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Transportation and Telecommunications Committee
January 25, 2016

[LB716 LB785 LB814 LB929]

The Committee on Transportation and Telecommunications met at 1:30 p.m. on Monday, January 25, 2016, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB716, LB785, LB814 and LB929. Senators present: Jim Smith, Chairperson; Lydia Brasch, Vice Chairperson; Al Davis; Curt Friesen; Beau McCoy; John Murante; and Les Seiler. Senators absent: Tommy Garrett.

SENATOR SMITH: Good afternoon, and welcome to the Transportation and Telecommunications hearing. I am Jim Smith from Papillion, and I am Chair of the committee. We're going to have other senators joining us as we go today. We do have other bills being introduced in other committees. But let me go ahead and give you a rundown of the senators that are here and those, also, that will be joining us a little bit later. When he does arrive, to my far left, to your right, will be Senator Tommy Garrett from Bellevue. And next to Senator Garrett will be Senator Les Seiler from Hastings. We do have Senator Beau McCoy with us today, from Omaha. And then, to my far right, to your left, is Senator Curt Friesen from Henderson. Next to Senator Friesen will be Senator Al Davis from Hyannis. And then Senator John Murante will be joining us, as well, from Gretna. And the Vice Chair of our committee is Senator Lydia Brasch from Bancroft. Staff with me today...to my left is Paul Henderson, who is our committee clerk. And to my right is Mike Hybl, who is legal counsel to the committee. Our pages today are Toni Caudillo from North Platte, Nebraska. They are freshmen at UNL. And we also have Alex Brechbill from Aurora, Nebraska, a junior at Nebraska Wesleyan. We will be hearing the bills in the order on the agenda. If you are testifying, please complete the sign-in sheet, so it's ready to hand in to one of our pages when you approach the testifier table. If you do not wish to testify, but do want to voice your support or opposition to a bill, you can indicate so on the sheet that is provided and turned in. This will become part of the official record of the hearing. At the beginning of your testimony, please state and spell your name. This will be for the record. And we do not have that many in attendance today; we are not going to use the light system. But I do ask for you to keep your remarks in the neighborhood of about five minutes. We ask you to silence your cell phones. If you are using a cell phone today, please silence your cell phone. And then also, please do not be offended if you do see any of the members of the committee using electronic devices. We do receive and track much of the information electronically. So that is not...that does not mean we're not paying attention, but we may be referencing information on that bill. And so, with that, we will begin. Our first bill introduction will be LB929. Senator Brasch will introduce that bill, which is to update certain references to federal regulations regarding motor vehicles and motor carriers. Welcome, Senator Brasch.

SENATOR BRASCH: Thank you, Chairman Smith. And good afternoon, members of the Transportation Committee. I am Senator Lydia Brasch, L-y-d-i-a B-r-a-s-c-h, and I represent District 16 in the Nebraska Legislature. I am here today to introduce LB929, which was brought

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to me by the Carrier Enforcement Division of the Nebraska State Patrol. LB929 is the annual update bill of federal regulations that have been incorporated into Nebraska law for motor vehicle related laws. The purpose of the bill is to adopt and update references to certain federal provisions relating to low speed vehicles, handicapped or disabled parking permits, the International Registration Plan, operators' licenses, persons handling source documents, hazardous materials, motor carrier regulations and their enforcement, and the Unified Carrier Registration plan and agreement. Again, these are updates that brings them current. If you have any questions about the bill, please direct those to Captain Krolikowski from the Carrier Enforcement Division or to Director Lahm from the Department of Motor Vehicles. [LB929]

SENATOR SMITH: Thank you, Senator Brasch. Do we have questions for Senator Brasch? I see none. Thank you. We now move to proponents, those wishing to testify in support of LB929. Welcome. [LB929]

GERALD KROLIKOWSKI: (Exhibits 1-2) Good afternoon. Chairperson Smith and members of the Transportation Telecommunications Committee. My name is Gerald, G-e-r-a-l-d Krolikowski, K-r-o-l-i-k-o-w-s-k-i. As commander of the Carrier Enforcement Division, I am here today on behalf of the Nebraska State Patrol to testify in support of LB929. When the United States Congress passed the Motor Carrier Safety Act, emphasis was placed on the states adopting uniform safety measures with the ultimate goal of a reduction in the number of commercial motor vehicle accidents. In order for the state of Nebraska to remain consistent and compliant with these federal requirements, it is necessary to update our commercial vehicle safety regulations annually. This legislation will enable the Nebraska State Patrol to continue enforcing updated federal motor carrier safety regulations and the federal hazardous materials regulations. On page 9, line 15, Section 11 adopts 75-363, which is the federal motor carrier safety regulations. Then on page 13, line 10, Section 12 adopts 75-364, which is the federal hazardous material regulations which were in effect January 1 of 2016. As well, on page 14, line 4, Section 13 adopts 75-366. That updates our enforcement powers to reflect the changes incorporated in 75-363 and 75-364. Every day our troopers strive to make our highways safe. In 2015, the Nebraska State Patrol conducted 28,409 roadside inspections. 8.2 percent of those drivers inspected were placed out of service. Of the 9,298 vehicles inspected, an average of 3.28 violations per vehicle was discovered, with 34.5 percent of the vehicles being placed out of service. The roadside inspection program has enabled the state to establish clear guidelines for commercial vehicle operators, while ensuring a Nebraska State Patrol presence to assist in correction of operators who have vehicle or driver defects. These guidelines create a significant deterrent effect. Along with our enforcement efforts, public education is a valuable tool the agency uses to improve highway safety. In fiscal year 2015, the Nebraska State Patrol Carrier Enforcement Division conducted 70 public education seminars across the state, directed at commercial motor vehicle owners and operators. Furthermore, in FY 2015, the Carrier Enforcement Division applied the use of a webinar system, addressing commercial motor vehicle

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safety. The success of the MCSAP program can be seen in a reduction of CMV-related fatalities in Nebraska by 63 percent since 1989. In 1989, there were 115 CMV-related fatality accidents in Nebraska, and by 2014, there were 42 CMV-related fatalities. Even though Nebraska has seen a large reduction in the number of CMV-related fatalities since that time, the Nebraska State Patrol recognizes that even one fatality is too many. The constant, cooperative effort with our federal stakeholders and assistance through the MCSAP program will allow Nebraska to continue to address CMV-related fatalities and overall safety upon our roads. Please find attached handouts summarizing the latest federal motor carrier safety and hazardous material regulations final rules that would be adopted through this update. I want to thank you for the opportunity to testify on behalf of this bill, and I will be happy to answer any questions you may have. [LB929]

SENATOR SMITH: Thank you, Commander Krolkowski. Appreciate your testimony. Do we have questions for the commander? I see none. [LB929]

GERALD KROLIKOWSKI: Thank you, Senator. [LB929]

SENATOR SMITH: Thank you very much. Next proponent of LB929. Welcome. [LB929]

RHONDA LAHM: (Exhibit 3) Thank you. Good afternoon, Chairman Smith and members of the Transportation and Telecommunications Committee. I am Rhonda Lahm, R-h-o-n-d-a L-a-h-m, Director for the Department of Motor Vehicles. I am appearing before you today to offer testimony in support of LB929. I would like to thank Senator Brasch for introducing LB929 on behalf of the Nebraska State Patrol and Department of Motor Vehicles. This is the reference date...update bill introduced each year to keep the DMV and the Nebraska State Patrol consistent with federal laws and regulations which govern laws administered by our respective agencies. In Sections 1, 2, 9, and 10 of the bill, LB929 adopts into state statute the federal regulations relating to the regulation of low-speed vehicles, as they existed on January 1, 2016. There have been no changes to federal regulation in this area since last adopted into state law. Section 4 adopts into state law the federal regulations regarding handicapped or disabled parking as they existed on January 1, 2016. That also did not change during calendar year 2015. In Section 3 of LB929, the most recent provisions of the International Registration Plan, or IRP, are adopted into state law as they existed on January 1, 2016. Section 6 adopts into Nebraska law the provision of Title 49 of the federal code as it existed on January 1, 2016, referenced in the motor vehicle licensing act. For purposes of the Motor Vehicle Operator's Licensing Act, this section adopts federal regulations applicable to commercial motor vehicles and commercial drivers' licenses. In July, 2015, the DMV completed an update of the processes for the issuance of commercial drivers' licenses and commercial learners' permits that were adopted into Nebraska statute with LB983 in 2014. In Section 7 of LB929, Chapter 6, Part 37 of the Federal Code of Regulations is adopted as it existed on January 1, 2016. This section requires background checks for persons to have the

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ability to affect information on their driver's record. DMV employees were subject to background checks in 2012, as are new hires of all employees since. Nebraska has been REAL ID compliant since February of 2013. Section 8 of the bill adopts into Nebraska law the U.S. Patriot Act as it existed on January 1, 2016. No changes to the act have occurred since last adopted into state law. In Sections 14 and 15, provisions of the Unified Carrier Registration Act of 2005 were adopted into state law as they existed on January 1, 2016. No changes have occurred to this act since last adopted into state law. LB929 is a bill that helps Nebraska's compliance with federal law as it relates to federal mandates affecting commercial motor vehicles and commercial drivers' licenses. Should Nebraska fail to comply with these laws, the Federal Motor Carrier Safety Administration has the authority to withhold funding for Nebraska's Motor Carrier Safety Assistance Program and federal highway funds. Thank you for your time today. And at this time, Chairman Smith, I would be happy to answer any questions the committee may have. [LB929]

SENATOR SMITH: Thank you, Director Lahm. Questions for the Director? I see none; thank you. [LB929]

RHONDA LAHM: Thank you. [LB929]

SENATOR SMITH: Other proponents, supporters of LB929? Seeing none, do we have anyone wishing to testify in opposition to LB929? Anyone in a neutral capacity for LB929? And Senator Brasch waives closing. And we appreciate Senator Brasch bringing that bill to us, to keep us in compliance with our federal laws. We now...and that concludes the hearing on LB929. We now move to LB814, and Senator Curt Friesen will introduce that bill, which is to change a requirement for issuance of a school permit. [LB929]

SENATOR FRIESEN: Thank you, Chairman Smith and members of the Transportation Committee. We'll keep this one real simple. This bill was introduced on behalf of a constituent in my district who lives near a very rural area of the county. And the school is located right on the outskirts of town, and there was some issues there. So basically what this is, is a current law will provide school permits and for any individual younger than 16 years and 3 months and older than 14 years and 2 months of age and who live 1.5 miles from the school that is attended and either resides outside a city of the metropolitan or primary first class or attend a school which is located outside of the city of the metropolitan primary first class. And basically, what this bill does is just strikes the 1.5 mile requirement. Currently, if someone applies for a school permit, and they come in there and basically certify that they're more than 1.5 miles out, sometimes, if there's any questions, someone has to go out and actually physically measure to make sure that they meet the requirements of the law. And so a lot of ambiguity comes in place, probably, because, you know, do you measure from the person's driveway to the parking lot of the school

