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Transportation and Telecommunications Committee
January 22, 2007

[LB59 LB84 LB148 LB165]

The Committee on Transportation and Telecommunications met at 1:30 p.m. on Monday, January 22, 2007, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB59, LB84, LB148, and LB165.

Senators present: Deb Fischer, Chairperson; Arnie Stuthman, Vice Chairperson; Ray Aguilar; Carol Hudkins; LeRoy Louden; Mick Mines; and DiAnna Schimek. Senators absent: Dwite Pedersen. []

SENATOR FISCHER: Good afternoon and welcome to the Transportation and Telecommunications Committee hearing. I'd like to begin by introducing the committee members that serve on the Transportation and Telecommunications Committee. I'm Senator Deb Fischer from Valentine. I'm the Chair of the committee. To my right is the Vice Chair, Senator Arnie Stuthman, from Platte Center; next we have Senator Ray Aguilar from Grand Island; to my immediate right is our legal counsel, Mr. Dusty Vaughn; to my left is Pauline Bulgrin, she is the committee clerk; next we have Senator Carol Hudkins, and she is from Malcolm; and Senator LeRoy Louden from Ellsworth, Nebraska. Our pages are Michael Shaeffer from Lincoln, and Kristin Kallsen from Big Springs. If you have any materials that you would like distributed to committee members, I would ask that you ask for a page, and they will collect those from you as you are testifying and distribute those to the members of the committee. We will be hearing the bills in the order listed on the agenda. First will be LB59, next LB84, then LB148, and our last bill for the day will be LB165. Those wishing to testify on a bill should come to the front of the room and be ready to testify as soon as someone finishes testifying, in order to keep the hearing moving. Please complete the sign-in sheets that are at the on-deck table, and have that ready in your hand when you come forward. I would also ask that you bring those sign-in sheets to our committee clerk, Pauline Bulgrin, so she can have your name and have it easily ready for transcribers. For the record, at the beginning of your testimony please spell your last name, and also your first name if it can be spelled several different ways. Please keep your testimony concise and try not to repeat what someone else has covered. If there are large numbers of people to testify, it may be necessary to place time limits on that testimony. And as Chair of the committee, I will place time limits on that testimony. If you do not want to testify but you do want to voice your support or opposition to a bill, you can indicate so at the on-deck table, on the sheet provided there. This will become part of the official record of the hearing. If you want to be listed on the committee statement as a testifier at the hearing, you must complete a yellow sign-in sheet and actually testify, even if you just state your name and your position on the bill. If you do not choose to testify, you may submit comments in writing and have them read into the official record. Please relax and don't be nervous. If you need a drink of water, just ask. And at this time, I would ask all of you to please turn off your cell phones. As Senator Johnson said, turn off your cell phones or be shot at dusk. (Laughter) We have been joined by Senator Mick Mines from Blair. If could, I'd like to see a show of hands for those of you who plan

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Transportation and Telecommunications Committee
January 22, 2007

to testify on our first bill, LB35. Okay. On LB59, Senator Engel is going, do I want this one or not? (Laugh) Okay, thank you very much. And with that, we will open the hearing on LB59. And Senator Engel is here to introduce that for us. Thank you. []

SENATOR ENGEL: Thank you, Madam Chairman and members of the committee. I'm Pat Engel, that's spelled P-a-t E-n-g-e-l, and I represent the 17th District, and I'm here today to introduce LB59. LB59 requires persons seeking a motor vehicle, motorcycle, or trailer salesperson license or dealer's license to successfully complete an education program. The education requirements would not apply to current licenseholders or those seeking a license for operation as a franchisee. The education program shall be developed by the Motor Vehicle Industry Association having been in operation for at least five years, and shall be approved by the Nebraska Motor Vehicle Industry Licensing Board. The program is to be at least eight hours in length and shall include motor vehicle advertising law, odometer law and regulation, motor vehicle licensing and registration, unlawful motor vehicle dealer activities, environmental rules and regulations, Nebraska and industry standard motor vehicle dealer forms, federal Truth in Lending Act practices, motor vehicle financing, motor vehicle service and warranty contracts, land use rules, regulations and law, and any other laws applicable to being a used motor vehicle dealer. So there is quite an education process here when you decide you want to become a dealer as far as all the things you need to know. And I think this will help do that. To successfully complete the education program they must attend all classes and pass an open-book examination. Upon successful completion of the program the applicant shall receive a certificate of completion to be submitted to the board at the time of the application for his license. Having said that, I want to make it known that I don't intend to push this legislation. My intent with bringing this before you today is to make you aware of the issue. Likewise, I plan to introduce an interim study resolution, at a later date, to study this between now and next session. So also, I want to make it known that I did not introduce this bill due to any problems that I've experienced with any used car dealers. I introduced it on behalf of the used car dealers themselves. They saw a need for this education and brought their request to me. I would like to commend them for their willingness to take this action to enhance their training through an education program. So prior to this session, a meeting was held with representatives from the Department of Motor Vehicles, the Motor Vehicle Industry Licensing Board, the used car dealers, the new car dealers, and my office. And everybody agreed to work together on an interim study resolution. Since the legislation as introduced only applies to used car dealers, I feel it's important to have both the new car dealers and the used car dealers agree on the education requirements. And as we work on the interim study, I'd like to ask the committee to hold this bill, if you would, while work is done on the study over the interim, so that we'll have something in place, so next year when we come with our...what we've learned through the interim study, we can kind of put it together with the bill and then present it to you for passage, of course. So thank you. And if you have any questions, I'd be glad to answer them. And I will be followed by Gary Merritt, who is the assistant director of the Nebraska Independent Auto

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

Dealers, who can perhaps enhance what I said about the necessity for this particular type of legislation. So with that, I'm open to questions. [LB59]

SENATOR FISCHER: Thank you, Senator Engel. Are there questions for Senator Engel? I see none. Thank you very much. [LB59]

SENATOR ENGEL: Thank you very much, Senator Fischer. It's been a pleasure appearing before you. [LB59]

SENATOR FISCHER: Always a pleasure to have you here. [LB59]

SENATOR ENGEL: Thank you. [LB59]

SENATOR FISCHER: Are there proponents for the bill? If you would like to come forward, please. Just give your yellow sheet to Pauline, right here. Thank you. [LB59]

GARY MERRITT: (Exhibit 1) My name is Gary Merritt, G-a-r-y M-e-r-r-i-t-t. I am assistant director of the Nebraska Independent Auto Dealers Association. Senator Fischer and committee, we're here with a proposal, like Pat Engel said, working...we started this about a year and a half ago through our board of directors. It is time for the industry to maybe be educated as I have passed out a lot of the different bills and laws that pertain to the used car dealers. Working with the licensing board, what we've tried to do is come up with a plan that when a new dealer comes in they're fully aware, our office is, when we get people that...dealers that get a license, they're not aware of what the laws are, what they are. They know your basic, but they're not...how intensive the bills are. We felt that education, when they got their license, would make the dealer a better dealer because there are a lot of dealers and they're very quality dealers. We hear about the bad dealers out there. Most of these dealers make a living, they're a prominent part of their community. That's why our board of directors think that education is important to show that not all the problems that we see in the newspapers and the headlines aren't indicative of what the industry is. We are a very good industry, a very proud industry, and we feel that education will help increase that knowledge. A lot of time has been put into filling in the statutes, the bills. We require a dealer, when he gets a license, to show proof that he has insurance, proof that he has a bond. If he does not own the building, he has to show proof that he has a year's lease. But nowhere do we currently ask proof that they know what any of the laws are in the industry. Not only when...look in there Chapter 60 pertains to Nebraska statutes to the motor vehicles. Chapter 45 is Code of Nebraska, the unfair act, fraudulent acts and consumer protection; Chapters 1 to 101 through 4A to 507, Code of Nebraska Uniform Commercial Code. There's also your licensing requirements, as far as facilities--hours, signage, bondage, insurance, dealer plates, in-transits, titling, registrations, liens, your paperwork, recordkeeping, service contracts, sales and use tax, State Patrol Carrier Enforcement, federal DOT regulations. On the federal, we're dealing with the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

Graham-Leach-Bliley, it's a privacy act, the protection of consumers privacy and against identity theft. We deal with OFAC and SDN, these are all terrorist bills on the federal level that the dealers are required to; the FTC Buyers Guides are federal, the fraudulent...or the odometer fraud, FIN CEN 8300, which is cash reporting; regulations Z and M for financial; the Magnus and Moss, implied warranties; the ADAs, the Americans With Disabilities, these are all that pertain to the dealers that they are not aware when they are getting into the license. And that's why we feel that pre-education will at least start in the right direction, that the dealers know. And we would be glad to continue working with the licensing board, as we have when we first started this. We have a great relationship with the licensing board. We like to work with the new car dealers, Pat Engel, the DMV. And we hope that this interim study we can address this. And we are definitely in favor of showing that we are trying to be on the forefront instead of catching up as several states are going this direction at this point in time. [LB59]

SENATOR FISCHER: Thank you. Any questions for Mr. Merritt? Senator Stuthman. [LB59]

SENATOR STUTHMAN: Thank you, Senator Fischer. Gary, what is the process right now as far as starting up a dealership? You just have to have a street side and three cars, or what have you got to do? [LB59]

GARY MERRITT: Well, that would be more for the licensing board. I have their requirements. They have to have the dealership name, location, and zoning, photograph, and they have to have signage, they have to have telephone, they have to have posted hours. I think it's ten cars, they have to have a location for at least ten cars. Currently, the bond is a \$25,000 bond. They have to have their insurance, which is liability, workmen's comp, I think here it says service facility agreement. So that's what they have to have as far as these type of things. Of course, you would need your sales tax permit, that goes to the Department of Revenue. So that's separate from the Motor Vehicle Licensing Board. Again, I'm not...this is just what we do. As far as when they get their license, we deal with the...a lot of forms, we're in the form business also. So not only are we trying to educate them, we're trying to educate them when they come in our office--this is what the forms are, and these are what they're intended for. I know Bill Jackson could answer more about the licensing. But that is what the licensing says. [LB59]

SENATOR STUTHMAN: So, Gary, in other words, what your main emphasis is you're concerned with an established dealership in town, and all of a sudden there is three, four, five little used car dealers around the town, in the community, or along the highway? Is that your real concern? [LB59]

GARY MERRITT: No. No, everybody...there's a lot of good dealerships. It's just that if you have somebody that's been established, they're more familiar, they've had the ups

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

and downs experiences of it. When this first came out, the first thing of our board of directors was that they even felt that continuing education was something that was needed for all dealers, not just to begin, but it's a continuing market. The number of federal bills, in the last six years, has put car dealerships about in the top ten regulated industries on the federal level. So it isn't to, you know, just the few, small ones around, it's for everybody. We feel at this point in time a good step in the right direction is just approaching that when the new dealers come in so that they are more aware of what they are doing, makes it better for everybody. Education is important, not just for new car...not for the dealer just starting up. It is for everybody. But at this point in time, we feel that it's a start to going in the right direction. [LB59]

SENATOR STUTHMAN: And, Gary, this would be a benefit to the people purchasing cars then that the dealer would have a better knowledge of the vehicles? Or what's the real benefit of the license or taking the exam? [LB59]

GARY MERRITT: Your dealerships, when your customer is going in there you're dealing with somebody that knows what's going on, they're more aware of the situations. We're dealing with a lot more things that we're not used to. When they keep a photocopy of that driver's license, or is your customer confident that he's...that the privacy act...that your potential identity theft items are being protected? Does the dealer know about why we're doing the in-transits, make sure the titles are there, things like this. So there's a lot of avenues there that do protect the customer. It protects the dealers. And like I say, it is important to the dealerships also. [LB59]

SENATOR STUTHMAN: Thank you. [LB59]

SENATOR FISCHER: Other questions for Mr. Merritt? I see no other questions. Thank you very much. [LB59]

GARY MERRITT: Thank you. [LB59]

SENATOR FISCHER: Are there other proponents? I see no other proponents. Are there opponents to the bill? I see none. Is there anyone who would wish to testify in a neutral capacity? Welcome. [LB59]

LOY TODD: Senator Fischer, members of the committee, my name is Loy Todd, L-o-y T-o-d-d. I'm the president and legal counsel for the Nebraska New Car and Truck Dealers Association, testifying in neutral capacity on this legislation. First, I'd like to thank Senator Engel and the Independent Auto Dealers Association for including us in the early discussions regarding this legislation. You know, it's very difficult to come in and oppose education. And it's, although I spent my entire life resisting study, it's kind of hard to come in as an organization and resist study. But...so from that standpoint, we are interested in this legislation. It would...we can see some benefits in many parts of it.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

