

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 829
FINAL READING

Introduced by Kiel, 9; Beutler, 28; Bromm, 23; Brown, 6;
Landis, 46; Preister, 5; Raikes, 25; Robak, 22;
Schimek, 27; Suttle, 10

Read first time January 20, 1999

Committee: Transportation

A BILL

- 1 FOR AN ACT relating to transportation; to adopt the Nebraska
- 2 Transit and Rail Advisory Council Act; and to provide a
- 3 termination date.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. This act shall be known and may be cited as
2 the Nebraska Transit and Rail Advisory Council Act.

3 Sec. 2. (1) The Legislature finds that:

4 (a) Access to timely and efficient modes of passenger
5 transportation is necessary for Nebraska's travelers, visitors, and
6 day-to-day commuters; to the quality of life in the state; and to
7 the economy of the state;

8 (b) Technological advances in passenger transportation
9 can significantly and positively affect the ability of the state to
10 attract and provide efficient services for domestic and
11 international businesses and tourists and thus significantly affect
12 the revenue of the state;

13 (c) The development and utilization of a properly
14 designed, constructed, and financed passenger rail, high-speed
15 rail, or other passenger surface transportation system can act as a
16 catalyst for economic growth and development; alleviate
17 traffic-congested commutes for day-to-day commuters; create new
18 employment opportunities; create a safer transportation
19 alternative; serve as a positive growth management system for
20 building a better and more environmentally secure state; and
21 promote the health, safety, and welfare of the citizens of the
22 state;

23 (d) Joint development between the public and private
24 sectors may be necessary in the planning, financing, management,
25 operation, and construction mechanisms to ensure the continued
26 future development of an efficient and economically viable
27 passenger rail, high-speed rail, or other passenger surface
28 transportation system in this state; and

1 (e) Transportation benefits include improved travel times
2 and more reliable travel, hence increased productivity.

3 (2) The Legislature hereby declares that creation,
4 improvement, and operation of passenger rail, high-speed rail, and
5 other passenger surface transportation systems and the construction
6 of rail and transit facilities in Nebraska through the
7 encouragement of private investments and the use of federal and
8 state funds is a public purpose and use for which public money may
9 be borrowed, expended, advanced, loaned, or granted. Such activity
10 can best be accomplished by the creation of a Nebraska Transit and
11 Rail Advisory Council, N-TRAC.

12 Sec. 3. For purposes of the Nebraska Transit and Rail
13 Advisory Council Act:

14 (1) Associated development means property, equipment, or
15 buildings which are built, installed, or established to provide
16 financing, funding, or revenue for the planning, constructing,
17 managing, and operating of a high-speed rail transportation system
18 and which are directly associated with transit stations. The term
19 includes property necessary for joint development;

20 (2) Council means the Nebraska Transit and Rail Advisory
21 Council;

22 (3) Department means the Department of Roads;

23 (4) High-speed rail transportation system means any
24 high-speed, fixed-guideway transportation system for transporting
25 people or goods which is capable of operating at speeds in excess
26 of one hundred ten miles per hour, including a monorail system,
27 dual track rail system, suspended rail system, magnetic levitation
28 system, or pneumatic repulsion system. The term includes a

1 corridor and structures essential to the operation of the system,
2 including the land, structures, improvements, rolling stock,
3 rights-of-way, easements, rail lines, rail beds, guideway
4 structures, stations, platforms, switches, yards, terminals,
5 parking lots, power relays, switching houses, transit station,
6 associated development, and any other facilities or equipment used
7 or useful for the purposes of high-speed rail transportation
8 construction, operation, or maintenance or the financing of
9 high-speed rail transportation;

10 (5) Joint development means the planning, managing,
11 financing, operating, or constructing of projects adjacent to or
12 physically related, functionally related, or otherwise related to a
13 passenger rail, high-speed rail, or other passenger surface
14 transportation system in order to effect the policy and purposes of
15 the act pursuant to agreements between any person, firm,
16 corporation, association, organization, agency, or other entity,
17 public or private;

18 (6) Passenger rail transportation system means any
19 fixed-guideway transportation system for transporting people or
20 goods which operates at speeds below one hundred ten miles per
21 hour. The term includes a corridor and structures essential to the
22 operation of the system, including the land, structures,
23 improvements, rolling stock, rights-of-way, easements, rail lines,
24 rail beds, guideway structures, stations, platforms, switches,
25 yards, terminals, parking lots, power relays, switching houses,
26 transit station, associated development, and any other facilities
27 or equipment used or useful for the purposes of passenger rail
28 transportation construction, operation, or maintenance or the

1 financing of passenger rail transportation;

2 (7) Right-of-way means land necessary for the
3 construction, operation, and maintenance of a passenger rail,
4 high-speed rail, or other passenger surface transportation system;

5 (8) Terminus means the transit station serving the
6 service area at the end of a passenger rail, high-speed rail, or
7 other passenger surface transportation system; and

8 (9) Transit station or station means any structure or
9 transportation facility that is primarily used, as part of a
10 passenger rail, high-speed rail, or other passenger surface
11 transportation system, for the purpose of loading, unloading, or
12 transferring passengers or accommodating the movement of passengers
13 from one mode of transportation to another.

14 Sec. 4. (1) The Nebraska Transit and Rail Advisory
15 Council is created. The council shall consist of eleven members to
16 be appointed by the Governor with the approval of a majority of the
17 Legislature as follows:

18 (a) The Director-State Engineer or his or her designee;

19 (b) One public service commissioner;

20 (c) Two members of the general public with demonstrated
21 knowledge of passenger rail, high-speed rail, and other passenger
22 surface transportation systems;

23 (d) Two representatives of private railroads;

24 (e) One representative from the Department of Economic
25 Development; and

26 (f) Four representatives of local government.