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or to the nearest part of the property of the school? And so, in the past, there's been some questions. And so to me it seems more than...a simple answer was just remove the mileage requirement. And if you meet the rest of the requirements, you would be issued a school permit. When you get out into the rural areas of the state, you can have a person that probably lives a mile and a quarter outside of town. And so there's...if that school is on the edge of town yet, the distance you're going to be walking on a gravel road with no shelter, no protection, so to speak, no sidewalks...and so, there is a case here where you have both parents have to leave for work early. They can't really drop their kids off. Now a grandparent goes and picks them up, takes them to school. There isn't bus service available in this particular area. And so it was...it just seemed like, to them, that this was a safety hazard, when they're walking on those roads. If you look at the distance traveled here, I mean, there's not much mischief a person can get into in that mile and a quarter, mile and a half. And so I don't know what kind of opposition there might be, but this...it simplified the process, I guess, of getting a school permit. And that's all I have. Are there any questions? [LB814]

SENATOR SMITH: Thank you, Senator Friesen. Pretty straightforward. Do you have any idea what is the maximum that mileage, that you think it would apply for? [LB814]

SENATOR FRIESEN: Well, the estimates are out there. It could affect about 1,000, roughly 1,000 people. But they're...it's really hard to measure; there's no way of knowing in that radius of the circumstances. So it's a very...they just did a random percentage in their fiscal note. They...or their...in their estimation that what it would bring in, basically, in extra revenues. So it's not a (inaudible) scientific method. [LB814]

SENATOR SMITH: Okay. Thank you. Any questions for Senator Friesen? I see none. Thank you. Is there anyone wishing to testify in support, as a proponent of LB814? Proponents. Anyone testifying in opposition to LB814? In a neutral capacity? Senator Friesen, would you like to close? Senator Friesen waives closing. And that concludes the hearing on LB814. And now Senator Friesen is welcome to open on LB785, which is to change provisions relating to the Motor Vehicle Operator's License Act. [LB814]

SENATOR FRIESEN: Thank you again, Chairman Smith and members of the committee. And if we can keep this as simple as the last one, we'll be in great shape. My name is Curt Friesen, C-u-r-t F-r-i-e-s-e-n, state senator representing District 34, legislative district. And I am here today to introduce LB785, at the request of the Department of Motor Vehicles. LB785 is enabling legislation, which allows the Department of Motor Vehicles the option to update the current model being used to issue driver's license and state identification cards in...to residents of Nebraska. The bill has three primary provisions. It allows the Department of Motor Vehicles to assume responsibility for delivery of all driver's license services, including fee collection, the

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issuing of a temporary document. And the bill eliminates the requirement that driver's licensing services be provided in all counties. And it provides that counties where the Department of Motor Vehicles delivers all aspects of driver's license services, the county portion of the fee shall be credited to the Department of Motor Vehicles cash fund. In return, the county will not be required to provide office space or staff for the fee collection. Now the current requirement to have driver's licensing services in every county is the business model that has been in place since the department began issuing licenses in the 1950s. Over the years, the demographics of Nebraska have changed. And the expectations of our residents, regarding government services, have changed. And the laws and requirements have changed. As a result, state agencies need to be able to modify their business model to account for these changes. The current service delivery model creates a significant workload imbalance across the state. Many stations have few, and sometimes, no customers all day, while other stations experiences up to three to four hour wait times on the busiest days. These create inefficiencies in state government and, worst of all, inconvenience for the customers. Additionally, new technologies available assist in making driver's license services more customer-friendly and efficient. However, the cost to replicate them in the current 97 offices is cost prohibitive. The Department of Motor Vehicles is a proactive agency, wanting to revise their business model to better meet the needs of residents of Nebraska. LB785 is the first step to enable this process to happen. Director Lahm will be testifying and able to answer questions specifically regarding their driver's license service model. And thank you for your time, and I ask you for your support in moving LB785 forward. [LB785]

SENATOR SMITH: Thank you, Senator Friesen. Any questions for Senator Friesen? I see none. Thank you. Proponents of LB785. Welcome. [LB785]

RHONDA LAHM: (Exhibit 1) Chairman Smith and members of the Transportation and Telecommunications Committee, I am Rhonda Lahm, R-h-o-n-d-a L-a-h-m, director of the Department of Motor Vehicles. I am appearing before you today to offer testimony in support of LB785. I would like to thank Senator Friesen for introducing LB785 on behalf of the Department of Motor Vehicles. Since being named the director of the Department of Motor Vehicles three years ago, my staff and I have focused on how we can make the DMV a more customer-centric branch of government. While I receive many compliments on the work of my employees, I do receive some complaints. In relation to driver license services, they center around three topics: long wait times, primarily at our larger offices, why we are not open beyond "normal" business hours, and why not all offices can provide all services. We've made internal changes to address these concerns. However, to most effectively address them will require changing our delivery service model. LB785 begins this process. It allows the DMV to increase flexibility for improving driver license delivery to our customers. Under current law, the DMV is responsible for processing and testing of applicants, and county personnel collect the fees and issue the temporary document. LB785 proposes to amend statute to allow the Department of Motor Vehicles to assume all of the responsibility for the delivery of driver license services. Let

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me assure you; I have no intention of reducing services in our largest three counties. To the contrary, I am bringing this bill to enhance customer service. LB785 provides the foundational piece to continue exploring how to potentially move from the historical model to an alternate service delivery model which meets the needs of current and future residents of the state. The DMV is not planning abrupt changes. Our efforts to propose an improved model for delivering driver license services will take into account ways to leverage technology, hours of operation, equitable work loads, demographics, stricter federal security requirements, and future expansion of our already extensive suite of online services. DMV has 98 front-line licensing staff positions to geographically cover the entire state. The current statutory requirement results in long wait times in larger stations, compared to stations where few applicants appear on any given day the office is open. Additionally, time and staff resources are expended commuting to part-time stations. In Douglas and Sarpy Counties, approximately 32 percent of staff provide services for nearly 40 percent of the state's applicants. In Lancaster County, 10 percent of staff provide service to almost 17 percent of the state's applicants. In Hall County, 3 percent of staff provide service for 4.5 percent of the state's applicants. Each percentage point is equal to about 6,000 customers. The imbalance of staff to workload equates to us not being able, under existing statutes, to assign staff in locations necessary to serve approximately 99,000 customers, which accounts for about one sixth of the total applicants who walk through our doors annually. I would like to just take a moment and refer to the graph that I...the graph of the state of Nebraska that I handed out there. And you'll see on the color coding, when you look at the light blue colors...when we did a workload analysis, the light blue colors on the map represent less than a half of an FTE of a workload, on the map. And of those, less than half of the light blue, 29 of those represent counties that half less than a tenth of an FTE of workload. And we actually have one county that...we took it to the hundredth; it didn't even register any FTE at all. So you can see where we have a lot of counties, a majority, 69, that require less than a half of an FTE...eleven counties in the darker blue, from a half to one FTE, one to two FTEs the green, and the red are two or more FTEs. So that's where you can kind of see the imbalance of workload and where most of the work is. In 2002, the Legislature removed the statutory requirement a license be issued in the county of residence. The resulting trend has been a migration doing their driver licensing business in the areas where they work or travel for other purposes. This pattern leaves fewer and fewer customers in many stations. In short, statutory requirements developed more than 60 years ago prevent today's DMV from providing good customer service. LB785 was drafted to allow DMV to do the groundwork for change to improve customer service. The bill removes language requiring there be a licensing office in every county. It amends statutes to provide that, in counties where DMV staff deliver all driver licensing services and are authorized to collect fees, the counties would not be required to provide office space or personnel for the collection of fees. In return, the portion of the fee currently allocated to the county would be credited to the Department of Motor Vehicles cash fund. A few counties have expressed concerns regarding the cost to provide office space for our examiners. Establishing a service delivery model where the DMV is responsible for providing office space to deliver all aspects of the

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driver's licensing service would address those concerns. I would like to share with you information sent to the Governor on January 7 of this year, about a Nebraskan's "adventure" with the DMV. And I quote in part: On Thursday, after the lunch hour, I had the privilege of going to the Nebraska Department of Vehicles at 4208 South 50th to renew my driver's license...As I walked into the room, there were about 25 people there, I took a number and filled out my form and waited and waited. One hour and 37 minutes later my number was called and I was allowed to go into the sacred back room. I believe that there are 6 help positions, but only 4 were open...So after almost 2 hours the state of Nebraska got their picture of me. So now the fun continues. I get to take the paperwork next door to pay for this wonderful adventure...I just love seeing my hard-earned tax money at work. There has to be a better system than what we have now. You did not cause this mess, but can you fix it? LB785 is the first step of many in fixing the problem, and I ask for your support of LB785. Chairman Smith, at this time I would be happy to answer any questions the committee may have. Thank you for your opportunity to present LB785. [LB785]

SENATOR SMITH: Thank you, Director Lahm. Do we have questions for the director? Senator Davis. [LB785]

SENATOR DAVIS: Thank you, Senator Smith and Ms. Lahm. I appreciate your time. We talked the other day. [LB785]

RHONDA LAHM: Um-hum. [LB785]

SENATOR DAVIS: Can you talk about how you intend to provide...and maybe I missed this earlier, but...provide service in all these counties that have less than a need for a half-time person? [LB785]

RHONDA LAHM: We've looked at the demographics of the state. We've looked at workload. We looked at cost of document. We've looked at retail pull. And so we have to evaluate where we can put stations, where it's reasonable, where peoples have a reasonable distance from an office, but yet there's enough customers to actually justify one. In your particular area, we added a bunch of the counties together in that area, a lot of them. And we still didn't even have equal to one FTE of a workload. Now, obviously, we know we can't leave an area, you know, the whole entire gaping north-center, central part of the state open. So we have to take a look at how we can best do that. We're hoping that we can use some more online technology. We want to be able to deploy an appointment system; we're looking at that. And we have vendors actually showing us their different products now, whereas when you make an appointment, you know that's your time. So when you get there...so when you travel to a larger town for a doctor's appointment or to get parts for the tractor or whatever it's for, you would know your time is there. And that would

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be reserved for you. We also are looking at extended hours of operation, where we would have the ability to be open in some evening hours and some Saturday hours, so that people have a little more flexibility. Another complaint I hear is, why do I have to take my kids out of school? It's a legitimate complaint. But I can't control any of the hours of our current offices, for the most part. The buildings are only open certain hours, and that's my parameters. So those are the things that we're looking at. [LB785]

SENATOR DAVIS: Can you elaborate on the online part of it? [LB785]

