permanently disabling injuries that are sure to occur annually in Nebraska as a result of your personal action by aiding in the adoption of repealing the universal helmet law. A, also for your information, in 2018 a scientifically conducted telephone poll of 900 Nebraska licensed drivers by Research Associates found that those that 75 percent of those drivers supported retaining the current helmet law. I'd be happy to answer any questions.

FRIESEN: Thank you, Mr. Zwonechek. Any questions from the committee? Seeing none--

FRED ZWONECHEK: Thank you.

FRIESEN: --thank you for your testimony. Welcome.

ANDY HALE: Good afternoon, Chairman Friesen, members of the Transportation and Telecommunications Committee. My name is Andy Hale, A-n-d-y H-a-l-e, and I am vice president of advocacy for the Nebraska Hospital Association. In Nebraska, one in three motorcycle riders who are treated at a hospital are there due to a head injury. And head injury is the leading cause of death in motorcycle crashes. The Nebraska Crash Outcome Data Evaluation System found that an unhelmeted motorcyclist was 50 percent more likely to suffer from a traumatic brain injury, a TBI, than a helmeted motorcyclist when involved in a crash. And TBIs are more severe with unhelmeted motorcyclists than with helmeted. Studies consistently find that, in the event of a crash, helmet use reduces the fatality rate, the probability and severity of head injuries, the length of the hospital stay, the probability of long-term disability, and the cost associated with medical treatment. In addition to the loss of quality of life that can be expected if this law is changed, and the emotional and financial

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strain on the injured parties and families, our policy, policy leaders must consider the additional burden this would place on our healthcare system, our state and the taxpayers who ultimately have to bear this cost. From 2008 to 2014, the total charges for all Nebraska riders hospitalized as a result of a motorcycle injury was over \$74 million. Eight percent of that amount was from Medicaid and Medicare. I appreciate Senator Hansen being up front and not arguing the statistics that our side has shown. I really do appreciate that; it's a battle we've gotten in. I think our studies show that this is very dangerous, and the bottom line is motorcycle riders who die or suffer TBIs in low speed crashes might have walked away from it if they'd been wearing a helmet. I urge you to vote no on LB378, and I'd be happy to answer any questions.

FRIESEN: Thank you, Mr. Hale. Any questions from the committee? Seeing none, thank you for your testimony.

ANDY HALE: Thank you, Chairman.

FRIESEN: Welcome.

WES BOTTORF: Good afternoon, Chairman Friesen. Members of the Transportation and Telecommunication Committee, my name is Wes Bottorf; that's W-e-s B-o-t-t-o-r-f. I've been asked and approved to appear on behalf of the Nebraska Insurance Information Services and Nebraska Insurance Federation, in opposition to LB378. I'm associate general counsel at the Farmers Mutual of Nebraska, and we are a member of each of these groups, as well. Michigan repealed their helmet statute in 2012. The American Journal of Surgery reports that Michigan has seen increased injury severity, higher patient mortality, and worse neurologic injury. Another study in Michigan provides us some interesting results regarding medical payments coverage. Michigan repealed their helmet law in 2012, but required that a motorcyclist, 21 and older, must still carry \$20,000 in medical payments coverage. Motorcyclists under the age of 21 must still wear a helmet, as well. From an insurance perspective, the Highway Loss Data Institute reports that: the weakening of the helmet laws associated with 64 percent in overall losses under MedPay coverage. That increase was driven by an increase in claim severity. A 15 percent increase under collision coverage was also noted. Proponents of the repeal often state that helmets increase the likelihood of crashes because there-- increased rider fatigue and decreased situational awareness. Assuming fewer riders in Michigan wore helmets after the law change, the increase in collision claim frequency is inconsistent with the notion that helmets

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increase crash risk. I've heard it said that if a motorcyclist is personally responsible and carries insurance, the motorcyclist should be personally free to ride without a helmet. In Nebraska, motorcyclists are required to carry liability insurance, applied in the same way that it applies to automobiles. These are liability coverages that cover damage that the motorcyclist may cause to another person. There are other coverages available to the motorcyclists, and companies can differ as the types and amounts of coverage that they provide. Some companies sell liability insurance as high as \$500,000 for motorcyclists, and medical payment coverage is also offered but may be limited to as little as \$5,000. Medical payment coverage covers medical or funeral experience, expenses incurred by the motorcyclists. The reason companies limit the amount of this is because of the underwriting risk. In serious cases, the motorcyclist could easily go through the medical payment coverage. Health insurance would cover the injuries, but the person becomes disabled-- or if they become disabled and can no longer pay the premiums for the coverage, the next step would be looking for Medicaid for coverage. One final note that I was asked to point out was the 2018 report of the Nebraska motorcycle crash fatalities. There were 22 motor vehicle, motorcycle deaths. Nine of those riders had motorcycle endorsements but eleven of those riders did not. Two are unknown, but were out-of-state motorcyclists. We would respectfully ask the committee not advance this bill on to General File.

FRIESEN: Thank you for your testimony. Any questions from the committee? Seeing none, thank you for your testimony.

WES BOTTORF: Thank you.

FRIESEN: Welcome.

ROBERT CORNER: Thank you, Senator Friesen and members of the Transportation Committee. My name is Robert Corner, R-o-b-e-r-t C-o-r-n-e-r. I am now retired. I worked for the state for 36 years in the Nebraska Office of Highway Safety. Fourteen of those I was in charge of the motorcycle safety education program, so I commend Senator Hansen with the suggestion that new riders take that course; it's an excellent course. I don't know if he's aware but, if you take the course, you have to wear a helmet. If you don't wear a helmet, you don't pass the course. And I've had a number of experienced riders who've taken that course, and they've all told me that they've learned more in that course, in that, in that two-week period than they did, maybe, of 20 years or riding, in some of the bad habits that they had.

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Now I heard some of the proponents of the bill say well, a lot of times it's the other guy's fault; it's not the motorcyclist's fault. When you actually think about that, if that's the case, then that, isn't that a reason to wear a helmet? If you're the best rider in the world and somebody else causes you to have a crash and you don't have a helmet on, you're going to get hurt. I heard, also, the opponents say freedom, freedom of choice, rights. Driving is not a right; it's a privilege. United States Supreme Court made that in a case; it's a privilege. Driving is probably the most regulated thing we have of any law. When you think about it, the first time most people come in contact with government is when they're trying to get a driver's license and the things you have to go through to get a driver's license. We have all these other things. You know we talk about speed. We talk about traffic lights, stoplights. We have thousands of regulations concerning traffic. Helmet-- wearing a helmet, it's just another one of those. The Nebraska-- or the National Highway Traffic Safety Administration usually conducted studies, or had states conduct studies after every state that repealed their helmet law. In each and every case, 100 percent, the following year they had an increase in head injuries and traffic fatalities due to motorcycle crashes. It's a given; if you repeal this law it's going to happen in Nebraska. It's just the way it is. That's what happens when laws are repealed concerning motorcycle helmets. So if it's a privilege and not a right and then you say freedom of choice, freedom of choice, now wait a minute. In his, in Senator Hansen's bill, doesn't it say you're required to have eye protection? Isn't that in your bill, Senator? Oh my God, I don't want to have to wear glasses if I ride a motorcycle. I want freedom of choice there. I mean this is kind of getting ridiculous, this is. You say you want freedom of choice to wear a helmet, but you're gonna require somebody to wear eye protection. Why do you wear eye protection? Well, a stone might hit you in the eye; you might lose control of that motorcycle. I had a motorcycle safety instructor riding down the interstate. He heard something hit his helmet. He didn't think too much about it. Next time he got off to get gas at the gas station, he was taking off his helmet and he looked. Right in the middle of his helmet was a thin rock with a point on it, but it was stuck permanently into his plastic hard-shelled helmet. Now had he been riding down the road and this would've hit him in the head, it'd killed him; it'd knocked him off. So I mean, you know, you just go to one side or the other, things start to get ridiculous here. Helmets save lives. Are they going to save every life? No, they won't. But they will prevent traumatic head injuries. And I don't know of any you know a quadriplegic or a paraplegic and what they had to go

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through to even survive, or the families of those people. But helmets save lives. It's 100 percent in every state that repealed it, you're going to lose lives. Thank you very much. Any questions, I'll be happy to answer them.

FRIESEN: Thank you, Mr. Corner. Any questions from the committee? Seeing none, thank you for your testimony. Any other opponents? Seeing none, anyone wish to testify in a neutral capacity? Seeing none, Senator Hansen, you wish to close? We do have letters in opposition from: the Brain Injury Alliance of Nebraska, Friends of Public Health in Nebraska, the League of Nebraska Municipalities, the Nebraska Academy of Family Physicians, the Nebraska Brain Injury Advisory Council, the Nebraska Nurses Association, the Nebraska Psychiatric Society, the Nebraska Physical Therapy Association, the Nebraska Safety Council, and Karen Helberg, Scottsbluff, Nebraska-- no other letters. OK, Senator Hansen.

B. HANSEN: I will keep this brief since you've probably tired of testimony. So I do want to thank everyone-- excuse me-- who came up here and did give testimony, both emotional and, and talking about statistics. It's hard sometimes to get up here and tell your story, whether you're for or against it. So I like to thank them all for coming here. I think it's what makes us best, better legislators making better decisions, so I appreciate all of them coming. I'd also want to thank Allison for coming back from Kansas and still being a Husker. So it's very nice for her to still come back to Nebraska and to be a med student. One of things I did have to clear up from last testimony is we did put eye protection or a windshield on the motorcycle because that can then cause you to lose control of your bike or lose vision, which then can affect somebody else's livelihood by hitting them with your motorcycle. That's one of the reasons we put that on there, which is pretty standard a lot of times, to make sure that you are not going-- if anybody has been on a motorcycle going 60 miles an hour, that wind sure hits your eyes pretty hard. So eye protection does help you keep better vision so you don't run to somebody else. That's one of the biggest reasons we put that in there because, again, this bill is about-- not so much that whether helmets are safe or not. I have a motorcycle license myself. I always wear a helmet and I encourage other people wear a helmet. But it's more about personal freedom and the liberty to choose what you wish to do. So again, I want to thank everyone for coming and I want thank the, you know, the committee for hearing us. So any questions for me at all?

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FRIESEN: Thank you, Senator Hansen. Any questions from the committee? Seeing none, thank you--

B. HANSEN: Thank you; appreciate it.

FRIESEN: --for your bill. And with that, we'll close the hearing on LB378. He's coming, OK. OK, we'll now open the hearing on LB371. Welcome, Senator Erdman. Doesn't look like your testimony will be quite as controversial maybe.

ERDMAN: I hope not. It's good to be in front of the Transportation Committee. My name is Steve Erdman, S-t-e-v-e E-r-d-m-a-n. I represent the 47th District which is ten counties in the Nebraska Panhandle. I come today to introduce to you LB371. It is a bill that was-- the idea was brought me by one of my rancher friends who live, who lives in my district in Banner County. And before I go any further, I should announce to you that the amendment that I gave you will become the bill. I'll just be honest. What happened with this bill, we got it late on the tenth day, back from the drafters. I read through the part that we were adding. I did not read the whole bill, what we were striking. And when I talked to Erich in the Road Department last Friday, he brought that to my attention. And I could have said it was Joel's fault and it was the bill drafters fault, but that's not the case; it's my fault. And so we have fixed that and now that amendment will be the bill. And so disregard the green copy and, if you would, pay particular attention to LB371, as amended with AM277. So I passed out that, as well as a letter. And the letter that I passed out is from my neighbor. My neighbor's name is Allan Kreman. Allan and I have been friends for a while. We were business partners for a while in farming, so I know his family and know Allan quite well. In 2013, Allan's brother Arlyn was killed in an automobile accident east of Minatare, Nebraska. Arlyn, as you will see in Allan's letter, he described his brother as not mentally capable to hold a lot of jobs, and people tried to take advantage of him sometimes. But Allan's parents thought that Arlyn should do what he could and not just be a couch potato. And so Arlyn and his wife would deliver newspapers. And so that morning, early in September at 2:00 a.m., he was going to Minatare to pick up the papers and was hit by a drunk driver. The drunk driver went clear across road and struck the vehicle on the passenger side where Arlyn was sitting, and he was killed at the scene. So Allan has asked me to present this as a memorial, not only to his brothers, but, to his brother, but also those who were killed in accidents on the highway. And many times, as you've driven down the

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road you will see-- sometimes you'll see a cross along the road, and then you have a memorial established by the family, maybe flowers, maybe whatever. And I would believe this would take the place of-- excuse me-- I'm on the wrong bill, aren't I?

