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Transcriber's Office

Transportation and Telecommunications Committee
February 25, 2014

[LB667 LB756 LB847 LB1071]

The Committee on Transportation and Telecommunications met at 1:30 p.m. on Tuesday, February 25, 2014, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB667, LB756, LB847, and LB1071. Senators present: Annette Dubas, Chairperson; Jim Smith, Vice Chairperson; Lydia Brasch; Galen Hadley; Charlie Janssen; Beau McCoy; John Murante; and Dan Watermeier. Senators absent: None.

SENATOR DUBAS: Good afternoon and welcome to the Transportation and Telecommunications Committee public hearing. Today we will be hearing four bills: LB667, LB756, LB847, and LB1071. I'll begin with committee introductions. My name is Senator Annette Dubas from Fullerton; I am the Chair of the Transportation and Telecommunications Committee. To my far left, Senator Lydia Brasch from Bancroft. Next to her will be seated Senator Beau McCoy from Omaha. Then we have Senator Galen Hadley from Kearney. To my immediate left is Anne Hajek, she is the committee clerk. To my immediate right is Joselyn Luedtke, she is the legal counsel for the committee. Then we have the Vice Chair of the Transportation and Telecommunications Committee, Senator Jim Smith from Papillion. Senator John Murante from Gretna; then we have Senator Dan Watermeier from Syracuse; and then at the end will be Senator Charlie Janssen from Fremont. The Legislature is fortunate to be served by a page program. We have college students who provide their services to us to help keep the Legislature and the committee hearings moving smoothly and we really appreciate that. Our page today is Jonathan Beck; he is originally from Centreville, Virginia, currently resides in Seward, Nebraska, and is a senior at UNL majoring in political science and a minor in communications. So we thank Jonathan for helping out the Transportation and Telecommunications Committee. The way the hearing will proceed is we'll have the bill introducer come up first. And that will be followed by proponents, then opponents, and neutral. We ask when you come forward if you'll please state and then spell your name clearly for the record. That helps us with our transcribing. And also I know there is a natural tendency to want to adjust the microphone, but it is very sensitive and it will pick up any extra noises which then makes it difficult for the transcribers. So if you can try to resist moving the microphone around, we would really appreciate that. If you're planning on coming forward to testify, we have on the table back by the door these green sheets and we ask that you fill these sheets out with your information and then hand it to the page when you come to the table. Also, if you have handouts, we ask that you have a dozen handouts with you. If you don't, the page can help you in that respect as well and get those copies made. If you're here today, you don't plan on testifying, but you would want... you do want to be on the record with your position on the bill, again, back on the table by the door is this pink sheet so you can fill out the appropriate information on the pink sheet. Would ask that you please either silence or shut off any cell phones or electronic devices, again, to help us with the transcribing equipment, not to interfere with that. And also if you have any conversations, we'd ask that you please take those

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out into the hallway, again to keep the hearing room as quiet as possible so we can respect those who are testifying, as well as senators who may be asking questions. With that I think that takes care of all of the housekeeping duties. So we are ready to begin with LB667. Senator Krist, welcome.

SENATOR KRIST: Thank you. Senator Dubas and members of the Transportation Committee, thank you for the opportunity to come before you today. My name is Bob, B-o-b, Krist, K-r-i-s-t, and I represent the 10th Legislative District in northwest Omaha, along with the north central portion of Douglas County, including the town of Bennington. I appear before you today in introduction support of LB667. This piece of legislation is contained...section for the statutes is 60-6,229, essentially Nebraska Rules of the Road. And you'll see that it is very simple. It does not apply currently lights being on a motorcycle, does not currently apply to the fire department, fire patrol vehicles. We've added a line that says: this section does not apply to lights on motorcycles that are decorative light-emitting diodes. This was first brought to me by a constituent and he's here today to talk to you about it. He can also give you a tour of his bike; it's in the trailer outside, and he can show you a picture of it. I think in the debate, the helmet debate that we had over the past...in the past few weeks, it was clear that we are concerned with the safety of motorcycle riders. And I think it came up several times in discussion that to see a motorcycle is to avoid it and that is a matter of safety, both for the rider and for the other vehicles on the road. What we're talking about here, and I'll let Mr. Jones go into more detail, but what we're talking about here is a decorative lighting, the diodes. You see these on cars more and more lately, the underside of the car being illuminated, or the wheel wells. But, essentially, colleagues, I really believe it's very simple. If a person wants to make themselves more visible on a bike, and it does not interfere with any other standard public safety insignias, as it would appear to be a police or responding vehicle, that it should be allowed. And this simple change will allow them to do that. And I would hope...I will not close, but I would, at this point, I would just say that I think that if the committee sees it as a safety issue, it might make a perfect consent calendar item. With that, thank you, Senator, and the opportunity to talk to the committee. [LB667]

SENATOR DUBAS: Very good. Thank you, Senator Krist. Are there questions? Seeing none... [LB667]

SENATOR KRIST: Thank you, Senator Dubas. [LB667]

SENATOR DUBAS: Could I take just a quick poll to see how many people are planning on testifying on this bill in any capacity. So we will begin with proponents to LB667. Welcome. [LB667]

JOE JONES: (Exhibit 1) My name is Joe Jones, that's J-o-e, middle initial is L, last name is Jones, J-o-n-e-s, from Omaha, Nebraska. And I'm here on account of I ride

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motorcycle. I've been riding since 1972. I own a 2012 Gold Wing Honda motorcycle. And in 2007, I toured the whole United States on my bike with these lights on there. I put on 12,890 miles; I was gone for a month. I went back around the United States in '08 and I toured and I put on 17,000 miles on it with these lights on there. I was gone for two months. And I never experienced any problem with these lights on there. I have stopped at road side, I pull into a hotel; people come up and they want to take pictures of it. I even had cops to come up and want to take pictures with it. And a year ago I come back home and I'm riding down Maple Street, about 9:00 at night and I see all these lights flashing behind me. So I pull over and it was a cop. And he was irate. He come running up to me, what are you doing riding around on this motorcycle, you're illegal. And I said, hold on, wait a minute, what do you mean? I said I rode all around the country on this motorcycle and I said nobody pulled me over and I come back here and you're writing me a ticket. And he said, yeah, it's illegal. Well, I didn't know it was illegal. So he gave me a ticket. The next day I go down to the testing station, the state department down there. Now I go in there and I said I want to have my motorcycle inspected. She said, for what? I said, well, I got a ticket for these lights and I want to know if it's illegal. So the guy went in and he got the captain and he came out and he says, what do you have here? And I said, well, I got a ticket for these lights; I want to have my motorcycle inspected to see if it passed inspection. He says, well, I don't know if that's a law. And here's he's the captain, so he goes back in his office and he come back and he said, yeah, it is the law. He said, but we got more important things to do than to write tickets for these lights on this bike here. So he says, well, you know, you can go down and try to have it appealed, you know, which I was going to do anyway. So then I called Senator Krist and was telling him about this here--lights that I had on. But it was too late in the session to get anything done about it, you know, that late. So, I'm riding in Lincoln here and I get a State Trooper pulled me over. And he followed me...I didn't even know he was behind me until I had pulled in the service station. So he comes up and he says, you know you got illegal lights? And I said, no. He said, yeah, but you know, he said, it really looks nice. He says, I have nothing against it. He said, I think it looks beautiful. He says, but you know you can contact your senator and try to get something done about it, because he thought it looked neat. So I have a picture of it here, and I have it out there in the trailer if you guys would like to take a look at it, because I don't want you to pass a law, something that you're going to be sad of in passing. I want you to be able to know what you're passing it. So I don't get out there if you don't happen...and you don't pass the law or something that's...but I see no...I wouldn't be here if I thought that having those lights on my bike was going to endanger someone else, because I figure my rights end when they infringe on someone else's right. And I had nothing but praises from police officers...I was in Mississippi, the Highway Patrol down there. I pulled into a service station and he came up and taking pictures on there with it on there. In D.C., I go up there every year to the Rolling Thunder and I checked in a hotel. There was a Highway Patrol came in there and I went over to him and I says, I got a bunch of lights on my bike; I want to know if I'm going to be in violation. He said, no, go ahead; we're not going to bother you. So I don't think that

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if the rest of the country will let me ride my bike, well, the only thing I'm doing there is just buying gas in their state, but I got it registered here. I'm paying to operate it here...that we would have a law, not only for me...if you go to Omaha, over in Council Bluffs there, on a Wednesday night during the summer at Quaker Steak and Lube, there'd be about 600 or 700 motorcycles there. And 98 percent of them have these lights on there. But it takes somebody to get a ticket to come down here to try to get something done about it, you know, because...and I'm not the only one that got tickets, but I don't want to be...when I get on my motorcycle, I'm going to obey the law to the best of my ability. But I don't want to get out there with these lights on there and can be pulled over because I have them on there. I'd like to get the law changed to where I'm able to run these decorative lights...and besides that, it is a safety. You know, you can see me more. I've had people say, you know, well, I'm glad you got those lights on there, I can see you now if you got them on, but if you don't...not that you shouldn't be able to see a motorcycle, but it's just more visible with these lights on a motorcycle than if it didn't have any lights on it. Now if you ride a Harley-Davidson--which I don't ride a Harley, that's not a motorcycle to me, Honda is a motorcycle--you have all the noise. My motorcycle is quiet and you're not going to hear it. If I pull up beside you, you're not going to be able to hear it, you know, but you're going to be able to see it. If it's a Harley, you're going to hear that noise and it might make you notice that there's a motorcycle there. So I would plead to you, if you exempt motorcycles that we're able to use these lights on our bikes. Besides, you know, when the bill was passed, I don't even know, LED lights probably wasn't around. So I don't even know if it even covers it when you got them on it, because the only...when I'm out there and the tickets that I've gotten, it has come from the younger officers. And one of the...captain in Omaha was telling me, says, well, the reason why it was that, the younger officers, they just come out of training so they are more aware of what the laws are than the older police and the sheriffs that are out there. So they don't even know they're there. But they know that they're there, so they see it and they write us a ticket on it. So I'd appreciate it, you know, if you guys would exempt...after you've seen it. I want you to be able to see it so you know exactly what it is that you're passing. Now I have a picture of it here on my phone, if you'd like to see it. If not, I'd like to take you out there where you can see it in my trailer out here. And the...if you'd like to take a look at it here, I can pass it around. [LB667]