RHONDA LAHM: Well, currently we have online services. I don't know the exact number; it's somewhere around 40 types of online services. Some of the things we have looked at is more CDL things online. There's another bill that will be in front of your committee next week or the week after...I can't remember when. So anyway, it will be in front of your committee to allow some of the CDL services to be online. So that helps out our partners in the commercial trucking industry. We've talked about exploring the opportunities we have with some of our safety school providers. Are there some services they could also provide that would allow us to help ease up some of those burdens? The school bus permit that's required to get every year...we're working with the Department of Education right now. We're the only state in the country that does that permit. We're looking at provisions to eliminate that, which would mean all the school bus drivers don't have to come see us every year. So we're looking at some options we have to keep them out of the office so people don't have to come as often. So we're very cognizant of distance to travel. I grew up in southwest Nebraska. I understand it's a challenge. But we're really...we're aware of those, and we certainly are considering those when we look at what our options are. [LB785]

SENATOR DAVIS: And would...so the way things work today, once you actually take the test, the driving test, then you theoretically would never have to take that again...just the written. Would that be right? Or do you even have to take the written today? [LB785]

RHONDA LAHM: You wouldn't...you would...if you get your license (inaudible), once actually that you pass the written test and the drive test, the only circumstances under most...all of them...there could be exceptions always, but most generally, unless your license is suspended or revoked or you've let it expire more than a year. Absent those two circumstances, most likely you don't need to test again. On a few people...somebody sends in a recall if they don't think they're safe to drive...then that does testing. But for most of the general population, they never take written or drive test again, unless an accident or something spurs it, but, for the most part, not. [LB785]

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SENATOR DAVIS: So let's just assume then that we have somebody who gets a recall, and they're in Harrison, for example,... [LB785]

RHONDA LAHM: Um-hum. [LB785]

SENATOR DAVIS: Would they have to go to Scottsbluff then, to take that test? [LB785]

RHONDA LAHM: I mean, likely in that area, that would be where it would...that's probably where that would gravitate to, yeah...in Harrison from...because Harrison is in Sioux County, right? [LB785]

SENATOR DAVIS: Right. Yeah. [LB785]

RHONDA LAHM: Yeah, yeah. Uh-huh. (Inaudible). [LB785]

SENATOR DAVIS: I ask the question, because it happened to my aunt, so... [LB785]

RHONDA LAHM: And the other thing is, all of the recalls, even now, those are always by appointment. Those are never, I mean. So if somebody has that when they come in the door, then they have a time slot, and they get it served right away at their appointment time anyway. So... [LB785]

SENATOR DAVIS: Thank you. [LB785]

RHONDA LAHM: You're welcome. [LB785]

SENATOR SMITH: Other questions from the committee? I see none. Thank you, Director Lahm. [LB785]

RHONDA LAHM: Thank you. [LB785]

SENATOR SMITH: We continue with proponents of LB785...proponents. Welcome. [LB785]

LARRY DIX: Good afternoon, Senator Smith, members of the Transportation and Telecommunications Committee. My name is Larry Dix, spelled L-a-r-r-y D-i-x, executive director of the Nebraska Association of County Officials, appearing today in support of LB785.

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And we are, probably, the other side of this, that certainly it impacts other than our taxpayers. And when our board set through, had this discussion, we looked at both sides of the issue: (1) that there's going to be a reduction in fees in some of these counties. But to counteract that, of course, in those counties, there will no longer be the requirement to provide space. And so we had a pretty good discussion on that. And to...the questions really came up in our board members that are from Senator Davis' district. And the concern of the county board members there were, how far do their citizens have to drive to obtain that service? And certainly, I had a discussion with Director Lahm on this, and I don't know if there's any real magic number. I think our board came up and said, you know, from a big picture, a goal, they said, maybe the goal is that no taxpayer would ever have to drive more than 100 miles to obtain this service. Now some of the people may say 100 is too many, and I don't know that that is. But when you do look at the state of Nebraska and start drawing 100-mile circles, for the most part, you're going to find, probably, some area that has a rather significant population or a shopping area that people would probably go to. They certainly like the idea....they, as county board members, certainly hear the complaints of folks that cannot get to the courthouse during the hours in which the examiner is there during the normal eight-to-five working hours. So at the end, our board certainly voted to support this, to try to move the process along, but all the while knowing that they want to make sure that NACO continues to work with the director to take a look at the distances that our taxpayers may have to drive. So with that, I would be happy to answer any questions anyone would have. [LB785]

SENATOR SMITH: Thank you, Mr. Dix. Do we have questions? I see none. [LB785]

LARRY DIX: Thank you. [LB785]

SENATOR SMITH: Oh, I am sorry. Senator Davis. [LB785]

SENATOR DAVIS: Larry... [LB785]

SENATOR SMITH: I am sorry; I didn't see Senator Davis. [LB785]

SENATOR DAVIS: I didn't raise it timely. When you talk about 100 miles, are you talking a round-trip 100 miles or are you talking 100 miles? [LB785]

LARRY DIX: I think when the statement was just said, we don't want anyone to travel more than 100 miles, I interpreted that to be a round trip. So you're going to get to some of those areas where that's almost every other county. Now in some of those areas, which you and I know that

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that part of the state...you can probably drive that far and never leave Cherry County. So...
[LB785]

SENATOR DAVIS: Or farther. [LB785]

LARRY DIX: So that creates, that creates a little bit of a, of a challenge. But they said just to establish that as a goal. But they would be happy as long as we had some input into that discussion or, at least, were at the table to discuss it with the director. But they felt they would, the director would know that, based on the volumes and number of driver's exams that they were giving. [LB785]

SENATOR DAVIS: Thank you. [LB785]

SENATOR SMITH: Mr. Dix, I have got a question for you. This may be a bit far-fetched, but do you see...is there any opportunity for there to be county officials or other city officials, county officials, someone else in these local communities that could share in the job and be...have the minimum training to be able to complete some of the testing, whatever is needed, in order to be able to better serve the people in the community? [LB785]

LARRY DIX: Well, you know, certainly that's probably, definitely a question for Director Lahm, because I don't know the requirements of the examiners. I know they have to go through some training to be able to get up to skill. Now that certainly isn't to say that some local officials couldn't obtain that training. It may be a little bit different when you get to CDLs and have to actually have the facilities to drive those vehicles. But possibly, on a standard driver's license, it may be possible. But right now our county folks really are just involved in the issuance and collection of fees. They play no role in the testing of it. [LB785]

SENATOR SMITH: (Exhibit 2) All right, thank you. Appreciate that. Additional proponents of LB785, proponents. Anyone wishing to testify in opposition of LB785? Neutral capacity...anyone wishing to testify in a neutral capacity? With that, Senator Friesen, would you like to close? [LB785]

SENATOR FRIESEN: I guess I'll just make one comment, really, on the purpose of this. And I guess it's more, it's permissive language to allow them to look at different models. It doesn't say specifically they're going to do one thing or another, but currently they're required to do certain things. And I think what you have to keep in mind is, I think they're going to try and work with everybody to just improve their whole system. And, hopefully, you know, the urban areas will get better service. And in the end, it won't cost so much to provide that service in some of the

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rural areas. And so I think her intent is that, down the road, they will find those models that work. And, other than that, I think that's all I have. [LB785]

SENATOR SMITH: Very good. Any questions for Senator Friesen? I see none. Thank you, Senator Friesen. And that concludes the hearing on LB785. We now invite Senator Kolowski to introduce LB716, which is to provide and eliminate provisions regarding pedestrians and bicyclists. Welcome to Transportation and Telecommunications Committee, Senator Kolowski. [LB785]

SENATOR KOLOWSKI: Thank you, Chairman Smith. Good afternoon, Committee and Chairman Smith and all members of the committee. My name is Senator Rick Kolowski, K...R-i-c-k K-o-l-o-w-s-k-i, and I represent District 31. I believe it's time to change our laws so that we can better protect people who ride bicycles. LB716 clarifies the statute by making the rules of the road more straightforward for bicyclists and for motorists. LB716 also assists law enforcement officers in enforcing the law. First, this bill repeals the mandatory sidepath law that states whenever a usable path for bicycles has been provided adjacent to a highway, a person operating a bicycle shall use such path and shall not use such highway. This law has not been updated since 1968. And I think you're all aware of the number of changes, both in the cities and the rural areas, as far as bike paths and trails and all the rest of that have taken place since that time in 1968. This is problematic for people on bicycles. And the League of American Bicyclists in Washington, D.C. states, "Laws that mandate that a bicyclist use a particular facility undermine the ability of a bicyclist to protect him or herself when those facilities are not well planned, designed and/or maintained." There are numerous operational reasons why a dedicated bike facility might be rendered unsafe or impractical, such as an accumulation of debris, illegally parked vehicles, the need to make a left turn. And, in such cases, cyclists need to be able to ride in the adjacent or parallel travel lanes without fear of prosecution. Second, LB716 gives pedestrians and bicyclists on trails the right of way with the traffic control signal. The current law is problematic for multi-use trails that have at-grade street crossings. Finally, LB716 allows bicyclists to lawfully enter an intersection in accordance with the traffic signals, similar to the current requirements for pedestrians. We believe that these common-sense legal clarifications strengthen the rights of pedestrians and bicyclists, clarify a motorist's responsibilities, and assist law enforcement in their ability to enforce the laws. Public knowledge, public safety, and public action are the direct concepts behind LB716. Our society will face both increased motor vehicle traffic and more bicycle riders. The centerpiece of this bill is the safety and security of all road users throughout all of Nebraska. I urge you to please advance this bill out of committee. There will be testifiers following me to answer specific questions you might have. Thank you very much. [LB716]

SENATOR SMITH: Thank you, Senator Kolowski. Do we have questions from the committee?
Senator McCoy. [LB716]

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SENATOR McCOY: Thank you, Chairman Smith, and thank you, Senator Kolowski. If I could, I'd like you to elaborate on...you just mentioned that the centerpiece of LB716 is safety and security, which I applaud you for that effort. And, hopefully, we all share that same commitment, not just for motorists, but bicyclists, both. I'd like you to elaborate, if you would, please, on the...and you mentioned this in your statement of intent, that mandatory sidepath law. Can you walk me through? And I understand there will be other testifiers, and... [LB716]

SENATOR KOLOWSKI: Yes. [LB716]

SENATOR McCOY: ...may get the opportunity to ask a question or two to some of them. To me, those would seem to be...those would be difficult to, to think of in the same general area. When you have...when you're repealing a mandatory sidepath law, and at the same time you're saying the centerpiece is safety and security,... [LB716]

SENATOR KOLOWSKI: Um-hum. [LB716]

SENATOR McCOY: ...because by very nature of that statute is for safety and security. So if you have someone who...bicyclists that's, that's, that's operating on a highway or a roadway, but, at the same time, we're saying they don't have to be on the bike path or the trail that's nearby, how would that help the safety and security? [LB716]