We do see a need for the study, though, because the Industry Licensing Board is going to be charged with the responsibility of oversight on this, and there needs to be, I think, some nexus in the legislation that not only gives them the authority to regulate in the way they choose to do so, but also probably some financial ability to do that. Prefer not to just give them more work without compensating them in the manner that offsets that expense. Also, we see need for some things like, you know, different education for dealers versus salespeople. Your average salesperson probably doesn't need to know a lot about the environmental implications of running a body shop, for example, or land use regulation, whereas there may be something as a tie-in to a dealer. You know, there's lots of opportunity to see where this might go. Also some real concern throughout our membership about the availability of the training. You know, how long is it going to take before there are classes, and what will the classes be like, where will they be given? You know, when you're asking someone to go spend eight hours and the money necessary to do so, you know, we've pretty much got to know where that's going to happen and how often. As you can see, there's lots of loose ends. So we are more than willing to participate in the process to see what's needed and what would be advantageous. [LB59]

SENATOR FISCHER: Thank you, Mr. Todd. Any questions? Senator Louden. [LB59]

SENATOR LOUDEN: Yes, Loy, well as you represent the New Car Dealers Association, do these new car dealerships, does a corporation, you know, Ford or Chevrolet or whoever, do they do educational seminars like this for your salespeople? Because this is primarily who it would be for is salespeople, wouldn't it be? This wouldn't be for the mechanic in the back room, would it? [LB59]

LOY TODD: Well, Senator, the bill calls for education of both. And I can tell you that the franchise relationship that my dealers, because my membership is only franchise dealers who have a relationship, contractual relationship with a manufacturer such as Ford, GM, Chrysler, whatever, Nissan. And there is a lot of informal education in that regard with the dealer, not so much with the individual salespeople, although my national association, together with our association, does put together quite a bit of training for not just dealers, but also salesmen. We even have a national certified salesperson program that we encourage our dealers to participate in. So those things are available in our world. I guess, I'm qualified to tell you that the Independent Auto Dealers don't have a national structure like that, so much so. But I will tell you this, the Independent Auto Dealers Association does a really nice job of educating their membership when they come and seek that help from their association. They have a real good training program that they run already for their people, and we have some similar things in our industry. But as far as formal testing requirements through the manufacturer, no, Senator, there is no such thing. [LB59]

SENATOR LOUDEN: Okay. Then your trade organizations wouldn't be able to pick up

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

and do something like this? [LB59]

LOY TODD: This bill calls for the trade associations to do exactly that, they would be required to. Right now we do it voluntarily in both trade associations working with the dealer to do that. I have 100 percent membership penetration, or virtually 100 percent. The Independent Auto Dealers aren't that fortunate, theirs is...they have fewer. So it would be nice to bring the whole industry up, if that opportunity presented itself. But whether this would be the vehicle for doing it, I don't know. [LB59]

SENATOR LOUDEN: I would...I was...unless I missed something in here, I haven't quite understood who was supposed to do the testing and who was supposed to do the instruction? Is this going to be through the trade organizations, or are we going to have to set up another agency to teach car dealers how to skin a rat? (Laughter) [LB59]

LOY TODD: Senator, the bill calls for the state licensing board to be the body that has to approve any program of education. But the methodology that seems to be authorized under the bill is for the trade associations to be able to come in and become, I assume, certified or some process like that, and then do the...offer the education programs on a contractual basis with individuals. I think that's what the setup of the bill is. So if no one does that, it does leave an interesting question. But I'm very confident the Independent Auto Dealers want to do that. And if law passed that my members needed education also, rest assured, I would arrange to provide that. But the bill doesn't set up a framework to do that, other than volunteers. [LB59]

SENATOR LOUDEN: Okay, thank you. [LB59]

SENATOR FISCHER: Other questions for Mr. Todd? I see none. Thank you very much. [LB59]

LOY TODD: Thank you. [LB59]

SENATOR FISCHER: Is there anyone else who would like to testify in a neutral capacity? Welcome. [LB59]

WILLIAM JACKSON: Thank you, Senator. I don't want to take up too much of your time. My name is William Jackson, Bill Jackson. I'm the executive director with the Motor Vehicle Licensing Board. You've heard pretty much what the bill is. I'm here if anybody has a question about how the board operates or anything about this bill. [LB59]

SENATOR FISCHER: Any questions for Mr. Jackson? I see none. Thank you. [LB59]

WILLIAM JACKSON: Perfect. [LB59]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

SENATOR FISCHER: Anyone else to testify in a neutral capacity? Senator Engel, would you like to close? [LB59]

SENATOR ENGEL: Briefly. I think from the testimony you've heard, thank you again, you can see why we need an interim study on this, to get a lot of the things worked out. And I'd really appreciate it if you would hold this bill until...just hold it and not do anything else with it until next session, and we'll have more for you at that point in time. So thank you very much. [LB59 LB84]

SENATOR FISCHER: Thank you, Senator Engel. That will close the hearing on LB59. I see Senator Howard is here. So I will open the hearing on LB84. And could I ask for a show of hands on how many people plan to testify on this bill, please? Okay, thank you. Welcome, Senator Howard. [LB84]

SENATOR HOWARD: Thank you. Thank you, Madam Chairperson and members of the Transportation and Telecommunications Committee. I am Senator Gwen Howard, representing District 9. I'm here today to introduce LB84, commonly known as the "move over" bill. As I have commuted down Interstate 80 each day for the past two years, and clearly I make two trips down it every day, I've been amazed at how dangerous a place our highways are for those working along the shoulder of the road. Nearly every day I see law enforcement officers pulling someone over for a traffic violation while cars and trucks fly by them, sometimes going more than 75 miles per hour. During this past summer, I happened to catch a news program on the dangers of being a police officer. I was surprised that the most dangerous part of the job for our police officers is not chasing criminals or raiding drug houses, it's simply pulling over a car for a traffic violation and being hit by passing traffic. Getting hit on the side of the road is the number one cause of on-the-job fatalities among law enforcement officers. As a way of protecting our troopers, deputies and police officers, 38 states have enacted move over laws that require drivers to move over one lane when they see an emergency vehicle on the side of the road. And that is as soon as it's safely possible to do that. If they can't move over, they must slow down substantially. I was shocked to learn that Nebraska was one of only 12 states without this type of law, that is why I'm introducing this bill on behalf of our troopers, deputies and police officers. All of our neighboring states, including Colorado, Iowa, Kansas, Missouri, Wyoming, South Dakota, North Dakota, Illinois, Wisconsin, and Oklahoma have some form of a move over law. Nebraska is actually an island in the middle of the country without this protection for law enforcement. LB84 requires drivers on controlled-access highways approaching authorized vehicles, using flashing lights or sirens, to move to an adjacent lane going in the same direction, that is at least one moving lane apart from the emergency vehicle. If it is not safe to move to the adjacent lane, the driver shall reduce his or her speed until past the scene. Violating this law would be a traffic infraction for the first offense and a Class III misdemeanor for subsequent offenses. Although LB84 as introduced only applies to controlled-access highways, I know that there will be testifiers proposing only

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

interstate highways. And I will leave this up to the committee to decide whether the law should be narrowed certainly, or to expand to include other types of roads as is the case in some states. Since I started looking into this issue, I've been amazed at how often these incidents actually occur. Just in the last month, there have been accidents near Gretna and in Omaha involving speeding cars hitting pulled-over law enforcement officers. This bill is relatively inexpensive and an effective way to protect those who protect us. We have an obligation to do all we can to provide a safe working environment for our officers. And I ask for your favorable consideration of this bill. Thank you. [LB84]

SENATOR FISCHER: Thank you, Senator Howard. Are there questions? Senator Schimek. We have been joined by Senator Schimek. Thank you. [LB84]

SENATOR SCHIMEK: Thank you, Madam Chair. Senator Howard, I am in full agreement that this is a dangerous situation for law enforcement. But I'm, in my own mind, wondering how on earth you're going to educate drivers to the fact that they're supposed to do this in the first place? As you know, we don't renew our driver's licenses very often anymore. We don't have to take driving tests very often anymore. So many of the rules of the road are already being ignored. So, I mean, I'm in full sympathy with what you're trying to do. But is it going to work, is, I guess, what I'm asking? [LB84]

SENATOR HOWARD: Well, it's a sad commentary that drivers ignore the rules of the road, as you put it. And I certainly have seen it in Omaha with the red light running, and the danger that that incurs, obviously. What they've done in other states is post notice at the border of the states. If you drive across the bridge, over to Council Bluffs, you'll see a notice there, this is a state that enforces the move over law. Also, at rest stops there are notices posted that inform the general public that this law is in effect. So we looked into the fiscal note for posting this notice, and it comes to about \$56,000, which is a reasonable price to pay and a good attempt to protect our officers. [LB84]

SENATOR SCHIMEK: Thank you. [LB84]

SENATOR HOWARD: Thank you. [LB84]

SENATOR FISCHER: Senator Stuthman. [LB84]

SENATOR STUTHMAN: Thank you, Senator Fischer. Senator Howard, do we currently have laws that deal with emergency vehicles as to what you're supposed to do--slow down, move over, anything like that, when you meet an ambulance or anything like that going down the road? Do any of those laws apply to, you know, law enforcement? That's a vehicle, too, with the lights on. I'm trying to differentiate the difference between the two and if we have legislation on one, maybe that needs to go with the other one also. [LB84]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

SENATOR HOWARD: That's a good point. I'm going to defer part of that to the law enforcement people that will be here, because they deal with that every day. But I am familiar with regulations to move over if you're approaching an emergency, or if there's a fire truck, for example, that's coming up behind you, slow, go over to the shoulder to, basically, get out of the path. Now whether that law could be expanded to include this, I don't have the answer for that. [LB84]

SENATOR STUTHMAN: Okay, thank you. [LB84]

SENATOR HOWARD: Sure. [LB84]

SENATOR FISCHER: Other questions for Senator Howard? Senator Mines. [LB84]

SENATOR MINES: Thank you, Senator Madam Chair. Senator Howard, is this modeled after someone else's legislation, some other state? [LB84]

SENATOR HOWARD: Well, we've taken it from the other states I mentioned. [LB84]

SENATOR MINES: Okay. [LB84]

SENATOR HOWARD: And we attempted to make it as simple as possible and deliver the message. [LB84]

SENATOR MINES: Yeah. I'm 100 percent with the concept, but I question there are a lot of "but ifs" in here. If someone doesn't pull over, they don't necessarily have to pull over, they can if they can, but because of weather conditions, road conditions, immediate presence of other vehicles, pedestrians, and oh, by the way, it's okay to reduce your speed if those are the cases. My point is how do we enforce this? It's a subjective matter based on, I assume, the emergency vehicle personnel that are stopped along the road. They would have to identify that someone didn't slow down or move over to the left. How do we enforce this? [LB84]

SENATOR HOWARD: Well, the intent is really to put this in law so that we can prevent rather than focus on enforcement. Although I appreciate your question and I know that, like so many things, it becomes difficult to really nail down how we're going to actually do that. But I think the message comes across is that we're going to protect the police officers on the side of the road and this is in effect. [LB84]

SENATOR MINES: Yeah, it's a great message, it's just enforcement, I think, and as well as education is going to be very difficult. But in concept, I agree with you. [LB84]

SENATOR HOWARD: Well, and I would welcome all input. So don't be hesitant. [LB84]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

SENATOR MINES: Yeah. Thank you. [LB84]

SENATOR FISCHER: Other questions for Senator Howard? Senator Louden. [LB84]

SENATOR LOUDEN: Thank you. Well, I agree with you on this, Senator Howard, because I've traveled interstates in different states. In Wyoming and places like that, yeah, you have signs that you have to pull over. Now I don't know if I've ever seen anybody ticketed for not pulling over, but for the most part, people more or less pull over, if they can, which I've noticed in Nebraska, when you travel west, out into that country, they do pull over. When you travel east, they run over the top of you if you're changing a tire, for some reason, I don't know why that is, but that seemed like the way it works. But anyway, it isn't necessarily just enforcement and emergency vehicles, but truckers that are stopped for various reasons or anyone that has a problem with a car that is stopped along the road. And those are the ones that are probably more vulnerable than anybody because they'll open up the door, and nine times out of ten, if they have children around there, there is somebody that hasn't got them tied down. So I think this is something that is well worth it. Now when you say that it's...what is it, a Class...first offense or whatever it is, guilty of a traffic infraction for first offense, I presume you mean that they'll lose one point off their driver's license if they get... [LB84]

SENATOR HOWARD: If they're apprehended. [LB84]

SENATOR LOUDEN: ...get ticketed for something like this? [LB84]

SENATOR HOWARD: Um-hum. [LB84]

SENATOR LOUDEN: Now, probably the only ones that would ever...time that would happen is if a law officer has somebody stopped and you didn't pull over, and he was done with his work on that person, he could probably run them down. But do you think this is something that it's more or less signage to help the general driving public rather than a law that's going to make people do this? This is just something, kind of a courtesy signage that we would be putting up, which I agree with. You know, other states have it, Wyoming and Colorado, the signage is there, Nebraska doesn't. Do you feel that it's more just a signage for courtesy or do you think it should be a law that does have teeth in it? [LB84]