SENATOR BRASCH: Can Jonathan pass it around? [LB667]

SENATOR DUBAS: Well, thank you, Mr. Jones. Are there questions? [LB667]

JOE JONES: Any questions? [LB667]

SENATOR DUBAS: Senator Smith. [LB667]

SENATOR SMITH: Yes, thank you, Madam Chair. Mr. Jones, so I guess I'm probably

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going to be able to see here as it comes around, but is there any way that the lights could be modified so that the color is different or is not displayed directly in front to accommodate the law, or is that...maybe by seeing it, I can understand. [LB667]

JOE JONES: Well... [LB667]

SENATOR SMITH: Oh, I see. [LB667]

JOE JONES: Now you mean when the red gets in front of it. That would... [LB667]

SENATOR SMITH: Yeah, because the law specifies red or green lights visible from directly in front of the bike. [LB667]

JOE JONES: Yeah, that's what it saying about the green lights being on the front. But my question would be, what harm is it if they're on the front? What is it going to do? Is it...by having a green light on the front of that motorcycle, is it going to confuse someone and make them have a wreck or not be able to operate their vehicle? Is it going to hinder them from operating their vehicle? Is it going to hinder them or have them hit me? And to my ability, it's not. So what's the use of having it there if it's not serving a purpose? [LB667]

SENATOR SMITH: Yeah, I tend to agree with you with the green, so maybe we can get some clarification as to why do they call out green lights, but red...I tend to probably understand that. [LB667]

JOE JONES: Now the blue lights, and you see it's got blue on there. Now what I was told, blue is, well, because of the cops have blue lights. And they do have a blue light, but this is an LED light; it's different than the light that the police have on it. The police light is like about maybe three or three and a half inches round. This here is only like a quarter of an inch or at the most three-quarters of an inch. So that take away from anyone saying, well, I think that's a...he going to be impersonating a cop with those lights on there; no, you're not going to do that. [LB667]

SENATOR SMITH: And the lights are not flashing? [LB667]

JOE JONES: No, it's not. Now there are people that...and I do have some on there that flash, but you got a switch there you can make them flash. But it's not flash...even if they were flashing, it wouldn't be flashing in the same sense as a police bike because that's a round light on there and theirs is going a different direction from this here. This is much smaller here. [LB667]

SENATOR SMITH: All right, thank you. [LB667]

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JOE JONES: Thank you. [LB667]

SENATOR DUBAS: Other questions? Mr. Jones, I would assume that this is kind of a part of a custom package that you can get for your bike, is that correct? Or is it something you do yourself? [LB667]

JOE JONES: Yeah, yeah. Well, 75 percent of mine that's on here, I put it on there. And the reason why I put it on there is because it's cheaper. It's \$70 an hour, you know, to have it on there. Well, I got \$16,000 worth of accessory on that bike, and you go to have somebody...now when I bought it, a lot of it did come on there because that came in the package, but I added a lot of the other lights on there myself. [LB667]

SENATOR DUBAS: Okay. So, looking at the picture that you circulated, it looks like you have red, green... [LB667]

JOE JONES: Yeah. I have the red, blue, green and orange. [LB667]

SENATOR DUBAS: Okay. And then these lights are on...when you turn your lights on, all of those lights come on and stay on all the time, or do you have the option of shutting them off? [LB667]

JOE JONES: I have the option of cutting them off because... [LB667]

SENATOR DUBAS: Okay. [LB667]

JOE JONES: When the trooper and I...he didn't pulled me over, he just gave me a warning. I said, well, I can cut them off and I did, I just shut them off. [LB667]

SENATOR DUBAS: All right. Thank you. Any other questions? Seeing none, thank you very much for coming forward today, appreciate it. [LB667]

JOE JONES: Thank you. [LB667]

SENATOR DUBAS: (Exhibit 2) Any other proponents for LB667? Do we have opposition? I do have a letter of opposition from the Police Chiefs Association of Nebraska opposing LB667. Anyone in the neutral? Senator Krist. Senator Krist waives his closing. That will close the hearing on LB667. And we will move on to LB756, Senator Smith. [LB667]

SENATOR SMITH: (Exhibit 3) Good afternoon, Senator Dubas and members of the Transportation and Telecommunications Committee. For the record, my name is Jim Smith, J-i-m S-m-i-t-h, and I represent the 14th Legislative District in Sarpy County. I am here today to introduce LB756. LB756 would define electric-assist bicycles. An

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electric-assist bicycle is not a Moped and it is not a motor scooter; it is simply a standard pedal bike that has a small motor to assist with propulsion. I actually have one of these bikes in my office and I know a couple of you stopped by my office before the committee meeting began and took a look at that. And I invite the remainder of you to drop by as well, as well as anyone who may be behind me that has an interest in that bike. Under LB756, an electric-assist bicycle is defined as a bicycle that has two or three wheels, fully operative pedals for propulsion by human power, an electric motor with a capacity of 750 watts or less which produces one brake horsepower or less and has a maximum speed of 20 miles per hour on ground level. Relative to what a normal bicycle speed is, I asked Senator Ashford, who I know likes to ride his bicycle, he said about 12 to 15 miles per hour is a typical speed for a bicycle. But then, I think, Senator Seiler said that he has someone that he knows that rides as much as 40 to 45 miles per hour on their bicycle. So 20 miles per hour is not that fast relative to a regular bicycle. This definition is based off of Iowa's law and is nearly identical to the federal definition of electric-assist bicycle. I introduced LB756 on behalf of a constituent who I would label as one of the state's experts on electric transportation. Bill Moore was behind the passage of LB289 in 2011. You may recall that bill which authorized the use of low-speed vehicles on certain roads. Mr. Moore will be following me today in his testimony and I would ask that you direct your more technical questions on the bike's detail to him. While LB...well, let me...let's get to the point here. Why is LB756 needed? These bikes are growing in popularity across the country. And as Mr. Moore explained to me, these bikes are particularly useful for individuals with joint problems, and they're popular among older riders. It gives them the extra push they need to get up the hills or to keep up with other riders. While electric-assist bikes are not prevalent in Nebraska yet, I do believe it's important to clarify that these devices are, in fact, bikes. They should be allowed on bike paths and in bike lanes, and they should be subject to the same Rules of the Road as the traditional bike. Without this bill, and under our current statutes, these bikes fall somewhere in definition between a Moped and a motor vehicle, both of which are subject to more prohibitive requirements including a licensing and helmets. In addition, our current laws are not aligned with federal allowances of electric bikes on federally-funded bike trails. Under federal law, electric bikes are permitted on paths where federal funds have been used in construction, unless specifically prohibited by state or local regulations. With an ageing population that tends to be more active and health conscious, and with more and more people looking for alternative methods of transportation, I anticipate these bikes will continue to increase in popularity. It would be a good idea for Nebraska to be ahead of the curve and have something on its books as well. I would encourage you to advance LB756. I would also encourage you to stop by my office after the hearing and see one of these bicycles for yourself. And I'm willing to take any questions. [LB756]

SENATOR DUBAS: Thank you, Senator Smith. Are there questions? Seeing none, thank you. Can I have a show of hands how many people plan on testifying in any capacity on LB756? Thank you. We'll begin with proponents. [LB756]

BILL MOORE: Thank you, Madam Chairperson and committee, and particularly Senator Smith, thank you; quite eloquently done, and I appreciate it. My name is Bill Moore, B-i-l-l M-o-o-r-e. I'm the publisher of [EV World.COM](http://EVWorld.COM). We're the longest-running Internet publication devoted to global electric vehicle development. I grew up in Nebraska and I've raised my family here. I'm a 30-year resident of Papillion, and I'm here to express my support for LB756. For the last 16 years, I have covered technologies, policies, and people who have made possible many of the vehicles that you see on the road today, and perhaps some of you may even drive: the Toyota Prius, the Honda Insight, the Nissan LEAF, the Tesla Model S. At the other end of the spectrum, we also cover an entirely different class and scale of vehicles. These are two- and three-wheeled variety, what we refer to as e-bikes, or electric-assist bicycles. It is these vehicles that are, of course, the focus of LB756. Earlier this week, I took the liberty, and I hope you don't mind, of sending you out an e-mail that had photographs and sort of a description of the vehicles, and I think some of those were just passed around to you to show you what we're talking about. This is a relatively new technology and one that many are not entirely familiar with, so I wanted you to at least get a sense of what it is we're talking about here. Also, as Senator Smith has pointed out, I have brought down one of the University of Nebraska at Omaha's electric-assist bicycles; it's over in his office and I certainly encourage you to take a look at it if you haven't seen it yet. I also will submit, as part of my testimony here, a longer version of this that considers some of the factors, as Senator Smith pointed out, that are driving the growth of electric vehicles worldwide. There are...in China they manufacture about 30 million of these a year. In Europe, it's up to about a million a year. Last year in the United States it was about 159,000. So it...but it is a growing market. In the brief time that I have, I want to focus on one aspect of e-bikes that you may not be familiar with, and may, in fact, might somewhat counter intuitive. Contrary to what you might expect, the electric-assist bicycles do offer important health benefits. This is because e-bike systems are designed to aid the rider and not replace the rider. And I think that's an important distinction. Mopeds, motorcycles, motor scooters, that class of vehicles, the motor is intended to replace the rider. In the case of an e-bike, it's meant to aid the rider. Tests conducted a decade ago at Monash University in Australia demonstrated that not only do e-bikes offer levels of cardio stress comparable to a manual bike, but Professor Rose and his team who conducted this study found that the stress levels of a rider riding a manual bicycle, in fact, actually exceed what is now considered the ideal stress range for that person. And they found that, in fact, when they put the same rider on the same five-mile...or five-kilometer course, that the exercise level was much closer to what physiologists consider preferable for development of the cardiovascular system. So it does have that benefit. Now while stressing the...a person's heart above what is considered the sort of ideal stress range might be fine for a college student and maybe even desirable, for someone my age, not so much. I'd much prefer to have my development more closely monitored and managed. Similar tests were also validated, Monash University studies, these studies were conducted in Europe. Riding e-bikes, say the Swiss and Dutch, is