_____ : You're on the wrong bill.

FRIESEN: I was going to say you could continue on that bill. We'll just say that we're open to hearing--

ERDMAN: Want to do that one first?

FRIESEN: --for LB612 right now.

ERDMAN: They got the wrong information.

FRIESEN: You're, you're well in it already.

ERDMAN: But the Road Department's here and I don't want to hold them up, so you want to do LB612? I'm sorry about that.

FRIESEN: You want to stick with your original? We should have been on LB371.

ERDMAN: Okay, let's go LB371. All right. So let's go back LB371. This bill started out bad and it's going to end bad. So anyway, the amendment is LB371. All right. So what happened here was a guy named Robert Post lives in Banner County, Nebraska, lives on a divided highway, a two-lane divided highway, Highway 71. The statute doesn't allow him to cross that highway with his ATV, and there are many times that they move their cattle back and forth from one side of the highway to the other. He ranches on both sides of the highway. And he doesn't get an opportunity-- the statute doesn't afford him the opportunity to cross the highway. So what my intention is with, with LB371 is to allow him and others who are in an agriculture production to be able to cross the highway when needed, to be able to drive down the side of the highway and to make those operations more economical by not being able to, to cross, by not having to load their vehicles up to haul them across the road, because right now what happens is they have to load their vehicles in a trailer or the back of their pickup and drive across the highway and unload it. And they, many times, move cattle from one side to the other. They have the State Patrol come and block the highway in both directions and then they move their cattle across. And so this would give them an opportunity to use those vehicles in a way that makes it more efficient, and it

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makes common sense for those out there in the rural areas trying to make a living in agriculture and pay the high property tax. And so this would not allow people to drive these on the interstate highway. This would be on the two-lane, the divided two-lane highway such as the Heartland Expressway out in western Nebraska, as well as the other four-lane divided highways in the state. So the law doesn't allow them to do that now. And so we would ask that they would be able to do that. I spoke with Kyle and Erich from the road department this morning and gave them a copy of the amendment so that they understood what we're trying to do. I would hope that we can come to a commonsense conclusion as to what it is that we can accomplish to make this happen for not only those farmers and ranchers but maybe also those who are involved in agricultural production, that they can make commonsense application to how they use their side-by-sides. And so we looked at several states: Montana, Louisiana, and some of these other states-- Arizona-- on how they do ATVs, and some of those states allow them to drive right on the surface with the cars. I didn't think that was appropriate. Basically this is fashioned more like Montana's right to cross the highway, and it makes sense for rural Nebraska to make that opportunity available. And right now the State Patrol has been enforcing in my area, has been enforcing that rule that they can't cross those highways. And so, consequently, you either take a chance of going across the highway and getting a ticket or you just load it up in your pickup and haul it across the road. So this is a commonsense approach to how we apply the statutes. And it's difficult, as you well know, to pass one statute that fits the whole state wide. And so, consequently, I would hope that we could have a discussion with the road department how to implement this and make this an opportunity for not only agriculture but also make it safe for those who are out there doing things, as they should, and make it more efficient for them. And I'm sorry about the confusion as I get started on the wrong bill. I got my papers confused and this bill started out that way and it looks like it's going to end that way. But I would appreciate moving this on that we can have a discussion about how we make commonsense decisions. And I've said many times, and I may say it again, common sense sometimes is a flower that doesn't grow in everybody's garden. So I'm glad to have been in front of this committee. I've never been here before. It's kind of nice being in this chamber. At least I can hear in here, and I appreciate that. So if there's any questions you may have, I'll try to answer them.

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FRIESEN: Thank you, Senator Erdman. It all made sense. At first the amendment was there and then it kind of wound up--

ERDMAN: Yep, sorry. Sorry.

FRIESEN: We're, we're on the same page. Senator Albrecht.

ALBRECHT: Thank you, Chairman Friesen. So Senator Erdman, this bill, the way it's written-- and with me just reading the green bill, right? And you're talking about farmers and ranchers because-- right?

ERDMAN: You need to be on the white copy.

ALBRECHT: OK, now I'm back on the white copy.

ERDMAN: Yeah, that's the one.

ALBRECHT: OK, OK. Well then, just answer me some questions.

ERDMAN: OK.

ALBRECHT: You're wanting this more for the farm and ranch families throughout the state? Because I see us spraying weeds, checking fence, moving cattle.

ERDMAN: Um-hum, correct.

ALBRECHT: But does this address all of those things? And are you just wanting to address that, that group of people because, if this is an all-terrain type bill where somebody just wants to run to town to get some groceries or, you know, run around it from you know the farm to running into town, tell me more about who you want this to apply to.

ERDMAN: Okay. You-- there was a letter of support sent in by the Nebraska Cooperative Council because some of those people in agricultural production hire other people to do weed spraying and those kind of things. And so that would be available to those people as well. I don't think it's intended to run to town to get a loaf of bread or a gallon of milk.

ALBRECHT: It is simply for the use-- I mean just what you're talking about-- it's not going to be abused by somebody saying, well--

ERDMAN: Correct.

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ALBRECHT: --this bill was rewritten for this purpose and I should be able to run across the road to go visit my--

ERDMAN: Correct.

ALBRECHT: --family or whatever. OK.

ERDMAN: There is a provision in the bill, in the statutes already in place, that each village or city or community can make a decision how they run those vehicles in, in their city limits. And in my hometown they use four-wheelers and those kind of things on this, on the city streets and they have an ordinance to do that. And this does not prohibit that; that allows them to continue to do that. And so what I had stricken in the first bill would have taken all those rights away, and that's why-- and rightfully so-- the Transportation Department got a little concerned about that; and they should have. And I didn't see it but they can still do those things. We're not prohibiting the city or the, or the municipality from making a decision how they're used in their, in their jurisdiction.

ALBRECHT: OK, very good. Thank you.

FRIESEN: Thank you, Senator Albrecht. Senator Geist.

GEIST: Yes, thank you. And city girl-- I don't know anything about riding or driving--

ALBRECHT: Come on now.

GEIST: --these vehicles, except they're fun in the country. So I just want to be clear. You're talking about crossing the road, you're not talking about driving on the surface along with the rest of the traffic?

ERDMAN: No, on the side of the road or crossing the road.

GEIST: In a ditch?

ERDMAN: Not in, not in the lanes of traffic. Right.

GEIST: Okay, thank you.

FRIESEN: Thank you, Senator Geist. Senator Bostelman.

BOSTELMAN: Thank you, Chairman Friesen. And I'll just-- Senator Erdman, I just wanted to clarify to us what, all along, Senator Geist,

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just so I've got several e-mails from constituents that want, that think-- I think the original bill, not the amendment, was that they could take them and ride them anywhere, do whatever. So they're going to do-- they're going to have a fundraiser, they're all bringing their UTVs and stuff into town, they're going to take off and go across country. And I, just for myself, and I, that's the way I understand your bill now. It's not-- I mean the amendment for the bill-- it's, it's not for that. It's, it is, is for our use in agriculture, which we use them quite a bit, and it's a great cost saving, a very efficient use of equipment to do that, to work for us to get around. I just want to make sure, when I e-mail my constituents back, that I'm sorry that it's not going, this bill is not going to do what they are, what they think that that it could.

ERDMAN: And Senator Bostelman, I apologize for that. We should have, we should've seen that earlier. But when I started out this year, I told Joel no more than five bills, and we got to ten and he said: we are at ten. And he said Bob Post called, and he wants to do this bill. So it was late in the session and, and maybe I learned a couple of things there.

BOSTELMAN: No apology needed, I just--

ERDMAN: Thank you.

BOSTELMAN: --make sure we got it. Thanks.

FRIESEN: Thank you, Senator Bostelman. Any other questions from the committee? In here it does state like, just to clarify, I guess, that you, you can drive these on the shoulder of a highway, but not on a four-lane.

ERDMAN: You can do that as well.

FRIESEN: As long as it's not on the interstate system.

ERDMAN: Not as long-- you know, that's correct, long as it's not the interstate system. That would be-- that's a federal issue, and these are state, state statutes.

FRIESEN: All right. Thank you. And no more questions from the committee? Thank you for your bill introduction. Any proponents who wish to testify? It'd be LB371. Seeing none, anyone wish to testify in opposition, LB371?

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KYLE SCHNEWEIS: [INAUDIBLE] later?

LYNN REX: No, go ahead.

FRIESEN: Welcome, Director Schneweis.

KYLE SCHNEWEIS: Hey, thank you for having me; appreciate being here, having the opportunity. Senator Friesen, members of the committee, my name is Kyle Schneweis, K-y-l-e S-c-h-n-e-w-e-i-s. I'm the director of the Nebraska Department of Transportation, and I am here to testify in opposition of LB371. I want to say I appreciate the amendment and your, the conversation, Senator Erdman, as we've gone through this. I do need to-- I got the amendment this afternoon or this morning. I'd like to take it back and review it some more before I offer my full endorsement or opposition. But I wanted to say a few things. One, I think that-- I want to make it clear that we, we very much appreciate the, the rural communities of Nebraska. The majority of the folks who work at the DOT work in rural Nebraska, and so we work hard to try and serve those communities and, and try to understand the needs. And I appreciate the commonsense approach that Senator Erdman tries to bring to the table, and I think that we probably agree more on this topic than you might expect-- the, especially considering I'm here in opposition. I think there may be some opportunity for us to explore how this could work. I have some concerns that it goes too far today, and even as amended. I'll give you a little bit of a sense of the kinds of different roads that are included here. So we have some, some highways in rural Nebraska that carry less than 100 vehicles per day, so that's an average of about four or five an hour. And I have a hard time thinking that we couldn't find a way to accommodate this kind of movement in a vehicle, on a highway that has that few vehicles. If you can see forever and it's flat and you have sight distance, I think that that's something we should be considering and be having some common sense. But as you move around the state you'll see state highways that have 10,000 vehicles a day. Senator Erdman has them in his district that carry 5,000 vehicles a day. And I start to get concerned when I see that, that amount of traffic volume. As we move east you'll see some roads that would not be precluded here that carry 80,000 vehicles a day. They're not interstates and I don't think we should be considering to drive-- allow these sorts of vehicles on those roads. So I think there's some opportunity. I appreciate the senator's remarks that we might be able to work together to find something. I think the other piece I wanted to mention is how in when they can cross the roadway is something we should be thinking about.

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If it's happening at existing intersections, I think that's a place that perhaps it's appropriate. If you have them coming up out of ditches to enter or cross the highway, even if there aren't very many vehicles per day, I think that's something we would want to be thinking cautiously about. So I think that this is a case where it could be difficult to write a statute that accommodates all of this, but I'm certainly willing to try and to work with the senators to see if there isn't a way that we can find a common ground here. So with that, I'd be happy to answer any questions.

FRIESEN: Thank you, Director Schneweis. Any questions from the committee? Senator Bostelman.

BOSTELMAN: I don't know if it's so much as questions but, Director Schneweis, I appreciate your testimony. And just from coming from the ag side of things, we typically, you know, use our, use these vehicles and, and whether it be for spraying or other type of things, moving between fields. And usually, I think, we use them where there's entry and exit points, you know, underground culverts and stuff, as far as where we come in and go in and out of the field with them. It's-- and we only use them when we really need them. I do think there is some concern there, like you say, on some of the highways. But I still see, I think, different construction companies or surveyors out there with these type of vehicles on those roadways you're talking about right now. So I would encourage you, I guess-- more of a comment-- that you really take a look as this is this is something we do utilize; we use it every day in the ag community. Especially when you get further out west, I think they probably use it even more. It's just a, it's a cost savings for us; it's a tool we use. And I just encourage you to work with us or with Senator Erdman, as much as we can, to try to facilitate something that will work for the state and for ag.