SENATOR HOWARD: I would say to you I believe it should be a law in order to have some observation of the law. I don't know that we're going to get the general public to decide it's a good idea and everyone move to the lane far from where the individual has been pulled over. Also, I've noticed in driving back and forth that there are often times...there's more than one police car or one highway patrolman that has an individual pulled over. You know, Interstate 80 is a pretty...is known to be kind of a traffic route for

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

various things. And I think there are many occasions when the police are very cautious about how many officers are there to deal with the situation. So I don't see that as quite the same problem in terms of apprehension or convincing people that they need to do this. [LB84]

SENATOR LOUDEN: How would you compare this signage to signage that tells you to buckle up your seat belts, you know, when you pull into a state, that you have a seat belt law? How would you compare this type of signage with that? [LB84]

SENATOR HOWARD: It's a simple message that's posted on the border of the state. Iowa's simply says: We have "move over" law in effect. [LB84]

SENATOR LOUDEN: But it would be comparable to the seat belt signage that we have now? I mean you get ticketed if you get caught, but otherwise, yeah. [LB84]

SENATOR HOWARD: It would seem so. [LB84]

SENATOR LOUDEN: Okay, thank you. [LB84]

SENATOR HOWARD: Yeah. [LB84]

SENATOR FISCHER: Other questions from members? I have a question, Senator Howard. [LB84]

SENATOR HOWARD: Sure. [LB84]

SENATOR FISCHER: In your bill it states that the enforcement shall not be accomplished using simulated situations involving an authorized emergency vehicle. What is a simulated situation? [LB84]

SENATOR HOWARD: Well, we didn't want to have a bill that would set up people to be apprehended based on this. So if it wasn't a legitimate pull-over, people could not simply set up say speed trap sorts of things to apprehend people, because it has to be a legitimate...it's not to be used as a decoy. [LB84]

SENATOR FISCHER: Okay. Thank you. Will you stay for the closing? [LB84]

SENATOR HOWARD: I will, thank you. [LB84]

SENATOR FISCHER: Okay. Thank you. Next we will have proponents for the bill, please. Hello. [LB84]

JULIE MAASKE: (Exhibit 1) Good afternoon, Senator Fischer and members of the

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Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

Transportation and Telecommunications Committee. My name is Captain Julie J-u-l-i-e Maaske M-a-a-s-k-e, and I'm here today on behalf of the Nebraska State Patrol in favor of LB84. Nebraska continues to experience an ever increasing volume of passenger vehicles and commercial trucks. The current trend has been an annual increase in traffic volume and a doubling of commercial vehicles every ten years. Consequently, there exists an increasing integration of various types of vehicles on Nebraska roadways. Every day, Nebraska emergency workers, including Nebraska State Patrol troopers, are on the roadways providing emergency assistance to motorists in a variety of situations from motorist assists, to accident investigations, to taking enforcement actions. They approach vehicles, direct traffic, and investigate accidents in all types of weather and all types of road conditions. These types of required activities place emergency workers in dangerous situations, literally within inches of vehicles traveling at speeds up to 75 miles per hour. This presents a dangerous situation, not only for the emergency worker, but also for the passing motorist. The Nebraska State Patrol trains and deploys various safety and patrol car positioning techniques, as well as utilizing emergency lighting and reflective surfaces to minimize the potential for collisions and increase the safety for both the officer and the motorist. Regrettably, however, collisions do occur between passing motorists and emergency vehicles while stopped, using visual emergency signals resulting in further damage and injuries. Numerous incidents have occurred on Nebraska roadways where officers have been injured when being struck from behind, or near misses have occurred when being side-swiped while on the shoulder of the roadway or on the roadway itself performing a variety of duties such as those I've already mentioned. Emergency service work is inherently dangerous and an accepted fact by those men and women who perform this work. The provisions of LB84 would add a margin of safety by encouraging motorists to slow down and move over for emergency vehicles. Other states have recognized this inherent danger and have implemented "move over" laws in their states. LB84 would coincide with the Nebraska State Patrol's efforts to educate and work with the public for safer roadways. To this end, in 2004, the Nebraska State Patrol initiated an educational safety campaign to expand awareness in this area. Additionally, our partners in the Nebraska Strategic Highway Safety Plan support this type of initiative, recognizing the need to protect persons in all types of roadway situations. Although a serious violation would result in a traffic citation, the primary interest would be for the motoring public to adapt the habit of slowing down and moving over for emergency vehicles. Therefore, the only traffic infraction would be appropriate for violations of LB84. The Nebraska State Patrol's primary goal is to provide the highest possible level of safety to the citizens of Nebraska. Consequently, I encourage and support the advancement of LB84 to General File. Thank you for the opportunity to testify on behalf of this bill. I'll be happy to answer any questions that you may have. Thank you. [LB84]

SENATOR FISCHER: Thank you. Any questions? Senator Stuthman. [LB84]

SENATOR STUTHMAN: Thank you, Senator Fischer. Thank you for your testimony,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

Captain Maaske. [LB84]

JULIE MAASKE: Yes, sir. [LB84]

SENATOR STUTHMAN: Have you ever experienced the, you know, one of these situations when you're stopping a person and they go flying by? [LB84]

JULIE MAASKE: I have. I was fortunate that I was not struck nor was my vehicle struck. But there's been a couple incidents where, on the interstate, the traffic was very close. In one incident the vehicle actually blew me over the hood of my patrol car, and in another incident it just blew me up to the side of my patrol car. [LB84]

SENATOR STUTHMAN: And I think, you know, the average person, you know, doesn't realize how fast they're going and what happens, you know. I've experienced also with changing a tire on a livestock trailer. If you're not over far enough, you wonder what these people are thinking. I don't think they even realize you're along the road when they go flying by, in my opinion. And it's very sad. And I've visited with an individual, the other day, that was off the side of the road on an icy situation and the husband did get hit by another vehicle sliding through, and it really crippled him up for life. So I think this is a very good idea. But the enforcement part of it and creating the awareness of it, I think, is going to be a problem. It's just, in my opinion, the common sense factor don't prevail with most of the drivers. Thank you. [LB84]

JULIE MAASKE: I think this would help with awareness. Thank you. [LB84]

SENATOR FISCHER: Other questions? Senator Louden. [LB84]

SENATOR LOUDEN: Yes, thank you. Well, as I read this and understand it this is just for emergency vehicles. This isn't the truck stopped, or as Senator Stuthman said, the horse trailer that's changing a tire or anything like that. Why couldn't it be expanded to include stalled vehicles? [LB84]

JULIE MAASKE: Well, that would be up to your body is if you wanted to expand it, I don't see, from our enforcement side, that that would be a problem. But that would be up to the legislative body. [LB84]

SENATOR LOUDEN: You could support that part of it, if it included stalled vehicles? [LB84]

JULIE MAASKE: I mean our primary interest is the safety of anyone on the roadway, and that would definitely be included in that case. [LB84]

SENATOR LOUDEN: Because this is just on interstate or controlled-access highways. It

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

doesn't have a thing to do with your two-lane rural highways out there. I mean, you're on your own when you stop along one of those, is that correct? [LB84]

JULIE MAASKE: Yes, sir. [LB84]

SENATOR LOUDEN: Yeah, um-hum. Okay, thank you. [LB84]

JULIE MAASKE: Thank you. [LB84]

SENATOR FISCHER: Other questions? I have a question, Captain. [LB84]

JULIE MAASKE: Yes, ma'am. [LB84]

SENATOR FISCHER: You spoke about a serious violation would probably be the only time that you would issue a citation. Is this a feel good bill that's going to cost \$50,000? [LB84]

JULIE MAASKE: No, ma'am. The bill and our interest in that is...really, our main interest is in the habit forming of people and the awareness to move over and slow down for an emergency vehicle. Our officers have, in law enforcement in general, have a lot of responsibilities while they're on that particular, whether they're at an accident or enforcement action. And I don't know that it would be fair to say in every incident where there was a violation that a person would receive a citation, because the officer would have to look at what their primary or priority activity was at that time. So I think there would be that assessment of each and every situation as to when that would happen. [LB84]

SENATOR FISCHER: Would you...I guess I think this is a good idea. I'm concerned on, obviously, how enforceable it is and that this could maybe take a step into the seat belt law, where we have signs posted, and you can't be arrested if you don't have your seat belt on, but if you commit another infraction then you can be. Would you think that this could possibly head in that direction? [LB84]

JULIE MAASKE: I'm not for sure that I understand exactly what you're asking? [LB84]

SENATOR FISCHER: If you have...if somebody doesn't move over, you can stop them for that. [LB84]

JULIE MAASKE: As this is written, yes. [LB84]

SENATOR FISCHER: Okay, thank you. [LB84]

JULIE MAASKE: In my understanding, what you're saying is this could maybe be the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

primary stop for a secondary offense? [LB84]

SENATOR FISCHER: Could it be used that way? [LB84]

JULIE MAASKE: I mean, this would be...there would be the ability to take enforcement action on this violation, yes, which would include a stop. [LB84]

SENATOR FISCHER: Okay, thank you. [LB84]

JULIE MAASKE: You're welcome. [LB84]

SENATOR FISCHER: Senator Mines. [LB84]

SENATOR MINES: Captain, just following up on Senator Fischer's thoughts, would your department have opposition if this were a secondary offense rather than primary? [LB84]

JULIE MAASKE: Our primary interest is, like I say, the development of the habit,... [LB84]

SENATOR MINES: Right. [LB84]

JULIE MAASKE: ...and the safety of the motorist and the emergency workers. [LB84]

SENATOR MINES: Yeah, whether this is primary or secondary really doesn't impact education or building some kind of a pattern. [LB84]

JULIE MAASKE: Safety would be our primary goal. Yes. [LB84]

SENATOR MINES: Yeah. I can see some opposition on the floor if it were a primary offense, just because you could use this to, not you, but it could be used to pick up people that don't wear their seat belts. Okay, thank you. [LB84]

JULIE MAASKE: Thank you. [LB84]

SENATOR FISCHER: Other questions? I see none. Thank you, Captain. [LB84]

JULIE MAASKE: Thank you, ma'am. [LB84]

SENATOR FISCHER: Other proponents for the bill? [LB84]

JERRY STILMOCK: Good afternoon, senators. My name is Jerry Stilmock, J-e-r-r-y, Stilmock S-t-i-l-m-o-c-k, testifying on behalf of the Nebraska State Volunteer Firefighters

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

Association in support of LB84. When emergency responders, whether it be in the category of law enforcement, as you've heard about already, or emergency medical personnel or firefighters, those people place themselves in harms way each time they go out, and their biggest fear is a secondary incident in which they, themselves, are involved or those that are there to assist and help. It becomes an occupational hazard, if you're out on the road, that you have to be considerate of what is happening around and be aware of what is happening around you. One chief of one department has instructed his department that they are to act as if they are going to be struck, and they take all precautions and all safety measures so as to try to prevent that. On behalf of the volunteer firefighters we would like to see the expansion to other roadways as well, not just controlled-access, so that there would be safety throughout the state and not just on those controlled-access areas. I don't have any specific reference to any volunteers that have been injured, but I can assure you they are very supportive of this measure and ask your advancement to the floor. Thank you. [LB84]

SENATOR FISCHER: Thank you, Mr. Stilmock. Are there any questions? Senator Louden. [LB84]

SENATOR LOUDEN: Yes. Thank you. When you say you would like to see it added to your other state highways, on a two-lane highway that probably wouldn't be acceptable, was it, because the last I was helping work a wreck at home here last summer, and it was right on the crest of a hill. And we were stopping traffic. I mean, we had to have people out there because if somebody would have been coming along and moved over, they would have been in the opposite lane going over the crest of a hill. So there was nothing for them to do but stop and proceed, you know, when directed. Do you think that would be a very good idea to add it to all state roads? [LB84]

JERRY STILMOCK: I think it would based upon a fact-sensitive pattern or a fact-sensitive incident. If you're on the crest of a hill, most certainly, it's not going to do anybody any good to have that approaching vehicle move over to the other lane. I think what we're talking about is on a situation where it's a flat and level surface. Because I think that is true, is if you have an incident on top of a hill, you're going to have to flag people on each side of that crest protecting the workers on the location, Senator, yes. [LB84]

SENATOR LOUDEN: Okay, thanks. [LB84]

JERRY STILMOCK: Yes, sir. [LB84]

SENATOR FISCHER: Senator Mines. [LB84]

SENATOR MINES: Thank you, Madam Chair. Jerry, I'm twisting back in time to my days as a local official. And it seems to me I recall that volunteer firefighters and maybe

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

even professional firefighters are empowered to enforce traffic laws during an emergency. If that is the case, then they could enforce the move over law, unless it were a secondary offense, I believe. Am I on target or not? Do you happen to know? [LB84]

JERRY STILMOCK: The...in terms of enforcement of the traffic laws, no. But to secure the scene and in order to direct traffic, yes. [LB84]