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good for you. In fact, the Dutch who ride bicycles, more than anyone else on the planet, on a daily basis found that retirees 65 years and older riding bicycles are now able to ride as many kilometers per week as younger riders. And that average, by the way, is 30 kilometers per week, or 18 miles by bicycle per week. For somebody over 65, I think, is remarkable testimony. Previously, before they rode electric bikes, the retirees were riding, typically, half that amount of distance. If we're looking for a way to extend the quality of life of an aging population while reducing healthcare costs along with pollution and traffic congestion, I believe LB756 is a good place to start. Thank you, and I'd be happy to take any questions you might have. [LB756]

SENATOR DUBAS: Thank you very much, Mr. Moore. Are there questions? I guess...you kind of went into this, the difference between this bike and like a moped or a motorized vehicle, so you're still pedaling this bike? [LB756]

BILL MOORE: Yes. [LB756]

SENATOR DUBAS: If you would stop pedaling, what would happen? [LB756]

BILL MOORE: If you stop pedalling, the bike stops moving. There is, however, and I make a caveat to that, there is...in Europe, for example, the bikes are required to be pedaled continuously in order to receive assistance. So if I stop pedaling, I'm going to get no assistance from the motor. That is called a pedal-assist system. Where on this bike, it's a little...you throw the switch into what's called the pass side. So as you pedal, there are sensors that note on coming to a hill the cadence is different, the amount of torque that is being applied is different. I'm going to turn the motor on and give them the assistance they need. There is also another setting, and this is something that we Americans, for whatever reason, we like to have that ability to just take a break and let the motor operate us. As was pointed out by Senator Smith, federal law requires that that motor, however, cut out at 20 miles an hour and in fact, most the manufacturers actually have the electronic set to where it cuts out at 19.5 miles an hour. So there are those differences. The bike that I personally ride, which is an older model, does not have that dual capability. So I can physically just sit there and let it propel me. My personal preference is that I pedal continually with it because the whole point of riding a bike, obviously, is for the exercise that I get. But there are times because of my age when my knees just say, that's enough, Bill, take a rest for half a block and then you can go back to it. So we have that capability and I think that's what the designers were figuring because these bikes were really intended more for my generation than the younger generation. But I think they understand that, that people do need a little bit of a break every now and then and they give them that capability. Europeans are a little bit stricter on that. [LB756]

SENATOR DUBAS: How long will a charge hold on this? [LB756]

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BILL MOORE: Charge, well, it depends the terrain, it depends on the size of the battery pack, depends on the weight of the rider. What we normally tell people is typically you can get anywhere from about 20 to 25 miles out of one of the battery packs. If it's lithium, it's 20, 25; if it's the older lead model, which some of the cheaper bikes have that you can pick up like at a Walmart or something, those are typically going to be, maybe, 10, 12 miles. [LB756]

SENATOR DUBAS: What would happen if we didn't pass this legislation? Would you be told you can't ride the bikes? [LB756]

BILL MOORE: Well, I think, you know, it comes down to enforcement issue. I've ridden my bike for 12 years now; I've never, ever had a problem. I haven't had an officer stop me and question me, or unfortunately, like the gentleman before, you know, with the lights on his motorcycle, you know, Patrolman hasn't pulled me over and said, what are you doing riding that bike? So I don't think, necessarily, that it would cause any significant problems at this point. But the law does specifically say that if I want to be able to ride this bike on bike paths, you will notice that, in fact, I was just out touring the NCEE lab out in north Omaha before coming here and there's a bike path right next to it and as I'm pulling back out, I look at the sign and the sign very clearly says: no motorized vehicles allowed. And so if, you know, the law wants to get very, you know, difficult about it, they could, in fact, say, no, you cannot ride this bicycle on those paths. The critical thing here that why I would like to see this passed and have it understood that by this type of bike is accessible on those...or has access to those bikes, is because for many early riders and older riders like myself, we are very uncomfortable wanting to ride in traffic. We don't have a lot of marked-off bike lanes in our communities. Omaha is starting to get some; I think Lincoln has them here. But many riders, and particularly women and older riders, just very uncomfortable riding a bicycle in mixed-traffic conditions. Younger riders, and men in particular, you know, less so. So what I'm wanting to do is see we open up that network for people to get out, be able to ride those bikes, and do so safely. [LB756]

SENATOR DUBAS: Looking at the pictures that were handed out, it doesn't look like it would be real obvious that there was some kind of motorization on these bikes. [LB756]

BILL MOORE: That's, in fact, where the industry is going. If I had brought my bike, personal bike down, it's very obvious it's different. It's older technology; the motor is larger; the battery pack is organized a little differently. It's obvious that it's not a conventional bicycle. But the industry recognizes that people are more comfortable with riding something that looks more like a traditional bicycle. And so you're seeing...and the technology is progressing to where the motors are getting much smaller now. In fact, one of the senators, I think...I think it was Senator Hadley came in and looked at it and said, where's the motor? So that's the goal is to make these things look as much like a bicycle as possible; also to reduce the weight, because my bike weighs pretty

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close to 60 pounds, which is about three times what a normal bicycle will weigh. So they're wanting to get the weight down because that requires then less energy as well and they become more efficient. [LB756]

SENATOR DUBAS: Very good. Thank you. Other questions? Senator Brasch. [LB756]

SENATOR BRASCH: Thank you, Madam Chairman, and, thank you, Mr. Moore, for bringing... [LB756]

BILL MOORE: Yes, ma'am. [LB756]

SENATOR BRASCH: ...this forward. What is the maximum speed these...is it...? [LB756]

BILL MOORE: Twenty miles an hour. [LB756]

SENATOR BRASCH: Twenty miles an hour. [LB756]

BILL MOORE: Yeah. Now you can ride them faster, but that's...the motor will not give you that assistance. You're going to have to provide the rest of it like whoever the gentlemen was that can do 45. I don't know how he does it; that's an awful lot of work. But no, it is designed to cut out at 20 miles an hour. [LB756]

SENATOR BRASCH: And I guess what I'm curious about is it doesn't require any type of special insurance, or...what is the value of these? [LB756]

BILL MOORE: Typically, the value of these bikes, the lower-end bikes, for example, like the one that's over in the office, runs about \$600. [LB756]

SENATOR BRASCH: Okay. [LB756]

BILL MOORE: And then they can go...it's like...you can go into, you know, a custom bicycle shop and you can trick out a really good road bike or mountain bike for several thousands of dollars. So high end of these bikes is up around \$7,000. But again, those are very high-end, high-tech, custom-built bikes. The ballpark figure that I like to quote people is anywhere from about \$1,500 to \$3,000 is what they run. [LB756]

SENATOR BRASCH: Very nice. I think it's a good concept. And what you're doing at this point is just sorting it out from being a motor vehicle and just... [LB756]

BILL MOORE: Exactly. [LB756]

SENATOR BRASCH: ...taking it out of that. [LB756]

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BILL MOORE: Yeah, there are...I think it's something like 38 states, something like that, have these laws on the books that allow them. I'd like, of course, Nebraska to be one of them. There are some states that are still tussling with the definition of these. And that's caused some problems for people wanting to ride, particularly New York State and New York City has some issues. I just want to see us, you know, avoid any of those potential problems. [LB756]

SENATOR BRASCH: So a person could use this if they are not a licensed driver? [LB756]

BILL MOORE: Exactly. It's just like a regular bicycle. Yeah. [LB756]

SENATOR BRASCH: Very good. I have no other questions. Thank you. [LB756]

BILL MOORE: Okay. [LB756]

SENATOR DUBAS: Any other questions? Seeing none, thank you very much, Mr. Moore, for coming forward today. [LB756]

BILL MOORE: All right, thank you. [LB756]

SENATOR DUBAS: Next proponent for LB756. Welcome. [LB756]

DAVID CARY: (Exhibit 4) Good afternoon. My name is David Cary, C-a-r-y. I'm the long-range planning manager at the Lincoln-Lancaster County Planning Department and I'm here on behalf of the city of Lincoln. Electric bikes, or e-bikes, is a growing part of the bicycle market in Lincoln, across the United States and worldwide. E-bikes are already using Lincoln streets and trails today and will become an increasingly common sight over the next few years. E-bikes have many benefits including being an attractive alternative for individuals with mild physical ailments and are not able to handle the regular exertion of a standard bicycle. Also, some of e-bikes' main users are those looking for an alternative to driving for daily trip needs and commuting. As a result, e-bikes can be expected to be an increasingly important part of the transportation system in Lincoln and throughout Nebraska. This proposed legislation will help clear up a gray area for the definition of e-bikes in Nebraska. Currently, there is no separate category or definition at the state or local levels for e-bikes. Federal law does allow e-bikes to be ridden on shared-use paths and trail if they are permitted by state and local laws. Neither Lincoln nor the state of Nebraska has laws forbidding their use. With this state legislation becoming law, Lincoln and other local governments could pass related ordinances permitting e-bikes use on shared paths and trails and be in concert with state and federal law. It should be noted, and it already has been, that the use of the federal definition for e-bikes is important because it limits the size and speed of

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these bikes on...which helps address potential safety issues on shared-use paths and trails. Generally, the federal definition states that an e-bike is a bike weighing less than 100 pounds and with the top motor powered speed of not in excess of 20 miles per hour. Using the federal definition will also provide consistency for e-bike use on federally funded trail and on-street bicycle facilities. If you have any questions, I'm happy to try to answer them. [LB756]

SENATOR DUBAS: Thank you very much, Mr. Cary. Are there questions? Senator Brasch. [LB756]

SENATOR BRASCH: Thank you, Madam Chairman. And thank you for coming forward with this bill. You're with the Lancaster County planning division and... [LB756]

DAVID CARY: Correct. [LB756]

SENATOR BRASCH: ...do you see expansion possibilities moving forward...more bike trails, more rent-a-bike options and things like that? [LB756]

DAVID CARY: Yeah, we have a long-range plan that is in the near-term being implemented, you know, piece by piece. So our trail system continues to be expanded and maintained. We also have plans for more on-street facilities as well: bike lanes, protected bikeways. So we have the system is being built...has been built for a couple of decades now, will continue to be built with the hope that more and more users will come forward. And this is one of those pieces of the puzzle of trying to get more people out there and biking. [LB756]

SENATOR BRASCH: Now I happen to had public television on and a travel channel was on one Saturday morning. And Quebec, I don't know if you get information, but the city is completely connected with bicycles, bicycle paths, and they did have where you can go rent a bike and move... [LB756]

DAVID CARY: Sure. [LB756]