KYLE SCHNEWEIS: I'll just respond quickly. I appreciate the feedback and certainly we will do that. I will, as I mentioned, go back and talk about the amendment with our attorneys and engineers and see if there's not some way we can work together.

FRIESEN: Thank you, Senator Bostelman. Senator Cavanaugh.

CAVANAUGH: Thank you, Chairman. So I'm just trying to kind of get my mind around this. And you were talking about the different number of cars on different roads. So I represent Omaha and I can't tell, just from my quickly reading through this, so I apologize, Senator Erdman, if this already covers it. But would this mean that like Dodge Street

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in Omaha and Maple Street, that these vehicles would be able to be on them? Because--

KYLE SCHNEWEIS: As I understand it today, yes.

CAVANAUGH: OK.

KYLE SCHNEWEIS: I could be wrong but, as I, as I read the amendment, that's what, that's what I understood.

CAVANAUGH: So that is kind of what you were speaking to is those large areas.

KYLE SCHNEWEIS: Yes.

CAVANAUGH: And then when we're talking about the ones that maybe are a little bit more typical of what this is intended for, I just had a little bit of a concern about the being able to travel on the shoulders, because I know that sometimes those are really small or just difficult and not, not really roadworthy, I guess. Is that-- could you speak to that?

KYLE SCHNEWEIS: Sure. So we do have a variety of shoulders on our highways. Some of them our turf shoulders. We still call it a shoulder even though it's just-- it's turf. It's designed to build to protect the vehicle and the passenger as they leave the roadway. Others are, you know, two-foot shoulders, we have four-foot shoulders, we have eight-foot shoulders. Sometimes on the shoulders we have rumble strips to alert to a driver if they're if on, entering the shoulder. I don't think those can be very fun to drive any vehicle across, including an ATV. So I think those are the kinds of things that we need to consider is, is what's the shoulder size on those different corridors, and are they appropriate for, for these sorts of things. I, so--

CAVANAUGH: So both of those issues that I'm bringing up are things that you could work with Senator Erdman on to--

KYLE SCHNEWEIS: Yes, Senator.

CAVANAUGH: OK, thank you.

FRIESEN: Thank you, Senator Cavanaugh. Senator Geist.

GEIST: Yes, and I believe Senator Cavanaugh addressed, addressed a couple of the concerns that I would have just because this would apply

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across the state. I know I, even though a city girl, did used to live in the country. However, a lot of people on the edges of the, of town have these types of vehicles. And my biggest concern was what she was, I think, alluding to, that, that, that since this would apply, I could see some misuse or dangerous use by people who aren't necessarily spraying weeds or just crossing at an intersection, but maybe pushing the lines a bit; and I'm sure that's your concern, as well.

KYLE SCHNEWEIS: It is.

GEIST: So-- and I think well expressed by Senator Cavanaugh. Thank you.

FRIESEN: Thank you, Senator Geist. Any other questions from the committee? Seeing none, I think you get off scot-free.

KYLE SCHNEWEIS: I even waited for you this time, and you don't have any.

LYNN REX: Senator Friesen, members a committee, my name is Lynn Rex, L-y-n-n R-e-x, representing the League of Nebraska Municipalities. And we really appreciate Senator Erdman indicating that he has an amendment, AM277. I just saw it here for a few minutes, so my testimony is actually to the bill predominantly, but I just saw a few things in the bill that, in his amendment that seemed to be very positive. My understanding is that on page six, lines 21 to 31, if I understand this correctly of the bill, that the language is being reinstated so that a city or a village may still adopt an ordinance authorizing the operation of ATVs and UTVs. The same thing with county boards, on line 27 to 31, is they would have the jurisdiction and the ability to adopt a resolution regarding the operation of those vehicles. And I think it's really important, too, and I don't, I did not see in his amendment the language that we also felt was very disconcerting on page 4 of the original bill, lines 8 to 14-- to 15-- referencing that a person of at least the age of 18-- pardon me-- any person under the age of 18, but at least 12 years old of age, that holds a valid Class O license may operate an ATV or UTV. And so in any event, we're more than happy to work with the committee and talk about these issues. I think there's a huge distinction between when you're operating in certain counties versus other counties. For example, it would have been two years ago as I was leaving Scottsbluff after doing a seminar in the morning. Fortunately this car's ahead of me, screeched and I heard them screeching and saw them screeching and pulling over, and one went off into a ditch. And it was basically

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somebody on an ATV going down the shoulder, and people were concerned. And the shoulder was more like a Denton road-type shoulder that Lancaster County has, if you're familiar with Denton Road, which has got little or no shoulder at all in certain parts of it. So I think it does matter. I think it's important. And one of the reasons why this, why these provisions were so tightly negotiated over a period of years is because of the huge differentials from county to county, city to city, village to village. For example, I just pulled the sections that are being amended in this bill. And one of the things that-- and I think part of it is reinstated. But again, I apologize to Senator Erdman. I didn't have time to look at his amendment in, in advance of the hearing. But if you look on page 7 of the original bill, lines 2 to 22, this was a bill-- this came from Senator Schumacher in 2015-- LB122, working with this committee. It took over a week, week and a half just to negotiate those provisions on lines 2 to 22, in terms of when you're crossing a highway with more than two marked traffic lanes and what the conditions are. In addition, other bills over the years that are amended just by the original-- and again I'm referencing the original bill since I really did not have an opportunity to review the amendment in advance. LB814 by, in 2014 by Senator Avery and ten other senators, that dealt with some very specific issues; LB223 in 2013 by Senator Janssen, defining what constituted in amending the definition of a UTV; LB1155 in 2012 by Senator Lathrop, changing golf carts to golf, golf, to car vehicles instead of just carts; LB650 by Senator Mark Christensen was a huge bill in, in 2010-- to reference just a number of provisions dealing with what constituted, again, when and how a UTV could operate in the state in Nebraska. And probably one of the most significant ones was in 2007, LB307 by Senator Arnie Stuthman of Columbus, and took a very long time to negotiate how these vehicles could be used because, again at that time, there was folks that thought it was just fine for them to literally do what-- and I appreciate Senator Erdman saying he does not want to allow-- which is go to town and get some milk, send the kids in a golf cart, and it's only so six or seven blocks, and have them pick up some bread and come home with it. Those were the kinds of things that were happening. There were accidents at that time happening across the state, and that's why all of these provisions were very carefully crafted. So I really appreciate Senator Erdman indicating he's willing to work with committee; the League of Nebraska Municipalities is, as well. I can certainly understand the ag sector use and the importance of that. But again, I think working with NDOR and also this committee to make sure that you're dealing in certain counties where it does work, where it is applicable, where you don't have the shoulders that are so narrow

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that it's going to cause accidents, and people can actually pass vehicles and, and do that sort of thing. So again, we really appreciate Senator Erdman reinstating the language to allow municipalities and counties to operate. I think it's extremely important to understand that, from county to county right now, without any law passing, if someone has a concern, for example, in your, in your county, you can go to your county board and say: Here is what we need to have; you've got the power to do it by resolution; here's why you need to do it; and here's how you can be accommodating. You can do that today without this bill. And I guess our preference would be doing that and basically underscoring the importance of local control. That being said, we're always happy to work with this committee and Senator Erdman.

FRIESEN: Thank you, Ms. Rex. Any questions from the committee? Seeing none--

LYNN REX: Thank you. And I apologize. I just didn't have the minute, amendment in time or I would have responded to that. We've all been there, Senator. No apology necessary.

FRIESEN: Thank you for your testimony. Any other opponents to LB371? Seeing none, anyone wish to testify in a neutral capacity? Seeing none, Senator Erdman, you can close. And we do have letters of support: Nebraska Coop Council, Eric Hinz, Garet Peters from York County, and Robert A. Post from Banner County.

ERDMAN: Thank you. Thank you for listening to the testimony today. I appreciate everyone's concerns and their ideas. Senator Cavanaugh and Senator Geist, on this, on page 4 at the top, Section 7, it says: A city or village may adopt an ordinance authorizing the operation of all-terrain vehicles and utility vehicles within the corporate limits of the city or village in an operation with accord, with, with the accordance of Section 3 of this section. So the city can, or the village can make ordinances to prevent people from driving on Dodge, Dodge Street. And so we didn't-- we had stricken that. And, and I'm sorry that we did that but that's what we did. And so the other issue is I don't believe that the county board can make a decision about a state highway. And if we could, I would have done that a long, long time ago, as a county commissioner. But I didn't have that authority, and I don't believe we do. I believe the county board has the authority to make decisions over county roads, and we did that when we needed to. But I don't believe that the Department of Transportation will give us the authority to make decisions on state highways. And so

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I don't think that's the case with-- the last testifier said we could take it to the county and get it approved; I don't think that's case. So having said that, I believe we can work together and come to a conclusion what makes sense, what is safe for everyone and that we can make an opportunity that's not available now to those people in rural Nebraska. And if we do not do some things to make this more readily available for those, they're going to do it anyway. And so, consequently, they're going to wind up taking a chance of getting a ticket. And I'm not sure exactly why law enforcement does some of the things they do; they enforce the law not to cross the four-lane divided highway, but they'll let you drive 84 on the interstate. And so we need to look at what we do and how we enforce the laws. There's the law and there's an interpretation of the law. And, consequently, those are the things that happened and that's why this is here today. It's because someone interpreted the law differently than they do other laws. And when that happens-- and then somebody calls me and this is the result. So I appreciate working with the committee and with the Road Department in the best way we can to make a commonsense decision going forward. And I hope we can advance this to the floor. Are there any questions?

FRIESEN: Thank you, Senator Erdman. Any questions from the committee? Seeing none, enjoy working on your fix-up language.

ERDMAN: OK.

FRIESEN: That will close LB371, and we'll open a hearing on LB612.

ERDMAN: Thank you, Senator Friesen. My name is Steve Erdman, S-t-e-v-e E-r-d-m-a-n. I represent the 47th District and the 10 counties in the Nebraska Panhandle. I'd handed you the amendment for the wrong one. I have another amendment on this one. This bill, as I started out saying before, came to me because a friend of mine back home, Allan Kreman, who had suggested that we memorialize those people killed on highways in automobile accidents. And so the result of that conversation is LB612. And so as we look at LB612, I want to bring your attention to, as I started earlier and talked about Allan's brother Arlyn, Arlyn was a young man who mentally couldn't hold a lot of jobs, but his parents didn't want him just to sit on the couch. And so Arlyn had, had a wife, and he and his wife would deliver newspapers every morning-- the Scottsbluff Star Herald. They would drive from Bayard, about 25 miles to pick those papers up and deliver them early in the morning. And people would say you could set your clock by Arlyn; he was at your house exactly the same time every day. On the way to Scottsbluff in