SENATOR MINES: Okay. Okay. So it's not necessarily enforcing traffic laws, it's enforcing them around the scene? [LB84]

JERRY STILMOCK: Yes, sir. [LB84]

SENATOR MINES: Is that right? [LB84]

JERRY STILMOCK: That's my understanding, yes, sir. [LB84]

SENATOR MINES: Okay. All right. I don't have a follow up, I'm just curious. Thanks. [LB84]

JERRY STILMOCK: Yes, sir. [LB84]

SENATOR FISCHER: Other questions? Senator Aguilar. [LB84]

SENATOR AGUILAR: Yeah, I just wanted to point out, as a follow up to Senator Loudon's question, language in the bill also allows for the opportunity to slow down, if you can't pull over. I think that would be an important part of where you're going. At least some precaution is taken in a situation like that. There will always be obvious situations where you can't get in the other lane, but you can slow down. [LB84]

SENATOR FISCHER: Thank you. Jerry, I probably should have asked Captain Maaske this question, but do you have any statistics on states that have this law in effect, if their safety record has improved? [LB84]

JERRY STILMOCK: I do not, Senator. [LB84]

SENATOR FISCHER: Okay. Thank you. I see no other questions. Thank you very much. [LB84]

JERRY STILMOCK: Thank you. [LB84]

SENATOR FISCHER: Next testifier in favor of the bill, please. Welcome. [LB84]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

JOE KOHOUT: Madam Chairwoman, members of the Transportation Committee, my name is Joe Kohout, K-o-h-o-u-t, registered lobbyist for the Nebraska Fraternal Order of Police, appearing today on behalf of that organization and in support of LB84. Our organization, in the research we have done, there are approximately ten states remaining that have not enacted some kind of ordinance or some kind of statute, excuse me, that deals with this issue. The thing that sort of struck us as we looked at it was that in several states it was known as David's Law, or Steve's Law, or something to that effect, clearly designating, in our opinion, that there were accidents which resulted in the death of a police officer, or in the case of Illinois actually a firefighter who was killed at a scene. So we would encourage the committee to look at it as sort of an ounce of prevention is worth of pound of cure sort of issue. As our committee looked at this, a couple of the folks on our committee looked at the issue of a 1984 accident, actually, in Omaha. And just...I beg the committee's indulgence, I'll kind of regale the incidence of that. In 1984, there was an incidence in Omaha where actually a police officer pulled over a vehicle and actually an individual did not slow down, did not yield and actually struck the vehicle, struck another...struck the vehicle that was stopped, the cruiser, and actually it was the individual who failed to yield that was actually killed in that accident. And the police officer was injured, as well as the person who was initially pulled over by the officer. So in essence, too, this also goes towards prevention of accidents or injuries involving those individuals who could otherwise pull over. And just, if I could say one more thing, and that is this last November my wife and I took a cross-country trip with our 22-month-old. And during that trip numerous states had obviously enacted this, and as you pulled into the states it was, I found it as generally a reminder that you move over if you see a vehicle, or if you see an emergency vehicle somehow and they're on the right-hand shoulder, just remember to pull over. And so I found it to be beneficial that way, too. But I'll let the committee debate that. [LB84]

SENATOR FISCHER: Thank you, Mr. Kohout. Any questions? I see none. Thank you. Other proponents, please. Good afternoon. [LB84]

BRUCE BEINS: Good afternoon, senators. Thank you very much for this opportunity to testify. My name is Bruce Beins, it's B-e-i-n-s. I'm a firefighter EMT for Republican City Fire and Rescue in Republican City. I'm here representing the Nebraska Emergency Medical Services Association, which is an association of the first responders, EMTs, paramedics, and rescue services across the state. It used to be just common sense, I guess, when I was younger and learned how to drive, that you got over for emergency vehicles. Something starting with my parents and then reinforced by driver's education and so forth. Well, as Office Maaske testified, the number of vehicles on the road has increased so much in the last 10 or 15 years, the traffic is very heavy out there. And if you haven't been out alongside the road changing a tire or, worse yet, trying to treat somebody that's had an accident where your attention maybe is focused on other tasks at hand, it is a really scary place to be. Obviously, the common sense that we had 10, 15, 20 years ago, we have a lot of drivers out there that lack that common sense now.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

You didn't have to drive very far on the icy roads here in the last week or so to see some drivers that maybe lacked a little common sense in the way they were handling their vehicles. I think this is an education thing. I understand your questions about the enforcement of it, but I think it only would take saving one person from severe injury or death to make the cost of erecting signs, to doing some education work, well worthwhile. As I understand now, there's a bill in the Legislature, in front of the Legislature to reinstate driver's education. There would be an opportunity then to educate even more people with driver's education type classes for this that not only the people reading the signs, but the young people that are coming in and learning how to drive, we'd have an opportunity to educate them in that. I also, like Jerry Stilmock said, would like that expanded to include all highways in the state of Nebraska. The highways in the rural areas that are not necessarily controlled-access highways, a lot of them have very small shoulders on them, they don't have a lot of room for vehicles, so it's even more important that when people see these red lights that they're slowing down so they can be much more aware of what's going on around them. With that, I'd sure answer any questions anybody has. [LB84]

SENATOR FISCHER: Thank you. Are there any questions? I see none. Thank you very much. [LB84]

BRUCE BEINS: Thank you. [LB84]

SENATOR FISCHER: Other proponents? Are there opponents to the bill? I see none. Anyone to testify in the neutral capacity? I see none. Senator Howard, would you like to close? [LB84]

SENATOR HOWARD: I will. Thank you. Thank you, Madam Chairperson. I appreciate the cordial response I received in this committee. I think this is the first time I've come in here. We've heard good information today. And I think this is a bill that has the potential to save lives, to prevent accidents from occurring, and hopefully to look down the road, if you will, to what we can do to make things safer in our state. I'm grateful that I'm not coming in with a bill named after someone. Thank you. [LB84]

SENATOR FISCHER: (Exhibit 2) Thank you, Senator Howard. At this point, I would like to read into the record that we have received a letter of support for LB84 from the Nebraska Association of County Officials, Legislative Committee, and that letter is signed by Larry Dix, their executive director. With that, I will close the hearing on LB84. Thank you. I see Senator Heidemann is here, so I will open the hearing on LB148. Welcome, Senator Heidemann. [LB84 LB148]

SENATOR HEIDEMANN: Thank you for letting me be here. Good afternoon, Chair "Fisherperson", members of the Transportation Committee. I am Senator Lavon Heidemann, spelled H-e-i-d-e-m-a-n-n, and I represent District 1. I'm here today to

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

introduce LB148. Currently, statute allows for vehicles with two or more axles carrying grain or other seasonally harvested products to travel on state highways with a load limit that is 15 percent over limit. These vehicles may travel up to 70 miles with weights that are over limit and those vehicles must be traveling from field or stockpile to storage or market. What this bill would do, LB148 would allow for trucks, with two or fewer axles to have the same benefit during the harvesttime of traveling with overweight loads. Basically, this would benefit smaller trucks that have a single rear axle. This bill would make exemptions to the weight limits fairer, across the board, for those traveling at harvesttime. Also, I believe that small farmers would benefit from the passage of this bill. The State Patrol has indicated no problems with this bill when contacted by my office. Also, we talked to the Department of Roads, and they indicated that they don't like...actually, they don't like any overweight vehicles on the road, but decided that this bill does not create a big enough concern for them to make a stance on the bill, I think this is because some overweight vehicles are already allowed. There have been times that I talked to the Department of Roads and they indicated they probably would prefer no trucks on their highways, but it's a necessary evil, I believe. This statute does not provide for farmers to travel on the national highway system, only on state highways. And also, farmers would still need to follow the gross vehicle weight guidelines for their vehicles. I also want to point out that this bill has no fiscal impact, that county roads do not have weight limits, but bridge weight limits would have to be followed. Again, this is a simple bill that would make truckload weight limit exceptions across the board. Thank you for the opportunity to bring this bill before you. And with that, I will take any questions that you might have. [LB148]

SENATOR FISCHER: Any questions for Senator Heidemann? Senator Stuthman. [LB148]

SENATOR STUTHMAN: Thank you, Senator Fischer. Senator Heidemann, is this that single axle bill that we talked about last year? [LB148]

SENATOR HEIDEMANN: It made it up on the floor just briefly, and we had a short discussion about what exactly a single axle truck was. We were running short in the day, that day, and I didn't want to hold Senator Baker's bill up; I pulled my amendment at the time. I'd offered it as an amendment, actually, to another bill. [LB148]

SENATOR STUTHMAN: But this is with two or fewer axles? [LB148]

SENATOR HEIDEMANN: Right. [LB148]

SENATOR STUTHMAN: It has nothing to do with a tag axle or anything like that? [LB148]

SENATOR HEIDEMANN: No. It just will allow what farmers call single axle trucks; it's a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

single axle rear truck is what it is, but allow them the 15 percent over. [LB148]

SENATOR STUTHMAN: Okay. [LB148]

SENATOR HEIDEMANN: Just like all other truckers have right now. [LB148]

SENATOR STUTHMAN: Will they? Will those owners of those vehicles have to put another board on, so they can get more grain on then? [LB148]

SENATOR HEIDEMANN: I guess that would be up to them. (Laugh) [LB148]

SENATOR STUTHMAN: Okay, thank you. [LB148]

SENATOR FISCHER: Other questions? Senator Louden. [LB148]

SENATOR LOUDEN: Yes. Thank you. I was reading this over, Senator Heidemann, and we have carrying grain or other seasonally harvested products. Could you have carrying grain, livestock, or other seasonally harvested products? Would you support that? [LB148]

SENATOR HEIDEMANN: I would support that down the road, Senator Louden. We was approached by the Nebraska Cattlemen in the last day or so, if we could include them. I feel at this time it's important to get this part of it passed and then, hopefully, next year we can come back and address maybe the cattlemen's concern. [LB148]

SENATOR LOUDEN: Now are cattle, when you say seasonally harvested products, now that considers feeder cattle in the fall of the year or somebody hauling their calves to the sale barn? Is that a seasonally harvested product? That's the reason I was wondering if we could just clarify it by putting livestock in there, because that's our problem nowadays. You can load up, out at the ranch, and be...you know, who can guess the weight of the cattle by looking at them, other than a cattle dealer? And by the time you get to the sale barn, why, you may be overweight or you may not. But nonetheless, if you've got a, what is it, 10 percent, 15 percent cushion you have here, that does give you some leeway on adjusting for weight. That was one of the questions I would have on this bill. And then I question is 70 miles far enough? I mean, out here or down around here 70 miles puts you pretty near clear to Grand Island, but where I live, any critter I haul off the place, it's 90 miles to the closest sale barn. So should you be...should you put a mileage on there, or should you put to the nearest receiving facility, or something like that, or nearest facility where it can be received? [LB148]

SENATOR HEIDEMANN: First part of your question, I believe right now we're only probably trying to attach grains what is already statute. We're not trying to change the statute, all we're trying to do is add single axle truck, and that's all we're trying to

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

accomplish at this time. I understand your concerns with livestock and I agree with your concerns. Right now, all I'm trying to do is add single axle trucks. The other part, about the 70 miles, once it goes...we're going back, it's already in statute, the 70 miles. I'm not trying to add that. All we're trying to do is add single axle to make it fair across the board. And if there are other concerns or other ideas down the road, I will look at them very closely and help anybody that's interested in changing it to make it better. [LB148]

SENATOR LOUDEN: Well, you know how it is when you...when the Legislature is in session, you know. [LB148]

SENATOR HEIDEMANN: I understand that. [LB148]

SENATOR LOUDEN: And I'm wondering if this is the time to clear that language up, rather than worry about trying to pass legislation in another year. If we're going to do something, should we do it right the first time? And would you support something like this, if the committee brought forward some amendments like that? [LB148]

SENATOR HEIDEMANN: Well, if the committee brought forth amendments, I would look at them. I will go back to what I said before, I've worked on this a couple of years ago, and I would really like to see this part of it pass. If you could put something on there that wouldn't be controversial when we go to the floor and not bog this part of it down, I could look favorably upon it. But I definitely would like to see this move forward. I think this, as it stands, is very simple, and I think it can be moved forward. And that's the way I would kind of like to see it as it is. But I will look at anything that the committee would so desire. [LB148]

SENATOR LOUDEN: Okay, thank you. [LB148]

SENATOR FISCHER: Senator Heidemann, you know when you get a couple of ranchers on this committee, we read these bills. And I was just like Senator Louden, I leaned over to Mr. Vaughan here, and said, what's "a seasonally harvested product?" Because in my area of the state, it would happen to be cattle. So I realize you would like this to go forward as it is, but I guess, how would you define "a seasonally harvested product?" [LB148]

SENATOR HEIDEMANN: I would have to go back to the statute and actually look into it, or it might go back to...into the rules and regs as Roads have so defined. But I do believe, and this is my opinion, that it's more into the grains and maybe sugar beets and things like this. I do not believe that they address livestock. [LB148]