SENATOR BRASCH: ...along and commute. They were using it for commuters, for tourists, for...you know, it was very, very interesting and quite amazing that they built a city transportation system around something like that. [LB756]

DAVID CARY: Yeah. There are bike-share programs... [LB756]

SENATOR BRASCH: Bike share, um-hum. [LB756]

DAVID CARY: ...in quite a few different cities. There is some discussion locally with the university, as well as locally here in the city of Lincoln with the possibility of a bike-share

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program. That's not funded yet; it's not off the ground yet, but it is being discussed. But it's something...it's another part of that, trying to make sure that they're available, especially for visitors to a city that want to get around the city by bike that way. [LB756]

SENATOR BRASCH: Sure. I'm pleased to see you're looking forward in that direction. Thank you for your testimony. [LB756]

SENATOR DUBAS: Other questions? Seeing none, thank you very much. [LB756]

DAVID CARY: Thank you. [LB756]

SENATOR DUBAS: I'd also like to recognize Senator Charlie Janssen who has joined us. [LB756]

PEGGY ADAIR: (Exhibit 5) Good afternoon, Senator Dubas and members of the committee. For the record, my name is Peggy Adair, A-d-a-i-r, and I am testifying in support of LB756 which will align Nebraska statutes with the Federal Electric Bicycle Law, HR727. LB756 makes it clear that an electric-assist bicycle is indeed a "bicycle" that one can legally ride on bike-hike trails, roadways, and most sidewalks. This bill is proactive in clarifying up front the legal parameters for what I hope will be a huge influx of electric-assist bicycles and bike riders in Nebraska. I have had an electric-assist bicycle for two years and I have logged close to 2,000 miles. I ride my bike on the hike-bike trails in Omaha, and on neighborhood streets, and on the sidewalks that run adjacent to major thoroughfares. I ride my bike to the bank, the pet store, the book store, the mall, and other ordinary destinations on my errand list. I do not ride on high-traffic, high-speed streets because I do not have a death wish. Electric bicycles are an excellent transportation alternative to gas-guzzling motor vehicles. They do not pollute the air; they are quiet; they don't take up parking spaces; they provide exercise, but they do not exhaust the rider. They are safe, and they can easily haul 80 pounds of groceries or a 12-pack of beer. I don't know how I know that, I just know. (Laughter) Electric bicycles are a common means of transportation in China and Europe, but they're still an oddity in Nebraska. And I can see everybody's blank stares that you don't know a whole lot about electric bicycles, so I'm just really delighted that you are paying attention today. They're an oddity; people don't know what to think of these hybrids. So I carry in my bike bag the federal law that defines electric bicycles and also the Nebraska state laws that define where bicycles can legally be ridden just in case. I have never been stopped by a law enforcement officer, but I have been yelled at by a driver of a pickup truck who told me to get off the street and on the sidewalk. And I've been yelled at by an old man walking his dog who told me to get off the sidewalk and on the street. They're both wrong. And I told the old man so, but I am smart enough not to exchange words with a driver of a 2,000-pound vehicle when my own means of transportation is a 60-pound bicycle. This bill is clean, clear, useful and short. I thank Senator Smith for bringing this bill to the attention of the Legislature and I hope this committee sees fit to

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move LB756 to General File. On page 2--this is show-and-tell day--on page 2, I have a couple of photos of my bicycle. And I would be happy to entertain any questions about my bike or my testimony. [LB756]

SENATOR DUBAS: Thank you very much, Ms. Adair, for coming forward. Are there questions? We appreciate your testimony, as well as the pictures; that helps very much. Thank you. [LB756]

PEGGY ADAIR: Thanks. [LB756]

SENATOR DUBAS: Further proponents for LB756. Welcome. [LB756]

BARB FRASER: Hi. Good afternoon, I'm Barb Fraser, chair of the Lincoln Pedestrian and Bicycle Advisory Committee, or PBAC. A policy sub... [LB756]

SENATOR DUBAS: Excuse me, Barb. Could I have you spell your name, please? [LB756]

BARB FRASER: Sorry. Spell my name, sorry, got wound up here. It's Barb, B-a-r-b, Fraser, F-r-a-s-e-r. [LB756]

SENATOR DUBAS: Thank you. [LB756]

BARB FRASER: (Exhibit 6) I'm here today representing the Lincoln Pedestrian and Bicycle Advisory Committee or PBAC. We have a policy subcommittee of the PBAC that met and discussed the issue of electric bikes in the past year. Electric-assist bicycles offer green technology and benefit trail visitors with disabilities and mobility restrictions. It's an appealing alternative on Nebraska days, unlike today, when the temperature and the humidity levels are both 85. As others have or will state, there appears to be a need to clarify the definition of these bikes and where they may be ridden. As stated in a January 14 letter sent to the mayor from the PBAC: It is the opinion of the Pedestrian and Bicycle Advisory Committee creating a definition of e-bikes at the state level is the first necessary action. The federal government currently has a definition for e-bikes, which has been largely adopted by many states. The PBAC recommends that the city encourage and support legislation on the state level which defines an e-bike following the federal precedent. As such, the PBAC supports this clarifying legislation. I might add my personal opinion. After having major ankle reconstruction surgery, I thought e-bikes looked really good; so far I haven't needed one, but I would love to have that opportunity to be able to use one on trails. And I know there's a concern about speeds. You can easily see a regular cyclist going 20 or more miles per hour on trails. So I wouldn't see that these, just by the speeds that they can muster, if you will, pose a bigger danger than a regular bike. That's my opinion, but anyways. Thank you. [LB756]

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SENATOR DUBAS: (Exhibits 7, 8, and 9) Thank you. Are there questions for Ms. Fraser? Seeing none, thank you so much for coming forward. Further testimony in support of LB756. We do have two letters of support for LB756. One from the Nemaha Natural Resources District; and the second one from the Sierra Club. We'll move to opposition testimony for LB756. I do have one letter of opposition for LB756 from the Police Chiefs Association of Nebraska. Is there anyone in the neutral? Seeing none, Senator Smith, would you like to close? [LB756]

SENATOR SMITH: Yes, thank you, Senator Dubas and committee members, for your questions on this bill. I just wanted to thank those that came behind me and spoke in support of the bill. And I think we're very fortunate to have Bill Moore and he and his magazine's expertise participate in the discussion. I appreciate that very much. Just to summarize: you can see from the photos that we distributed, it would be very difficult for someone to casually identify this as an electric-assist bicycle. It looks like a regular bicycle. We simply want to stay within the law for using the bicycles on trails and other areas where bicycles are used. This legislation supports an active and healthy lifestyle. And this law also supports options for alternative means of transportation, which is gaining benefit in urban areas. Once again, I invite you to come over to my office and take a look at that bicycle. Bicycles are prohibited in the Capitol and I did receive special permission to have one in my office. That's the reason it's over in my office. But do come by and take a look at that. And I ask you for your support of LB756. Thank you. [LB756]

SENATOR DUBAS: Thank you so much. Are there any other questions for Senator Smith? Seeing none, thank you. That will close the hearing on LB756. And that will open the hearing on LB847, Senator Hadley. And I would also like to recognize Senator Beau McCoy has joined us. [LB756]

SENATOR HADLEY: Chairperson Dubas, members of the committee, my name is Galen Hadley, that's G-a-l-e-n H-a-d-l-e-y. I represent the 37th District in the Legislature. And to use the tactic that Senator Chambers often uses on the floor, I'm going to start out by talking about the Bible. I feel like I'm Lazarus. You remember the story of Lazarus rising from the dead? This bill was given to this committee last year and they killed it the day I was absent. And so I'm going to raise this bill from the dead. (Laughter) Actually it is LB847. I was being a little facetious. I have introduced LB847 at the request of the city of Lincoln and other Lincoln municipalities. Accident reports produced by law enforcement officers are considered public records under Nebraska state law. Those that are given by individuals are not considered public records. It has been common for state and local agencies to charge a flat fee for these purposes. It is, basically, making a photocopy and doing the work involved in that and giving it to a person to come in. Fees range from the \$15 charged by the Department of Roads. And just so you should know, I want to repeat that; \$15 by the Department of Roads, and they feel their actual cost is higher than \$15 to do this...to do the accident report. Cities

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have charged \$3 by cities such as Norfolk and Wahoo. After the Legislature amended the open records law last year, Senator Avery's bill, state statute does not allow public agencies to charge for such reports. They cannot use a flat fee. Our open records law just allows agencies to charge for copies and the actual cost to the custodian to make the records available to the requesters. In the past, public agencies have relied on that statute to establish and publish a flat rate so that the public could rely on a consistent and standard fee for a public record which is regularly requested by members of the public as well as insurance companies and attorneys involved in litigation resulting from motor vehicle accidents. In essence, what we have done, we still allow the Nebraska Department of Roads to charge a flat fee at the state level. But we have told now cities that they can no longer do this; that they have to comply with the open records law. We have basically passed an unfunded mandate, again, down to the cities. And I think we will hear testimony this is...and you saw the fiscal note, this is about \$114,000 a year to the city of Lincoln; that's two police officers that could be out on the street. The legislation has two purposes. The first is to establish the statutory basis for widespread and regional practice. Last year's changes to our public records law placed in doubt the ability of municipalities and other public agencies to charge any fees for this commonly-requested public record. It makes sense to codify this practice so there is not unnecessary controversy as to whether the fee charged is the actual cost under the open records law. Secondly, the bill places a reasonable cap on the fee that could be charged for actual reports. LB847 involves the accident report fee which has been charged to the state for State Patrol reports. Several audits performed on the Nebraska Department of Roads have found that the \$15 fee is actually below their cost for producing the reports. Setting this cap will allow cities, counties, and state agencies to recover some of their costs while preventing them from looking at this commonly-requested public record as a profit center. I'm introducing LB847 so the cities and the state of Nebraska can continue their past practice of charging a flat fee for accident reports while requiring that it must be a reasonable fee. Thank you. I'd be happy to answer any questions. [LB847]

SENATOR DUBAS: Thank you, Senator Hadley. Are there questions? Seeing none, thank you. Can I have a show of hands for those planning on testifying today in any capacity. Very good. All right. We will begin with proponents for LB847. [LB847]