SENATOR KOLOWSKI: The help would primarily be, and I've done this and seen this, as well, as a bike rider, as well as watching others, would be in the situations primarily where the sidepath has had problems, deteriorated over time, hasn't been "upkept." And that's a problem in a lot of different situations where debris might have fallen, or there's been a washout, other things might have happened. So the bike riders would then move to the road, if they so desire, and be able to use that. So it's not always a situation where you've got a very clean and clear bike path on the side of the road or a trail or whatever else it might be. But it would be more, more significant to be able to go on the road where a lot of the highways would have a shoulder, sometimes asphalt or other compositions, shoulders to ride on, and not necessarily be in the lane itself. But if they had to do that, because of the poor upkeep or maintenance of the sidepath itself, they could go to the road and be safe in that location, because it would be very, it would be very tenuous, as far as your safety and security, to stay in that bike path if there was a lot of debris, holes, wipe-out areas, or whatever else by the path. [LB716]

SENATOR McCOY: It...is there a place, then, that I missed in the green copy of the bill, Senator Kolowski, that comports with what you just described, as far as some sort of an obstruction of the sidepath? [LB716]

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SENATOR KOLOWSKI: I mentioned it in my comments that those kind of things could happen. And then the person, the biker, could use the road instead of that path. That's what I was alluding to. [LB716]

SENATOR McCOY: But I don't think, though, it talks about that if there was some sort of an obstruction or debris on the path. It just says... [LB716]

SENATOR KOLOWSKI: If it's there, and it's clear... [LB716]

SENATOR McCOY: We're repealing this law, right? [LB716]

SENATOR KOLOWSKI: ...they could, they could use both, yes. Yes, sir. [LB716]

SENATOR McCOY: What would be the, beyond the...a blockage of the path, what would be the reason that that would be advantageous to repeal that part of the statute? [LB716]

SENATOR KOLOWSKI: Well, part of the issue, in some cases and in some places, could be density of traffic. That certainly becomes an issue. And around the reservoirs of the lakes in Omaha, you'll, you'll see that in many different places. Depending on Highway 50, leading down south out of Omaha, for example, you have excellent shoulders to ride on. Some people may want to do that, even though there is a developed bike path. It's not an asphalt track, but it's a, it's a rock-roughage kind of path. They might want to take that. But they want to do more speed work, or go faster, and be on the, the straightaway without the traffic that might be hindering them on a bike path at that time. [LB716]

SENATOR McCOY: Well, I appreciate that. Perhaps I'll hear something different from... [LB716]

SENATOR KOLOWSKI: Um-hum. [LB716]

SENATOR McCOY: ...further testifiers, Senator Kolowski. But, as you well know, as a long-time member of the Papio NRD Board, you know, many of us...all of us pay taxes in some way, shape, or form that contribute to the wonderful bike trails that we have across the state. [LB716]

SENATOR KOLOWSKI: Yep. [LB716]

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SENATOR McCOY: And those have always been promoted, not just from a public safety standpoint for flood control, but also for recreation and the enjoyment of Nebraska citizens. And that's always been the, the, the general, at least as I understood it as a long-time member of the Natural Resources Committee here at the Legislature, one of the reasons we have those trails. And I, I see this as a troubling piece of this legislation, because I just don't, I don't see the, the need out there. Perhaps we'll hear that need from other testifiers. But I very much appreciate you bringing the bill before us today and answering those questions. Thank you, sir. [LB716]

SENATOR KOLOWSKI: Appreciate that. I'm sure others coming behind me will be able to address it much...in much more detail and a better stance, because of the experiences they've had, which are much broader than my own. Thank you. [LB716]

SENATOR SMITH: Senator Davis, and then Senator Brasch. [LB716]

SENATOR DAVIS: Thank you, Senator Smith. Senator Kolowski, appreciate the bill. One of the things you said was that the bill will allow bikes to enter an intersection with the same right as pedestrians. And can you elaborate on what you mean by that? What is different? [LB716]

SENATOR KOLOWSKI: I believe the situation has been, depending on where you are and what intersection you're entering, that many times, many times the bicycle rider would have to dismount and walk their bike across the intersection, rather than ride across, where others could be pushing baby carriages or skateboarding, a lot of different things where they're, where they're crossing an intersection. But bike riders would have to dismount and walk their bike across. And it's...with the traffic lights and with all other barriers or signals, they would have to do that, compared to what others would have a chance to do, if they are on foot or using other means. [LB716]

SENATOR DAVIS: So supposing then that...what you're saying is a bike rider can be going along nonstop... [LB716]

SENATOR KOLOWSKI: Um-hum. [LB716]

SENATOR McCOY: ...just go on across. Would that be... [LB716]

SENATOR KOLOWSKI: Following the traffic rules. If there was a stoplight or whatever else, yes, he, he would be able to follow the flow of traffic just like anyone else that would be using it, rather than dismounting and walking his or her bike across, as one example. [LB716]

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SENATOR DAVIS: Okay, thank you. [LB716]

SENATOR SMITH: Senator Brasch. [LB716]

SENATOR BRASCH: Thank you, Mr. Chairman. And thank you, Senator, for bringing this forward. A concern that I have and, and hopefully you can clarify this, is what I have observed on numerous occasions with or without this law...I don't know if this law would change it...is that there are bicycles that are following the flow of traffic. The light changes to red; I stop. But the bicyclist will then go on to the sidewalk, into the crosswalk, to avoid stopping at the stoplight. And they use the crosswalk, and then they continue their path. Is that making that legal or right? And what concerns me when I see that is, on occasion, there are turning vehicles who may not have...they're not aware of the bicyclist. I've been careful to watch over my shoulder or front and back of me. [LB716]

SENATOR KOLOWSKI: Um-hum. [LB716]

SENATOR BRASCH: And so they are going as fast as they can to keep moving and not stop for the red light. And then someone is turning from the other way. [LB716]

SENATOR KOLOWSKI: Sure. [LB716]

SENATOR BRASCH: Does that enable bicyclists to feel that they have the authority to avoid the red light and just keep moving in the crosswalk? Or how does that work? [LB716]

SENATOR KOLOWSKI: Senator Brasch, an excellent question, and thank you for asking it, because it's right up the alley of all we're trying to do here. And the message is, very simply, all bike, bicycle users and motorists, as they share the roads, should follow all the rules of the road. No one should be trying to cheat or get, get ahead of someone else or cut some corners at a corner or a light or a turning area, whatever it might be. And it's really important. And you have seen, and I have seen bike riders that, bicycle riders that were not riding by the rules. And that gets very frustrating. They're coming one way down a wrong-way street. They're cutting in and out of traffic. They're hard to see. They don't have reflective gear on. If it's nighttime, they don't have lights or anything else on their bikes. Those are, those are issues that we also need to confront. So the message is not just for bike riders in this; it's also the heightening awareness of all motorists to the bicycle riders that are around us. My...if you, if we just look in the last 12 months or 24 months, of the different changes that have taken place in Lincoln, the bike lanes and the marks on the street and the trails around the, the watershed have been laid out. It's changed considerably. And for motorists to keep up with that, if they're not a bike rider or aware

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of what bikes do, we need to make sure that we're communicating with them that bicycle riders have the rights to the road, just like they do. But that doesn't mean they supersede that...they can do anything they want. They can't. They shouldn't. And they put themselves at risk; they put, they put the motorists in a dangerous spot as far as swerving or hitting someone else or whatever else, to avoid hitting a bicycle rider. And I think it's really important that you understand, that all committee members understand, it's not...this isn't just favoring for bicycles. It's also heightened awareness for the motorist in a changing environment. I sometimes mention, and I sometimes reflect back on...my mother is 95. She lives in a small town in northern Illinois. She still drives. She lives in her own home, and she's got all her faculties. It's wonderful. I hope I have that gene pool. I, you know, I hope that will happen. But when she drives, she doesn't go very many places. She, she would get flustered by all the...a roundabout? What is that? And how do you handle those things? And where, what's that bike lane doing there? And all those things are new and different from the time she started driving and through her adult years of handling an automobile. So it's a different world for a lot of people. We have to be aware of that and do the things that we need to do to heighten awareness for motorists, but also the safety and following the rules for all bicycle riders. It's an important two-phase aspect of both of those, not one over the other, at all. [LB716]

SENATOR BRASCH: Very good. And then, when you refer to the bicycle paths... [LB716]

SENATOR KOLOWSKI: Um-hum. [LB716]

SENATOR BRASCH: ...being overgrown with brush or obstacles, who has the responsibility for maintenance of those paths? [LB716]

SENATOR KOLOWSKI: Well, whoever owns that particular piece of territory and has a contract to maintain that. It could be the NRDs, as Senator McCoy mentioned; it can be the city of Omaha, like Lake Zorinsky. I live next to that area, and it's an excellent five-plus-mile path around the entire lake. But the maintenance becomes an issue. There's some destruction that takes place on the signs and on the roadway, the bicycle path, the asphalt. Some of the issues have been chunks of asphalt being ripped up or torn out, holes being made in the surfaces. If you don't see those, you hit those, and they can be very dangerous for bike riders. So knowing where those are and having a continuous maintenance budget for the city of Omaha, which runs Lake Zorinsky--that's their property now, or the NRDs for the trails that are around many of the lakes and the trails that go elsewhere. It's important that the maintenance is kept up, because bicycle riding can be dangerous if you don't see those things at dusk or at dark or whenever else, or if you're coming around a fast corner or doing something like that, it catches you by unaware...in an unaware status and could cause some accidents. And bike riders have fallen because of those things. [LB716]

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SENATOR BRASCH: And I would agree that that maintenance is important... [LB716]

SENATOR KOLOWSKI: Absolutely. [LB716]

SENATOR BRASCH: ...just as it is in our other roads. And do I understand your saying that bike paths are not currently being maintained? So that's why this is being introduced. [LB716]

SENATOR KOLOWSKI: No, that's not it. There are many excellent bike paths everywhere throughout our state. And there are some that need maintenance. And they need the, the maintenance to be done on a yearly basis. The volume of traffic makes a difference, also, depending if you're in an urban situation or setting or in more of a rural setting of a reservoir or whatever else with a path around it. It differs in different places. And that's up to the local entity that is in charge of that, as far as the political entity taking care of the repairs and the upkeep of that facility. [LB716]

SENATOR BRASCH: Now in our rural communities, we have no maintenance roads and different roads that are identified. And I'm just curious if there needs to be some clarification on low-usage bike paths, on the condition they're in before a bicyclist chooses to use that path. [LB716]

SENATOR KOLOWSKI: Well, some people, depending on the bike they use, the bicycle they use and the energies that they have, might go a lot of difference places and take on the challenge of the road and not worry about that, compared to others, and want a safe and secure route to take on our common practice of getting out and getting their exercise. So I'm talking about mountain bikers and doing all of those things they do and trails... [LB716]

SENATOR BRASCH: I know what you were... [LB716]

SENATOR KOLOWSKI: ...all over the place. That's a different situation... [LB716]

SENATOR BRASCH: Yeah. [LB716]

SENATOR KOLOWSKI: ...than the traditional bicycle user that just is getting his or her exercise by a five-mile, ten-mile, fifteen-mile run, whatever it might be. [LB716]