SENATOR FISCHER: If you could possibly get an explanation of that to me before tomorrow, I would appreciate it. [LB148]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

SENATOR HEIDEMANN: We could try to do that, yes, we'll try to accommodate that. [LB148]

SENATOR FISCHER: Okay, thank you. Other questions? Senator Schimek. [LB148]

SENATOR SCHIMEK: Yes, thank you, Madam Chair. I can't resist this, since I've been in your position before. I've heard you referred to Madam Chair, Madam Chairperson, Madam Chairman, and even Senator "Fischerperson." (Laugh) And maybe you would like to tell us how you would like to be addressed, because several of the people who are here in this room today come before this committee often. [LB148]

SENATOR FISCHER: Officially, I suppose Madam Chair is fine or Senator Fischer. [LB148]

SENATOR SCHIMEK: Thank you. I don't think Senator Heidemann knew he said that, did he? (Laugh) [LB148]

SENATOR HEIDEMANN: I think I said Chairperson. [LB148]

SENATOR SCHIMEK: Senator "Fischerperson." (Laughter) [LB148]

SENATOR HEIDEMANN: Excuse me. (Laughter) Please accept my apology. [LB148]

SENATOR FISCHER: We sit by each other on the floor. This is good, compared to what he usually says to me. [LB148]

SENATOR HEIDEMANN: It says it right before me, "Chairperson", and I misread it, and so that's my fault. [LB148]

SENATOR FISCHER: I have no problem with Chairman either. So, Senator Stuthman. [LB148]

SENATOR STUTHMAN: Thank you, Senator Fischer. Senator Heidemann, I think in my opinion, if you would open it up to that harvesting as to what was indicated here of there once a year with the livestock. You know, I don't know how you're going to justify, you know, people that run a cattle feedyard, they're harvesting every day or every week out of their pen. So are all of the potloads going to Excel going to be able to get 15 percent over? I mean, I think we're opening up a can of worms there, but I don't know. But I really would like to have information, in my opinion, from you, Senator Heidemann, you know, is it defined as grain or something? [LB148]

SENATOR HEIDEMANN: I think a feedlot actually would be seasonally harvesting every week, every day, and I think it would make it very tough at that time. And I would

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Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

understand that also. They pretty much would be able to carry 15 percent over all the time, and I don't think that's the intent, the original intent with this statute anyway. []

SENATOR STUTHMAN: Thank you. [LB148]

SENATOR FISCHER: Wouldn't you say, Senator Heidemann, though, that a feedlot and even ranchers, when they're sending in cattle, it's not going to be on a single axle truck, or would it be? [LB148]

SENATOR HEIDEMANN: There are some in my area, as you see, to the small, local livestock auctions that carry them in on little stock trailers behind pickups. There are still people that carry some cattle in on single axle trucks in my area. [LB148]

SENATOR FISCHER: Would it be fed cattle, though? [LB148]

SENATOR HEIDEMANN: Some of it would be, actually. [LB148]

SENATOR FISCHER: Some would be, too? [LB148]

SENATOR HEIDEMANN: We have some small fed auctions around in my part of the state. I realize we operate on just a little bit smaller scale than people out west do, the way I understand it. [LB148]

SENATOR FISCHER: That's because your land is worth more, and so you put it to crops. (Laughter) Any other questions for Senator Heidemann? Oh, Senator Mines. [LB148]

SENATOR MINES: I don't feed cattle, so I don't care. However, can you explain to me why we have standards set now, we have capacities set on vehicles. I assume it's for the safe transportation of whatever that vehicle is going to carry. It's an accommodation to someone that raises some product that they can exceed the safe limit that's been established for everyone else. Why is that a good thing for Nebraska, not for the producers? [LB148]

SENATOR HEIDEMANN: It would still have to go back to the gross vehicle weight. They are going to have to follow that. This does not go around that. As a farmer, I will tell you harvesttime is upon us, we're going to put as much on that truck as possible. We're out in the middle of a field, and we have no idea exactly how much is on that truck. [LB148]

SENATOR MINES: I'll guarantee you have an idea what's on that truck, I'll guarantee it. [LB148]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

SENATOR HEIDEMANN: Not everybody. As technology gets better and the grain cars got scales on them, we have a better idea. Scales, though, as you move through the field, if you leave them stationary, they give you a pretty good idea. We can get within a percent or 2 percent, if you leave it stationary. It's not uncommon to get at least 5 percent off, though, with even these scales. [LB148]

SENATOR MINES: But isn't this an accommodation for the agribusiness community? During harvest you can pile on more product than you can normally, isn't that what this is all about? [LB148]

SENATOR HEIDEMANN: I think it, more than anything it gives them a little bit of a leeway. And I will argue with...invite you to come out at harvesttime. We...you're not 100 percent for sure what's on these trucks, and it just gives them a little bit of tolerance, if they are overweight, that they don't get hit pretty hard. The fines are pretty steep if you get... [LB148]

SENATOR MINES: So if in the bill we define, during harvest, if cattle isn't included, if we define between the months of August and November you can carry excess weight on your vehicle, would you support that? [LB148]

SENATOR HEIDEMANN: That's already in there, sir. [LB148]

SENATOR MINES: It is? [LB148]

SENATOR HEIDEMANN: Yes. [LB148]

SENATOR MINES: Okay. Okay. [LB148]

SENATOR HEIDEMANN: There's...it's defined, I don't know who exactly does that, but someplace it's in statute that...no, you can't carry corn. If you're carrying corn in July and you try to say this is during harvesttime, they would probably tell you that that's not going to work. [LB148]

SENATOR MINES: Yeah. Okay. [LB148]

SENATOR FISCHER: Other questions? Senator Louden. [LB148]

SENATOR LOUDEN: Refresh my memory a little bit, Senator Heidemann. On a single axle truck, you and I know what we call a single axle truck. But on that single back axle, what is it...how much weight can you put on there? Is it 18,600 pounds? [LB148]

SENATOR HEIDEMANN: I believe it's 20,000, I think, and then you would add your 15 percent over that. [LB148]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

SENATOR LOUDEN: Okay. I didn't think it was...I didn't think it was 20,000. See, we have a single axle truck, and I used to know just how much I could haul on there. But when you get your 15, if it's...I thought it was 18,000 and something, so when you went 15 percent over it you got another 2,700 pounds that could be one there before you were illegal. If you went over that 2,700 pounds, you go 100 pounds over it and you're going to pay a fine, right? Because once you go over that 15 percent, all bets are off. You don't get to take the 15 percent back off and just pay for the poundage you're overweight. Am I correct on that? You're back then down to your 18,000 or... [LB148]

SENATOR HEIDEMANN: I... [LB148]

SENATOR LOUDEN: ...or 19,500 or whatever it is. [LB148]

SENATOR HEIDEMANN: I don't have that before me, exact weights, but I do believe on the rear axle it is 20,000 pounds. I think you are right, though, if you do go over your 15 percent, which would be, I believe, just thinking in my head real quick, 23,000, if you go 23,005 pounds, you would actually probably would be fined back to your 20,000 pounds at that time. It starts from the beginning, I believe that's the way the bill is. [LB148]

SENATOR LOUDEN: This is just something so that if you're a little bit overweight, you won't get fined. And you have the option to get to your nearest unloading place or your scales or something like that, considering the fact there aren't any scales out where you loaded. And I think at the present time they do work livestock that way, because we've had them loaded at the ranch many times, and they always figure they can get to the feedlot or something if they're running overweight somewhat. [LB148]

SENATOR HEIDEMANN: I would have to think that you've run onto some friendly DOT people at that time. I could be wrong, but I never run into them quite like that. (Laugh) [LB148]

SENATOR LOUDEN: Thank you. [LB148]

SENATOR FISCHER: Other questions? Thank you, Senator Heidemann. Will you stay for closing? [LB148]

SENATOR HEIDEMANN: I think if there are more questions, my legislative aide is here. If something comes up, I best get back to Appropriations and watch the process. I appreciate the opportunity to come before you, though. [LB148]

SENATOR FISCHER: Thank you so much. Can I see a show of hands from people who plan to testify on this bill, please? I see two. I would ask that the proponents come forward now. Good afternoon. [LB148]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

JAY REMPE: (Exhibit 1) Senator Fischer, members of the Transportation Committee, my name is Jay Rempe, J-a-y R-e-m-p-e. I am state director of governmental relations for Nebraska Farm Bureau Federation and I'm here today on behalf of Nebraska Farm Bureau in support of LB148. And I think you had a very good discussion with Senator Heidemann on the bill, so I won't elaborate much, other than to say that we are supportive of the underlying philosophy under the bill of expanding this exemption to include trucks with two axles or less. As Senator Heidemann already said, the exemption for the overweight provisions are already there for trucks with multiple axles. And we see no reason why it shouldn't apply to these smaller trucks as well. Just a couple things about the underlying policy and why it was implemented. One, it was meant to address a couple different issues, one was time constraints involved at harvest. And it is defined purposely as seasonally harvested products because you have different harvest periods for different crops, you know, corn, sorghum in the fall, wheat in July, those kind of things. So they...that's why they defined it the way it is. And I...it was intended to apply to those products where you have a time constraint, or you're trying to get commodity in from the field either to on-farm storage or into town for storage. And then it provides the flexibility that Senator Heidemann alluded to as you don't have a scale out on the field and it's tough to figure out exactly how much weight you've put on, so it gives a little flexibility in that way, too. What I've handed out to you is just an example of a form that Farm Bureau worked on with the Motor Carriers Division. The law does require that if you're going to take...avail yourselves of this overweight provision, you have to carry it with you, a form that shows where you're loading at, the field you're loading at, and where you're going to, and it has to be signed by the owner of that commodity. And so there are some provisions for that. And that is a form that we put together and distribute to our members each year. And this form came about, I think, it changed two or three years ago. Prior to that, you had to go apply for a permit to do this. We wanted to make it a little easier, a little more flexible. So now you have the current provisions where they have to carry this form with them and show, if they get pulled over, where they're going to and it has to be signed. If it isn't signed then you could be penalized and face the law. So with that, I'd be happy to answer any questions you might have. [LB148]

SENATOR FISCHER: Are there any questions for Mr. Rempe? Senator Stuthman. [LB148]

SENATOR STUTHMAN: Thank you, Senator Fischer. Mr. Rempe, thinking back to when this was initially put into statute, the real reason for this was because of...trucks had no way of weighing at home, they estimated the weight and the fact that the 15 percent would kind of justify for that. I think one of the other important things is because, you know, of the hauling of the corn. You don't know realistically if they've got 60-pound corn on, or 56-pound corn, how much moisture is in it, that makes a lot of difference also if you've got 15-moisture corn, or 20-moisture corn, that makes a lot of difference.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

And I think that was to compensate for that so they didn't get hung immediately. [LB148]

JAY REMPE: Um-hum. [LB148]

SENATOR STUTHMAN: I think this also refers to we've got potato growers in Nebraska, too. I think this also relates to them. And I think they have a real problem with how much dirt is loaded on the trucks when they're hauling the potatoes in. And I know they've been way over sometimes until they figure out how much is supposed to be dumped on them. So...but I truly support this bill. Thank you. [LB148]

JAY REMPE: Um-hum. [LB148]

SENATOR FISCHER: Other questions? I see none. Thank you. Next proponent, please. Welcome. [LB148]

PETE McClymont: Madam Chair, members of the committee, my name is Pete McClymont, P-e-t-e M-c-C-l-y-m-o-n-t. I am here...first off, I'd like to thank Senator Schimek because I was sitting there trying to figure out what to say in my opening as well. So I appreciate that. I am vice president of legislative affairs for Nebraska Cattlemen. And I would just like to reemphasize everything in terms of LB148 that the senator said, as well as Jay Rempe. So we would be here in support of it. Obviously, we talked earlier yesterday and today with the senator in regards to including livestock. And so he brought up his reasons for not allowing livestock to be in. So where we have members, obviously, that are both grain producers and also cattlemen that are producers that are in grains, this would be a great benefit to them. So if there are any other questions, I'd be happy to answer. [LB148]

SENATOR FISCHER: Any questions for Mr. McClymont? I have one. You heard our somewhat serious discussion on livestock being included. How many people do you think would take advantage of that? Would it be a great number with single axle trucks in hauling livestock, depending on the time of year or even for feedlots taking them in every day? Or do smaller feedlots take their cattle in every day, a load? [LB148]

PETE McClymont: In terms of single axle it would be minimal, it truly would. But yet in terms of Senator Heidemann's area where, obviously, in the southeast part of the state the producers are smaller in nature than they are the further west you get. So from that standpoint, there could be a few in his neighborhood. Obviously, like he said, it could be cattle ready to go to harvest or could be feeder cattle ready to go to market. But I guess what we would like to do is sit down, in reference to Senator Loudon's questions, as we said to Senator Heidemann, work through our issues within our association and bring some solutions to him. And then we can work on this later, if that's the choice of the committee and Senator Heidemann. [LB148]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