TOM CASADY: (Exhibit 10) Good afternoon, Senators. My name is Tom Casady, C-a-s-a-d-y; I'm the public safety director for the city of Lincoln. During the past several years, like many cities in Nebraska, Lincoln has faced some budget challenges as a result of relatively flat tax revenues. And our mayor has introduced outcome-based budgeting to our process. In this process, every city program is evaluated in terms of the contribution that it makes to the city's overarching goals. And each of these programs is assigned to one of three tiers. The highest-tiered programs are prioritized in our budget, while the lowest-tier programs are considered for potential cuts, and we don't make these decisions independently; we do it in consultation with our citizens who

participate in surveys and focus groups and forums to help us prioritize our programs. In recent years, this process has led to many service reductions here in Lincoln, including such things as eliminating the position of city forester, reducing some of our hours at our recreation facilities and our libraries. The police department has not been immune from these. For example, we've privatized our parking enforcement program; eliminated the citizen police academy; reduced school resource officers, removed them entirely from elementary schools and middle schools. During each of the past three budget cycles of the city, one of the cuts that's been considered was the police investigation of minor traffic accidents that don't result in injuries. This function has been consistently rated in the bottom tier of city services. And we believe the investigation of these kinds of accidents is primarily a service that help citizens and insurance companies in settling insurance claims, but that its contribution to public safety is relatively small. Eliminating this service would allow us to save about \$150,000 annually by reducing the number of police officers. That's about the amount of time that we spend on these investigations. This proposed cut was one of several that the mayor presented in his proposed biennial budget in the summer of 2012, but during the budget deliberations we heard some mixed opinions from our elected officials on the city council and from the general public on this. My impression was that people realized that even though it may be a fairly low priority in terms of public safety, that this is a valuable police service and it certainly helps to resolve matters when fault in a minor traffic accident is in dispute. Several citizens and some of our city council members asked if the service could be retained with a fee. And after some consideration and some research on my part, including consultation with our insurance industry, we decided that we could offset the cost of the police investigation of these crashes, in part, by establishing a \$15 fee for each copy of the officer's investigative report. Many Nebraska cities, at the time, were already charging such a fee. My research showed that those ranged from \$5 to \$15. As Senator Hadley pointed out, the state of Nebraska Department of Roads was charging \$15, so we chose \$15 because we thought that was a logical place to land. And we rejected that that fee would, basically, offset the lion's share of the budget cost of the officers' time investigating those traffic accidents and preparing those reports. As a result of this change, we were able to avoid reducing the number of police officers in fiscal year 2012 and 2013. But this is all changed now since LB363 passed last year and eliminated our ability to charge that fee. When that law went into effect, we had to drop the fee. We haven't realized the revenue that we projected in our biennial budget, and now we're preparing our next biennial budget. And once again, we'll be considering this as a potential service cut. LB834,(sic) if passed, would solve this problem and it would clearly authorize us to...and other law enforcement agencies to charge a fee of up to \$15. If we were able to reinstate this fee, no one would need to buy a traffic crash report unless they wished to do so. These reports could still be inspected at police headquarters at no cost. We're not alone in making decisions like this. I happened to notice an article in the Las Vegas Sun yesterday about Las Vegas doing the same thing that Lincoln was considering back in 2012. And I included that, it's the last page of my testimony. I'd be happy to answer any questions. [LB847]

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SENATOR DUBAS: Thank you, Mr. Casady. Are there questions? Senator Watermeier. [LB847]

SENATOR WATERMEIER: Thank you, Chairman. Mr. Casady, I'm confused a little bit on your testimony...I'm confused a little on your testimony when you said that you could still come into the office and view them with no cost. [LB847]

TOM CASADY: Correct. [LB847]

SENATOR WATERMEIER: Are they on the Web site? [LB847]

TOM CASADY: They are, but we wouldn't be able to allow them to be viewed on the Web site. We'd still need to charge a fee for a copy, because anything you could view on the Internet, of course, you can print as well. [LB847]

SENATOR WATERMEIER: Right. [LB847]

TOM CASADY: So if we made it available to view on the Internet without a fee, we would effectively be negating the fee. [LB847]

SENATOR WATERMEIER: Exactly, so I didn't...well, back up and explain to me what you just said then. You said you could do it...they could come into the office and look at them for nothing. [LB847]

TOM CASADY: Correct. [LB847]

SENATOR WATERMEIER: If they wanted a copy, they'd be charged \$15. [LB847]

TOM CASADY: That's correct. [LB847]

SENATOR WATERMEIER: And that's different than looking on the Web site? [LB847]

TOM CASADY: No, we would...we were...for a full year, we were charging people to access an accident report on the Web. [LB847]

SENATOR WATERMEIER: Right. Okay. [LB847]

TOM CASADY: So you could print it yourself if you wanted to do that, or you could come in and obtain a copy or mail in and get a copy. [LB847]

SENATOR WATERMEIER: Right. Well, it leads me to my next question then. Where is the cost of the report? Is it in producing it on-site the day it is made, or is the cost

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producing the copy when they come in and get it? I always thought the biggest cost was actually producing the copy, the report. [LB847]

TOM CASADY: Well, the real cost is the work of the police officer in preparing the report. [LB847]

SENATOR WATERMEIER: Exactly, and that's what I'm getting at. Right. [LB847]

TOM CASADY: It takes on average about a half hour. [LB847]

SENATOR WATERMEIER: Right. Right, okay. I remember this discussion last year. So I want to make sure that it's still in the Web site and not...I follow where you're going. [LB847]

TOM CASADY: It's a long complicated report and officers have to do things they would not otherwise do; take measurements, interview witnesses, and so forth in order to produce that. So it's...the cost is in personnel. [LB847]

SENATOR WATERMEIER: Yeah. [LB847]

SENATOR DUBAS: Other questions? Senator Brasch. [LB847]

SENATOR BRASCH: Thank you, Madam Chairman. And thank you for your testimony today. These reports are public information, correct? [LB847]

TOM CASADY: Yes, they are. [LB847]

SENATOR BRASCH: And so you're intentionally not posting them on your Web site so people cannot get them for free. Is that what I heard just here in this dialogue is that you want people to come buy them from you? [LB847]

TOM CASADY: No, actually we'd rather people...we are posting them for people to obtain for free on our Web site. [LB847]

SENATOR BRASCH: Oh, you are. Okay, I misunderstood. [LB847]

TOM CASADY: Yes. [LB847]

SENATOR BRASCH: So they could get them for free on-line at a public library or somewhere, but what you're trying to avoid is the time it takes for somebody to come into your office and for a staff person to print them out. [LB847]

TOM CASADY: No, what we're really trying to do is we're trying to recoup some of the

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costs that we incur in creating these reports in the first place. So if this bill passes, we'll go back to what we were doing for the year that preceded LB363, we'll be charging \$15 to obtain a copy of the report whether you do it in your living room on the Internet or whether you do it at the police station, either way. [LB847]

SENATOR BRASCH: And do these reports serve a purpose and a benefit for the police department? [LB847]

TOM CASADY: Very little. We do maintain a record of those accidents apart from the report so we have a dispatch record that tells us where we responded to an accident and what time. So we do use that information a little bit, not very much. The benefit primarily accrues to the drivers and their insurance companies. [LB847]

SENATOR BRASCH: So it's the insurance companies that need the information that is in the report for settlement. [LB847]

TOM CASADY: Yeah. Really two audiences for that. The drivers themselves who are required themselves to submit a report to Department of Roads. [LB847]

SENATOR BRASCH: Okay. [LB847]

TOM CASADY: They use the officer's report as a way of gathering that information conveniently because all the information that they need to complete their required report is also contained in the officer's report. And then insurance companies as well. There is a third smaller audience perhaps, and that's private attorneys. My daughter was involved in an accident, for example, and I received about seven or eight mailings from law firms here in Lincoln that were...that were wishing to become...to represent us in settling the claims. Those were unsolicited, but there is a little bit of an industry in seeking out those accident reports and soliciting business from law firms. [LB847]

SENATOR BRASCH: And in Nebraska we are required to have insurance. So when the public comes in, it is a mandate, it's a law that we have insurance, so the public is at the mercy of the law and the insurance company, and yet we want to charge them for having something that we mandate they do. You know, we mandate that they carry insurance, and insurance wants the fact. I have a real...you know, are we overburdening the public? They pay taxes for the police department and protection and, you know, the dollars are there, but we need that extra money because of the reports. [LB847]

TOM CASADY: Well, as I say, in our case in Lincoln, we were considering...in fact, the mayor had proposed that we simply eliminate the investigation entirely so there wouldn't be any report. And as a way of preserving what a significant number of people thought was still a valuable service, we decided on the best alternative which was to try offset some of the cost by charging the people who were using the service. Obviously, not

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everyone has a traffic crash every year. [LB847]

SENATOR BRASCH: Sure. Absolutely. [LB847]

TOM CASADY: Here in Lincoln we're going to have about 7,000 traffic crashes in a city of 265,404 residents. Not everyone drives, not everyone has a crash. [LB847]

SENATOR BRASCH: Okay. Very interesting. Just one side comment is, I listen to you on the radio when I stay in Lincoln; you have a very good report that you give to the public on a weekly basis or...? [LB847]

TOM CASADY: Thursday mornings. [LB847]

SENATOR BRASCH: Thursday mornings. [LB847]

TOM CASADY: Sometimes from my bicycle. [LB847]

SENATOR BRASCH: I hear that. And sometimes from the park or something like that. So thank you for your work, appreciate it, and the information today. [LB847]

TOM CASADY: Thank you. Thank you, Senator. [LB847]

SENATOR DUBAS: Are there other questions? So what are you able to charge...what are you charging now for these reports ? [LB847]

TOM CASADY: Nothing. [LB847]

SENATOR DUBAS: Nothing. So you aren't even recouping the cost of your paper for the report or anything like that. [LB847]

TOM CASADY: We could probably recoup about 4 cents per page and the cost of trying to do that would vastly exceed the 4 cents. The cost of the toner and paper is all we would be able to recover. [LB847]

SENATOR DUBAS: Any other questions? Seeing none, thank you very much. [LB847]

TOM CASADY: Thank you. [LB847]

LYNN REX: Senator Dubas, members of the committee, my name is Lynn Rex, L-y-n-n, representing the League of Nebraska Municipalities and we appear today in support of this measure. And I would think if for no other reason than equity, it would be important for this committee to advance this bill. If you look at the fiscal note, the Department of Roads, the State Department of Roads charges \$13. And I can't speak for Senator

