

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 799

Introduced by Bolz, 29.

Read first time January 07, 2016

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to the Nebraska Public Transportation Act; to
- 2 amend sections 13-1209, 13-1210, and 13-1212, Reissue Revised
- 3 Statutes of Nebraska; to authorize state financial assistance for
- 4 capital acquisition costs as prescribed; to harmonize provisions;
- 5 and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-1209, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 13-1209 (1) A public transportation assistance program is hereby
4 established to provide state assistance for the capital acquisition and
5 operating costs ~~operation~~ of public transportation systems.

6 (2) Any municipality, county, transit authority, or qualified
7 public-purpose organization shall be eligible to receive financial
8 assistance for the eligible capital acquisition and operating costs of a
9 public transportation system, whether the applicant directly operates
10 such system or contracts for its operation. A qualified public-purpose
11 organization shall not be eligible for financial assistance under the
12 Nebraska Public Transportation Act if such organization is currently
13 receiving state funds for a program which includes transportation
14 services and such funding and services would be duplicated by the act.
15 Eligible operating costs ~~shall~~ include those expenses incurred in the
16 operation of a public transportation system which exceed the amount of
17 operating revenue and which are not otherwise eligible for reimbursement
18 from any available federal programs other than those administered by the
19 United States Department of the Treasury. Eligible capital acquisition
20 costs include planning, engineering, designing, and evaluating transit
21 projects and other technical transportation-related studies, and capital
22 investments in: (a) Buses and bus-related activities, such as replacing,
23 overhauling, and rebuilding buses; (b) installing crime prevention and
24 security equipment; and (c) constructing and maintaining passenger
25 facilities.

26 (3) The state grant to an applicant shall not exceed fifty percent
27 of the eligible capital acquisition or operating costs of the public
28 transportation system as provided for in subsection (2) of this section.
29 The amount of state funds shall be matched by an equal amount of local
30 funds in support of capital acquisition or operating costs.

31 Sec. 2. Section 13-1210, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 13-1210 (1) The Department of Roads shall annually certify the
3 amount of capital acquisition and operating costs eligible for funding
4 under the public transportation assistance program established under
5 section 13-1209.

6 (2) The department shall submit an annual report to the chairperson
7 of the Appropriations Committee of the Legislature on or before December
8 1 of each year regarding funds requested by each applicant for eligible
9 capital acquisition and operating costs in the current fiscal year
10 pursuant to subsection (2) of section 13-1209 and the total amount of
11 state grants projected to be awarded in the current fiscal year pursuant
12 to the public transportation assistance program. The report submitted to
13 the committee shall be submitted electronically. The report shall
14 separate into two categories the requests and grants awarded for
15 handicapped vans, otherwise known as paratransit vehicles, and requests
16 and grants awarded for handicapped-accessible fixed-route bus systems.

17 Sec. 3. Section 13-1212, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 13-1212 (1) The Department of Roads shall administer sections
20 13-1209 to 13-1212, and may adopt and promulgate ~~issue~~ such rules and
21 regulations pursuant to the Administrative Procedure Act as are
22 necessary, including but not limited to defining eligible capital
23 acquisition and operating costs, establishing contractual and other
24 requirements including standardized accounting and reporting
25 requirements, which shall include the applicant's proposed service area,
26 the type of service proposed, all routes and schedules, and any further
27 information needed for recipients to ensure ~~insure~~ the maximum feasible
28 coordination and use of state funds, establishing application procedures,
29 and developing a policy for apportioning funds made available for this
30 program should they be insufficient to cover all eligible projects.
31 Priority on the allocation of all funds shall be given to those proposed

1 projects best suited to serve the needs of the elderly and handicapped
2 and to proposed projects with federal funding participation.

3 (2) Any public-purpose organization proposing to provide public
4 transportation denied financial assistance as a result of a determination
5 by the Department of Roads that an area is adequately served by existing
6 transportation services may submit a petition to the department
7 requesting the department to reclassify the proposed service area as not
8 being adequately served by existing public transportation services. The
9 petition submitted to the department by the public-purpose organization
10 shall bear the signatures of at least fifty registered voters residing in
11 the proposed service area. Upon receipt of the petition the department
12 shall hold a public hearing in the proposed service area and after such
13 hearing shall determine whether the proposed service area is already
14 adequately served. In carrying out its duties under this section the
15 department shall comply with the provisions of the Administrative
16 Procedure Act. The department shall not be required to conduct a
17 reevaluation hearing for an area more frequently than once a year.

18 Sec. 4. Original sections 13-1209, 13-1210, and 13-1212, Reissue
19 Revised Statutes of Nebraska, are repealed.