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September of '13, a drunk driver crossed the center line and hit his vehicle on the passenger side, and he was killed instantly at the scene. So Allan thought if he, if he could put up a placard or a sign that would remind people that someone lost their life there, then maybe people would think about what they're doing when they're driving and be more aware of their surroundings and be careful in what they do. I have submitted for you a picture. This is an example of what the, what the sign may look like, and that will be something we'll have to work with the Road Department to make sure that we get it according to the federal standards and that it's put in the correct place. This is similar to a resolution that Lancaster County has adopted. And I have also given you, I believe, a copy of that application that you make with Lancaster County to place one of these signs in a place where someone was killed in an automobile accident. The provision talks about where it shall be placed, how far back and those kind of things. And it gives us an opportunity to memorialize those who are killed in an accident. When we got the bill back, the bill drafter asked the question: Who pays for this? And so therefore, the amendment is put in place to distinguish and provide for the cost of the signs. In Lancaster County, the sign and the, and the installation and the post is \$100. They charge \$25 for the post, \$50 for the sign, and \$25 for installation. And so in the last year, Lancaster County has spent \$400 on commemorative memorial signs. And so we've kind of fashioned this after what Lancaster County did. I believe it would be up to the Road Department to develop an application fee and also an application form, make that decision and come to that conclusion what should be on the, on the sign. And you'll see on the application from Lancaster County, there's four different warnings that can be placed on the sign: seat belts save lives, don't drink and drive, and those kind of things. And so those would be the things that the family could choose. The family would choose to put this up. The LB, bill says, the amendment says that a family member can request this, and it gives a list of the family members that can make that request. And also, on the Lancaster County form, it also shows there that, if you have someone who is a family member and is in opposition to the sign, the sign will not be put up. If they don't have-- if they have any objection, it will not be put up. And so their provision is for a three-year time frame to put it up in Lancaster County. The bill calls for 10 years. And at the end of ten years they can make another application for another 10 years. The Lancaster County bill says that, after three years when they take the sign down, or their provision is when they take the sign down, the family can buy the sign. And so we've, we've fashioned it that way, and our goal and

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hopes is to be able to allow people to commemorate their loved one without going out and putting up a bunch of things along the side of the road. And we have several those in my county where they have a lot of things put there. They have flowers and they have all kinds of things. And this may give them an opportunity to recognize their loved one with a picture and a memorial sign. One provision in the bill that I think is important, and this is the case with what happened to Allan's brother. The person who hit his car was intoxicated, and the bill does not allow anyone who is intoxicated and their blood alcohol content being over the legal limit to be placed on a memorial sign, if they were, if they were the cause of the accident. And so, so I don't believe that would be appropriate to put that up there if he was, if that person was the cause of the accident. So that's a "just" of what the, the bill does. I think it's an opportunity for us to kind of standardize, across the state, how we memorialize people and warn people that driving is dangerous. You need to not text. You need to be careful what you do and keep your eyes on the road. And so this is an opportunity for us to do that. Allan would have been here today but he was tied up at another thing and he couldn't, he couldn't attend. But he had given that letter. And I wanted you to, to make sure you'd seen the letter because it was a unique situation with he and his brother. He was very close with his brother. And I remember getting that call early in the morning, and it was in the middle of, of the, the fall and we were doing harvesting, and he asked if I would come over to help out on his farm so he could take care of the things with his brother. So it was a very heart-wrenching day when he got the call and went to see his brother there, but it's an opportunity for him to, to realize a dream that he's had about making a memorial for his brother. And I would appreciate that you would advance this to the floor. Thank you.

FRIESEN: Thank you, Senator Erdman. Any questions from the committee? Senator Geist.

GEIST: I really don't have a question; I just have a comment. I think this is really well thought out. It's thoughtful. I think it's meaningful to the family. I appreciate it; I think it's a good bill.

ERDMAN: Thank you, thank you.

FRIESEN: Thank you, Senator Geist. Senator Cavanaugh.

CAVANAUGH: Thank you, Chairman Friesen. Thank you, Senator Erdman, for this bill. I had a question about you, and you mentioned it about if a

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family member opposes the posting. And it's not sort of fleshed out there but what if there's two family members in opposition about it? Is that accounted for or will-- that will just be handled between them in the courts if it comes to that?

ERDMAN: I'm not quite sure that I heard you. My, my hearing is not the best.

CAVANAUGH: Sorry. So there's eight kids in my family. If I, if somebody in my family passed away and I wanted a sign and my one of my brothers didn't, and we-- how would that be decided?

ERDMAN: Well if I, you know, the way it's, the way the application is worded in the Lancaster County example, is that if there was opposition to placing the sign, it would not be placed.

CAVANAUGH: That's--

ERDMAN: That's, that's what they said in theirs. And that would be negotiable in this. We could do whatever would be proper or makes sense. But I think that-- I don't know what, I can't think of an instance why someone wouldn't want to do that. But there could be somebody, and they put that in there for that provision, in case there was.

CAVANAUGH: And I just have one additional question. I was looking at the messages that it may contain, which I appreciate all the safety messages: please drive safely, seat belts save lives, watch for bicyclists, and don't drink or drive. But you actually mentioned the texting and driving. Would you be open to amending it to add that as an option?

ERDMAN: I think so. I believe I would, yes.

CAVANAUGH: Great, thank you.

FRIESEN: Thank you, Senator Cavanaugh. Any other questions from the committee? Seeing none, thank you.

ERDMAN: Thank you.

FRIESEN: Proponents who wish to testify on LB612?

LYNN REX: Oh, thank you. Senator Friesen, members of the committee, my name is Lynn Rex, L-y-n-n R-e-x, representing the League of Nebraska

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Municipalities. We're here today to support this bill in concept. And I've not had the opportunity to read the amendment, but just the bill itself, conceptually, I think is one that we would like to have municipalities and villages across the state also mirror, just because I think it is a very thoughtful way in which some of the family's concerns can be addressed. We've got cities right now and some of our villages, and even in Lincoln sometimes, you'll see that there are tributes put up for family members. Sometimes they have flashing lights with them. And I'm sure that that may have been a very favorite color, whether it's blue or pink or whatever, of the family member that passed. But still it can be very distracting. And I think this does give families an opportunity to have something that's thoughtful, legitimate, and caring, so we really appreciate. Even though municipalities don't control what happens on state highways, we would like to mirror whatever this committee works out and advocate it for cities and villages across the state. We think it's a very thoughtful thing to do, and I know that the director of the Department of Roads will have some, some testimony, as well, and perhaps some things that need to be addressed. But we would be happy to work with the committee. But we think this is just a great example, and we commend them, Lancaster County, for what they've done in this area. I'd be happy to respond to any questions that you might have.

FRIESEN: Thank you, Ms. Rex. Any questions from the committee? Seeing none--

LYNN REX: Thank you very much; thanks.

FRIESEN: --thank you for your testimony. Any other proponents, LB612? Seeing none, anyone wish to testify in opposition to LB612? Seeing none, anyone wish to testify in a neutral capacity on LB612?

KYLE SCHNEWEIS: Good afternoon again, Senator Friesen, members of the committee. My name is Kyle Schneweis, K-y-l-e S-c-h-n-e-w-e-i-s, director of the Nebraska Department of Transportation, appearing before you as neutral on LB612. I really appreciate the topic. It's one that's been debated and discussed at the Department of Transportation in the past. There were 230 people killed on Nebraska roadways last year; it is 230 people too many. It has a profound impact on people and the lives of the loved ones, and it's something we think about every single day at the DOT. And we certainly understand the desire and the need for, and respect family members who want to remember their loved ones. And I'm just here to say that we stand ready to work with the Legislature if you want to move forward

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with legislation this way. We have a lot of implementation kinds of questions, operational: who, how do we mow around them, where do they go, those kinds of things that I think can all be worked out pretty easily if we wanted to go this way. I have one technical comment, and I appreciate Senator Erdman, you even addressed it a little bit in your comments that we just have to make sure the signs comply with the federal standards. I think there are some current-- as I understand it, as described currently in the bill, we'd have to make some adjustments there. We're certainly experts in that area and can provide those sorts of recommendations as we move forward. But with that, I would end my testimony and answer any questions.

FRIESEN: Thank you, Director Schneweis. Any questions from the committee? One question I have. And I mean sometimes we get so many signs along roadways, we start to ignore them. Ten years-- the number of signs that can accumulate in some areas, does it get to be a distraction?

KYLE SCHNEWEIS: Well, it seemed like a long time as I read the, the initial proposal. That's something I would, I would probably want to think through a little bit more. I don't think you want to have someone have to fill out paperwork every single year, but 10 years is a long time. We do worry about too many signs, and what that can cause, and distractions that can occur. I think if you put them in the right place, there's probably a balance to be found. You know, if they're too close to the road versus maybe on the outer edge of the right of way, it'll limit. But I think those are also, you know, maybe not be where we want them. So again, those are things that we'd want to consider.

FRIESEN: I mean I look at multiple fatality accidents, and suddenly you have three or four people that want to put up a sign there because of one accident. And it gets-- do you have to have preferences that just one, one sign go there? Those are kind of questions that we're going to have to, we're going to have to address, I guess.

KYLE SCHNEWEIS: I don't have strong feelings at this time, Senator. I know I've been in some states that have-- it appears they don't have any limits and there are multiples in one place and then, in other cases where that's not.

FRIESEN: To me sometimes I'm-- they're placed-- I've seen them placed too close to the side of the road and they're actually-- when I look at it, it's a potential accident when you clip that sign off and it

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comes through your windshield. It's, it is a safety factor at times, but it depends on placement, and--

KYLE SCHNEWEIS: I would say today there are many sort of impromptu memorials that are put along the roadways. And we oftentimes, at the DOT, move them further off the road because of just what you said, trying to respect the family's need to, to put those memorials up. But we try not to have them too close to the roadway.

FRIESEN: OK. Thank you, Director. Any other questions from the committee? Senator Albrecht.

ALBRECHT: Thank you. With regard to how-- where that sign should be placed, I mean would it actually be, would you want it in the bill to say it needs to be so far off the highway, because I know where a lot of people think it should be right where the accident happened?

KYLE SCHNEWEIS: Um-hum.

ALBRECHT: And I do think of mowing ditches and other things that can happen with signs that are in the--

KYLE SCHNEWEIS: I think that we could accomplish that, probably without statute if we were to write the rules or the guidelines around to the program in a way that addressed it, those kinds of things, so--

ALBRECHT: [INAUDIBLE]; thank you.

FRIESEN: Thank you, Senator Albrecht. Seeing no other questions, thank you for your testimony.

KYLE SCHNEWEIS: Thank you, Senator.

FRIESEN: Any others who wish to testify in a neutral capacity? Welcome.

PAM DINGMAN: Pam Dingman, Lancaster County Engineer, 444 Cherry Creek Drive, Lincoln, Nebraska, 68528. This is a program that we started. Do I need to--

FRIESEN: Spell your name.

PAM DINGMAN: D-i-n-g-m-a-n is my last name; P-a-m is my first name. This is a program that I started back in the summer of 2016, hoping there would be no more fatalities on Lancaster County roads, but

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knowing eventually that there would be. And indeed, about three or four months after creating the program we had the first fatality of a young woman on South 68th Street, followed a few months later by a second fatality of a teenage driver on Saltillo. This program has meant a lot to the local families who were able to sponsor signs. Well, we did put the program up on our Internet Web site and I have shared the details of it with the senators. And so I just wanted to come and talk about the program or let you guys know, if you had any questions, that you are free to ask me.

FRIESEN: Thank you, Ms. Dingman. Any questions? Senator DeBoer.

DeBOER: Yeah, I was wondering if-- how long has the program been in place?

PAM DINGMAN: We put it in place in summer of 2016.

DeBOER: OK. So not very long. When you see the, the official signs go up, do, does that tend to discourage or minimize the impromptu memorials, because it seems to me that it might not actually affect whether there's also an impromptu memorial that goes up beside of it?

PAM DINGMAN: I do know in particular, for our two signs, that the families mow around the sign. We've asked them not to. I don't know whether they'll continue to do that in the future. What I also know though is, from the location of the signs, is that we have seen it affect driving in the area. And so when the fatality occurred on Saltillo Street [SIC], we also lowered the speed limit. And I had dramatic concerns as to whether or not people would follow that lowering of the speed limit from 55 to 45. And it is amazing, actually, that the lowering of the speed limit, and along with the memorial sign, I do think has made a dramatic difference in the corridor.

DeBOER: And when you-- so have the families also not put any additional memorial materials around the signs, that they just had just the sign?

PAM DINGMAN: There are some things there; it is minimal. And I'm not really sure whether it's the family or other, other teenage friends. And so it is a thing with, in particular with the younger driving population, to go to these sites where there's fatalities, and they gather and they, they leave a lot of things. And so I do think that the installation of the signs has helped with that. And then, also, it

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seems like these things have a tendency to blow away, the memorials people leave alongside the road. And then people are sad. And so the sign does memorialize where the accident happened and just, you know, with the message, I think it draws some attention to that there has been some issues in the area.