SENATOR FISCHER: Okay, thank you. Other questions? I see none. [LB148]

PETE McCLYMONT: Thank you. [LB148]

SENATOR FISCHER: Thank you. Any other proponents? I see none. Any opponents to the bill? I see none. Are there those who would wish to testify in the neutral capacity? I see none. Would Senator Heidemann's aide like to offer a closing? She waives closing. With that, I will close the hearing on LB148. Our next bill up today is LB165. This is our last bill before the committee today. This is my bill. I'm asking the legal counsel for the committee to do the introduction, please. Welcome, Mr. Vaughan. [LB148 LB165]

DUSTY VAUGHAN: Senator Fischer, members of the Transportation and Telecommunications Committee, for the record, my name is Dusty Vaughan, spelled V-a-u-g-h-a-n, and I am the legal counsel for the committee. LB165 authorizes the repeal of Nebraska's involvement in the Midwest Interstate Passenger Railway Compact. The statutory purpose of the compact, as outlined in Section 74-1601, is to, among other things, promote the development and implementation of improvements to inner city passenger railway service in the Midwest, to coordinate interaction among state officials on passenger rail issues, and to support efforts of transportation agencies involved in developing and implementing passenger rail service in the Midwest. Currently, Nebraska pays \$15,000 a year in dues to the compact. Besides Nebraska, member states include Indiana, Minnesota, North Dakota, and Ohio. Just recently, on January 9 of this year, Illinois also enacted legislation to join the compact. Nebraska has four delegates to the compact, they include Senator Arnie Stuthman, who is on our committee; Senator Abbie Cornett; John Craig, from the Department of Roads; and Ray Lineweber who represents the United Transportation Union. The Department of Roads requested that this bill be introduced. I think they can explain the reasoning for doing so better than I can, so I will defer to them. With that, if you have any questions, I will try to answer them. [LB165]

SENATOR FISCHER: Any questions for Mr. Vaughan? Senator Mines. [LB165]

SENATOR MINES: Thank you, Madam Chairman...Madam Chair, Madam "Fischerchair", (laugh) Madam...Dusty, this says that we're obligated to any...or we will comply with any unfilled obligations. Are you familiar with any obligations that we may stand by pulling out? [LB165]

DUSTY VAUGHAN: Not that I know of, Senator. Like I said, the Department of Roads brought this, and I know Director Craig is here, so he can probably tell you about it, or Senator Stuthman could. [LB165]

SENATOR MINES: Okay, thank you. [LB165]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

SENATOR FISCHER: Senator Louden. [LB165]

SENATOR LOUDEN: Thank you. How much money is involved here? It said we've been paying money into it and got...received little benefit. Do you know how much we've paid into it? [LB165]

DUSTY VAUGHAN: I would assume that it's just the \$15,000 per year, and it looks like we became a part of the compact in 2001 is when legislation was enacted. So, five, six years at \$15,000 apiece is what we would have paid in. [LB165]

SENATOR LOUDEN: Okay. And what have we got for our dues? [LB165]

DUSTY VAUGHAN: I believe that would have to be...that question would have to be brought to the four delegates that have been at the compact's meetings. [LB165]

SENATOR LOUDEN: Okay. What I'm wondering is Abbie Cornett was on this. And this Yucca Mountain deal and hauling this nuclear waste, is that part of the compact? Or does that...that isn't handled in this compact? [LB165]

DUSTY VAUGHAN: No, no, that's a separate compact. [LB165]

SENATOR LOUDEN: Okay. This is just railway passenger service? [LB165]

DUSTY VAUGHAN: Yes, as I believe it to be. [LB165]

SENATOR LOUDEN: And where do the railroads come down on this? Are they...I guess, are they people that are willing to work with the compact, or do they want to not have anything to do with it? [LB165]

DUSTY VAUGHAN: Our office has... [LB165]

SENATOR FISCHER: I think we probably would have to wait and see what the...if the railroads are going to be testifying today in order to answer that. [LB165]

DUSTY VAUGHAN: We haven't been contacted by any of the railroads. We were...I was contacted by an organization called ProRail that was against this bill. So that's the only... [LB165]

SENATOR LOUDEN: I guess, I really wondered is there some kind of a report that this compact puts out quarterly or anything like that? [LB165]

DUSTY VAUGHAN: I believe in the statutes it says that they have to report yearly. [LB165]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

SENATOR LOUDEN: Okay. Okay, thank you. [LB165]

SENATOR FISCHER: Other questions? Senator Schimek. [LB165]

SENATOR SCHIMEK: I think I'll wait for Director Craig, on second thought. [LB165]

DUSTY VAUGHAN: Thank you, Senator Schimek. [LB165]

SENATOR SCHIMEK: I'm sitting here with all kinds of information, just waiting to pour forth from the top of my head, but this probably isn't the appropriate time. [LB165]

DUSTY VAUGHAN: Thank you. [LB165]

SENATOR FISCHER: Other questions? I see none. Thank you, Dusty. I would ask how many people here are going to be testifying on this bill, please? Two hands. Okay, thank you. We will begin with the proponents for the bill. If you would please step forward. Do you have a sheet filled out, Director Craig? [LB165]

JOHN CRAIG: I do. [LB165]

SENATOR FISCHER: Thank you very much. [LB165]

JOHN CRAIG: (Exhibit 1) Good afternoon, Senator Fischer and members of the Transportation and Telecommunications Committee. My name is John Craig and I am the director of the Nebraska Department of Roads, and I am here today to testify in favor of LB165. The proposed Midwest Regional Rail System is a series of high speed rail corridors with Chicago as the hub for the entire system. The corridor affecting Nebraska goes across Iowa, through Iowa City and Des Moines, as contemplated, and it would terminate in Omaha. The Department of Roads has participated for several years in studies and deployment activities conducted by a consultant for the nine states that would be affected directly by the proposed system and the Midwest Passenger Rail Compact approved by the Nebraska Legislature in 2001. I am convinced there are no...there will be no benefits accrued to Nebraska by our continued participation in this program. We feel our participation may have helped Iowa leverage development of a high speed corridor as far west as Des Moines, but there appears to be no commitment from Iowa, I might add that Iowa has never been a paying dues member of the compact. There is no commitment from Iowa to improve the service west of their capital city of Des Moines. Wisconsin has been the major promoter of the Midwest Rail System, but even the Wisconsin Legislature is not a dues paying member of the compact. And Illinois, the hub state for the entire system, only became a dues paying member in January of 2007. I believe Nebraska will be better served by ceasing our participation and the \$15,000 annual dues to the compact that comes from the General Fund. I will

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

be glad to answer any questions that you might have. [LB165]

SENATOR FISCHER: Are there questions for the director? Senator Aguilar. [LB165]

SENATOR AGUILAR: Did you say Iowa doesn't pay any dues and they're still a... [LB165]

JOHN CRAIG: Iowa does not, they are not a member of the compact. [LB165]

SENATOR AGUILAR: ...and they're still a member? [LB165]

JOHN CRAIG: No, they are not a member of the compact. [LB165]

SENATOR AGUILAR: Oh, they are not. Okay, okay. [LB165]

JOHN CRAIG: They are contemplated in the proposed initiative, but they've never been a paying member or member. [LB165]

SENATOR AGUILAR: Thank you. [LB165]

SENATOR FISCHER: Senator Schimek. [LB165]

SENATOR SCHIMEK: Thank you, Madam Chair. Director Craig, you may or may not know, but the bill was, as originally passed in 2001, was carried by Senator Brown and myself. And we were the first two appointees to that compact. So I've watched it over that period of time. And I certainly wouldn't characterize it as not accruing to our benefit. First of all, according to my understanding, Michigan has also joined the compact. And as you probably know, there has been a change of leadership, I guess you would say, in the Iowa Legislature. And it is highly anticipated that Iowa will be doing something this year on the compact. So that would bring to nine, by my count anyway, I believe nine states out of the eleven Midwestern states, plus Missouri has also entered into this compact with us. And over that period of time, the dues have actually reduced every time new states have come in. So we started out at \$25,000, now we're down to \$15,000. And I think it's very likely they could go down again. I think the compact has been very beneficial in helping see that Amtrak has remained viable. And the reason that's so important is, if Amtrak doesn't remain viable, then I'd say all hope for passenger rail service is greatly diminished. And I hate to use this expression, but I'd almost call it pound wise and penny foolish to get out of the compact at this point. I think the fact that Iowa may be coming into the compact is highly significant. And Illinois is the linchpin, if you will, of the whole thing. Could you respond to those comments for me. [LB165]

JOHN CRAIG: I think I could. And it's...there is obviously interest in I'll say public

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

transportation in general. If you talk about passenger rail, it was in its heyday from the mid-1900s, well the mid-1800s to the mid-1900s. And in the last 50 years, passenger rail service has become 100 percent subsidized, like all public transportation. That's not being judgmental, but it cannot make money on its own. [LB165]

SENATOR SCHIMEK: Not 100 percent subsidized, though. [LB165]

JOHN CRAIG: Yes. So the two Class I railroads, as an example, both the BNSF and Union Pacific, and I cannot speak for them, I don't know if anybody is here that can, they have converted, to my knowledge, 100 percent from passenger rail to freight rail. Just trying to paint the bigger picture and then bring it down to a finer point. I'm not trying to be judgmental. We still have, as far as I know, one Amtrak service that runs across the state. And I've forgotten what the ridership is, but it's something on the...it's in single digits, five or six riders per train. They will stop in Lincoln and pick people up. It is, like much of public transportation, it is a huge issue with lots of challenges and must be subsidized. We as a department have spent about \$75,000, and since 2001 we've spent, out of the General Fund, we collectively, about another \$90,000. And I just don't see that changing. So I thought I should raise this issue, like anything else that I would do in the transportation business in the Department of Roads, and say, here is how we think our funds are best spent. Obviously, that is up to the Legislature to make that determination, but that's my judgment. In some future decade, which is some time away, that may change. But as public transportation and passenger rail, it's a huge challenge and a huge issue, especially for the U.S. Congress. [LB165]

SENATOR SCHIMEK: If I might, what was your \$90,000 spent for? I didn't quite catch that. [LB165]

JOHN CRAIG: We've paid...well, I'm estimating because I haven't got back into the (inaudible) as we've spent our dues for the last...since 2001, 6 times 15 is \$90,000. It may well be more than that. So that excludes the \$75,000 for studies that we have participated in. [LB165]

SENATOR SCHIMEK: Okay. One of the things that you may not be aware of is that some of the travel expenses and so forth for the compact members do come out of that...out of the whole \$15,000 a year, it's a small portion of it. But there are some concrete things like that that are returned. And some of the money, of course, goes for staffing the compact office. [LB165]

JOHN CRAIG: Yes. [LB165]

SENATOR SCHIMEK: But I appreciate the discussion, I just respectfully disagree. [LB165]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

SENATOR FISCHER: Senator Stuthman. [LB165]

SENATOR STUTHMAN: Thank you, Senator Fischer. Director Craig, you are one of the delegates on this... [LB165]

JOHN CRAIG: Yes. [LB165]

SENATOR STUTHMAN: Have you attended a meeting? [LB165]

JOHN CRAIG: No, not a one. [LB165]

SENATOR STUTHMAN: Not a one. And I've been on this, I've been a delegate for the past two years. I have not attended all the meetings, but I have attended a number of the meetings. And I think realistically on the surface, yes, it does seem like this is \$15,000, poof. But I think and I realize going to these meetings, the fact that, you know, around Chicago is the hub and the spokes as to the future of passenger rail. And I think this would absolutely be the wrong time to pull out, when Iowa is anticipating joining. Once that does and it's numbers of years away yet from Chicago to Des Moines, then we need to get it from Des Moines to Omaha, then we need to get it from Omaha to Lincoln, that's what we need. Because I think that we need to keep that in mind, mainly because I don't think we can afford a double-deck interstate from Omaha to Lincoln in the future. I don't think we...that's not justifiable. But I think in time to come where the population is going between Omaha and Lincoln, you know, there is going to be a need for passenger rail. And I realistically think that this is absolutely not the time to pull our membership away from that. If in a couple of years we really see that Iowa is not going to participate, but the indication that I'm getting they're looking more favorably to that, mainly because from Des Moines to Chicago. And so that's what I'm looking at. I tried to look at the big picture. And I just think that this is something, \$15,000 yes, to me is a lot of money. But yet for the future of things we should...if it's something that we shouldn't belong to, we should have never belonged in the first place. But since we're there, we need to keep that in mind that there is a future for it. Thank you. [LB165]

JOHN CRAIG: I'd only respond that it's a terrific thing to talk about. And there is nothing that would preclude, if it looked like it was feasible, that some good would come to Nebraska, for us to rejoin. So it's not...I'd be the first one to say things will change over the decades in the next half century and century, including public transportation. But at this point, I think it's very difficult to anticipate are we getting any return on our investment, although I would not argue with the point that you're making that it's a bit speculative. But it depends on the perspective. [LB165]

