

LEGISLATIVE BILL 903

Approved by the Governor March 21, 1988

Introduced by Coordsen, 32; Morehead, 30

AN ACT relating to county roads; to amend sections 39-1817 and 39-1818, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the construction of water impoundment structures; and to repeal the original sections.

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

Section 1. That section 39-1817, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1817. The county board of any county may, in accordance with sections 39-1817 to 39-1820, enter into an agreement with any agency or political subdivision of the state approving the construction of a water impoundment structure which, when completed, may result in the occasional and temporary storage or flowage of floodwaters upon, ~~or~~ across, or adjacent to any road classified as a local road by the Board of Public Roads Classifications and Standards. Any such agreement may include such terms regarding the maintenance of such road or other matters incident to the construction and operation of such water impoundment structure as the parties to the agreement shall determine to be mutually acceptable. Conformance with sections 39-1817 to 39-1820 shall relieve the county board and all other parties to any such agreement of any liability for personal injury or property damage suffered by any person while utilizing any such road for travel during a period of inundation.

Sec. 2. That section 39-1818, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1818. A water impoundment structure which will result in temporary storage and flowage of water upon, and across, or adjacent to a road upstream from such structure may be approved only if such road would not be inundated because of the storage in such structure of waters from a ten-year, twenty-four-hour or lesser frequency storm. A water impoundment structure which will also serve as a roadbed may be approved and constructed only if the structure would contain the

runoff from a twenty-five-year, twenty-four-hour frequency storm without water overtopping such structure or being discharged through its emergency spillway, except that if the road which is subject to such inundation is classified as a local road with current average daily traffic of fifty vehicles or less, the containment of a ten-year, twenty-four-hour frequency storm shall be sufficient. In making the storm frequency determinations required by this section, any recognized method may be used.

Sec. 3. That original sections 39-1817 and 39-1818, Reissue Revised Statutes of Nebraska, 1943, are repealed.