

# **One Hundred Fifth Legislature - First Session - 2017**

## **Introducer's Statement of Intent**

### **LB271**

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**Chairperson: Senator Curt Friesen**

**Committee: Transportation and Telecommunications**

**Date of Hearing: January 23, 2017**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB271 would allow the Nebraska Department of Roads (NDOR) to assume responsibility from the US Department of Transportation for reviews of environmental, social and economic effects, including public comments, of proposed transportation projects in Nebraska. This delegation is authorized under 23 U.S.C. Secs. 326 and 327 (collectively) for all levels of reviews under the National Environmental Policy Act (NEPA). NDOR's assumption of NEPA reviews will expedite planning and development of Federal-Aid transportation projects, thereby reducing pre-construction costs and providing earlier benefits of roadway asset preservation and modernization efforts and capital improvements in Nebraska.

Enactment of this legislation will authorize NDOR to negotiate a Memorandum of Understanding (MOU) with the Federal Highway Administration (FHWA) governing both agencies' responsibilities and obligations under the MOU. In return for obtaining delegation from FHWA for assuming sole responsibility for determining the legal sufficiency of the NEPA process in Nebraska, NDOR must consent to jurisdiction of the Federal courts concerning compliance with, and discharge and enforcement of, FHWA's responsibilities under NEPA. LB271 provides for a limited waiver of sovereign immunity for that purpose. NEPA assumption does not alter NDOR's obligation to follow all Federal, State and Local environmental laws.

**Principal Introducer:** \_\_\_\_\_

Senator Mike Hilgers