27 (2) The Governor shall appoint the council to serve until
28 the termination of the Nebraska Transit and Rail Advisory Council

1 Act.

2 (3) The council members shall have an interest in or
3 knowledge of passenger rail, high-speed rail, or other passenger
4 surface transportation systems. A council member shall abstain
5 from voting on any decision or policy of the council if the
6 decision or policy will result in any financial benefit or
7 detriment to him or her, any member of his or her family, or any
8 business with which he or she is associated and the benefit or
9 detriment is distinguishable from the effects of the actions on the
10 public generally or a broad segment of the public.

11 (4) The department shall assist with administrative and
12 operational support for the council.

13 (5) Members of the council who are not employed by the
14 State of Nebraska shall be reimbursed for their actual and
15 necessary expenses as provided in sections 81-1174 to 81-1177.

16 (6) A majority of the council members constitutes a
17 quorum for the transaction of business, and all decisions of the
18 council shall be approved by at least a majority of members
19 present.

20 Sec. 5. The council may do all things necessary to
21 implement the Nebraska Transit and Rail Advisory Council Act,
22 including, but not limited to:

23 (1) Collecting, administering, and expending funds;

24 (2) Conducting or authorizing feasibility studies or any
25 other studies deemed necessary or required under the act; and

26 (3) Adopting and promulgating rules and regulations to
27 carry out the act.

28 Sec. 6. Trade secrets and other proprietary or

1 commercial information which may be filed pursuant to the Nebraska
2 Transit and Rail Advisory Council Act shall not be considered
3 public records as defined in section 84-712.01 if the release of
4 such trade secrets or information would give advantage to business
5 competitors and serve no public purpose. Any person seeking
6 release of the trade secrets or information as a public record
7 shall demonstrate to the satisfaction of the council that the
8 release would not violate this section.

9 Sec. 7. The department shall:

10 (1) Conduct research and prepare and review plans and
11 specifications for any project to be proposed to the council;

12 (2) Conduct studies, including feasibility studies, and
13 investigations and act in an advisory capacity to the council in
14 the establishment of broad policies for carrying out the Nebraska
15 Transit and Rail Advisory Council Act;

16 (3) Hold hearings, make investigations, studies, and
17 inspections, and do all other things necessary to implement the
18 act;

19 (4) Furnish necessary assistance to the council in making
20 its inspection and study of any proposed project or feasibility
21 study;

22 (5) Make data and information of the department available
23 to the council; and

24 (6) Adopt and promulgate rules and regulations necessary
25 for the department to carry out its duties under the act.

26 Sec. 8. (1) The Nebraska Transit and Rail Advisory
27 Council Cash Fund is created. The fund shall be used by the
28 council to carry out its responsibilities under the Nebraska

1 Transit and Rail Advisory Council Act. The fund may be used to
2 defray the expenses of the council.

3 (2) The State Treasurer shall credit to the fund any
4 money (a) appropriated to the fund by the Legislature, (b) donated
5 as gifts, bequests, grants, or other contributions to the fund from
6 public or private sources, and (c) received pursuant to the act.
7 Money made available by any department or agency of the United
8 States may also be credited to the fund if so directed by the
9 Director-State Engineer or may be credited to the Nebraska Transit
10 and Rail Advisory Council Revolving Fund pursuant to the act. Any
11 money in the Nebraska Transit and Rail Advisory Council Cash Fund
12 available for investment shall be invested by the state investment
13 officer pursuant to the Nebraska Capital Expansion Act and the
14 Nebraska State Funds Investment Act.

15 Sec. 9. The Nebraska Transit and Rail Advisory Council
16 Revolving Fund is created. The fund shall be used by the council
17 to carry out its responsibilities under the Nebraska Transit and
18 Rail Advisory Council Act. The revolving fund shall consist of any
19 money credited to the revolving fund pursuant to the act and other
20 funds as the council may designate. Any money in the fund
21 available for investment shall be invested by the state investment
22 officer pursuant to the Nebraska Capital Expansion Act and the
23 Nebraska State Funds Investment Act.

24 Sec. 10. The department and the council may expend the
25 federal funds which are or may become available for feasibility
26 studies, construction, operation, capital expenditures, or program
27 administration for any passenger rail, high-speed rail, or other
28 passenger surface transportation systems projects allowable under

1 federal law.

2 Sec. 11. The council may accept gifts, donations, money,
3 and services, including in-kind resources, for any purpose
4 allowable under the Nebraska Transit and Rail Advisory Council Act.

5 Sec. 12. The council, with the assistance of the
6 department, shall, not later than January 1, 2002, complete a study
7 on the feasibility and projected costs of constructing a passenger
8 rail, high-speed rail, or other passenger surface transportation
9 system, with particular attention paid to the feasibility of other
10 passenger surface transportation systems on a statewide basis, and
11 report its findings to the Transportation Committee of the
12 Legislature. Such report shall include suggested legislation
13 necessary to implement the feasibility options included within the
14 study for a passenger rail, high-speed rail, or other passenger
15 surface transportation system.

16 Sec. 13. The department and the council shall take all
17 reasonable steps necessary to secure private or federal funding of
18 the feasibility study required by section 12 of this act before
19 requesting appropriations from the Legislature to fund the
20 feasibility study.

21 Sec. 14. The Nebraska Transit and Rail Advisory Council
22 Act terminates on June 30, 2003.