DeBOER: And you mentioned that it's on your Web site. Is there any other way that folks sort of know that this is an option for them? Or how would you, would you know that this could be an option?

PAM DINGMAN: So it is on our Web site. For whatever reason, memorial signs are not a new thing. I started my engineering career in Colorado. Memorial signs have existed in Colorado since the '90s, and the programs have been-- there's been some additional changing of state statutes more recently. So I think what's interesting is, when I started the memorial sign program in Lancaster County, I don't know if it was a moment in time where there wasn't enough news, but national news sources picked it up and a number of newspapers ran it, which tells me there's definitely an interest in the public. And so we have talked about the memorial sign program a lot and we have it on our Web site. And so it does seem-- last year there were four fatalities in Lancaster County. The signs are requested by a family member, which I think is very important, based on my research. So we did install two signs, and so it's about 50 percent of the people requesting signs. We actually do have a request in NDOT-- right of way for a Lancaster County memorial sign. Of course I do not have jurisdiction in, in that right of way, and so I'm going to have to deny that sign. And that will be very sad to that family.

DeBOER: Thank you.

FRIESEN: Thank you, Senator DeBoer. Any other questions from the committee? Seeing none, thank you for your testimony. Any others who wish to testify in a neutral capacity? Seeing none, we have no letters. Senator Erdman, wish to close on LB612?

ERDMAN: Thank you, Senator Friesen. You know when Senator-- when Director Kyle was up here and talked about how they would make the rules and the things they would do to apply those, I, I want to leave this to the Road Department to make the decision where to place these, but my interpretation or impression would be they would be at the edge of the right of way. They wouldn't be in a place where they could mow around them. And as far as multiple fatalities in one place, I don't know that we could put up four or five signs but, you know, maybe one

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sign with their names on or something. But if all those things can be worked out-- and I think if we put too many things in the statute, and that's what happens to us a lot of times-- we try to make one statute encompass all things. And, and they're smart people of the Department of Transportation. And they can figure that out, what the regulations should look like and what the sign should be, where to put the sign that's the safest place for it to be. I believe that should be up to them. I would hate for us to say the sign has to be so many feet from the highway and find out that's in violation of some federal law or something. So I would think that with the Road Department's help, we can figure out where to put these in a safe place that makes sense, and we can make an application of this that will memorialize those people that need to be remembered. So I would, I would ask for you to advance this.

FRIESEN: Thank you, Senator Erdman. Any questions from the committee? Seeing none--

ERDMAN: Thank you for your time.

FRIESEN: --thank you, Senator Erdman. And that will close the hearing on LB612. At this time I think Senator Albrecht will have to take over as chair.

ALBRECHT: Oh really, OK. [INAUDIBLE] you guys up really high. Good afternoon, Senator Friesen. Thank you for being here for LB665.

FRIESEN: Good afternoon, Chairman Albrecht. I'm Curt Friesen, C-u-r-t F-r-i-e-s-e-n, from District 34, here to introduce LB665. This is a bill that would authorize the use of electric foot scooters in Nebraska. It would also provide authority for cities to regulate the use of those scooters with some limitations. Generally, the bill amends some 31 sections of Nebraska law relating to titling, licensing, registering, operating, and insuring electric scooters. For the most part we exempt electric foot scooters from those pro, provisions and treat them more like bicycles. We do treat-- we do not treat them as motor vehicles or motorcycles. We do, however, limit the age of who can operate the scooters and the speed at which the scooters may travel. We also provide direction on nighttime operation of scooters. Section 22 amends the current statute to allow the state or any governmental subdivision to enact regulations to permit, prohibit, or control the use of electric scooters within their jurisdiction. Section 23 amends the current provision to allow local authorities to regulate scooters on highways within their

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jurisdiction. Section 24 is new language that is the guts of the bill, and it defines scooter-share operator and scooter-share program, and gives cities the authority to regulate scooters, subject to state, subject to state requirements. We provide insurance requirements for scooter-share operators, who are the companies that rent the scooters, and we mandate some equipment the scooters must have if they are in a shared-scooter program. We provide some direction to cities on fees and where rental scooters may be staged. There is language regarding data that companies have to provide to the city. And finally in Section 24, it provides that a local authority may not impose unduly restrictive requirements on companies relating to operating below cost or subjecting riders to requirements more restrictive than those of privately-owned scooters or bicycles. We have representatives of scooter rental companies that will be following me. I know this, that scooters will be coming to Nebraska. We've seen them proliferate on the East Coast, West Coast, and they are getting to be a very popular item. And we need to have a mechanism in place that would allow the safe operation of those scooters. And I'd be happy to answer any questions you might have.

ALBRECHT: Do you have any questions from the committee? Seeing none, will you stick around for the close? Thank you. Do we have any proponents that-- wishing to speak?

NICO PROBST: Thank you, Senator. And thank you, members of the committee, for allowing me the opportunity to speak in support of the bill. My name is Nico Probst, N-i-c-o P-r-o-b-s-t, and I serve as the manager of Midwest strategic development and government relations for Lime, one of the scooter-share companies that the senator was just speaking about. Lime is founded on the simple idea that all communities deserve access to smart, affordable mobility. Through the equitable distribution of shared scooters and bikes, we aim to reduce dependence on personal automobiles for short distance transportation and leave future generations with a cleaner healthier planet. Micromobility is a rapidly growing market that is here to stay, with millions of riders using e-bikes and scooters as part of daily routines. And Lime is leading the space as the favorite, first- and last-mile solution for riders for their work commute, social event, or to get around their communities. More than 10 million sign-ups and over 34 million trips have been taken on a Lime vehicle, a five and a half-times increase in trips in the last seven months alone. Lime has operations in over 100 cities, towns, and company campuses, universities, and communities throughout 15 countries across 5

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continents. Our user base reflects the move to Lime becoming a part of people's daily routines. Riders across a range of ages, geographies, ethnicities, and socioeconomic backgrounds are using Lime every day. The median age of our riders is 32 years old, with more than 20 percent of our riders over 40. Of our riders, 34 percent report an annual income of less than \$50,000, making the Lime, Lime the choice for easy and affordable accessibility. Riding a Lime vehicle should be a great experience for users and the community. To make sure that happens, safety must be a critical priority. That includes everything from how to use Lime bikes and scooters to traffic rules, road etiquette, and proper parking, to working with state legislators on appropriate vehicle classification to ensure they best fit within the transportation ecosystems. Our experience across the U.S. and abroad has taught us that, with robust community education, safety initiatives, and the right policies in place, we can ensure that Lime is a positive addition to any city that we enter. Thirty states and D.C. have categories for electric bikes but, because a scooter does not meet the physical description of a bicycle, cities are sometimes faced with meeting requirements for licensure and registration or are for, forced to bar their use in bike lanes or on multi, multipurpose trails. We believe a refinement of bike laws to include scooters would create greater clarification and, thus, benefit cities and their riders. The bill we are discussing today is a straightforward classification bill that does just that and will allow us to work with local regulators to best fit within their transportation ecosystem. We appreciate the opportunity to speak in support of the bill and I'm happy to take any questions.

ALBRECHT: Thank you. You talk fast. You have lots of time left. Do we have any questions from the committee? Senator Cavanaugh.

CAVANAUGH: Thank you, Senator. So Lime is operating in other cities apparently. So could you tell some of, about the experience there, how it works a little bit?

NICO PROBST: Yeah. So it's all through an app-based system, so you download the Lime app on your phone, you know, much like a ride-share system. You would find the product available to you, and then you would see where the closest scooter or bike is near your vicinity. You would then take your phone and scan the product. The product, each product has a unique QR code on the top of it. And then you unlock the product from there. You're charged \$1 to unlock the product and then 15 cents per minute, and it's charged based on how far you go. As soon

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as you're done with the product, you park it in the furniture zone of the sidewalk. So where you would normally see a bike rack, that is where the dockless bike or scooter goes. You park it there, leave it there, end the product, end the ride on the app, and then you're done being charged. And you take off and go forth from there, so a pretty seamless end-to-end user experience. And the big change from sort of the typical bike-share systems that you've seen in big cities is the notion of moving to a dockless system. It's just a much more convenient end-to-end transportation experience for users.

CAVANAUGH: Thank you.

NICO PROBST: Um-hum.

ALBRECHT: Senator Bostelman.

BOSTELMAN: Thank you, Senator Albrecht. Thank you, Mr. Probst, for being here today. As we've talked earlier today, I've had a opportunity to see these in action--

NICO PROBST: Um-hum.

BOSTELMAN: --out in Denver. So I have several questions I think we need to, I'd like to talk about. Just skimming through this, as we're looking through this, one place it talks, I believe it talks about 20 miles per hour and another place it talks about 15 miles per hour. Now what's the-- that seems to me-- and they're allowed on highways-- so what's the difference? Is there different speeds allowed, different areas is what you're proposing? Or is it a limitation or--

NICO PROBST: We leave that up to the local regulators, and that's, that is what the state bill is meant to do. If municipalities want to designate certain regulations on speed in certain areas within the city, that is certainly a discussion we're willing to have with each municipality. The designation of 15 miles per hour is because we cap all of our scooters at a max speed of 15 miles per hour. And that's meant to mimic the typical cycling behavior that you see in bike lanes already. The reason that we put the bill within a 20 mile-per-hour limit though, is because if a user is going at the max speed on our scooter but they might be going downhill, they might catch 16 miles per hour or 16 and a half miles per hour. So even though our internal speed is capped at 15 miles per hour they might generate more force that takes them a little bit over.

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BOSTELMAN: Could you speak a little bit towards, and what Senator Cavanaugh was talking about on the parking areas?

NICO PROBST: Um-hum.

BOSTELMAN: Out in Denver, I thought my understanding, what we heard on the TV, on the news there, where there's some, there's a little bit of discussion going on with the city council in a couple areas. One area was, was a person picks up a scooter in this area and then they leave it somewhere. And then someone comes around at night and picks them up and they were starting to have problems with scooters just being left in areas or piling up in areas, and that was starting to be an issue for the, for the city.

NICO PROBST: So on the parking side of things, in the app itself, when you download the app and before you ever get on your first ride, you have to go through an education tutorial. It gives you the description of where the product should be ridden-- in the bike lanes or shoulder side of the road, but also what park, proper parking behavior looks like. And we also have to utilize the app to encourage proper parking behavior. Because it's dockless, there are going to be some good and bad outcomes that initially start, but our goal is to educate the user to do it properly. And some of the ways that we do that is through the technology itself. One of the things that we utilize is a program called "Parked or Not." And what that does is, within the app when you finish your ride, you park the product. You actually have to take a picture of where you parked the scooter or bike. And what that does is it automatically sort of nudges the user that there's a good or bad park, proper parking behavior associated with the product. But it also then allows us to see where the user actually parked the product and, if it is in the public right of way, we can move to a fine system, based on the negotiations that we're having with each local regular, regulatory body. And so if we want to move to an incentive system, we can also do that, too. So if users are constantly parking correctly, maybe they get a free ride. But that's sort of worked out, each city, differently. But a lot of that has to be done through the app and through education that we're continuously doing, and that's a lot of the focus on parking. But every city is going to have different requirements on what they want parking to look like. They might have designated zones. In some cities, Santa Monica for example, they're actually carving out parking spots, existing car parking spots, and turning in those, turning those into scooter corrals where you can park about 11 or 12 scooters in that one vicinity. But every city does

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it differently, and that's why the language in the state bill is left a little broad.

BOSTELMAN: Then are you seeing any trends? I know-- again, what they were talking about there was trying to, trying to decide, determine whether they want to have the drivers-- or the riders or whatever-- going down the sidewalks, 'cause they could go anywhere at that point--

NICO PROBST: Um-hum, um-hum.

BOSTELMAN: --whether they should be in the street. And that was, that was being discussed. It wasn't determined over there, but it was in the news.