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Hadley or the city of Lincoln, but I would think we'd rather have \$13 than nothing at all. And so just out the sake of equity, just making it the same...even the same. I think it's really important to understand that the state of Nebraska itself is increasing fees all the time and passing it on to localities. And it is not something extraordinary to have some type of a fee-based service of this nature. So I'd be happy to respond to any questions that you might have. But again, this is on the fiscal note itself with the State Department of Roads, and we would just implore you to at least give us the same courtesy and equity that the State Department of Roads would have. [LB847]

SENATOR DUBAS: Thank you, Ms. Rex. Are there questions? Seeing none, thank you very much. [LB847]

LYNN REX: Thank you very much. [LB847]

SENATOR DUBAS: (Exhibit 11) Next proponent? We do have one letter of support for LB847 from the Omaha Police Department. Opponents? [LB847]

KORBY GILBERTSON: (Exhibit 12) Good afternoon, Madam Chairman, members of the committee. For the record, my name is Korby Gilbertson. It's spelled K-o-r-b-y G-i-l-b-e-r-t-s-o-n, appearing today as a registered lobbyist on behalf of Media of Nebraska, Incorporated. Well, Senator Hadley kind of stole my thunder because I was going to start talking about Groundhog Day because of the bill that was introduced last year. LB624 was introduced last year. Most of you remember the hearing we talked a little bit about the public purpose of having public records. And Media of Nebraska is a group of both print and broadcast media from across the state, but we don't focus on the business aspects of those media outlets but rather open meetings, public records, and the first amendment. So clearly this falls under the public records part. In part of my preparation for the hearing for this year, I went back through the transcript from last year because I think that the city of Lincoln mentioned a few interesting things during their talk about the bill. And Mr. Casady, I think, pretty much gave the same speech that he did last year. So I want to talk about a few of the items that he talked about. In Lincoln, one of the things that was said last year was that the city of Lincoln would consider not doing any accident reports anymore. One thing that was said last year was that instead of providing an accident report, they would keep any material inside the police department as an investigatory item and not release it as a report. I've passed around two copies of different statutes from the state of Nebraska. One that talks about when accident reports are required, so any time a police officer would actually go out and investigate they could not then withhold that and not provide an accident report. They would have to ignore the accident or not do any investigation whatsoever. Number two, they talked a lot about that the main purpose of providing these records was to be able to give them to insurance companies and others interested in the accident reports. I would draw your attention to Section 60-506.01--Report of Accident, forwarding one part to insurance carrier. Insurance companies already under current statute receive a copy

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of this accident report. So to say that the insurance companies are the reason why we would provide this by the city of Lincoln, I think, is somewhat of a fallacy. Finally, I wanted to talk a little bit about the Department of Roads, and they didn't testify today, but they did last year, about how they came to the \$15 figure. Mr. Peters, from the Department of Roads, testified that the State Auditor's Office did an audit of the Department of Roads and determined that the department was not fully recovering its actual cost for the service and sale of the accident reports. I would parenthetically add that I think the State Auditor might want to look at what the open records law...or the public records law requires because in their summary they said that they currently include approximately two-thirds of the time for one accounting clerk, equipment, postage, IT support, and overhead in the cost of...or in their determination of that \$15 charge. I think that that would clearly go beyond what was established in LB383, which I have included a copy of the public records statute for your reference also. The proponents talked about having a fee-based service. And I want all of you to take a moment and think about all of the different reports that you receive or that your committees create each year. And if you were going to then charge the public for the actual cost and time of your employees doing those reports, which are part of their job, then you're going to pass that onto the public for accessing those public records. That, in a sense, is what this bill would propose to do. And Media of Nebraska is very much opposed to that. I'd be happy to try to answer any questions. [LB847]

SENATOR DUBAS: Are there any questions? Senator Smith. [LB847]

SENATOR SMITH: Thank you, Madam Chair. The person that came forward and testified as a proponent, they mentioned that what we're really recovering is just the cost of the law enforcement officers' time. Can you speak to that? [LB847]

KORBY GILBERTSON: That would be strictly prohibited under the public records act. And I think I covered a little bit, the public...I think that we, as a society, have determined that people will be mandated to have insurance, like Senator Brasch talked about, because there's a public interest in making sure that people are insured. I would argue that there's also a public interest in making sure that someone who knows what they're doing is filling out these accident reports, should you have a property damage or injury accident because I just went to the state's Web site and pulled up a copy of the Driver's Motor Vehicle Accident Report which is what the police usually fill out. And I had visions of people who don't really know what they're doing going back out to where the accident was and trying to take measurements and other things that the state lists that you're supposed to put on the report. And I would argue that that probably would be somewhat of a public safety concern. [LB847]

SENATOR SMITH: All right. Thank you. [LB847]

SENATOR DUBAS: Other questions? Senator Brasch. [LB847]

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SENATOR BRASCH: Thank you for coming forward and answering some of the questions that I had raised. What you may or may not know that perhaps Senator Hadley will know is are the police officers using electronics in these reports anymore? [LB847]

KORBY GILBERTSON: I actually...I don't know if they specifically use electronics, but I did get on the city of Lincoln's Web site to look at accident reports. And the one that I found is all digital. I decided not to make copies of it for the entire committee in interest of saving a tree. But I will be happy to leave this with you. But it, obviously, is done electronically. There were other accident reports that I saw on the city's Web site that were done in pen. So I don't know if there's a standard practice or not, but I did make a copy of one of them that was done electronically. And they even had an electronic map...or an electronic diagram that they used for doing that. [LB847]

SENATOR BRASCH: And so it does save quite a bit of time, I believe. I had...I rode along with a State Trooper who was telling the time savings with the transition now electronically, they have a laptop right there in their vehicle. And I did not know if the police department followed suit. [LB847]

KORBY GILBERTSON: And I don't have the answer for that. All I can tell you is that this looks as though it was done digitally. [LB847]

SENATOR BRASCH: But you're saying, regardless law, is we cannot account for time spent. We can only for the copy. [LB847]

KORBY GILBERTSON: You can...the purpose of the public records law and what they say is that you can...what the custodian of the public records, in this case it would be the police department, would be required to calculate the actual expense of providing the copy. So that's not...you can't roll into that a bunch of other things. And it was specifically intended so that public bodies could not use the public records...or public records access as...something as a moneymaker. That's the purpose. [LB847]

SENATOR BRASCH: Okay. Very good. I have no other questions. Thank you. [LB847]

SENATOR DUBAS: Any other questions? Seeing none, thank you very much. [LB847]

KORBY GILBERTSON: Thank you. [LB847]

SENATOR DUBAS: Next opponent. Is there anyone in the neutral? Senator Hadley. [LB847]

SENATOR HADLEY: Senator Dubas, thank you. A question Senator Brasch asked,

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they do...the Department of Roads has a new electronic system that is used that does simplify the accident reporting. But one of the reasons they do this is so that they can look at areas that are having consistent accidents, i.e. Lincoln with its roundabout up on 14th and Superior, to see what they can do to make changes. A couple of things, and this really surprised me, when you go on-line, it's amazing in Lincoln what you can find out about the accident report. And I'm wondering if part of the reason that we might want a fee is, is there a real reason that someone wants to see the accident report, or is it just because they want to see...kind of an interest in it because the information is amazing. There's an accident report, you can tell...you can draw it up, you can print it out; has the driver's license number; has the address; the phone number of everybody involved in the accident. You can go through the list every day and print these off. It has witnesses to the accident; phone number, address of any witnesses to the accident; public record. Anybody can go out, click on Lincoln's Web site right now and get that. You want to find out whether an alcohol testing was done on which of the drivers; what their blood alcohol content was; it's on the accident report. So I don't know whether the charging would cut down the accident report only to those people who truly have an interest in the accident report versus those people who are just curious. The question was made by law offices; one of my...people I know recently had an accident. This is the list of requests they got from lawyers, trial lawyers, with a copy of the accident report attached asking if there were any injuries. What's really interesting, here is an envelope that one of the law firms sent out with everything that they paid...they were willing to pay \$1.61 in postage just to get the letter out. I think it's a common occurrence. And as Mr. Casady said, I did go on-line and looked at the cities that are actually considering not doing this anymore and Las Vegas is one. They're just saying, no, if you have a traffic accident in Las Vegas, it's up to you and the person who is involved in the accident and your insurance companies to wrangle it out. I don't think we want that to happen in Lincoln or in any city in Nebraska. Again, I think it's a reasonable charge. It is a flat fee. It is something that people who are interested, I think, would be willing to pay. One last thing, I asked...I took a survey, very informal survey, and I asked people if they were involved in an...ever been involved in an accident. And a number of them said yes. I said, have you ever been asked or have you ever gone down and asked for an accident report. I haven't had one person yet tell me that they as an individual went down and asked for an accident report. Their standard answer was--my insurance company handles that. So if we're worried about individuals paying for an accident report, I guess I don't know whether a lot of individuals do. As Senator Brasch said, if required insurance...our insurance company is going to be handling it that. With that, I'd be happy to answer any questions. [LB847]

SENATOR DUBAS: Any questions for Senator Hadley? Seeing none, thank you very much, Senator Hadley. [LB847]

SENATOR HADLEY: Thank you. This is the best Transportation Committee, I think, in this Legislature. (Laughter) [LB847]

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SENATOR DUBAS: That closes the hearing on LB847. And we will move on now to LB1071. Senator Lathrop. [LB847]

SENATOR LATHROP: (Exhibit 13) Good afternoon, Madam Chair and members of the Transportation Committee. My name is Steve Lathrop, L-a-t-h-r-o-p; I'm the State Senator from District 12, and I'm here today to introduce LB1071. LB1071 was brought to me by some bicycle enthusiasts at the beginning of the session, and I agreed to introduce the bill in order to begin a discussion on a couple of issues that concerned bicyclists. There are two parts to the bill. The first would require the Department of Roads to establish minimum safety design criteria for the planning and construction of bikeways and roadways where bicycle travel is permitted. The idea behind this is to provide some consistency from city to city when it comes to the development and operation of bikeways or roadways where bicycle travel is permitted. As you can see in the fiscal note, this part of the bill resulted in a significant fiscal impact. And we have a new amendment, which is being passed around, that would take that section out of the bill. The second part of the bill is Section 3 and it would provide certain rights and responsibilities for operating a bicycle on a sidewalk or across a roadway or shoulder on a crosswalk. The bill would require a person operating a bicycle to yield the right-of-way to any pedestrian and give an audible signal when necessary before passing the pedestrian. It would also ban the operating of a bicycle on a sidewalk within a business district, unless permitted by local authority. And the final part of the bill would grant the same rights and duties that are applicable to a pedestrian when on a sidewalk or crosswalk to a person lawfully operating a bicycle. The amendment I referenced earlier will also make some changes to this section. Testifying after me will be several individuals who will go into much greater detail on why these changes should be made, including information on the amendment. Thank you for your consideration of LB1071, and I'd be happy to answer any questions. [LB1071]