SENATOR BRASCH: Very good. I have no other questions. Thank you. [LB716]

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SENATOR KOLOWSKI: Thank you. [LB716]

SENATOR BRASCH: Thank you. [LB716]

SENATOR SMITH: Senator Kolowski, I just wanted to go over just a couple of applications of the changes in the statute and what is intended by those changes. So Senator Davis touched on one of them. So as far as an intersection goes, today the rules that apply to a bicyclist that steps off their bicycle and walks it across the roadway... [LB716]

SENATOR KOLOWSKI: Um-hum. [LB716]

SENATOR SMITH: ...the same laws would apply if they're on their bike, they're mounted on their bike, and they're riding it across that walkway. They still have to obey any... [LB716]

SENATOR KOLOWSKI: Oh, yes. [LB716]

SENATOR SMITH: ...type of signals that occur. So, you know, I think last year we talked about the scenario in which there is an automobile. They arrive at...you know, they have a, a green light in an intersection, and they're wanting to take a right-hand turn. And so that crosswalk would have a no-walk signal. [LB716]

SENATOR KOLOWSKI: Um-hum. [LB716]

SENATOR SMITH: That bicyclist would have to obey that no-walk. [LB716]

SENATOR KOLOWSKI: Absolutely. [LB716]

SENATOR SMITH: If they're in that crosswalk, and they come in contact with that vehicle that's turning right when they have a green signal, they're at fault. The bicyclist is at fault. [LB716]

SENATOR KOLOWSKI: Absolutely. Yes, sir. [LB716]

SENATOR SMITH: Now in the case where that crosswalk...there is a walk signal, that means that that automobile taking a right-hand turn has a red light. And they're supposed to stop and look before they turn. [LB716]

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SENATOR KOLOWSKI: Correct. [LB716]

SENATOR SMITH: In that particular case, you're saying that the bicyclist, whether on the bike and walking across or riding on top of the bike... [LB716]

SENATOR KOLOWSKI: Um-hum. [LB716]

SENATOR SMITH: ...across, they have the right of way. That's what you're indicating the change is. [LB716]

SENATOR KOLOWSKI: Correct. Those would be some of the changes that we'd be looking at. And others behind me, with more experience, can certainly relate to those, as well. [LB716]

SENATOR SMITH: And another case when it's not an intersection, but it's a bike path that crosses a highway of some sort. [LB716]

SENATOR KOLOWSKI: Um-hum. [LB716]

SENATOR SMITH: That bicyclist cannot just take off across the roadway and expect that they have the right of way. I think what it reads is, "No bicyclist shall suddenly leave a curb or other place of safety and walk or ride into the path of a vehicle which is so close that it is impossible for the driver to stop." Is that the scenario in which you intended that language to apply? [LB716]

SENATOR KOLOWSKI: Yes, sir. I believe so, and others can add more to that as they come forward. But... [LB716]

SENATOR SMITH: Okay. [LB716]

SENATOR KOLOWSKI: Yeah. Extending that safety and security for all participants on the road is really important. And it's only going to get thicker as we look at situations that are before us. The more, the more we have bicycle usage within our cities, especially Omaha and Lincoln with the street path and the street markings that we have, which you couldn't find today, because they're under snow, unfortunately. But those are the issues that we need to heighten awareness on and make, help make the paths and the usage safer for all, all individuals. Having lost friends with bicycle accidents by a poor decision on the part of the drivers, those are really hard things to go through and to see lives cut short, because of what they were doing was legal, but a motorist

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didn't follow and understand the rules. And some things take place like that. So we've had that happen in our lives, and it's a, it's...I look at this bill, as we've pared it down over half, from last year's four points to two points we have now that we're presenting, as an opportunity to...a foundation base. And we'll look at those over the years, working with the bicycle groups in our cities and in our communities in the state, to build additional messages and laws in, in the, in the record, hopefully, in the future that will be beneficial for everyone. Everyone needs to be aware and follow the rules, though. That's the important thing. [LB716]

SENATOR SMITH: Okay. Senator Murante. [LB716]

SENATOR MURANTE: Thank you, Senator Smith and Senator Kolowski. Senator Smith had asked you a question with respect to, if you have a bicycle and a car... [LB716]

SENATOR KOLOWSKI: Um-hum. [LB716]

SENATOR MURANTE: ...driving parallel to each other, approach a traffic signal. [LB716]

SENATOR KOLOWSKI: Yes. [LB716]

SENATOR MURANTE: And the hypothetical was, the traffic signal was green, but you have a don't-walk sign, at which point the bicycle would be required to stop. Is that correct? [LB716]

SENATOR KOLOWSKI: They're both on the road and they're both using the road? The bike is coming up to the... [LB716]

SENATOR MURANTE: The bicyclist is on the sidewalk, and... [LB716]

SENATOR KOLOWSKI: Right. [LB716]

SENATOR MURANTE: ...the car is on the road. [LB716]

SENATOR KOLOWSKI: And has a green light. [LB716]

SENATOR MURANTE: And the car has a green light. [LB716]

SENATOR KOLOWSKI: Right. With the (inaudible). [LB716]

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SENATOR MURANTE: Okay. I believe the hypothetical was with a "don't walk." [LB716]

SENATOR KOLOWSKI: The bicycle stops. [LB716]

SENATOR MURANTE: What if they have a "walk?" [LB716]

SENATOR KOLOWSKI: If they have a "walk"... [LB716]

SENATOR MURANTE: The light is green and it says, and they're driving parallel, the light is green and they have a "walk" sign. So they're both going parallel to each other. And at that point, who has the right of way if the car turns right? [LB716]

SENATOR KOLOWSKI: So the car is turning right. They're both on the same road. [LB716]

SENATOR MURANTE: They're going parallel. [LB716]

SENATOR KOLOWSKI: Parallel. [LB716]

SENATOR MURANTE: But the car... [LB716]

SENATOR KOLOWSKI: Car is going to go right. [LB716]

SENATOR MURANTE: ...they approach the intersection. And it's a green light and a "walk" sign. And the car wants to turn right. Who has... [LB716]

SENATOR KOLOWSKI: I would hope the visibility of the driver is seeing the bicycle rider on the side, if they're parallel to one another. And if he's trying to turn right, but the bicyclist is moving straight ahead, then the bike can go through, because he's not taking the right turn. But the car driver, automobile driver wants to take that right turn there. Correct? [LB716]

SENATOR MURANTE: Yeah. So they're... [LB716]

SENATOR KOLOWSKI: That's the picture you're talking about? [LB716]

SENATOR MURANTE: Right. That's the picture I'm talking about. [LB716]

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SENATOR KOLOWSKI: I hope they would honor the space of the bicycle rider, as well as being aware and visualizing who is going where and how they're going to go...do that. It would be a courtesy of the road to be able to do that. [LB716]

SENATOR MURANTE: Okay. [LB716]

SENATOR KOLOWSKI: In that sense. [LB716]

SENATOR MURANTE: So they would...would it be the legal obligation of the car to give preference to the bicyclist in that instance? [LB716]

SENATOR KOLOWSKI: In that scenario, the way I think it reads right now, yes. They should give the bike rider...he is in a legal situation on that road, just as the automobile is. And if he wants to turn right, it's like having another...if you have another car on your inside, where you're going to move over to that lane to take that right-hand turn after he (inaudible), he goes through that. [LB716]

SENATOR MURANTE: Okay. So my concern with that is you have a bicyclist who, under state law, as I understand it, would...the bicyclist knows he's, he's going straight. I would understand, under state law, that he has the right of way, and that the car that wants to turn right would have to yield to the bicyclist. Are you concerned about the potential danger of, of the, the driver of the car either not seeing or not being aware that the car driver... has to give... [LB716]

SENATOR KOLOWSKI: Surely. [LB716]

SENATOR MURANTE: ...preference to... [LB716]

SENATOR KOLOWSKI: Certainly. [LB716]

SENATOR MURANTE: ...the bicyclist? [LB716]

SENATOR KOLOWSKI: Certainly. [LB716]

SENATOR MURANTE: Is there, is there an enhanced danger that we have to worry about with that? [LB716]

SENATOR KOLOWSKI: As a bike rider... [LB716]

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SENATOR MURANTE: Um-hum. [LB716]

SENATOR KOLOWSKI: I wouldn't assume that that car (a) has seen me or (b) is ready to take that turn without my...knowing that I'm there. So I think it's healthy that you keep very alert out there and don't assume anything, as far as you have the legal right, but you may not be seen. And so that can be problematic from that aspect, depending on the road conditions and everything else that would connect with that. [LB716]

SENATOR MURANTE: Okay. Thank you. [LB716]

SENATOR KOLOWSKI: Thank you. [LB716]

SENATOR SMITH: Senator Brasch and then Senator Davis. [LB716]

SENATOR BRASCH: Thank you once again. And I feel I need to clarify this, because there may be those listening or out here today. A highway is a street... [LB716]

SENATOR KOLOWSKI: Um-hum. [LB716]

SENATOR BRASCH: ...in Nebraska statutes. We're all called "highways," whether it's a street next to a golf course, 15 miles an hour in a school zone, up to 55 miles going through a county. A street is a highway that some people think that the word "highway" is only 50 miles or more an hour. But we're talking about streets. [LB716]

SENATOR KOLOWSKI: True. [LB716]

SENATOR BRASCH: So how is...what's happening today on our streets that this will prevent, that currently, as laws...the bicyclists... [LB716]

SENATOR KOLOWSKI: Um-hum. [LB716]

SENATOR BRASCH: ...on the streets need to be in the crosswalks or...and, and explain to me...I understand the problem with the bicycle paths. [LB716]

SENATOR KOLOWSKI: Um-hum. [LB716]

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SENATOR BRASCH: But right now we're saying that they want the option to not be mandated to use those paths and instead use the streets, and just can you... [LB716]

SENATOR KOLOWSKI: They would have a choice of using the path or (inaudible) perfectly clean bicycle path next to the road, their choice would be to use either one, if they so desired. [LB716]

SENATOR BRASCH: The street or the path. [LB716]

SENATOR KOLOWSKI: Surely. [LB716]

SENATOR BRASCH: And currently... [LB716]

SENATOR KOLOWSKI: For various reasons, whatever might be. [LB716]

SENATOR BRASCH: ...and current law makes them use, current law...they must use the paths versus the streets. Is that what you're saying? [LB716]

SENATOR KOLOWSKI: No, you...I believe you have an opportunity to do that. Others behind me can...would be...they ride on roads that I would never go on. And so I would put them to the test on what you're asking, as far as... [LB716]

SENATOR BRASCH: Yeah. [LB716]

SENATOR KOLOWSKI: ...the duality of the roads and the bike paths. [LB716]

SENATOR BRASCH: All right. So right now we're specifically, we're not concerned about bike paths versus our streets. [LB716]

SENATOR KOLOWSKI: No, it's not just that. It's... [LB716]

