

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 579

Introduced by Moser, 22.

Read first time January 19, 2021

Committee: Appropriations

1 A BILL FOR AN ACT relating to highways and roads; to amend section
2 39-1365, Reissue Revised Statutes of Nebraska, and sections
3 39-1365.01 and 39-1365.02, Revised Statutes Cumulative Supplement,
4 2020; to restate intent; to provide requirements for a report and a
5 presentation by the Department of Transportation; to state intent
6 regarding funding; and to repeal the original sections.

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

1 Section 1. Section 39-1365, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 39-1365 (1) The Legislature finds and declares that the highways of
4 the state are of the utmost importance to future development within the
5 state and that the following actions are necessary for such development:

6 (a) ~~(1)~~ The accelerated completion of all improvement and expansion
7 projects on the Nebraska segments of the National System of Interstate
8 and Defense Highways;

9 (b) ~~The (2)~~ the accelerated completion of improvement projects on
10 state highways with geometric and capacity deficiencies;

11 (c) ~~The (3)~~ the resurfacing of highways to protect pavement
12 integrity;

13 (d) ~~The (4)~~ the accelerated completion of the expressway system, as
14 such system was designated on January 1, 2016, prior to June 30, 2033;
15 and

16 (e) ~~The (5)~~ the general upgrading of the state highway system
17 concerning driving surfaces and surfaced shoulders.

18 (2) It is the intent of the Legislature (a) to appropriate seventy
19 million dollars from the General Fund to the Department of Transportation
20 to repair damages to the infrastructure of highways, roads, and bridges
21 damaged by the 2019 floods and (b) for the Department of Transportation
22 to apply for federal emergency funds to reimburse the General Fund for
23 such expenditure.

24 Sec. 2. Section 39-1365.01, Revised Statutes Cumulative Supplement,
25 2020, is amended to read:

26 39-1365.01 The department shall be responsible for developing a
27 specific and long-range state highway system plan. The department shall
28 annually formulate plans to meet the state highway system needs of all
29 facets of the state and shall assign priorities for such needs. The
30 department shall, on or before December 1 of each year, present such
31 plans and the report required in section 39-1365.02 to the Legislature.

1 The plans shall be referred to the appropriate standing committees of the
2 Legislature for review. The department shall consider the preservation of
3 the existing state highway system asset as its primary priority except as
4 may otherwise be provided in state or federal law. In establishing
5 secondary priorities, the department shall consider a variety of factors,
6 including, but not limited to, current and projected traffic volume,
7 safety requirements, economic development needs, current and projected
8 demographic trends, and enhancement of the quality of life for all
9 Nebraska citizens. The state highway system plan shall include the
10 designation of those portions of the state highway system which shall be
11 expressways.

12 Sec. 3. Section 39-1365.02, Revised Statutes Cumulative Supplement,
13 2020, is amended to read:

14 39-1365.02 (1) The department shall apply for and make maximum use
15 of available federal funding, including discretionary funding, on all
16 highway construction projects which are eligible for such assistance.

17 (2) The department shall transmit electronically to the Legislature,
18 by December 1 of each year, a report on the needs of the state highway
19 system, the department's planning procedures, and the progress being made
20 on the expressway system. Such report shall include:

21 (a) The criteria by which highway needs are determined;

22 (b) The standards established for each classification of highways;

23 (c) An assessment of current and projected needs of the state
24 highway system, such needs to be defined by category of improvement
25 required to bring each segment up to standards. Projected fund
26 availability shall not be a consideration by which needs are determined;

27 (d) Criteria and data, including factors enumerated in section
28 39-1365.01, upon which decisions may be made on possible special priority
29 highways for commercial growth;

30 (e) A review of the department's procedure for selection of projects
31 for the annual construction program, the five-year planning program, and

1 extended planning programs. The review shall include a statement of all
2 state highway projects under construction, other than any part of the
3 expressway system, and the estimated cost of each project;

4 (f) A review of the progress being made toward completion of the
5 expressway system, as such system was designated on January 1, 2016, and
6 whether such work is on pace for completion prior to June 30, 2033. The
7 review shall include a statement of the amount of money spent on the
8 Heartland Expressway, as of the date of the report, and the number of
9 miles of the expressway system yet to be completed and expected milestone
10 dates for other expressway projects, including planning, permitting,
11 designing, and bid letting;

12 (g) A review of the Transportation Infrastructure Bank Fund and the
13 fund's component programs under sections 39-2803 to 39-2807. This review
14 shall include a listing of projects funded and planned to be funded under
15 each of the three component programs; and

16 (h) A review of the outcomes of the Economic Opportunity Program,
17 including the growth in permanent jobs and related income and the net
18 increase in overall business activity.

19 Sec. 4. Original section 39-1365, Reissue Revised Statutes of
20 Nebraska, and sections 39-1365.01 and 39-1365.02, Revised Statutes
21 Cumulative Supplement, 2020, are repealed.