SENATOR STUTHMAN: And another comment that I would have is if we could get more membership from more states, then the dues will come down, you know. And I would say, since, you know, we do have Illinois, and if we can get Iowa, I anticipate the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

dues to go down to \$12,000 or \$10,000. [LB165]

SENATOR FISCHER: Senator Louden. [LB165]

SENATOR LOUDEN: Yes, thank you. Well, thank you for being here today and testifying on this, Director Craig. With this compact is there a way that you can probably receive federal grant money to perhaps study having a rail service from Omaha to Lincoln? Here's for instance, in a letter that we received for this, they were talking about this passenger corridor from...along the front range of the Rockies. I'm quite familiar with that--Ft. Collins, Denver and through there. And that is a big deal over there for commuter service. And I don't see why we couldn't have something similar to that between Lincoln and Omaha, and that would certainly take a lot of pressure off the interstate system, and yet my...if we weren't in this compact, we wouldn't be able to receive any federal grant money. Can this be used to receive some federal monies to study this and perhaps bring on the railroads or something like that for some commuter service between Omaha and Lincoln? [LB165]

JOHN CRAIG: There are about three or four points, and I have a feeling I'll miss one or two of them. Six or seven years ago, eight years ago, perhaps, maybe nine or ten years ago, I lose track of time, there was a conversation about just that issue. Should we build, and it's still out there to some extent, should we build a passenger line? I've forgotten how many hundreds of millions of dollars that it would take just to get it started, of most likely state money. Was it feasible to build a passenger line between Omaha and Lincoln? And there was a quarter of a million dollars gotten from the federal government to fund that, it was called the NTRAC Study. And the best I can say it was inconclusive. The question was, how many people would your...would ride? They would have parking lots on both sides, people have to be able to distribute once they get there. It may sound that I'm negative, but public transportation has this role, generally, public transportation is most feasible where you have high concentrations of people, especially along the two coasts of our country, Chicago has already been pointed out, many places in Europe, many places in Asia where you have very high concentrations of people it is much more feasible. So money has been spent to look at a passenger rail between Omaha and Lincoln. In that intervening time, I might add that the sole remaining transcontinental bus service, Greyhound, in recent years has ceased their service entirely in Nebraska, not that that relates directly, but that's another form of public transportation. And it was not a...they couldn't make money by running their buses back and forth along the interstate. There simply wasn't enough ridership. In terms of federal funding, there was nothing that would preclude federal funding from being used for anything relative to passenger rail, except the will of the U.S. Congress. And the environment is in two years we,...not we, the U.S. Department of Transportation, public transportation comes out of the federal Highway Trust Fund. It is largely funded by that, it will go down, it's anticipated, \$11 billion, \$70 million is Nebraska's share of declining revenues, \$50 million to the state, \$20 million shared by

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Transportation and Telecommunications Committee
January 22, 2007

cities and counties. It is a difficult issue for Congress to say, well, we're going to ante up more money for these kinds of things, that from a certain perspective, could be viewed as speculative when they've already got dramatically declining revenues. Certainly, there would be nothing that would preclude Congress from contributing funds either to Nebraska or any of the states, for that matter, to say, well, let's go out and spend money on passenger rail or to further study it. And it has happened here in recent years.

[LB165]

SENATOR LOUDEN: Then as director of the Department of Transportation, though that wouldn't be your first priority to try and to either apply for grant money or to work toward some type of rail transportation between Omaha and Lincoln would it? [LB165]

JOHN CRAIG: Generally, we are not a grant oriented organization. Most of the funding that accrues to the Department of Roads, whether it's rail, whether it's public transportation, whether it's highways, whether it's environmental, whether it's transportation enhancement, on and on and on is not grants funds. In some cases, it's discretionary funds, but we don't...no, we do not spend a good deal of time applying for grants. And even the grants that are out there, there are a fraction of a percent of the funding that we use and need. [LB165]

SENATOR LOUDEN: Well, if there was any type of rail service between Omaha and Lincoln, it would certainly be...a bigger percentage of it would be federally funded. I mean, I understand that. But this isn't something that the Nebraska Department of Roads would be very interested in. [LB165]

JOHN CRAIG: No. No, the dues are currently being paid from the state General Fund. And I'm just providing my best professional opinion, raising the issue. It's up for the Legislature to determine what to do. [LB165]

SENATOR LOUDEN: Okay, thank you. [LB165]

SENATOR FISCHER: Other questions? Senator Aguilar. [LB165]

SENATOR AGUILAR: Director Craig, you said something earlier that kind of got me thinking here. You were saying that usually rail service is more profitable in a more populous city like Chicago. [LB165]

JOHN CRAIG: Passenger rail. Where you have high concentrations of people, yes. [LB165]

SENATOR AGUILAR: Passenger rail, yes. Okay. Well, if people in Chicago wanted to go west, wouldn't it behoove Nebraska that they went through Nebraska, Omaha, Lincoln and points west? [LB165]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

JOHN CRAIG: Well, they do with the passenger rail service that hauls, it may be ten people a week that board or "unboard" the train. But there is currently service and it is declining, at least as is currently provided. Between the mid-1800s and the mid-1900s, this is the big picture I put it in, it was...passenger rail was booming, it is how people moved, including through Nebraska, both east and west. The world has changed, we've discovered automobiles and trucks, and the Class I railroads have discovered that freight is much more profitable than passenger rail. It's a big societal issue, there's no question about it. [LB165]

SENATOR AGUILAR: Thank you. [LB165]

SENATOR FISCHER: Other questions? I have a question, Director Craig. What is an average cost for a mile of road in this state, when you build a highway? [LB165]

JOHN CRAIG: I'd have to go back and...it depends on what road it is. [LB165]

SENATOR FISCHER: What kind it is, yes. But... [LB165]

JOHN CRAIG: If it's...yeah, I would say...and it depends on whether it's reconstruction, or new construction, or whether...what are all these caveats. [LB165]

SENATOR FISCHER: Let's say new construction. [LB165]

JOHN CRAIG: If it's...and I don't know if I could give a figure for that. I'd probably have to go back and look. If I was to characterize a two-lane road, and this won't be precise, but it will at least give you an order of magnitude, I think, new construction on new alignment for a two-lane road, it would be a few hundred thousand dollars I'll say. If it's...and this is not that precise, but as we rebuild the interstate between Omaha and Lincoln, which is not...most of it, the vast majority of it is not new construction, it's more than \$8 million a mile. But, of course, the difference in the traffic is in terms of hundreds of vehicles or tens of thousands of vehicles. So there is a difference. [LB165]

SENATOR FISCHER: Do you know what it would cost for a mile of rail? [LB165]

JOHN CRAIG: No. And I wouldn't even hazard a guess. I'd have to check with the Class I railroads. I know that they continually tell me, and they've been terrific partners, that they are capital intensive. And they abandon rail on...a great deal of the time because it is not worth their investment to continue that. They have to have a certain amount of traffic or they get rid of it. We don't have that latitude. [LB165]

SENATOR FISCHER: Yes, I live within an area where a railroad was abandoned. So those might be interesting figures for the committee to look at. Any other questions?

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

Thank you, Director. [LB165]

JOHN CRAIG: Thank you. [LB165]

SENATOR FISCHER: Any other proponents? I see none. Are there opponents to the bill? Good afternoon. [LB165]

JEFFREY POLEY: (Exhibit 2) Good afternoon. I guess (inaudible). So interested in what Director Craig was saying, I lost my head here. Good afternoon, Madam Chair, committee members. And thank you, Senators Stuthman and Schimek, for participating in the compact. My name is Jeffrey Poley, P-o-l-e-y. I'm president of ProRail Nebraska and I come before you to speak against LB165. Participation by the state of Nebraska in the Midwest Interstate Passenger Rail Compact was authorized by passage of LB244 in 2001. The compact now includes eight state members: Indiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, and Ohio, with Illinois joining just a couple of weeks ago. Nebraska is represented by the four commissioners mentioned earlier. The purposes of the compact are generally to promote investments in intercity passenger rail services and encourage cooperation among private and local, state and federal governmental entities in the planning, financing, and development of passenger rail services in the Midwest. It should be noted here that the compact expressly states that no funds can be obligated for any project without authorization by the enactment of a legislative bill. The compact provides a vehicle for cooperation, but does not mandate cooperation in any specific project. Passage of LB165 would deny Nebraska the opportunity of participating with other states in a valuable forum where ideas about improving transportation services are shared. In the current age of increased fuel prices and decreasing transportation options, it would be ill-advised to step away from an organization that promotes expanded transportation opportunities. Some of the testimony previously given we kind of got the impression that passenger rail was declining and may become a dinosaur, an extinct operation. The opposite is true. The ridership of passenger rail has increased every year for the last six years. Passenger rail ridership increased last year by 6 percent. Participation in Amtrak through Nebraska, I would be glad to give these...Madam Chair, I'll get this information to you, the statistics on ridership on passenger rail through Nebraska increased significantly in the last year. I think we know why. When the study that Director Craig was referring to, with regards to corridor study between Lincoln and Omaha, when that was done fuel prices were less than \$1.70 a gallon. I believe they're significantly higher than that now. When the study was done, we didn't have to go through a body search at an airport to get on an airplane. That's changed, it's much more difficult to fly. I fly about 120,000 miles a year. I'm in airports four or five times a month. Well, I'm telling you it's not a good experience. For these reasons, passenger rail is becoming more favorably seen by the traveling public. The rail system is much like the airplane system in that the hub, in this case is Chicago, and I think we all realize here how important Chicago is to the well-being for Lincoln and Omaha, eastern Nebraska, all of Nebraska for that matter. Or if you're in

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Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

western Nebraska how important the Denver hub is to those folks who are living in western Nebraska. For those of you living in western Nebraska, how often do you get on an airplane in western Nebraska to fly to Denver or Chicago? Probably not very often. Rail may be your only opportunity for transportation. Now it's true that rail transportation is highly subsidized, as are highways, as are airlines. As a matter of fact, every form of transportation, public and private, is highly subsidized by the taxpayer, in general. Rail is no exception. It's highly likely that Iowa is going to join the compact to make nine members of the compact. Pretty much completes--if you look at the map now you'll see that the hub concept--that the compact is interested in is beginning to work. Took a while to get Illinois to come with us, but they joined. The statement by the Legislature and by the Governor was very positive in what they thought was the future of the compact. I think the importance to us in Nebraska is whether or not we, as a state, want to be at the table when plans are made. We can take Director Craig's suggestion and drop out until all the plans have been made, and then step back in at some point in the future, but that denies the opportunity to us of participating in that planning. I'm not sure we want to do that and that's why I oppose this bill. I've talked long enough. If you have any questions, I'll try to answer them, and if I can't answer them, I'd be glad to get the information to you as I go to my office and look through or rummage through my files. [LB165]

SENATOR FISCHER: Okay. Thank you, Mr. Poley. Are there any questions? Senator Hudkins. [LB165]

SENATOR HUDKINS: Thank you. Mr. Poley, sorry I missed the first part of this hearing, but I was presenting in another committee. So I'll just ask you the 101 questions. All of the states that are included in this compact now, do they all pay the same amount of dues? [LB165]

JEFFREY POLEY: I believe they do. [LB165]

SENATOR HUDKINS: And what are those dues (inaudible)? [LB165]

JEFFREY POLEY: The dues right now are \$15,000 a year, and out of that \$15,000 the travel expenses of the four commissioners are paid. I believe they meet twice a year. Is that correct? Usually in Chicago and in St. Louis. And you'd have to ask Senator Stuthman, because he is our representative, one of our commissioners. And so he's the expert on this. [LB165]

SENATOR HUDKINS: Okay. What would be the worst thing that would happen if the bill passes? And what would be the worst thing that would happen if it doesn't pass? [LB165]

JEFFREY POLEY: Well, the worst thing that would happen is that we would voluntarily

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

deny ourselves access to a very valuable forum for the planning of transportation alternatives for the Midwest. We'd be saying, we don't particularly want to participate, we don't care, we don't want to be a part of the planning. Well, that's the worst thing that could happen, I think. By defeating this bill the worst thing that could happen is we continue to pay, well, it will probably be less than \$15,000 a year now, because the budget is fixed. And so when more people join, they simply just reduce the per capita share. So, I guess, that would be the worst thing that could happen is we'd still have to write a check to the compact every year. Education and being at the table usually costs you money, doesn't matter what it is. I think it's worth it, myself. [LB165]

SENATOR HUDKINS: Nebraska, along with other states, have abandoned rail lines, some of them have gone to hiker/biker trails. Do you see in Nebraska, specifically, any time soon when those trails will go back to being railroads? [LB165]