SENATOR BRASCH: No...okay. It's the area of the crosswalk where they would be using the same laws... [LB716]

SENATOR KOLOWSKI: Um-hum. [LB716]

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SENATOR BRASCH: ...as if they were a vehicle. [LB716]

SENATOR KOLOWSKI: Um-hum. [LB716]

SENATOR BRASCH: Don't they do that now? Use the same laws as the vehicle? [LB716]

SENATOR KOLOWSKI: I don't believe anyone gets out and walks their car across. So, and it's significantly different than that. [LB716]

SENATOR BRASCH: Well, they can't turn a corner while riding? Or... [LB716]

SENATOR KOLOWSKI: Oh, they can. [LB716]

SENATOR BRASCH: Or are they on the sidewalks now, riding and needing the crosswalk, where they don't want to...I don't know why they would be walking their bikes across if they weren't on the sidewalk versus a street. [LB716]

SENATOR KOLOWSKI: Okay. Sidewalk, or if it's a bike path, as well. Could be either one. Yeah. But the way it reads at the current time, yes. They'd be walking it across. [LB716]

SENATOR BRASCH: If they're on a path... [LB716]

SENATOR KOLOWSKI: Um-hum. [LB716]

SENATOR BRASCH: ...or a sidewalk. Or is a sidewalk different? [LB716]

SENATOR KOLOWSKI: I'm not sure. I'm not sure. [LB716]

SENATOR BRASCH: Because I do see them riding their bikes across the paths with the flashing lights... [LB716]

SENATOR KOLOWSKI: Um-hum. [LB716]

SENATOR BRASCH: ...and things like that, I...they don't get off for that. Should they be getting off for that, without this law? [LB716]

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SENATOR KOLOWSKI: We have some of those up in the Lake Zorinsky area. I'm not sure what the exact definition of the law would be on those situations, because most people ride across the street to get off the trafficway, for the most part. but I, I'm sorry I don't know if...in more depth, yeah. [LB716]

SENATOR BRASCH: And this is where I'm not clear, if they're using sidewalks and need to get off on a sidewalk. Or if they're using the bike paths and now must get off to cross the street from the bike path that runs across the street... [LB716]

SENATOR KOLOWSKI: Um-hum. [LB716]

SENATOR BRASCH: ...also known as a highway, to continue on to the other side of said highway or street. [LB716]

SENATOR KOLOWSKI: I would, I would defer to the testifiers behind me... [LB716]

SENATOR BRASCH: Okay. All right. [LB716]

SENATOR KOLOWSKI: ...that would be able to clarify those much better than I could... [LB716]

SENATOR BRASCH: Okay, all right. I...that was... [LB716]

SENATOR KOLOWSKI: ...since I don't do those. [LB716]

SENATOR BRASCH: ...just my question. [LB716]

SENATOR KOLOWSKI: Sure. [LB716]

SENATOR BRASCH: Because I think a lot of...I had a high school class write in on a bill I had about vehicles, mostly golf carts, on highways. But they were picturing the state highways and not our streets. [LB716]

SENATOR KOLOWSKI: Okay. [LB716]

SENATOR BRASCH: So. All right. I have no other questions. [LB716]

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SENATOR KOLOWSKI: Thank you. Thank you. [LB716]

SENATOR SMITH: Senator Davis. [LB716]

SENATOR DAVIS: You get a lot of grilling on this bill, don't you? [LB716]

SENATOR KOLOWSKI: That's okay. [LB716]

SENATOR DAVIS: A couple questions. But to follow up on what Senator Murante said, and I think we might have discussed this last year, because this happened to me. I had come to a red light; I was going to make a right turn. Cars were...after they had moved, just as I was ready to do that, this bicycle came right up along on the passenger side. So I need to know who has the right of way in that situation? [LB716]

SENATOR KOLOWSKI: Senator Davis, again, you're wanting to turn right in your automobile? [LB716]

SENATOR DAVIS: I'm turning right in my automobile... [LB716]

SENATOR KOLOWSKI: And the bicycle... [LB716]

SENATOR DAVIS: ...waiting for the cars to go by. [LB716]

SENATOR KOLOWSKI: Okay. [LB716]

SENATOR DAVIS: Just as I start to pull out to make the turn, bicycle comes up right beside me, to my right. [LB716]

SENATOR KOLOWSKI: Does not stop. [LB716]

SENATOR DAVIS: Does not stop. [LB716]

SENATOR KOLOWSKI: I would think, on that scenario, that you have the right of way. They are to the inside of you and could be putting themselves in danger if...without letting you go ahead. But again, others could clarify this better than I can. [LB716]

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SENATOR DAVIS: So if there are others out there, they could answer that? [LB716]

SENATOR KOLOWSKI: Yeah. [LB716]

SENATOR DAVIS: There are changes in here to our statutes, no penalty (inaudible), no penalties associated with these. Is that correct? [LB716]

SENATOR KOLOWSKI: Law enforcement has their set of penalties, depending on the issues for bike riders, bicycle riders, as well as motorists, of course. [LB716]

SENATOR DAVIS: And then I've got one final question. On page 4, you added...it would be (2) or..."(2) No bicyclist shall suddenly leave a curb or other place of safety and walk or ride into the path of a vehicle which is so close that it is impossible for the driver to stop." Now, in light of Senator Brasch's questions, is...does that...is that why this is in here? [LB716]

SENATOR KOLOWSKI: Hopefully, from a common-sense side, you want to play Russian roulette with an automobile coming down the street, and you think you can make it across without any danger to yourself or your physical presence of your bicycle. That doesn't make much sense. I hope people...although it's written that way, I hope it's one of those common-sense...yeah, I wouldn't want to do that. I hope it's... [LB716]

SENATOR DAVIS: And I guess that's my point. It seems to be common sense to me that...so I'm not sure it's necessary. I would like to know if you feel it is necessary. [LB716]

SENATOR KOLOWSKI: Having had a brother who was in law enforcement, usually those do help, because people will take it to the other extreme if it's not there. [LB716]

SENATOR DAVIS: Thank you. [LB716]

SENATOR SMITH: I see no further questions, Senator Kolowski. Thank you. [LB716]

SENATOR KOLOWSKI: Thank you, sir. [LB716]

SENATOR SMITH: And we now move to proponents of LB716, those wishing to testify in support of LB716. Welcome. [LB716]

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DAVID ROWE: Thank you. Good afternoon, Chairman Smith and members of the Transportation and Telecommunications Committee. My name is David Rowe, R-o-w-e, and I live in Lincoln, Nebraska. I am a frequent user of the bicycle and pedestrian trails in Lincoln, and I am here to speak in support of LB716. I am also a board member of the Nebraska Bicycling Alliance, and I am an estate planning attorney in private practice. LB716 is needed legislation to clarify the right of way at places where bicycles and pedestrian paths cross roads. Repeatedly, accidents are occurring at these locations. These accidents most commonly involve a car making a turn, from one road to another, across a nearby trail crossing one of those roads. Typically, the driver of the motor vehicle will be watching for vehicular traffic from a direction opposite to the direction of where the trail crosses the road. For example, a driver may be intending to turn right onto the other road and, in the process, across a trail to his right. However, the only vehicular traffic on the road, which presents a danger to the turning motorist, is to the motorist's left. Vehicular traffic coming from the right side of the road is on the far side of the road, and thus, is not considered by the driver to be relevant to the driver's right turn. However, the crosswalk to the right clearly is. The dangerous tendency that pedestrians and bicyclists are seeing over and over again is that when the driver, when the driver sees it is clear to the left, the driver proceeds with the turn to the right without looking to the right to make sure the crosswalk is clear. As a result, pedestrians and bicyclists have been hit, injured, and even killed at these locations. LB716 addresses this situation by more clearly stating who has the right of way at such locations. I would like specifically to summarize the key features of LB716. First, LB716 only applies to places where designated bicycle paths cross roads. It does not apply to places where sidewalks cross roads, unless those sidewalks are a designated bicycle path. Where the sidewalk is not a designated bicycle trail or path, already existing laws continue to apply. Second, LB716 is operative when there is a traffic control signal at the intersection. If there is no traffic control signal, then existing rules would continue to apply. If there is a traffic signal at the intersection, then pedestrians and bicyclists who lawfully enter the crossing with the signal would have the right of way, with respect to the motor vehicle. Third, when pedestrians and bicyclists both lawfully enter the crosswalk, pedestrians would have the right of way in relation to the bicyclist. This conforms to the principle that faster-moving traffic watches out for slower-moving, more vulnerable traffic. Fourth, neither a pedestrian nor a bicyclist may suddenly leave a curb or place of safety to walk or ride into the path of a motor vehicle which is so close that it is impossible for the motorist to stop before hitting the pedestrian or the bicyclist. Thus, even if the signal were with the pedestrian or the bicyclist, they would lose the right of way if they abruptly enter the road in the presence of close, oncoming traffic. Sixth, the word "highway," as it's been pointed out by Senator Brasch, in the bill should not be taken to suggest that this bill is only intended to deal with places where trails cross major, busy, high-traffic roadways. While that might be the meaning of "highway" in common, everyday speech, Nebraska Revised Statute Section 60-624 defines "highway" differently for the rules of the road. The rules of the road define "highway" as any street, road, avenue, boulevard, or way that is publicly maintained and open to the public for vehicular traffic. The word "highway" also includes everything when it's

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within its bounds and, therefore, covers the entire width of the road crossed by the bicycle trail or path. In order to address the right of way at problem locations, two statutes pertaining to pedestrians and one pertaining to bicyclists are modified by LB716. The two pedestrian sections that are revised are Nebraska Revised Statute Section 60-6,153 and 60-6,154. And the one bicycle section that is revised is Nebraska Revised Statute 60-6,317. The revision of the latter statute also eliminates the mandatory sidepath provision of the existing law. Under that existing provision, a bicyclist is required to use a nearby path when one exists, as opposed to riding in the road. That provision is dated. Many states once had provisions like that, but almost all have since eliminated them. The mandatory sidepath rule is no longer considered consistent with best practices. Julie Harris, another person who will be testifying today, will address the provision and its deletion from the law. So if you have any questions about that aspect of LB716, please save those for Julie. Thank you for the opportunity to speak to your committee and in support of LB716. I urge you to advance this important safety measure. If you have any questions for me, I would be pleased to take those now. [LB716]

SENATOR SMITH: Thank you, Mr. Rowe, for being here today. Do we have questions from the committee? Senator Murante and then Senator Brasch. [LB716]

SENATOR MURANTE: Thank you very much for your testimony. I'd like to kind of hit on same question with you that I hit on with Senator Kolowski. In light of your testimony, as I understood it, and if I misinterpreted what you said, please feel free to correct me, but you asserted, at the beginning of your testimony, that the challenge exists for bicyclists right now. If they're riding parallel with a car on a, on a bike path, the person driving the car isn't paying much attention to what's going on, on the bike path, and it's creating a danger. Is that fair to say? [LB716]

