

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 645

Introduced by McDonnell, 5.

Read first time January 18, 2023

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to roads; to amend sections 39-1365 and
2 39-2804, Reissue Revised Statutes of Nebraska, and sections
3 39-1365.01, 39-1365.02, and 39-2507, Revised Statutes Cumulative
4 Supplement, 2022; to change provisions relating to legislative
5 findings, the state highway system plan, prioritization of projects,
6 allocation of funding, and the Accelerated State Highway Capital
7 Improvement Program; and to repeal the original sections.
8 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 The Legislature finds and declares that the highways of the
4 state are of the utmost importance to future development within the state
5 and that the following actions are necessary for such development: (1)
6 The accelerated completion of all improvement and expansion projects on
7 the Nebraska segments of the National ~~Highway System of Interstate and~~
8 ~~Defense Highways~~; (2) the accelerated completion of improvement projects
9 on state highways with geometric and capacity deficiencies; (3) the
10 resurfacing of highways to protect pavement integrity; (4) the
11 accelerated completion of the expressway system, as such system was
12 designated on January 1, 2016, prior to June 30, 2033; ~~and~~ (5) the
13 general upgrading of the state highway system concerning driving surfaces
14 and surfaced shoulders; and (6) the increase of capacity on city,
15 village, and county collectors and arterials that service or offset
16 traffic on state highways.

17 Sec. 2. Section 39-1365.01, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:

19 39-1365.01 (1) The department shall be responsible for developing a
20 specific and long-range state highway system plan. The department shall
21 annually formulate plans to meet the state highway system needs of all
22 facets of the state and shall assign priorities for such needs. The
23 department shall, on or before December 1 of each year, present such
24 plans and the report required in section 39-1365.02 to the Legislature.
25 The plans shall be referred to the appropriate standing committees of the
26 Legislature for review.

27 (2) The department shall prioritize projects with the goal of
28 ensuring completion of the actions specified in section 39-1365 based on
29 the following factors in order of importance:

30 (a) Safety of the traveling public;

31 (b) Capacity deficiencies based on current and projected traffic

1 volumes;

2 (c) The current and projected future economic impact of a project,
3 as determined by the volume of local average daily traffic and the value
4 of goods transported; and

5 (d) Surface conditions of existing roads.

6 ~~(3) The department shall consider the preservation of the existing~~
7 ~~state highway system asset as its primary priority except as may~~
8 ~~otherwise be provided in state or federal law. In establishing secondary~~
9 ~~priorities, the department shall consider a variety of factors,~~
10 ~~including, but not limited to, current and projected traffic volume,~~
11 ~~safety requirements, economic development needs, current and projected~~
12 ~~demographic trends, and enhancement of the quality of life for all~~
13 ~~Nebraska citizens. The state highway system plan:~~

14 (a) Shall ~~shall~~ include the designation of those portions of the
15 state highway system which shall be expressways; -

16 (b) Shall account for highway revenue raised by each district
17 specified in section 39-1102. Not less than ninety percent of revenue
18 raised in each such district shall be allocated to any project within the
19 district; and

20 (c) May include city, village, or county collectors or arterials
21 that directly affect traffic volumes on the state highway system.

22 Sec. 3. Section 39-1365.02, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

24 39-1365.02 (1) The department shall apply for and make maximum use
25 of available federal funding, including discretionary funding, on all
26 highway construction projects which are eligible for such assistance.

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

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

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

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

6 (d) Criteria and data used to determine the prioritization of
7 projects pursuant to , ~~including factors enumerated in section~~
8 ~~39-1365.01, upon which decisions may be made on possible special priority~~
9 ~~highways for commercial growth;~~

10 (e) A review of the department's procedure for selection of projects
11 for the annual construction program, the five-year planning program, and
12 extended planning programs. The review shall include a statement of all
13 state highway projects under construction, other than any part of the
14 expressway system, and the estimated cost of each project;

15 (f) A review of the progress being made toward completion of the
16 expressway system, as such system was designated on January 1, 2016, and
17 whether such work is on pace for completion prior to June 30, 2033. The
18 review shall include a statement of the amount of money spent on the
19 expressway system, as of the date of the report, and the number of miles
20 of the expressway system yet to be completed and expected milestone dates
21 for other expressway projects, including planning, permitting, designing,
22 bid letting, and required funding for project completion;

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

27 (h) A review of the outcomes of the Economic Opportunity Program,
28 including the growth in permanent jobs and related income and the net
29 increase in overall business activity; ~~-~~

30 (i) The plan for equitable allocation of projects among the
31 districts specified in section 39-1102; and

1 (j) The needs specified by planning agencies of cities, villages,
2 and counties.

3 Sec. 4. Section 39-2507, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 39-2507 The following factors and percentages ~~weights~~ shall be used
6 in determining the amount to be allocated to each of the counties or
7 municipal counties for road purposes each year:

8 (1) Rural population of each county or municipal county, as
9 determined by the most recent federal census, ten ~~twenty~~ percent;

10 (2) Total population of each county or municipal county, as
11 determined by the most recent federal census, thirty ~~ten~~ percent;

12 (3) Lineal feet of bridges twenty feet or more in length and all
13 overpasses in each county or municipal county, as determined by the most
14 recent inventory available within the Department of Transportation, ten
15 percent, and for purposes of this subdivision a bridge or overpass
16 located partly in one county or municipal county and partly in another
17 shall be considered as being located one-half in each county or municipal
18 county;

19 (4) Total motor vehicle registrations, other than prorated
20 commercial vehicles, in the rural areas of each county or municipal
21 county, as determined from the most recent information available from the
22 Department of Motor Vehicles, ten ~~twenty~~ percent;

23 (5) Total motor vehicle registrations, other than prorated
24 commercial vehicles, in each county or municipal county as determined
25 from the most recent information available from the Department of Motor
26 Vehicles, twenty ~~ten~~ percent; and

27 (6) Total miles of county or municipal county and township roads
28 within each county or municipal county, as determined by the most recent
29 inventory available within the Department of Transportation, twenty
30 percent. ~~;~~ and

31 ~~(7) Value of farm products sold from each county or municipal~~

1 ~~county, as determined from the most recent federal Census of Agriculture,~~
2 ~~ten percent.~~

3 Sec. 5. Section 39-2804, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 39-2804 The Accelerated State Highway Capital Improvement Program is
6 created. The department shall administer the program using funds from the
7 Transportation Infrastructure Bank Fund. The purpose of the program is to
8 accelerate capital improvement projects to provide the earliest possible
9 mobility, freight, and safety benefits to the state, thereby accelerating
10 enhancements to the state's economy and the quality of life of the
11 general public. The department shall develop the program. The projects
12 eligible for funding under the program include construction of the
13 expressway system and federally designated high priority corridors and
14 needs-driven capacity improvements across the state, including
15 improvements to city, village, and county collectors and arterials that
16 service or offset traffic on state highways.

17 Sec. 6. Original sections 39-1365 and 39-2804, Reissue Revised
18 Statutes of Nebraska, and sections 39-1365.01, 39-1365.02, and 39-2507,
19 Revised Statutes Cumulative Supplement, 2022, are repealed.