

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1091

Introduced by Gay, 14; Cornett, 45; Kopplin, 3; Pankonin, 2.

Read first time January 23, 2008

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to highways and roads; to amend section
2 39-1333, Reissue Revised Statutes of Nebraska; to provide
3 for private entrances and exits and approach roads on
4 expressways; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 39-1333, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 39-1333 The department may adopt reasonable rules and
4 regulations and issue permits for the construction or use of
5 any private entrance or exit, approach road, facility, thing, or
6 appurtenance upon or connected to highway rights-of-way. Such rules
7 and regulations and such permits may include, but need not be
8 limited to, provisions for construction of culverts, requirements
9 as to depth of fills, and requirements for drainage facilities
10 deemed necessary. Such a permit so issued may contain such terms
11 and conditions as, in the judgment of the granting authority,
12 may be in the best interest of the public. All construction
13 under such permits shall be under the supervision of the granting
14 authority and at the expense of the applicant. After completion
15 of the construction of the particular private entrance or exit,
16 approach road, facility, thing, or appurtenance, the same shall
17 be maintained at the expense of the applicant and in accordance
18 with the rules and regulations of the department. Nothing herein
19 contained shall be determined or construed to grant any right
20 for or authorize the construction of a private entrance or exit
21 or approach road upon or connected to any facility, thing, or
22 appurtenance on the right-of-way of any highway or section of
23 highway for which the department has by gift, agreement, or eminent
24 domain acquired the rights of access on a portion thereof. The
25 department shall issue a permit for the construction of a private

1 entrance or exit, approach road, facility, thing, or appurtenance
2 on the right-of-way of an expressway if (1) the private entrance
3 or exit, approach road, facility, thing, or appurtenance is for
4 the purpose of providing entry to a critical access hospital as
5 defined in section 71-409, (2) a majority of the local governing
6 body having jurisdiction votes in favor of such private entrance
7 or exit, approach road, facility, thing, or appurtenance, and
8 (3) the private entrance or exit, approach road, facility, thing,
9 or appurtenance is limited so as to not cross any lane of the
10 expressway.

11 Sec. 2. Original section 39-1333, Reissue Revised
12 Statutes of Nebraska, is repealed.