SENATOR DUBAS: Thank you, Senator Lathrop. Are there questions? Senator Smith. [LB1071]

SENATOR SMITH: Thank you, Madam Chair. Senator Lathrop, so, basically, what you took from the...took out of the original bill that was submitted was the establishment of a bicycle transportation system? And the... [LB1071]

SENATOR LATHROP: Yes. That would be the requirement that the Department of Roads come up with standards for the bike paths and so forth. [LB1071]

SENATOR SMITH: That was the one that the city, I think the city of Omaha said it would cost them \$30 million, something like that. [LB1071]

SENATOR LATHROP: Yes, amazingly so. [LB1071]

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SENATOR SMITH: Okay. All right, thank you. [LB1071]

SENATOR LATHROP: They could pave a lot of streets with \$30 million. [LB1071]

SENATOR SMITH: Yes, you can electrify a lot of bicycles and...(laughter) [LB1071]

SENATOR LATHROP: You can do a lot with \$30 million. [LB1071]

SENATOR SMITH: You missed an earlier bill. [LB1071]

SENATOR LATHROP: It's unbelievable, it's almost suspicious. But I'm not the conspiracy type. [LB1071]

SENATOR DUBAS: Are there other questions? [LB1071]

SENATOR LATHROP: From my mayor that's my neighbor...former opponent. [LB1071]

SENATOR DUBAS: Seeing none. [LB1071]

SENATOR LATHROP: Okay. Thank you. I'm not going to stick around; I've got...I'm in the middle of something upstairs I got to get back to, if that's all right. [LB1071]

SENATOR DUBAS: Very good, all right, thank you so much. [LB1071]

SENATOR LATHROP: Thank you. And thanks for your consideration. [LB1071]

SENATOR DUBAS: Thank you. Can I have a show of hands of how many people plan on testifying on this bill. Very good. All right, we'll begin with proponents. [LB1071]

THERESA CATALANO: Good afternoon and thank you for listening, Senators and committee members and audience. My name is Theresa Catalano, T-h-e-r-e-s-a C-a-t-a-l-a-n-o, and I'll be talking today about the second part of the bill that guarantees pedestrian rights to cyclists. I'm a faculty member at UNL, and one of the things that attracted me to come to this city and to work here is because I felt that I could have a healthy lifestyle because I...it's a small community and I could ride to work and so I've been doing that. And last year on March 8, which is ironically International Women's Day, that's why I remember the exact day that this happened, but I was riding on the bike path, which I usually take to work, and I got off on Antelope Parkway, which is what I usually do, which leads onto a sidewalk and then eventually when you get off the bike path you're on the sidewalk and you have to cross over. And so the most natural crossway and the safest way is to go through the crosswalk. And so I did this on my bicycle. And while I was halfway through and there was a walk sign telling me that I

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could cross, a woman was turning left and she hit me and I flew in the air and I remember thinking the whole time--this is not good. And also wondering why this is happening. So after the accident, I suffered numerous injuries and I still have severe back pain that I'm dealing with at the moment, and my quality of life has been reduced. When I was in the hospital, the officer that was assigned to my case told me that I was very lucky that I wasn't being charged for the damage my body caused to the other car and that I wasn't getting a ticket. Meanwhile, the person that hit me had no responsibility, no ticket, nothing happened to her. Why? Because as I learned, which I can tell you that most cyclists don't know, apparently if you ride your bicycle in the crosswalk, you have no rights. And so since this accident happened to me, I have made it a point to always walk in the crosswalk with my bike; I'm back on my bike, believe it or not, but every time I've done this I watch and I see every single cyclist that goes in the crosswalk, nobody walks. So cyclists do not know about this. Cyclists are not protected. And so I ask you today to consider when you're thinking about laws, there are just laws and unjust laws. And just laws protect the weak. If you have a collision between a bicycle and a car, who is the weak party in this? That person is not being protected by the current laws that we have. And cyclists don't even know about this law. And so I ask you today to please reconsider to giving the same rights that pedestrians have. This is...it's safety; that's the reason why most of us ride in the crosswalks is the safest way to go, especially if some of the bike paths lead onto sidewalks. And so if you change this, then you'll give us the protection. And hopefully that would make people more aware. So thank you very much. [LB1071]

SENATOR DUBAS: Thank you very much. Are there questions? So just to clarify for my own clarification, is so if you're going...if you're in a crosswalk, it's okay if you walk your bike across it, but you cannot ride your bike across it. Is that correct? [LB1071]

THERESA CATALANO: Yes, and people...most cyclists are not aware of this. And had I known that, I probably would have...you know, had I known that my...I would have no rights or protection, I would have walked. But also, it is inconvenient when you're riding a bicycle to have to get down every time you have to cross and walk, I mean. But I'm more concerned with the educational aspect and the fact that people are not aware. And so I see cyclists going constantly and they have no protection. [LB1071]

SENATOR DUBAS: Well, thank you very much for coming forward, we appreciate it. [LB1071]

THERESA CATALANO: Thank you. [LB1071]

SENATOR DUBAS: And also, if we could have you fill out one of those green sheets. [LB1071]

THERESA CATALANO: I actually do, I forgot to hand it in. [LB1071]

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SENATOR DUBAS: Very good. If we can have that turned in that will be helpful. Thank you. Next proponent. [LB1071]

ROBERT BOYCE: (Exhibit 14) Senator Dubas, members of the committee, my story is not quite so dramatic as the previous testifier. I rode my bicycle to work daily for 37 years. I rode on the streets; I rode on the trails. And I think it was probably at the same intersection, coming off the... [LB1071]

SENATOR DUBAS: I don't mean to interrupt you, but we need to have you state and spell your name. [LB1071]

ROBERT BOYCE: I'm sorry. My name is Robert Boyce, R-o-b-e-r-t, my last name B-o-y-c-e. [LB1071]

SENATOR DUBAS: I'm so sorry for interrupting. [LB1071]

ROBERT BOYCE: I'm sorry, forgive me. I came off the trail at 27th and Capitol Parkway...sorry. [LB1071]

SENATOR DUBAS: That's okay, keep going. [LB1071]

ROBERT BOYCE: ...and went into the crosswalk and...with the light, and was gently bumped by a car. Fortunately, I wasn't injured; my bicycle wasn't damaged. But I knew, as a matter of fact, at that point that I did not have any rights in the crosswalk. I knew that the Lincoln ordinances said that if I were in the crosswalk and hit, I would be at fault. That's not right. This bill rectifies that. I would actually prefer that the bill said that the bicyclist has the legal right-of-way so that...just as a pedestrian has the right-of-way. It simply says that the cyclist has all the rights and responsibilities of a pedestrian. A cyclist is not a pedestrian, and it should be made clear that the cyclist has the right-of-way if they're legally in the crosswalk. [LB1071]

SENATOR DUBAS: Very good. Thank you, Mr. Boyce. Are there questions? Senator Hadley. [LB1071]

SENATOR HADLEY: Mr. Boyce, I guess I'm...and I maybe should have asked this earlier, if you're talking about coming to a crosswalk with a light... [LB1071]

ROBERT BOYCE: With the light. [LB1071]

SENATOR HADLEY: ...the car that would have to hit you would be one that would be turning right. Right? [LB1071]

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ROBERT BOYCE: Not necessarily, no. It could be turning... [LB1071]

SENATOR HADLEY: Well, then you would be violating the law if you were going across the crosswalk if there was a light and you did not have the green light the same as a pedestrian to walk across... [LB1071]

ROBERT BOYCE: If you had two one-way streets, and the car made a left-hand turn, which they may legally do on a red light, but I would have the light...the walk light. [LB1071]

SENATOR HADLEY: Okay. [LB1071]

ROBERT BOYCE: So they could be turning that way, yes. [LB1071]

SENATOR HADLEY: Is there a concern...earlier we heard of people riding their bikes 20, 25 miles an hour, is there a concern for the driver to be able to try and judge the speed of that bicycle coming to the crosswalk, versus expecting to see a pedestrian coming to a crosswalk? [LB1071]

ROBERT BOYCE: This is a major problem with bicyclists and motorists. Bicyclists on sidewalks in Lincoln have four times the number of collisions with motor vehicles than those who ride in the street because drivers have a problem seeing bicyclists on sidewalks. So, yes, that is a concern. [LB1071]

SENATOR HADLEY: Okay. Thank you. [LB1071]

SENATOR DUBAS: Other questions? Seeing none, thank you very much for coming forward today; we appreciate it. [LB1071]

ROBERT BOYCE: Thank you. [LB1071]

SENATOR DUBAS: Next proponent. [LB1071]