DAVID ROWE: That's exactly right, because the driver typically is looking to the left, waiting for the traffic to clear. And, in that particular situation, waiting for the traffic from the left to be clear, they're not worried about motor vehicle traffic on the far side of the road, which is to their right. And they start their turn and start moving before they've even looked again to the right. [LB716]

SENATOR MURANTE: Okay. [LB716]

DAVID ROWE: They wouldn't be hitting a bicyclist or a pedestrian if they bothered to look to the right, because they would see us there. [LB716]

SENATOR MURANTE: And as the law exists right now, the bicyclist is responsible for stopping and getting off the bicycle, right? [LB716]

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DAVID ROWE: I wouldn't say that. What I would say is that the law right now is somewhat unclear. [LB716]

SENATOR MURANTE: Okay. [LB716]

DAVID ROWE: I would say that the law indicates that if you're out there in the road right now, and there are court cases that say this...if you're out there in the road on your bicycle, before the car gets onto that road, then you have the right of way. The problem is that, with law enforcement there, they seem to be confused about what the right of way is. And bicyclists are sometimes getting ticketed, even though they were in road first. You know, they're going to get insult added to injury. They've been hit by a vehicle, and then, on top of that, sometimes they get ticketed. I don't think that's the law, but apparently it's confusing to law enforcement officials, as it exists. So the point of the law is to try to clarify that situation and make clear that the bicyclist or the pedestrian, whoever has out there and out there, consistent with the signal, had the right of way, that the person turning right across the crosswalk has to look and yield to traffic there before they proceed. [LB716]

SENATOR MURANTE: My concern, and feel free to respond to it, is if we're stating...it seems to me that bicyclists are going to be more aware of this law than motorists are, that this impacts bicyclists directly, whereas motorists are fairly accustomed with the status quo. And it's just not something they think about. So if we're acknowledging, and I have no reason to dispute that motorists aren't paying attention to the person riding parallel on the bicycle on the bike path. And the bicyclist believes that they have the right of way. And if it says walk, to just keep going. We're going to create a damage or a potential increase of harm. And we're going to do the opposite of what we're intending to do, because the bicyclist is just going to keep going, because they're aware of the law, when we have stipulated that the motorist isn't paying attention there anyway. [LB716]

DAVID ROWE: I don't think that the law will change that. I think that right now, first off, if you're on a bicycle, you don't want to get hit. So you're watching for those cars, and you're going to continue to feel that way. What it does do, if we pass this law, is it allows us to follow up with public education. And to, for example, create, you know, ads that show, show the situation and make clear what the obligations are in those situations. We would hope to work with the Department of Motor Vehicles or the licensing in the future, with respect to things like the book we all look at before we take the test. Stuff like that would be future projects. So long term, I think this adds to safety. Short term, I don't really...I don't really think I'm going to change my behavior a whole lot, as a bicyclist, because, you know, car against bike, who wins? You know, so it's not going to change my behavior. I don't think that's going to change the behavior of bicyclists. Right now, there's lots of bicyclists and pedestrians who are entering crosswalks on a

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green, and they're getting hit. And that's what we want to stop. And ultimately, this statute, together with public education, is what it's going to take to do that. [LB716]

SENATOR MURANTE: Okay, thank you. [LB716]

SENATOR SMITH: Senator Brasch. [LB716]

SENATOR BRASCH: Thank you, Chairman Smith, and thank you, Mr. Rowe, for your testimony, very detailed, and I'm also grateful that you clarified that a highway is a road or a street, that it's not necessarily a state or federal area where vehicles are moving at high speeds. [LB716]

DAVID ROWE: Right. [LB716]

SENATOR BRASCH: As, and...and you are very knowledgeable of the statutes. And as I'm reading through the amended parts in here, I see it does keep referring to the word crossing. And in crossings, we have railway crossings. We have pedestrian crossings. And from bike paths, I don't know if we need to clarify that these are path crossings, you know, intended for bicycles. I think what happens, and as I see it, is that those who would be using...not using a pathway typically are using their bicycles for recreational purposes...a family with their children, and they're not moving at very high speed. And you do know that they're on the sidewalk. And as a vehicle driver, they're easy to see. [LB716]

DAVID ROWE: Um-hum. [LB716]

SENATOR BRASCH: My concern is that if they are not restricted to paths, the other bicyclists that we see, you know, and rightly so, are the commuters who are every...just as hurried as everybody else is. And they are moving at high speeds. And they are trying to, you know, avoid traffic congestion. So I don't know if we should be clarifying what type of crossings, if we have a specific intention for those who are bicyclists... [LB716]

DAVID ROWE: Well, the only crossings... [LB716]

SENATOR BRASCH: ...in transit. [LB716]

DAVID ROWE: ...that this would apply to is where a designated bicycle trail crosses a roadway. Typically, in a city those will be marked with... [LB716]

SENATOR BRASCH: And if it... [LB716]

DAVID ROWE: ...some kind of crosswalk lines, but they're not always. But anybody who's, you know, like as a resident of Lincoln, for example. I know where those, I know where those trails are when I'm in my car. You know, even if I weren't a bicyclist, I think I would know where those trails are, because you see them alongside, see them alongside the road. For example, alongside Normal, headed from the downtown area out to Holmes Lake, you, you...that trail crosses at South Street. It crosses at 40th street. There's repeated places where it crosses. And I don't think there is any particular mystery there. [LB716]

SENATOR BRASCH: And I would agree that motorists expect to see bicyclists through that area. You expect that. And my concern was public education or bicyclist, you know, information is that those using your, your streets, that are predominately in transit, that those crossing areas, you know, are very clear that, that the crossing is intended for pedestrians and bicyclists, as necessary... [LB716]

DAVID ROWE: Um-hum. [LB716]

SENATOR BRASCH: ...but not, as I mentioned to Senator Kolowski, trying to just use the path of least resistance, you know, how to keep moving. And how do we clarify that? Is it... [LB716]

DAVID ROWE: Well, first off, if I remember back to the question you had asked Senator Kolowski, it was someone on a bicycle is in the roadway, to begin with. They hit a stoplight, and they go up on the sidewalk and...and I'm not quite sure I followed exactly what happens after that. [LB716]

SENATOR BRASCH: They just use the crosswalk, and then they get on the other side. And eventually you catch up with them in the vehicle, but they just choose not to stop and wait for the light. [LB716]

DAVID ROWE: But, but I'm not sure how they got across the street then, because if they had a red light and they were going to continue on, the only way for them to get across the street would be to violate the signal, because they had a red a light. The traffic with them had a red light. The only way they're going to get across the street in the crosswalk would be to, to go through a red, which this law wouldn't give them the right to do. Now if what was happening was that there was a right turn that they were wanting to do, and another car was wanting to do, and they got up on the sidewalk and then traveled a ways on the sidewalk, this law doesn't change the law, with respect to that. I think in Lincoln, and I'm stretching a little bit, but my recollection is there's an

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ordinance that prevents you from doing that, at least not being able to cross the street immediately. But I'd have to look at those ordinances and look at that. I don't think this statute affects the existing law... [LB716]

SENATOR BRASCH: There would not (inaudible)... [LB716]

DAVID ROWE: ...with respect to that situation. [LB716]

SENATOR BRASCH: All right. I have no other questions. Thank you. [LB716]

SENATOR SMITH: Thank you, Senator Brasch. Any additional questions? I see none. Thank you, Mr. Rowe, for your testimony. [LB716]

DAVID ROWE: Thank you. [LB716]

SENATOR SMITH: We continue with proponents of LB716. And again, just as a reminder, we're not using the light system, but if you could, please, keep your testimony to about five minutes, we'd appreciate that. Welcome. [LB716]

JORDAN MESSERER: Good afternoon, Senator Smith and the committee. My name is Jordan Messerer, J-o-r-d-a-n M-e-s-s-e-r-e-r. And I'm here to testify as a proponent for this LB716. So I play many different roles as a cyclist. I serve on mayor's committee for Pedestrian/Bicycle Advisory Committee. I'm a head of university planning committee for pedestrian/bike movement on campus. I'm a certified bike instructor on the board of the Great Plains Trail Network that raises money for trails. I'm a avid cyclist, both as a commuter and as a recreational rider. I even lead bike tours through our state. You can say I've scouted more crops at 12 miles per hour than most people. But that's, that's what makes me different. But this is how we're the same. I graduated from a Nebraska high school. My first degree is from Harvard, I can say, Harvard, Nebraska. I graduated twice from the University of Nebraska. I'm a spouse; I'm a father. I'm a taxpayer. I own a car; I pay gas taxes. I buy insurance. And I pay to the General Fund of taxes. And I believe we're also similar in the fact that when we see cyclists break laws, we both get upset. I can say I even get more upset, because that cyclist...I can say he's giving me a black eye. It's giving all cyclists a black eye. But we have to ask ourself, do we do the same when we see cars break laws? I would say, driving down the interstate, going the speed limit, it's acceptable to go two to four over, because we probably won't get ticketed. We won't get turned over. We won't get pulled over. The only time when we'd say, well, that makes me upset is when, maybe, they're 10, 15, 20 miles over. Then, then that brings us aware of what's happening here. We also...the only time we really get upset, if someone doesn't use a blinker, is when we have to slow down. If

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someone leaves a lane in front of us without using their blinker, we thank them, and they've created more room, and we move on. But we don't go, hey, that person's breaking the law. So I bring this up for two reasons. As public road users, we all bring prejudice to how we use these roads. And I also bring it up, because, just as example, speeding has become acceptable, I believe that California stop has become acceptable. It is now acceptable to roll through a stop sign and a crosswalk and only stop if we see cars coming from the opposite direction, that we fail to turn to look right to the direction we're going. And I think this important clarification, because a stop sign and the stoplight is, is before the crosswalk. Our crosswalks are no longer sacred grounds for individuals on bikes or pedestrians to enter on right, when we're turning right on red. Just as example, as David has given. I would also say, I mean, last month I was a first responder to this exact accident. I was riding to school. A student, also, she was riding to class. She had a green light, a "walk" signal, and entered the intersection. She was hit dead middle, right in the middle of the intersection. She wasn't hit by a front corner, front panel of the car; she was broadsided, right in the middle. As I held her head and waited for...her spine and waited for the ambulance and the police department to arrive, and we had this conversation. I mean, she was mad. I mean, she was following the rules. But, and then the conversation...I didn't witness it; I was following it. So I followed up with the police officer. And the police officer says, no, that the rule is clear. This person gets off and walks. And this is pretty hard when you put it along with the sidepath law. So now you're telling me I can't ride on the road. I can't ride on the road; I have to ride on a mandatory path. On the road, I have to stop at the red light. I get that; that's following the rules. On the sidepath, not only do I have to stop for red lights; I have to stop for green lights. And this is supposed to be a way of commuting, being efficient? There's some clarifications in these laws that have to be made. And I believe this law brings that clarification. It tells each, the driver and the cyclist, their responsibilities. I truly believe in the tourism state motto, or their tag line "Nebraska Nice." I believe it's our character; it's our ethic of who we are in Nebraska. I also believe in our state motto, that we are living the "good life." I moved away 12 years professionally, and I came back because my wife and I chose that Nebraska had a quality of life that we enjoyed. My family, my children were all users of these trails. And I, I think if we want to halt our talented youth from leaving Nebraska, and we want to attract talented young professionals to this state, we have to look at cycling, as I say it, an indicator species. It's not the answer, but it's part of the answer. Currently, Nebraska...last year we were ranked 45th as a bike-friendly state. We have now dropped to 47th. And it...and because this is directly, I believe, to these laws, that we don't have laws that clarify a biker or driver's rights, according to cyclists in these intersections. And so I ask you to look at this law and see how we can clearly define both users in the intersections, how we interact in these intersections. Any questions? [LB716]

