

ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011
COMMITTEE STATEMENT
LB589

Hearing Date: Tuesday March 08, 2011
Committee On: Transportation and Telecommunications
Introducer: Smith
One Liner: Allow for encroachments on state highways for special events as prescribed

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 8 Senators Campbell, Dubas, Fischer, Hadley, Janssen, Lautenbaugh, Louden, Price
Nay:
Absent:
Present Not Voting:

Proponents:	Representing:
Senator Jim Smith	Introducer
David Black	City of Papillion & United Cities of Sarpy County
Kevin Nokels	Alegent Health
Lash Chaffin	League of Nebraska Municipalities
Kent Rogert	Burt County Economic Development Corporation
Beth Bazyn Ferrell	Nebraska Association of County Officials

Opponents: **Representing:**

Neutral: **Representing:**

Summary of purpose and/or changes:

LB 589 requires the Department of Roads to issue a permit for an encroachment on a state highway if a local government meets certain conditions.

Current law gives complete authority over the use and any encroachments on the state highways or right-of-ways to the Department of Roads.

The bill amends Sec. 39-1359 to authorize encroachments on the state highways by a city, county, or village for special events.

The following conditions must be met before the department is required to issue the permit authorizing the encroachment:

1. the roadway is located within the jurisdiction of the local government; and
 2. the local government has waived any rights of recovery against the department for damages or liability.
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Explanation of amendments:

The committee amendment, AM 858, strikes the original sections and becomes the bill. The amendment makes several changes. First, "temporary use" replaces "encroachment". The committee felt this is a more appropriate term for a special event.

An exception for freeways is also inserted in subsection (2). This will eliminate any potential conflict with existing statutory section 60-6,144 which outlines the prohibition of certain uses and activities on a freeway without a permit from the Department of Roads.

Subdivisions (2)(b) and (2)(c) are added to provide necessary liability protection for the state and to explicitly provide that the city or county holding the event will be liable for damages or injuries arising out of the highway use.

Finally, subsection (3) removes the requirement for a permit to be issued and instead requires the local government to give 30 days written notice of the event to the Department of Roads.

Deb Fischer, Chairperson