ELISABETH REINKORDT: Hello. Thank you to the members of the committee, Chairwoman Dubas. My name is Elisabeth Reinkordt, E-l-i-s-a-b-e-t-h R-e-i-n-k-o-r-d-t; nice long German name. I come on behalf of BicycLincoln, which is a local advocacy group here in the city of Lincoln, as well as Sheclismo, which is the largest women's cycling organization in the state. I rode my bike here today without electric assist; it's pretty cold out so my own motor was happy to be warmed up in the process. I'm here in support of LB1071 and wanted to thank Senator Lathrop for introducing it. We see...obviously in the pieces taken out of the proposed bill at this point in time, we are in support of broader, statewide transportation planning but understand why that's, maybe, not a consideration at this point. But speaking for the remainder of the bill as it stands,

we're very concerned with safety. And particularly I'm speaking on behalf of new cyclists, meaning children, as well as new cyclists later in life. Many families who ride bikes and use...especially in the city of Lincoln, our trail system extensively. And these trails frequently cross roads, and one in particular, I can think of, the Rock Island Trail at Calvert Street, right behind Rousseau Elementary School is a place where you can see lots of families, children riding their bikes. There's a stop sign there on the bike trail and if you stop and then cross the street it's one of those streets that...it has a fair amount of traffic, but it is kind of a residential street. Now if you don't get off and walk your bike and get hit in that, as has been pointed out, those cyclists lose their rights if they ride across the street. Now as an observer of traffic on this trail, I see many families riding through the intersection because it's logical to stay on the bike and ride it. So as Dr. Catalano mentioned earlier, this is a point of clarification and I think it's important when we make decisions to educate all users of roads and paths that we move in a reasonable direction. I'm very proud to announce that Lincoln was first in the nation in the national commuter bike challenge last summer; first in the nation for cities with a population of over 200,000. We beat Madison, Wisconsin; we beat Portland, Oregon; this is a big deal. Those are bike meccas. Nobody thinks Nebraska is yet. Nebraska, as a state, made it to second in the nation for bike commuting last summer. All of these things, I think, are in place because we are a state and we are a city that does have great infrastructure, but this change in the law will make it more safe and more reasonable for people to use bikes as a viable means of transportation. So I think, you know, based on both of these things and, in particular, in making sure that our city is continuing to support the safety concerns of our bicycles and our vulnerable road users, this is an important piece of clarification, a step in the right direction. And we hope to see the development of further statewide planning for bicycle infrastructure in the future as it's a growing trend and great increases in bicycle commuting traffic in the state. I'd be happy to answer any questions. [LB1071]

SENATOR DUBAS: Thank you, Ms. Reinkordt. Questions? Seeing none, thank you very much for coming forward today. [LB1071]

ELISABETH REINKORDT: Thank you. [LB1071]

JULIE HARRIS: Good afternoon, Senator Dubas, and I appreciate being able to be in front of you today. My name is Julie Harris, J-u-l-i-e H-a-r-r-i-s and I'm here today representing Mode Shift Omaha, a group that looks to advocate for transportation choices for all users of the road. And I was also here planning to testify in support of the piece of this legislation that talked about establishing standards for a state for state for bike and pedestrian facilities, but now I'm going to shift a little bit, put a different hat on real quickly. I've worked for many years on the Safe Routes to School initiative, and much like Elisabeth was talking about, getting more kids walking and biking to school. The percentage of kids that walk and bike to school has plummeted in this last generation, while the rate of childhood obesity has skyrocketed. And there's a very

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direct link in those two statistics. Parents are reluctant to let kids walk and bike for a variety of reasons, but safety is, obviously, one of those reasons frequently cited. Children are a group that are probably most likely to be in a crosswalk with a bike, as Elisabeth just talked to you about. The safest place for a bicycle is actually on the street, as opposed to on the sidewalk. And that would speak to the piece that was stricken from this legislation about having standards, but understandably, parents are going to be most comfortable with their kids riding on sidewalks rather than on the street. And this bill will be a step in the right direction in shoring up our laws to show that we are showing consideration for all users of our roads, including the kids that need to walk and bike to school. These kids are going to grow up and be the next generation of users of our roads and the studies are frequently showing now that the kids that are coming in this generation are delaying getting their driver's licenses, they're driving much less. They would much rather spend their money on cell phones and technology than on cars and gasoline. And this is a demographic and data points that we simply can't ignore. So anything we can do to reinforce the rights to the road for all users, especially for this generation coming up now, will be a definite benefit to everyone in our state. [LB1071]

SENATOR DUBAS: Thank you, Miss Harris. Are there questions? Seeing none, thank you very much for coming forward today. [LB1071]

JULIE HARRIS: Thank you. [LB1071]

BRENT DAVIS: Good afternoon. [LB1071]

SENATOR DUBAS: Welcome. [LB1071]

BRENT DAVIS: (Exhibit 15) My name is Brent Davis, it's B-r-e-n-t D-a-v-i-s. I'm here on behalf of the newly organized Nebraska Bicycling Alliance, nonprofit corporation that we just started to, again, advocate for bicycling and safety and education in the state of Nebraska as a whole. It's great to see what we've done in Lincoln and Omaha, but we need a bigger statewide presence, which is why we came to existence. Just to give you a little bit of my background, I've been bicycling for 17 years, and I'm in support of LB1071. I've been a League Certified Instructor. A large number of us have been certified through the League of American Bicyclists as part of a...some grant that the city of Lincoln and Omaha had worked on; other parts in cities in the state of Nebraska are also doing the same thing. I, typically, ride between 5,000 to 6,000 miles a year on my bicycle which is not electric and I do go faster than 20 miles an hour at times, but typically I use that out on safe roads where I'm not on trails. I work for a local financial institution; I've been married 18 years, I have two boys ages 10 and 7. So this bill to me is important not only because I am out there riding, because my kids are out there riding as well. And as Elisabeth and Julie just talked about, the importance of defining the safety aspect of where our kids can and can't ride their bikes is important. Seeing as I mentioned, I'm the father of those two young children and want to see them grow up

and I want to be there with them. The newly formed Nebraska Bicycling Alliance, our plan is to encourage bicycling in Nebraska from the health and safety perspective which makes Nebraska a great place to live, work, and visit. As the first testifier talked about, she came here because of that aspect of being able to live in Nebraska and bicycle. Not only to mention that, bicycle tourism is growing as well in Nebraska and it makes it an attractive place to come visit and which can have a huge economic impact as well. Growth in commuters has been evident. As Elisabeth talked about with the National Bike Challenge, Nebraska finished third in 2012. And as Elisabeth mentioned, we finished second last year, so that's huge. Local riders logged over a million miles. According to the on-line tracker, more than half of the participants from Nebraska logged those miles while commuting; four in ten biked recreationally. And again, I do a little bit of both, so I like to do the recreational, and I like to ride to work, and I do a little bit of everything as far as on road, off road, you name it. So the League of American Bicyclists has a definition that they call the essential elements of a bicycle-friendly America. And it's called the...the five categories are known as the five "E's." The "E's" stands for Engineering: Creating safe and convenience places to ride and park. Education: Giving people of all ages the abilities and skills and confidence to ride. Encouragement: Creating a strong bike culture that welcomes and celebrates bicycling. Enforcement: Ensuring safe roads for all users. Evaluation and Planning: Planning for bicycling as a safe and viable transportation option. Again, this legislation falls right in line with those five "E's" as you've already heard, talking about ways to make Nebraska better and safer for this generation, the next generation, as we talked about with, even the electric-assist bikes earlier. Other generations are getting active and want to stay healthy in getting out there. So again, let's define this appropriately so that we better understand our rights and liabilities. And it's funny, as we talked...earlier you just saw, I do have a traffic report that I happened to bring with me, which I did get for free, which is nice, because...probably wouldn't have paid for it, but as a way to get stats and information, this is a traffic accident report showing a bicyclist who was hit in a crosswalk--this was within the last two years--and she was ticketed, and it says here on the LP...Lincoln Police Department Web site, she was ticketed for failure to yield to a vehicle. The sad thing is, she also broke her knee in this accident. So, I mean, you know to add injury to insult, here she was trying to be healthy and make a good impact in her life, here she gets a broken knee and a ticket on top of that. I mean that's...just doesn't seem fair. So, again, in support of LB1071, on behalf of everybody in Nebraska, not just Lincoln and Omaha, we see definitely more bicycling happening throughout the state and would like to see your support on this bill. Any questions? [LB1071]

SENATOR DUBAS: Thank you very much, Mr. Davis. Are there questions? Seeing none, well, I really appreciate you bringing forward the information; it's very helpful. Thank you. [LB1071]

BRENT DAVIS: Sure. Great. Thank you. [LB1071]

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Transcriber's Office

Transportation and Telecommunications Committee
February 25, 2014

SENATOR DUBAS: (Exhibit 16) Are there further proponents for LB1071? I have a letter of support for LB1071 from the Sierra Club. Move on to opposition; is there opposition to LB1071? Anyone in the neutral? Welcome. [LB1071]

KHALIL JABER: (Exhibit 17) Good afternoon, Chairman Dubas and members of the Transportation and Telecommunications Committee. My name is Khalil Jaber, K-h-a-l-i-l J-a-b-e-r, and I am the Deputy Director for Engineering at the Nebraska Department of Roads. Director Peters is traveling to Washington today. And I'm here testifying neutral on LB1071 as originally was established. I did not see the amendment that the senator passed out. Increasing bicycle transportation and improving bicycle safety are worthy goals, and we have no objection to that aspect of LB1071. In fact, NDOR currently designs roadways that are bicycle capable, whether that's within the traffic lane, on a paved shoulder, or on a sidewalk by following existing national standards set in the American Association of State Highway and Transportation Officials design manuals and in the manual on Uniform Traffic Control Devices. Whenever we lay out a new roadway, we are required to consider accommodations for bicyclists and pedestrians. However, we feel compelled to point out a couple of issues that we have with this proposed legislation as drafted. First, the opening language raises the prospect of a major new infrastructure system without any elaboration in the rest of the bill, no scope or description of components, no implementation process, no jurisdiction of responsibility, and no revenue source. This may raise false expectations. The second issue is the overlap and differences between this approach and the existing standards and specification process. The bill is silent with respect to the Board of Public Roads Classifications and Standards, which sets minimum design, construction, and maintenance standards for all public roads, streets and highways in Nebraska as per state statute 39-2109. Those standards govern NDOR, as well as the local public agencies. NDOR works closely with municipalities, NRDs, and counties to develop dual-purpose bicycle and pedestrian trails and related facilities using federal funds dedicated to transportation alternatives, formerly known as the Transportation Enhancement Program. Those local public agencies are the project owner because the trails are their facilities where they extend beyond the state highway right-of-way. In conclusion, the department believes the bill, in its present form, lacks specifics and has eventual fiscal impact issues. Thank you for the opportunity to testify. I'd be glad to answer any questions you may have. [LB1071]

SENATOR DUBAS: Thank you. Are there questions? Seeing none, thank you very much for your testimony. [LB1071]

KHALIL JABER: Thank you. [LB1071]

SENATOR DUBAS: Further neutral testimony? Seeing none, Senator Lathrop has waived his closing, so that will close the hearing on LB1071, and will close our hearings for today. Thank you very much for your attendance. (See also Exhibit 18.) [LB1071]