NICO PROBST: Yep.

BOSTELMAN: They were trying to decide where, where the riders should be at exactly.

NICO PROBST: Yep. Yeah, our model regulations are that cities have them utilized in the bike lanes and shoulder side of the road. We tend to think that actually a sidewalk is not the best place to use it. The curvature of a sidewalk obviously lends itself to sort of a bumpier ride, so it's not going to be as seamless as an experience, but it also has some interactions with pedestrian foot traffic that we're not comfortable with. And so we always sort of encourage cities to move towards the bike lane, sidewalk as sort of the regulatory environment of where they should be operated. Our app actually dictates that in the sort of education tutorial that you go through. But there are some cities who feel a little bit differently. There are some cities who actually develop bike paths on their sidewalks and integrate them in as such. And that's why the state bill doesn't touch the sort of notion of sidewalk usage. We want to leave that up to the city to decide how they regulate. But our model regulations are bike lane and shoulder side of the road.

BOSTELMAN: Another question I'd have, and maybe my last one for right now, is, as far as are there different states or cities requiring helmets, since we talked about helmets for quite a while today? Safety devices?

NICO PROBST: So we, as a vendor, absolutely ask for our users to wear helmets. We can't enforce it with a shared system, but the ways that

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we're trying to encourage it is sort of "habitualizing" the usage. And so we launched a campaign called "Respect the Ride" in November, which asked individuals to sign up for good safety behavior. And if they took a pledge, they were sent a free helmet. We sent over 250,000 helmets throughout the country. So we're trying to "habitualize" the use of helmets to make it a normative practice. We don't necessarily ask states to dictate helmet usage requirements. Sometimes that can be an equity argument. There are some individuals in areas that maybe don't have access to a helmet, and maybe we're going to be the first place that they're able to get a helmet on the, on the, to ever start. So we want to be that sort of front-end person, but we want to encourage helmet usage instead of sort of mandating it through law. It's very hard to do through biking, biking. We've seen that in other states. California actually just removed-- what they used to have was a mandatory helmet requirement from cyclists, and now have that open-ended. So we don't necessarily take a position on that but we do take a position, as a company, that helmet habitual usage has to be a normative practice. And we have a responsibility in encouraging that.

BOSTELMAN: OK. So you either-- is it all rentals or you do sales on those?

NICO PROBST: We only do rent; we're all a rental shared system.

BOSTELMAN: Thank you.

NICO PROBST: Yep, thank you.

ALBRECHT: Thank you, Senator Bostelman. Do you have a question, Senator DeBoer?

DeBOER: Yes, thank you. Yes, I was wondering, is there any sort of age limit on this? I know when we talked earlier, you said that these are designed for 18-year-old, although, you know, I've seen 12-year-olds that look like they're 18-year-olds and I've seen 18-year-olds that look like they're 12-year-olds, so--

NICO PROBST: Yep.

DeBOER: --obviously that's not a precise science.

NICO PROBST: Yep.

DeBOER: So yeah, I'm just, I'm curious about whether or not a very tall 10-year-old might, you know, be able to make use of this. And

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then I don't know if you're, if you have any sort of record, or requirements on your app for when you can use it--

NICO PROBST: Um-hum.

DeBOER: --and that's the thing--

NICO PROBST: Yep, our user agreement is 18 and plus. But one of the ways that we enforce that is through a license scan system. We try to keep that to both license and state IDs, to be opening to anyone, to whatever ID system that you operate. But you actually have to scan a driver's license or state ID that does age verification. It's not meant to see what your riding or your driving behavior was previously, but solely for the age verification component. But 18-plus is our encouragement. We don't, I don't think the state bill touches that because, obviously, private individuals could go buy these off Amazon or at their local Walmart and operate them as such. But for the shared rental system that we're talking about we are an 18-plus system.

DeBOER: Thank you.

NICO PROBST: Um-hum

ALBRECHT: Senator Cavanaugh.

CAVANAUGH: Thank you. I'm just reading our notes, our committee notes here, and it does say that no person under the age authorized by law to operate a motor vehicle. So that would be lower; that would be 16. Or-- and then my question is probably actually for Senator Friesen. We were discussing yesterday-- I think it was yesterday-- the rural school-aged licenses. So not really a question, I guess, necessarily for you, but it does appear that it might be 16.

NICO PROBST: Well, I would say, from our perspective, it's going to be 18-plus, no matter what--

CAVANAUGH: But for your company, if--

NICO PROBST: Yep, it's 18-plus. Yep.

CAVANAUGH: Thank you.

ALBRECHT: OK, seeing no other, I do have a few questions.

NICO PROBST: Yeah, absolutely.

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ALBRECHT: This is all new to me. I don't think I'd ever be on one myself but-- I don't know where you get these bills that you come up, come up with here but OK. Let's talk a little bit about the technology.

NICO PROBST: Um-hum.

ALBRECHT: You do say that lost or stolen, so if I were to have a friend get on one of these and take off and they were gonna meet me for lunch,--

NICO PROBST: Um-hum.

ALBRECHT: --they can park this scooter right outside of the establishment,--

NICO PROBST: Yep.

ALBRECHT: -- provided that the establishment is okay with that?

NICO PROBST: Yep.

ALBRECHT: Or-- and they probably would be because this would be something new to the cities, and they'd be excited to have you there, too.

NICO PROBST: Yep.

ALBRECHT: So what happens if someone comes along and takes it?

NICO PROBST: If they go off for another ride, the hope is that you would then be able to--

ALBRECHT: No, no, no, no, no. I'm saying that the person's in the restaurant with me, and she or he leaves the establishment, and it's gone; someone took the bike--

NICO PROBST: Got it.

ALBRECHT: --or scooter.

NICO PROBST: I want to make sure I understood what you were asking. So from our perspective, it's a shared system. So if you're at lunch and someone else takes it off and goes for a ride, that's great; it's getting utilization. The hope, though, is that when you look on the app, there's another scooter or bike nearby so you can utilize that

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product. The way that works, though, is really what comes down to the local regulatory level, in terms of, you know, how big of a fleet we're able to offer, which will dictate how many scooters in that nearby vicinity. But if we're doing our job correctly, we'll have more than enough scooters in that area so that, because someone else took the scooter that you rode in on, you can go find another one and just unlock that one and take it forward for the ride.

ALBRECHT: OK, so you just get, get on a scooter anywhere. Even though I might have wanted it for the afternoon,--

NICO PROBST: Um-hum.

ALBRECHT: Somebody else could snag it and I've got to hope I can find another one.

NICO PROBST: That is the hope. The way it works in cities where we're operating really at scale is that it typically doesn't come up because we have enough scooters or bikes on the ground that they're, the shared system works.

ALBRECHT: OK. And then talk to me a little bit about the safety. So they actually like watch a little tutorial when they request.

NICO PROBST: Um-hum, download the app.

ALBRECHT: OK. So how long is it, and what is it actually?

NICO PROBST: Yep. So it goes through a five-step tutorial of what proper ridership looks like. To kick it off, to even start the scooter, you actually have to give it a couple quick kicks, and that is intentional, so that you're not just able to hit a button and go. It actually has to get some additional manpower to actually get going and moving. But then it looks very much like you're sort of traditional scooter that you're probably used to seeing kids right around, except that it's electric. So there's a toggle on the front right side that allows you to control the speed as to what you go. You go faster or slower if you want, and then a brake on the left hand side that allows you to slow down at the speed that you want, as well. They're pretty easy to use. I think people are, I think that is what has generated so much excitement and demand about the scooters is that folks first look at them as sort of a fun toy product to get on. And then they get on it and sort of see the utility of it. And really, and

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then I think that's why we're seeing such strong ridership that we're seeing.

ALBRECHT: OK. And so do they have to use any-- like if they're going to go left or right, are they supposed to signal?

NICO PROBST: Yeah, signaling is interesting. We've sort of tested some things, whether we put actual signals on the scooter itself because, much like a bike, it is hard to do hand signals when you're operating a scooter and using two hands to do both. So we don't encourage signaling because of that. But typically if you're operating in a bike lane, that shouldn't be a huge issue. But we're still exploring whether or not that means that we should put left or right turn signals on there. But it has been less of an issue than I think we've first envisioned.

ALBRECHT: And then one last question. The amount that you came up with-- \$1 and then 15 cents for every minute after.

NICO PROBST: Um-hum.

ALBRECHT: So if you come into-- we just had some small-cell legislation that we've looked at--

NICO PROBST: Um-hum.

ALBRECHT: --in the last week. And would a city ask you for more?

NICO PROBST: That is the rate that we charge the user, so it's, that's how much the user is being charged when they take the product and go. So as soon as they open the app, download the app, and then scan the product-- as soon as they're scanning it, it's \$1 right there just to unlock the product. And then it's 15 cents for every minute that they're on the vehicle itself. So if they ride for about 10 minutes, it comes to about \$2.50, so a very sort of cheap, cheap ride and that's the [INAUDIBLE] there.

ALBRECHT: But could, could a municipality ask you for a cut?

NICO PROBST: There is, yeah. Certainly in the regulations and agreements that we get with cities on the permitting process, there's usually a cost associated, whether be with a permit fee or a per-trip fee. Our hope and goal of any revenues associated with us, though, is that those revenues are utilized one, for the administrative costs of the city you have to incur in negotiating and working with us to set

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up the program, but also that the costs go towards better infrastructure to support micromobility efforts at large. So we want to see more bike lanes in cities. And I think that's a very interesting thing about what scooters have done in cities, is that all of a sudden you have a new user base and population of folks who, for the first time ever, have gotten and sort of seen what their bike lane infrastructure looks like in the city. And more times than not, they're finding it's pretty dilapidated and not robust enough. And so our real, real hope, as cities collect and incur fees upon us, is that they utilize those fees to build up better infrastructure to support this, both from a safety perspective, but also to create a sort of better user experience.

ALBRECHT: How many of these do you have out throughout the country?

NICO PROBST: Throughout the country? I don't have an exact number, but we're in over 100 cities across the world, in 15 different countries.

ALBRECHT: Hmm, interesting.

NICO PROBST: And it really ranges in the amount that we're operating in each city.

ALBRECHT: Very good. Any other questions from the committee? Seeing none, thank you for your testimony.

NICO PROBST: Thank you very much.

ALBRECHT: Any other proponents wishing to speak?

SEAN KELLEY: Good afternoon, Senator Albrecht, members of the Transportation and Telecommunications Committee. My name is Sean Kelley, S-e-a-n K-e-l-l-e-y, appearing today as a registered lobbyist for Bird Rides, Inc., commonly referred to as Bird. Bird is an electric scooter company offering e-scooters since September of 2017. Since the inception, Bird has brought this affordable, environmentally friendly mode of transportation to hundreds of communities across the world. Shared e-scooters are an, an innovative technology that provide a sustainable and affordable last-mile transportation to tens of millions of riders across country. In doing so, e-scooters have relieved congestion, provide an environmentally friendly mode of transportation, and make the streets safer for, for all by eliminating car trips from the road. Shared e-scooters also boost local economies. They create income opportunities for residents in the cities where

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they are deployed, while helping to support local businesses by increasing foot traffic in commercial districts. Currently e-scooters are not defined in state statute. LB665 is a way to recognize this mode of transportation and offer guard, guardrails as to how e-scooters should be regulated, allowing for uniformity across the state. The definitions and approach in LB665 is widely accepted in other jurisdictions across the country. In closing, I would just like to add that Bird would ask the committee to strike two lines in the bill: page 21, lines 19 and 20. These have to deal with a locking mechanism, which not all e-scooter companies share that feature. So we'd like the committee to strike that. We'd like to thank Senator Friesen for introducing this legislation, and I'm happy to try and answer any questions you may have.

ALBRECHT: Do we have any questions from the committee?

SEAN KELLEY: Thank you.

ALBRECHT: Seeing none, thank you for being here. Any other proponents wishing to speak? Do we have any opposition?