JEFFREY POLEY: That's a good question. Probably not. Most rail...most rail traffic is cargo, is goods. And if you're in Gibbon, Nebraska, you're going to see a lot of coal trains out there, every ten minutes. Passenger rail, I...as Director Craig said, reached its zenith in the 1950s. I mean, I can remember as a boy, going down to Union Station and that place was packed. I mean there were 15, 20, 30 trains. I mean it was a lot of fun, I remember. And you go down to the trailer that's now the Amtrak office, and it's a little different now than it was to catch the Amtrak train at some bizarre hour of the morning. I think what's happening, Senator, is that there's been a resurgence in interest in rail traffic in the United States. It's already happened to Japan, in China, in Europe, in Mexico, even in Canada there's been a resurgence. And they're actually investing great, huge amounts of their national resources in building up their rail transportation for passengers. We decided not to do that in the United States, up until now. However, Senators Lott and Lautenberg, Senator Lott being a Republican, Lautenberg being a Democrat, introduced legislation to fund recapitalization of Amtrak to the tune of about \$3.7 billion a year. Our legislative people say that there is a very good chance that that will pass the Senate and probably the House as well. That would be a major change in the orientation of the United States government towards its investment in rail passenger service in the United States. So, stay tuned. [LB165]

SENATOR HUDKINS: Okay, thank you. [LB165]

SENATOR FISCHER: Are there other questions? Senator Louden. [LB165]

SENATOR LOUDEN: Yes. Thank you. As I look at this, you...you know, people mention Amtrak and what their...the amount of passenger traffic on Amtrak. To me, Amtrak and commuter lines are two different animals. And how hard would it be to have it...I have a couple questions for you. First one, how hard would it be to have a commuter line between Lincoln and Omaha? [LB165]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

JEFFREY POLEY: If you ask me, I'd say, heck, let's do it. I think it wouldn't be that difficult. It would cost. And like any other form of transportation, it would have to be subsidized. The study, the NTRAC Study that was done, I believe was done three or four years ago, that we alluded to earlier, studied the...as a matter of fact, ProRail Nebraska put up part of the money for that study. And so we got a copy of it, which is good. The study was done by a California consultant, Wilbur Smith, excellent company. I did a critique of the study and came to different conclusions. I'm a city planner, myself, and I came to different conclusions. I'd be glad to share those conclusions with you, if you'd like. But it would require significant subsidies. What our organization is advocating is that we don't build the system right away, but we do have rail that runs between Lincoln and Omaha, the Burlington line. Obviously, we don't want to occupy any Burlington tracks with commuter service. That wouldn't make any sense at all. [LB165]

SENATOR LOUDEN: My question is, why wouldn't you want to? It's double track, isn't it? [LB165]

JEFFREY POLEY: Well, yes. And the good folks at Burlington, I mean, if you ran a commuter service, one of the things you have to do is, when you say it's going to be by this stop at 7:27, you want it to be there at 7:27. And that's an awful lot to ask of Burlington, to say, can you guarantee, on your double track system, that we can put equipment on there? And they're going to say, that's really asking us a lot. But what we could do is to say, you know, in 20, 25 years we may be...you know, in order to help Director Craig out, you know, when people are saying, well, or can we put another couple, three lanes on either side of the interstate? He's going to be hard pressed to do that. [LB165]

SENATOR LOUDEN: Would it be cheaper to put another track alongside that double track and third track? [LB165]

JEFFREY POLEY: Absolutely. And what I think we ought to be doing now is getting options on that land... [LB165]

SENATOR LOUDEN: Well, I mean the... [LB165]

JEFFREY POLEY: ...so we could build it when we need it. [LB165]

SENATOR LOUDEN: The railroad already has the right of way, you don't need it... [LB165]

JEFFREY POLEY: Sure. [LB165]

SENATOR LOUDEN: ...need to acquire a lot of right of way... [LB165]

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Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

JEFFREY POLEY: Well, exactly. In other words, if there's enough room to put the existing service, plus the roadbed necessary for a commuter line, and where it's necessary to have additional right of way, go ahead and get the options on that land now before it's developed. Because I'll guarantee you, you know, I've lived in this area...I was born in Omaha, 200 years ago. [LB165]

SENATOR LOUDEN: Now the second question I have, if we continue to belong to this compact, and you talk about the hub ends in Des Moines or something like that, can you go ahead and start part of this system in Omaha? Can you have your own hub from Omaha, Lincoln and Grand Island, or something like that, with your...I mean, you're talking about you have to have trains that run 75 miles an hour. [LB165]

JEFFREY POLEY: Yeah, and... [LB165]

SENATOR LOUDEN: And track is that because I've rode those trains when they went 75 miles an hour on those tracks. So I mean, the tracks were there designed for it. It isn't like you have to rebuild the whole thing. If we belong to the compact, can we still go ahead and perhaps get federal funding to do something like that? [LB165]

JEFFREY POLEY: Yeah, I think, yeah, I believe so. And... [LB165]

SENATOR LOUDEN: We don't have to hook onto Des Moines to finish up the hub or anything? [LB165]

JEFFREY POLEY: No, and actually you could do that without being a member of the compact. Director Craig is correct in that Nebraska is at the end of the line, okay? And how these things normally grow is they grow from the hub out. So we really don't know when Nebraska, for example, would be put on the front burner as far as getting funds or getting a plan to integrate this whole system together. There are a number of different organizations, one is the High Speed Rail Association, which is talking about developing a train that will go about 135 miles an hour. Now that would require a considerably different roadbed. And even at 79 miles an hour on some of the roadbeds, you better have good dental insurance because your teeth are going to be kind of jarred by the time you get to the end of the line on some of our roadbeds. But these things are coming. And I think we want to be in at the table. We want to be able to tell folks in Chicago, look, this is what we want in Nebraska, you know. If you're not at the table, you got no place at the table. They're not going to listen to you. [LB165]

SENATOR LOUDEN: Okay, thank you. [LB165]

SENATOR FISCHER: Okay. Thank you, Senator Louden. Other questions? Senator Stuthman. [LB165]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

SENATOR STUTHMAN: Thank you, Senator Fischer. Mr. Poley, I truly agree with you. I think this is absolutely the wrong time to pull out because of the fact of the possibility of Iowa, you know, joining. And the spokes from the hub go to Des Moines is what realistically the plan is. If we decide not to pay the membership to this compact, this Passenger Rail Compact, I think that tells that group that we would like to put a wall east of Omaha, and we're not concerned about anything east. But I really think that if, in fact, it gets to Des Moines, which it will in time, maybe not in the next five, ten years, but it's going to get to Des Moines because of the fact of Chicago to Des Moines, then are we going to say, we don't want them to come to Omaha? I think we have to be at the table when this is all falling into place. And that's my opinion. Thank you. [LB165]

SENATOR FISCHER: Thank you, Senator Stuthman. Other questions? I have just a few, and I hope you'll give me short answers. [LB165]

JEFFREY POLEY: (Laugh) Okay, I'm sorry. [LB165]

SENATOR FISCHER: No, that's fine. I'm not familiar with your organization. Can you tell me a little bit about ProRail Nebraska. Do you have affiliates around the state? How many members? How does that work? [LB165]

JEFFREY POLEY: ProRail Nebraska has about 100 members. Most of them are in Nebraska, some are not. We maintain a fairly close liaison with similar organizations in other states, like Missouri, Iowa, Colorado, Kansas. We're an affiliate of the Nebraska Association of Rail Passengers, and so most of our members are members of both ProRail Nebraska and NARP. Okay? And basically the function of our organization is to provide education to folks about the advantages of passenger rail. We're not neutral. We're not going to tell you what's wrong with passenger rail, although we probably know more about what's wrong with passenger rail than practically anybody else, (laugh) because there's a lot wrong with it, and we're trying to improve it. [LB165]

SENATOR FISCHER: Okay. Could you...do you know what it costs to build a mile of rail? [LB165]

RICHARD SCHMELING: (Inaudible remarks from the audience.) [LB165]

SENATOR FISCHER: No, I'm sorry, I'm sorry, you can't right now. Mr. Poley. [LB165]

JEFFREY POLEY: I guess around \$2 million, minimum, and it goes up. Depends on how much it's going to take to purchase right of way. [LB165]

SENATOR FISCHER: Okay. [LB165]

JEFFREY POLEY: And whether or not there's a lot of engineering that could change.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Transportation and Telecommunications Committee
January 22, 2007

That's why if you follow an existing roadbed, a lot of the engineering has been done as far as grades and those types of things. [LB165]

SENATOR FISCHER: Okay. Well, thank you very much. Other questions? [LB165]

JEFFREY POLEY: Well, thank you for your indulgence. I'm sorry I rambled. [LB165]

SENATOR FISCHER: No, that's fine. Appreciate you taking the time to come today and speak to us. Thank you very much. [LB165]

JEFFREY POLEY: You bet. Thank you much. [LB165]

SENATOR FISCHER: Are there other opponents to LB165? Please come forward. [LB165]

RICHARD SCHMELING: (Exhibit 3) I'll keep it simple. I'll just say, Senator Fischer and members of the committee, my name is Richard Schmeling. I am a member of ProRail Nebraska. I had not intended to testify here today, but some questions have come up and I think I'm in a position to answer. So I'm going to try to help you out. [LB165]

SENATOR FISCHER: Okay, thank you. [LB165]

RICHARD L. SCHMELING: You asked about the cost of a rail system, specifically commuter rail. Assuming that we would go alongside the existing Burlington Northern Santa Fe Railroad, between Lincoln and Omaha, and we could use their right of way, they have enough room for what we needed. I talked to an official from Burlington Northern Santa Fe and he gave me a rough estimate. And he qualified it to say that this was certainly not a refined figure, but about \$1 million per mile for the track itself, another \$1 million per mile for the switches and the signals to control that track. So we're talking about \$2 million a mile. Depending upon where that commuter line goes, if it goes airport to airport, from Lincoln's airport to downtown to Omaha downtown, out to the Omaha airport, which would be great, we're probably talking somewhere in the neighborhood of 60 miles. So when you do a cost comparison between building an interstate highway at \$8 million a mile and putting down some railroad track for \$2 million a mile, the choice to me seems fairly obvious as to what you want to do. I think Senator Hudkins hit the nail right on the head and she says, what happens if we pull out? The whole idea, and correct me, Senator Stuthman, if I'm wrong, but the whole idea of this Midwest Rail Compact was that one state, one state like Nebraska, would have a very small voice when it came to asking for federal funding. Whereas if 10, 11, or 12 Midwestern states work together with each other, then that's a voice that's going to be heard and you can get some federal funding. Each of you received a letter from me, and in my letter I talked a little bit about the east side of the Rocky Mountains. And they got some good federal funding for that study that they're doing. And it's an

extensive study, but it involves several states; it involves Wyoming, Colorado, New Mexico. If you can partner up with other states and other interested groups, remember you're in competition for a certain limited amount of transportation funds, everybody has their hand out, everybody wants some, you need to be in a competitive position to say, we need some of that money. So that's why I think, Senator Hudkins, that's why I think we need to stay aboard. With that, I think we pretty well know the whole situation. However, I would disagree with the director of the Department of Roads that we're talking about five or six people a day getting on the train. Actually, if you look at the ridership figures, which we'll get for you, we're talking about a lot more people than that. Holdrege or Hastings alone could put five or six people on a train on a given day. But when you take the boardings in Omaha, Lincoln, Hastings, Holdrege, McCook, they're far more substantial. And a lot of times those trains will run sold out and you can't get a reservation because they're all sold out. I'm not quite sure what publications the director of the Department of Roads has been reading lately. And it's my fault, I haven't gotten him the magazines that I get which tell me about all the brand new, wonderful rail systems that are getting opened everywhere in the United States. For example, in Denver a new light rail line recently opened. Ridership on their initial line was so great, they had to order additional cars. We have rail systems springing up all over the United States. Salt Lake City, Utah, that's kind of out in the boondocks, they have a light rail system out there that connects Salt Lake City and Provo and the various towns along that chain of the mountains. Albuquerque, New Mexico, has a new commuter rail system that's just opened. It's happening all over this country and it can happen here, too, and I hope it does. And I'd ask you to kill this LB165. Let's stay at the table, folks, let's be part of this. Thank you. [LB165]

SENATOR FISCHER: Thank you. Any questions? I see none. I have a question for you, sir. You did send us a letter. Would you like that letter included in the record? [LB165]

RICHARD SCHMELING: I would like it to be made a part of the record. Yes, please. [LB165]

SENATOR FISHER: Okay, I will be happy to do that. Thank you. [LB165]

RICHARD SCHMELING: Thank you. [LB165]

SENATOR FISCHER: Are there any other opponents to this bill? Is there anyone to testify in the neutral capacity? I see none. We will waive closing. And with that, I will close the hearing on LB165 and also close the hearing for the day. Thank you. [LB165]

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Transportation and Telecommunications Committee
January 22, 2007

Disposition of Bills:

LB59 - Held in committee.

LB84 - Indefinitely postponed.

LB148 - Advanced to General File.

LB165 - Indefinitely postponed.

Chairperson

Committee Clerk