DEREK MILLER: Good afternoon, Senator Albrecht and committee members. I am Derek Miller, D-e-r-e-k M-i-l-l-e-r. I'm with the city of Omaha. Again, thank you for this opportunity to speak on bill. We, the city supports the concept of the bill but we think the committee is about a year too early. That's because the city, at the time, is going to launch a pilot for e-scooters, starting in March, running through November. And I think that pilot will give us enough information to formulate a better bill, a stronger bill, and address all the issues, because right now, as you all are learning about this emerging, emerging technology and micromobility, we are learning about this mobility option. So I think we would prefer that the bill not be advanced this year but wait until next year. Over the course of that pilot that we'll launch-- and by the way, tomorrow is the deadline for proposals from vendors-- we know of at least three, possibly four vendors that will be submitting proposals to us tomorrow. Over that time, between March and November, we will evaluate how the vendors operate, all the issues that go along with that, produce a report. And we'd be happy to work with the senator and the committee to draft a better bill. As of today, if the bill would advance as it is, there are about five, a half a dozen issues that we have with the bill. Currently the bill doesn't speak to restricting the number of vendors in each, in each community. Our pilot we're going to limit to three vendors in Omaha. The bill controls data acceptance and usage. We

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would like better flexibility under that. The bill limits the community's ability to regulate scooter speed to a few locations, so there are some locations in Omaha we would like to actually go less than 15 miles an hour, possibly down to 10 miles an hour. The bill limits the community's ability to regulate the location of parking by allowing parking on every single block. We have heard from College World Series, Inc., NCAA, and MECA regarding the College World Series. They would prefer not to have the scooters parked anywhere around TD Ameritrade ballpark. The bill would actually allow that today. Also the Old Market area, which is very congested with pedestrians, we would like to limit that area for scooter parking. The bill would allow parking on every block in the Old Market today. And then, finally, the bill treats bicycles and scooters the same. They are very different mobility options, and they should be treated differently. The bill basically calls scooters a bike and wants to regulate them the same; they are different. One specific example on that is bicycles on trails. We allow bicycles on trails. That's our main usage of our trail system in Omaha. Right now there is some opinions within the city that we would not like to see the scooters on our trail system. So that's all I have. I'm happy to answer any questions the committee may have.

ALBRECHT: Thank you very much. Do we have any questions? Senator Bostelman.

BOSTELMAN: Thank you, Senator Albrecht. Mr. Miller, is that right?

DEREK MILLER: Yes.

BOSTELMAN: Sorry, my computer screen went blank. Are you looking at other cities? Like, like I said, I was in Denver. They have them in Denver. I would, I don't know, Kansas City may, maybe the Twin Cities do. Are you looking at, have you gone to those cities and kind of seeing what they're doing, what they're--

DEREK MILLER: Yeah, we've been in communication with many cities. This has been a top topic for cities for the last year. Never thought we'd see something like this, but we are. But it's been a top topic and we've had conversations, many discussions with all the other communities. Kansas City last year, they did a small pilot with Bird and Lime. And you'd be very surprised at the number of rides they saw from both of those companies down there. So we've talked extensively with other communities, communities through those conversations that

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helped us draft the RFP that I passed out to you to you. So through those conversations that's where we got the language for this RFP.

BOSTELMAN: OK, thank you.

DEREK MILLER: Sure.

ALBRECHT: Any other questions? Senator Cavanaugh.

CAVANAUGH: Thank you, Senator. I guess I'm a little confused about some of your objections, because it's my understanding that this bill is giving you more authority than-- I think you and I are not understanding the same things, like it allows, in theory, that they could park on all of those city blocks but that doesn't preclude the city from regulating them.

DEREK MILLER: The way I read the language in the bill, it basically says that they can park on every city block. Maybe I missed, misread it but the way I read it they can be parked on every city block face.

CAVANAUGH: OK. Well, I guess that's a question for Senator Friesen, if that's the intention. But I guess I was not understanding it that way. When I'm looking through the various notes we have here, it's to, to allow them to operate in the state, and there's negotiations. I mean when you do the ride share with the bike company, bicycle companies,--

DEREK MILLER: Um-hum.

CAVANAUGH: --does not the city decide a lot of those things--

DEREK MILLER: Oh, yes.

CAVANAUGH: --where you have to be?

DEREK MILLER: Yeah.

CAVANAUGH: So I guess it's my assumption, and I guess I'm not versed enough in this to know if that's reflected in the legislation, but that that's a similar idea is that you would be negotiating with the companies, not that a company can just come in and do whatever they want--

DEREK MILLER: Yeah, and that's what--

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CAVANAUGH: --that the same negotiations that you would have, as a city, would apply here.

DEREK MILLER: Yeah, and that's what we hope to do with the proposals so it's in--

CAVANAUGH: So if that is the intent of this bill, would you be supportive of that?

DEREK MILLER: Yeah. If those five or so items were stricken from the bill, we'd be supportive. Basically, I think, what we're supportive of-- just define them and then leave it at that.

CAVANAUGH: So then my next question is-- your pilot project, which is terrific. I live in Omaha so I'm excited about that. How are you able to do that if we aren't, as a state, aren't allowing these to operate?

DEREK MILLER: Because it's our right of way and we have the right, as, as a home rule charter city, to do that, to regulate our right of ways and how they're utilized-- how I understand it. I'm not an attorney but--

CAVANAUGH: So I think you just answered why the bill wouldn't preclude you from deciding how they're utilized.

DEREK MILLER: OK. Well maybe--

CAVANAUGH: My mind at least.

DEREK MILLER: Yeah, maybe my legal counsel and I misunderstood the bill on that.

CAVANAUGH: I'm looking at my legal counsel.

TIP O'NEILL: [INAUDIBLE] charter city, so they [INAUDIBLE].

CAVANAUGH: They would have that authority. Yeah, so I think they-- your concerns, you, you would have that authority.

DEREK MILLER: OK. But overall what I'm saying is you're, you're, you're, you're a year ahead of where you, where you need to be. And let's save this effort till next year so that we could bring back all this information. As I understand it, Lincoln is possibly doing the same thing, so two communities can bring this information back to the

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committee, and then we can, we could formulate a better bill, a stronger bill.

CAVANAUGH: Have you had any conversations with Senator Friesen about this?

DEREK MILLER: Yes, yes, last week.

CAVANAUGH: Great, thank you.

DEREK MILLER: Thank you.

ALBRECHT: Thank you, Senator Cavanaugh and Mr. Miller. Do you have anything, Senator DeBoer?

DeBOER: I just had one question. I just wondered, wondered if you could clarify for me whether your objection on the differences or it being classified as a bike, these scooters being classified essentially the same as a bike, is that mainly because of the use on the trails? Or is there, are there other objections that I'm just not--

DEREK MILLER: That's the main objection is the, the trail situation.

DeBOER: OK, thank you.

ALBRECHT: Other questions? Thank you for your testimony, Mr. Miller. Thanks for coming. Any other opponents wishing to speak? Hi.

DAVID CARY: Good afternoon, Senator Albrecht and Senator Friesen and members of the committee. My name is David Cary; that's D-a-v-i-d C-a-r-y. I am the director of the Lincoln/Lancaster County Planning Department, and I'm here on behalf of the city of Lincoln to provide testimony in opposition to the introduced version of LB665. I want to thank the members of the Transportation Committee and Telecommunications Committee for your time today on this matter. Also, we did have a meeting with Senator Friesen last week. We really appreciate that time, and we think we have some things we can work together on, on this bill. I would point out that our position is very similar to the city of Omaha's. We have some concern with the legislation for the potential loss of local control over the regulatory options on scooter activity. It is a new concept for, for Nebraska, and for Lincoln in particular. And we just want to make sure that we have an understanding of what the local municipalities will be able to do, moving forward, on something like this. And I think the

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main point here is that we have a concern that we're trying to legislate on something that we don't have any experience with yet. And that is something that-- a part, a way to solve that is to allow for the city of Lincoln and the city of Omaha to proceed with a pilot program, to learn from that and to bring that information back to this committee after we go through a season of having that activity on the street this year. The city of Lincoln is currently developing a local private, pilot program to coordinate with interested scooter companies and service providers to learn how such programs work best for a city of Lincoln. We anticipate a summer of 2019 launch. We are about two months behind the process for Omaha, but we do intend to have that pilot program out on the street this summer. It will provide a wealth of data and experience to better understand the impacts of a scooter program on Lincoln, as well as how to coordinate with scooter program providers in the future. This experience will provide Lincoln with the understanding to best provide policy guidance and regulatory control, control related to scooter programs. Lincoln's suggestions at this time are to allow Lincoln, the Lincoln pilot program to move forward, learn from it during 2019, and then report back to this committee the findings of that pilot program, prior to any action being taken on LB665. The city is, city of Omaha is proceeding with a similar pilot program, and I think they will provide a wealth of information, as well, in the future, in their future. Thank you very much for your time to comment on this, and I'm available for any questions that you may have.

ALBRECHT: Thank you, Mr. Cary. Does the committee have any questions? Seeing none, thank you for your testimony.

DAVID CARY: Thank you very much.

ALBRECHT: Any other opponents wishing to speak?

BENJAMIN TURNER: Hello. My name is Benjamin Turner, B-e-n-j-a-m-i-n T-u-r-n-e-r. I'm a, I'm the executive director of Heartland Bike Share. We're an Omaha-based 501(c)(3) nonprofit and the state's only platinum-level, bicycle-friendly business. We specialize in operating micromobility services, most notably the dock-based bike sharing programs both in Omaha and here in Lincoln. At this time we have 89 stations, 299 bikes under management. We've done over a 100,000 trips in the state, and we employ ten people here in Nebraska. I'm here today to testify in opposition to LB665. We love electric scooters and we wholeheartedly believe they have a place in our transportation landscape, both today and in the future. However, we feel that this

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bill is unnecessary at this time, and we worry that, without any local data or experience with shared scooters, the unintended and unknowable consequences of this bill will hinder both innovation, as well as harm our business, people who ride our bikes, and the communities in which we operate. But before I share my concerns, I want to share my experiences with scooters. So in late July we purchased two electric scooters made by the company EcoRico. We've put over 340 miles on them since. They're incredibly fun. If you guys have never ridden one, I highly suggest it. It's basically like a jet ski, but for urban mobility. We use them in Omaha all the time. We go to meetings, we repair our stations, and we run errands, and we avoid using a polluting mode like a car. We've been impressed at their utility, and we're excited that Omaha and Lincoln are moving forward with pilot programs. Survey data from other communities show that scooters attract a different audience than shared bikes. As bike-share operators, we're excited for this whole new group of individuals to try moving through their city without a car. Every year thousands of our users move through their communities without cars, and these people all want more safe places to ride on their streets. As you will hear from Julie Harris, these individuals are going to quickly discover how badly the conditions on the roads are, and how much we need more safe places to ride in Nebraska cities. We welcome these individuals into our coalition of people pleading for better mobility infrastructure in our communities. And know that these people will discover just how unsafe it feels to be a person moving on our streets and how unsafe it can feel to pilot a scooter through pedestrian traffic. We hope that their voices convince our communities and elected officials to seriously rethink how we design our streets, and increase our investment in high quality, on-street bike facilities like the N Street facility here in Lincoln. So while we can't wait for scooters to arrive, they're coming whether or not this bill is passed or not. So we don't see a need for the bill at this time. And we have some specific concerns about the bill, as well. Foremost concern is that the bill preempts local control of scooter regulations before anyone in the state has had meaningful experience with operating these devices in their community. We've worked closely with both officials in Lincoln and Omaha over the years, and feel like we can say with good authority they're two different communities, but they're also capable of crafting excellent solutions that work for them. To pass this bill that preempts local control on so many issues related to deployment of scooters seems unfair to those communities that really know how best to regulate their streets. Our organization has been monitoring scooter deployment across the country. We've had ongoing

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conversations with multiple local municipalities, multiple scooter vendors, as well as several national organizations related to micromobility. Not once in any of those conversations over the past year has the need for this type of law come up as necessary to deploy electric scooters. And while we don't want to sit here and say that we know more than anyone in this room on electric scooters, we certainly feel like we're as knowledgeable as anybody in the state on them. Saying that, I need to acknowledge that we have no experience with what works locally with shared scooters. Outside of a few individual owners, there's been nothing close to mass deployment of these devices. So not only do we not know if we have a problem, how can we know if LB665 is the right solution for a problem we may not even have? Finally, we believe this bill will stifle innovation and competition by linking, legalizing a single type of scooter produced by a single Chinese company. By codifying the Ninebot scooter now, we exclude a solution that works for people with balance issues, might not be comfortable on a two-wheeled scooter or people with knee issues who may prefer to sit down instead of stand. I have a close family member who suffers from a balance issue, and I would strongly prefer that he rip around on a seated scooter than a stand-up scooter. The industry is changing incredibly rapidly. Nobody knows what it's going to look like six months from now, let alone a year from now when this body reconvenes. So please give our local jurisdictions time to figure out if and what they need for legislation, the technology a chance to evolve, and everyone a chance to gain perspective that will come from the data and experience gathered by these pilot programs. I urge you to delay considering this legislation until the pilot programs have taken place in Nebraska, and we can come up with legislation that works best for all Nebraskans. Thank you for your time, and I'm happy to take any questions.

ALBRECHT: Thank you very much. Do you have any questions for Mr. Cary? I have just a quick one.

BENJAMIN TURNER: Yeah.

ALBRECHT: How many, how many bikes do you have in Omaha?

BENJAMIN TURNER: We have 199 bikes in Omaha today.

ALBRECHT: One hundred ninety-nine, eighty-nine stations. Do they ride on the trails?

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BENJAMIN TURNER: Yeah we, we have people ride all over. We've actually just recently gotten heat maps and not-- the trails are heavily used as are the sort of the streets around our stations.

ALBRECHT: So is there legislation? Forgive me, because I don't know. But do you have legislation on the bikes?

BENJAMIN TURNER: So my, it's not my area of expertise. However, my understanding is we have no specific bike-share legislation statewide-- very confident in that. Electric bikes have been legislated, and I think I could get the exact bill number, but I think it was LB95, in 2015, that created a space for electric bicycles to operate. We'll be moving, we'll be adding electric bikes to our fleet, and we're pleased that that space exists and our bikes will fit within those regulations. But in terms of general bikes, we exist within the general bicycle rules that have already been codified in the state.

ALBRECHT: So when you-- this is your company?

BENJAMIN TURNER: Yeah, we're a 501(c)(3) nonprofit, but I'm the executive director and founder.

ALBRECHT: So did you have to go to the city of Omaha and get a permit and get some stations set up?

BENJAMIN TURNER: Yes.

ALBRECHT: Was it a pretty simple--

BENJAMIN TURNER: Yeah. Yeah. No, I think it will be easier for scooter companies to go through this process than it was for us. But things have changed over the last five years from when we originally got our first permit with the city of Omaha. The city of Omaha has been a really good partner of ours, and they own some of the equipment that we operate. And in Lincoln we operate on behalf of the city of Lincoln, so they've been fantastic partners.

ALBRECHT: Do you have any competition or is it just you?

BENJAMIN TURNER: We do not have any competition specifically for Bike Share, but we're, of course, competing with all modes of travel at all times, yeah.

ALBRECHT: Thank you for being here today.

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BENJAMIN TURNER: Yeah, fun. Thanks for having me.

ALBRECHT: Any other opponents wishing to speak?

JENNIFER TAYLOR: Good afternoon, members of the Transportation and Telecommunications Committee. I promise not to take too much time; it is getting late in the day. My name is Jennifer Taylor, J-e-n-n-i-f-e-r T-a-y-l-o-r, and I'm an assistant city attorney for the city of Omaha. And actually, I just wanted to come up here and make myself available, to make a couple of comments and maybe ask, answer some of Senator Cavanaugh's questions. Some of the concerns that Mr. Miller has expressed to the committee about the terms in the legislation that's codified in this bill are that, yes, the city of Omaha is a home rule charter. And so where the state has not entered or attempted to legislate or regulate our ability to control our streets or, or to, to enact ordinances, we are free to do whatever we would like. However, once the state decides to go forth and enter an area and undertake some sort of regulation, then much to Senator Cavanaugh's question, there is some debate as to whether or not we are free to regulate, once the state has entered that area. But specifically with LB665, our concerns are related to-- yes, the bill is permissive and it allows local authorities to regulate, but it does put certain restrictions on that ability. So for example, with regard to the locations, the bill states, in the interest of safety, "locations where scooter-share operators may not stage shared scooters, so long as at least one location shall be permitted on each side of each city block in commercial zones and business" zones. So therefore, if we wanted to do less than, you know, less than one block, like for example in the Old Market, if we wanted to have them three blocks apart, this bill would not allow us to do that. Furthermore, the example at the last part of the bill says, in regulating shared scooters: a local authority may not impose any unduly restrictive requirement on a scooter-share operator-- and cannot impose any restrictions more restrictive than those applicable to riders of privately owned scooters or bicycles. So the, as written, this bill would actually restrict our ability to do some of the things that Mr. Miller discussed, which is restrict, restrict our ability to have scooter stations around TD Ameritrade Park, particularly during the College World Series. It would restrict our ability to prevent scooters from being on park trails. It would-- essentially because it does equate scooters essentially to bicycles, it would require us to allow scooters to go anywhere and do anything that bicyclists are allowed. And I think our concern, especially without having any

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knowledge about how they'll work in our city, I'm not sure we can really affirmatively say that we should treat scooters and bicycle as the same. And as written, this bill would actually restrict our ability to undertake certain regulations different from bicycles for scooters. But I'm happy to answer any other questions.

ALBRECHT: Thank you, Ms. Taylor, for being here. Any questions?
Senator Cavanaugh.

CAVANAUGH: I just wanted to say thank you; that does help clear some things up for me. And-- yeah, that was pretty much it. Thanks.

JENNIFER TAYLOR: The, the home rule charter issue is, is heavily legislated, and probably there's lot, a number of cases and case law, and [INAUDIBLE] about that so it's interesting.

CAVANAUGH: Could you say that again?

JENNIFER TAYLOR: The, the home rule charter issue has a fair amount of Supreme Court cases and lawsuits surrounding that, so there's a bunch of case law for that. It's an interesting topic of law, but complicated.

ALBRECHT: Senator DeBoer.

DeBOER: I just have a question about the Omaha program--

JENNIFER TAYLOR: Um-hum.

DeBOER: --because one of the things that I appreciate about, appreciate about this bill is that it has an end, an indemnification clause--

JENNIFER TAYLOR: Um-hum.

DeBOER: --and insurance requirements. So I'm wondering if the Omaha pilot program also has insurance and indemnification clauses.

JENNIFER TAYLOR: I'm fairly sure we do. There's-- I know Mr. Miller handed out a copy of it, but I know that's something we have discussed. So it would not be something that we would undertake without those requirements. Once the RFP-- and we get answers to the RFP back, which is tomorrow-- then we will actually enter into

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negotiations for contracts with each and every one of these individual companies, so that will be addressed at that stage.

DeBOER: OK. So it's possible that you wouldn't have the same minimum requirements for insurance that we've set out here. I think it's \$1 million per incident and \$5 million in general, so--

JENNIFER TAYLOR: I think that's fairly standard, and I don't know why we wouldn't do at least that, if not more.

DeBOER: OK, OK. Thank you.

JENNIFER TAYLOR: Um-hum.

ALBRECHT: Well, seeing no other questions, thank you for being here today. Any other opponents wishing to speak? Seeing none, anyone in a neutral capacity?

JULIE HARRIS: Good afternoon. My name is Julie Harris, J-u-l-i-e H-a-r-r-i-s, and I'm the executive director of the Nebraska Bicycling Alliance. Our mission is to cultivate safe and accessible active transportation in Nebraska through partnerships, education, and advocacy. I'm here today in a neutral capacity. There are some good, and some not so good, things in this bill that we see. To summarize the opposition that we have, it's, it's very similar to what you've heard already. We are pro-scooter. As Ben Turner explained, they're, it's going to be a great addition to mobility in our cities. And we also agree that the cart is a bit ahead of the horse at this point. We have no data, no personal observation, and no user feedback to use to make an informed decision on good policy. And when this does become available, the best decision about policies will and should be made at the local level. What Lincoln may choose to decide for the trails, the use on the trails in Lincoln may not be the same as what Omaha would like to do, for instance. The good thing about this bill is that it shows that there is interest out there for looking out for the safety of people biking and walking by considering the-- how different modes of transportation interact with each other. The motivation behind this bill, specifically the language restricting scooters to 15 miles per hour seems to indicate an acknowledgment that speed of other modes of transportation around people biking and walking is a safety concern. You would be right to have that concern. No one wants to see another YouTube video of an out-of-control scooter or a jet ski for urban mobility, as Ben described it, crashing into an otherwise law-abiding citizen walking or biking on a trail or sidewalk. But if you're

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concerned about a 40-pound scooter going 20 miles per hour around a person biking or walking, we'd like to think that you feel at least equally concerned about the speed of a 4,000-plus pound vehicle flying past that same person in similar proximity. The Governors, Governors Highway Safety Administration last month released a report that said, in part: Speeding by motorists particularly threatens the safety of pedestrians and bicyclists, not only by increasing the chances of a crash by a, but also increasing the risk of serious injury or death when crashes occur. So we enthusiastically welcome the concern and interest in working to improve safety of Nebraskans biking and walking. And we also think that the cities of Nebraska when the e-scooters do come to town-- and they are coming-- will be able to use thoughtful data, data-driven approach to determine what is best for them. And we look forward to continue to work with the state of Nebraska in a same thoughtful, data-driven approach to find ways to improve the safety of all users of our streets and roads, whether that be increased bicycle infrastructure, whether that be decreasing the speed limits, whether that be looking at additional infrastructure that needs to be in place to protect people biking and walking. We think that's important, and so we're glad that this bill raises those concerns. I'll be happy to take your questions.

ALBRECHT: Thank you for being here. Thank you for your testimony, Ms. Harris. Any questions from the committee? Seeing none, thank you for [INAUDIBLE].

JULIE HARRIS: Thank you.

ALBRECHT: Do we have anyone else in a neutral capacity that would like to speak to LB665? Seeing none, do we have any letters? We have one letter from the Papio-Missouri River Natural Resource District, in neutral position. And Senator Friesen's here to close.

FRIESEN: Thank you, Chairman Albrecht. I find it kind of interesting that the cities are going to develop some rules and regulations without any data just kind of like we are. But in the end I think what we're trying to do is just put into statute that we recognize scooters exist and we have left a lot of leeway to the to the cities to do, but maybe we can go a little further on some of the parking issues. I can, I can see where if they want to restrict it around some areas, maybe we can adjust some language there; we can work with them. But otherwise, I mean again. Some of the issues that were brought up I don't know that it pertains. Obviously when it comes to balance issues, I don't think you're going to see me riding a scooter right

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now with my bum knee. So this isn't going for everybody and I don't think we're going to see them out in the rural areas right away. But I do think that they do need to be addressed in legislation. And yes, we may not get it perfect, but not recognizing them at all, I mean, I think you could see a little bit what Uber did, and when they came into the state, they just came in and started to operate. Now if these companies wanted to just come and dump scooters in town, it would be interesting to see what happens. But the possibility could be there and that we don't recognize them in statutes and we don't know how to deal with them and their rules and regs. But in the end, I think there is some good parts of this bill that need to be addressed. I'm willing to work with some of the technicalities. They are allowed to regulate the speed. Cities can set speed at different rates if they have different speed limits they want, it's in there that they may regulate that, but the top speed will be 20 miles an hour. With that, if you have any questions I'd be glad to answer them.

ALBRECHT: Thank you, Senator Friesen. Any questions from the committee? Seeing none, thank you. And we can close the hearings for today.