SENATOR SMITH: Thank you, Mr. Messerer. Do we have questions? Senator Brasch. [LB716]

SENATOR BRASCH: Thank you, Chairman, and thank you, Mr. Messerer. Is that how you pronounce your... [LB716]

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JORDAN MESSERER: Correct. [LB716]

SENATOR BRASCH: Okay. I feel like I must say something now... [LB716]

JORDAN MESSERER: Okay. [LB716]

SENATOR BRASCH: ...if it's okay. Thank you for your testimony. It is very clear. And I do believe, and I saw it this morning on the way here...a pedestrian that nearly got hit. I mean, it was horrible, and I think what Nebraskans may not, or people in Lincoln specifically...I'm not a resident here. [LB716]

JORDAN MESSERER: Um-hum. [LB716]

SENATOR BRASCH: I come here to work at the Legislature. But I think we're failing to look again...the old adage of "look again." And I don't think anyone wants to harm anyone, whether they're in a vehicle, a bicycle, or on foot. But the degree of injury can be fatal... [LB716]

JORDAN MESSERER: Um-hum. [LB716]

SENATOR BRASCH: ...if you're on a bicycle or if you're on foot. But I would stress, you know, I don't do the California stop; I stop. [LB716]

JORDAN MESSERER: Um-hum, yes. Um-hum. [LB716]

SENATOR BRASCH: I'm from a rural area. We...but the "look again" rule that we learned years ago is being neglected. [LB716]

JORDAN MESSERER: Yeah. [LB716]

SENATOR BRASCH: And that's my biggest concern is, as we try to make things right... [LB716]

JORDAN MESSERER: Um-hum. [LB716]

SENATOR BRASCH: ...for those on the paths. If we don't look again,... [LB716]

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JORDAN MESSERER: Correct. [LB716]

SENATOR BRASCH: ...this isn't going to be effective... [LB716]

JORDAN MESSERER: Yes, um-hum. [LB716]

SENATOR BRASCH: ...regardless. But I think bicycling is great. [LB716]

JORDAN MESSERER: Um-hum. [LB716]

SENATOR BRASCH: It's...has all kinds of value, from health to commerce and all in-between. Changing some of this, you know, I don't see that it's going to work unless we look again... [LB716]

JORDAN MESSERER: Yes, correct. [LB716]

SENATOR BRASCH: ...no matter what, because I see it in with our regular stoplights... [LB716]

JORDAN MESSERER: Um-hum. [LB716]

SENATOR BRASCH: ...and our pedestrian crosswalks. People aren't looking again. My biggest concern is the speed at which some of people are coming to that, when you don't look again, that's when the outcome that you mentioned...it's very, very unfortunate... [LB716]

JORDAN MESSERER: Um-hum. [LB716]

SENATOR BRASCH: ...you know, what had happened. [LB716]

JORDAN MESSERER: Correct. [LB716]

SENATOR BRASCH: But that would be my only concern moving forward. [LB716]

JORDAN MESSERER: Yes. [LB716]

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SENATOR BRASCH: And I just want to thank you for, you know, everything you've done, for coming back to Nebraska and making this your home. And I hope we just take cause that...look again. [LB716]

JORDAN MESSERER: Thank you. [LB716]

SENATOR SMITH: Thank you, Senator Brasch. No additional questions? Thank you for your testimony, appreciate it. We continue with proponents, those wishing to testify in support of LB716. Welcome. [LB716]

ROGER HIRSCH: (Exhibit 1) Thank you, Chairman Smith and members of the Transportation and Telecommunications Committee. My name is Roger Hirsch, R-o-g-e-r H-i-r-s-c-h. I'm a resident of Lincoln, and I'm the current president of the Great Plains Trails Network. And today I appear on behalf of the Great Plains Trails Network, in support of LB716. GPTN just turned 27 years old in December. During its existence, GPTN has raised over \$3 million to assist local government agencies, such as the city of Lincoln and the Lower Platte South Natural Resource District, in the development of a trails network that has been nationally recognized. Formed in 1988 by a group of local citizens committed to developing and promoting a multi-use trails network in Lincoln and the surrounding area, GPTN has been active in fund-raising, working with public agencies, lobbying for legislation favorable to the development and use of trails, and promoting educational opportunities about the value and use of trails. GPTN is an all-volunteer organization with a 29-member board of directors and a general membership of around 830 persons. We have never used paid staff. Our most recent accomplishment was raising \$340,000 for the development of the N Street Protected Bikeway, which is an historical first for the city of Lincoln and the state of Nebraska. The N Street project was born, in part, out of a necessity to find a safer way for bicyclists to access and traverse downtown Lincoln. Cycling in Lincoln has increased over the years, not only for recreation, but for commuter purposes. The development of UNL student residences and the city of Lincoln's plans to add a bike-share service to Lincoln mean that cycling is likely to increase. GPTN's concern for safety on its trails cannot count on the development of protected bikeways everywhere. The city of Lincoln manages over 132 miles of trails that GPTN helped to develop. As we have experienced, bicycle riding on multi-use trails can lead to injuries and even death. The problem becomes more acute at intersections where trails must briefly give way to streets and the traffic that they bear. It is with these intersections and crossings that we focus upon today. Our feeling is that the passage of LB716 will clarify the responsibilities of motor vehicle drivers and bicyclists at those critical crossing areas. Once those responsibilities are clarified in law, GPTN will be able to better focus its educational efforts, as will other organizations. It will help eliminate the confusion both drivers and bicyclists have today, as they use those intersections for travel. Thus, as I stated at the beginning, GPTN supports the enactment of LB716. I'd be glad to try and answer any questions that the committee may have. [LB716]

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SENATOR SMITH: Thank you, Mr. Hirsch. I see no questions. Thank you for your testimony. [LB716]

ROGER HIRSCH: All right. Thank you. [LB716]

SENATOR SMITH: Next proponent. Welcome. [LB716]

LISA PIETSCH: Thank you. (Inaudible). [LB716]

ALEX BRECHBILL: (Inaudible)...green sheet. [LB716]

SENATOR SMITH: And, and you, you can complete one... [LB716]

LISA PIETSCH: No, I didn't. [LB716]

SENATOR SMITH: ...as...when you leave the table. [LB716]

LISA PIETSCH: Okay, thank you. Hi. My name is Lisa Pietsch; it's spelled L-i-s-a P-i-e-t-s-c-h, I live at 3502 Birchwood Drive in Bellevue. And yes, the roads are really bad. But I felt it was my duty to come here. I'm the president of the Bellevue Bike (sic: Bicycle) Club, and we have a wide variety of members, all ages and abilities. And they are commuters and recreational riders. I'm a retired Army Reserve helicopter pilot and master fitness trainer. And my husband was...spent 28 years in the army. And we had been here three tours, total of nine years, and then we left for four years. And then he was ready to retire. And we chose to come back...I'm sorry (crying)...because of the quality of life here. And what's remarkable, when I tell people our story, was our last four years were spent on Oahu. Okay? And so, for us to come back...I know people think: well, you left that paradise. Well, they don't realize what they have here, the educational opportunities and the quality of life. So that being said, I did advocate for bicycling safety on Oahu, for the judiciary. I taught cycling safety to reckless drivers as law enforcement determined. And so I'm very familiar with the intimate details between cycling, cyclists, and drivers. I do drive; I drove here. And I didn't become an avid cyclist until I, as a fitness person, I, as a trainer, I realized I was hurting myself doing all this impact. And so I encouraged other people to cycle, also. And in the activity of cycling, I actually had an incident that the first speaker spoke of, where there was a right hook...the gentleman was looking left, clearing himself left. I was clear to go across, but he kept turning right, assuming that he was ready to go. I laid my bike down. His wife saw this all happening, you know. And I laid my bike down; I ended up having to have arthroscopic surgery on my right knee. But I felt lucky, because I know of people that had...did not have that opportunity afterward. So I understand we have some bad cyclists out

there that roll right through or they cut around. And it's human nature for us to feel slighted when someone does that. Or that they're taking their lives in their own hands that way. And I feel the same way. So we need to educate our cyclist, too. But we also have to protect him legally. I am more aware of this as being a huge issue here in Lincoln, because I am friends with, and have ridden with, the Great Plains Bicycle Club. And they have some great members. And there is a map out there I just happened to see this afternoon; I do not have a copy. And they highlighted all the areas that this would impact specifically. So even though these look like, why do we...I heard someone say, why do we need these? It seems like that's just common sense, and you would think that it is. But there's a couple of areas in here that just need to be highlighted, not just for the cyclist and the drivers, but for people in general. So on both sides...so we go into detail, saying, the crosswalk, the crossing area between a protected area and another protected area, with a roadway in-between, what is that designated for, anyway? Is that not supposed to be protecting the individual? All we're saying here is someone in that protected area, as long as they don't leave a safe space recklessly and put themselves in the path of an oncoming vehicle that would hit them...there was no way to stop...then, all we're saying that they had the right to be there. You would think that we wouldn't have to do that. But if you take a look at the results of these incidents, not always considered accidents, incidents that maybe don't result in an injury, that it's the results aren't consistent, because law enforcement are not really aware of exactly how each one of these different, specific areas would be handled. You know, what is the law for this specific situation? So this would help clarify that. And I do agree that education would be an issue. We would have to make sure that people know what the law is. And we just reinforce this safety. And on the other side of that, if we don't do it, did you know this is the first generation? They expect this is going to be the first generation where the parents outlive the children, not because they don't have healthcare, not because they don't have enough money or they're not educated, but because they're not moving. So when I encourage people to go out and use trails, we're talking pedestrians, too; we're not just talking about cyclists. Okay? Their first concern is safety, you know? So if they are on a path, they have to get to the path, right? So if they're going to ride their bike to the path or from one path to the other side, they don't feel safe. And so they choose not to. And my husband is going to pick up my son. He's retired. He's going to pick him up; there's going to be people waiting at high school, at least an hour ahead of time, to pick their children up. Even in high school...their kids don't walk to school. They feel unsafe on those, crossing from one side to another. So, and for some it's not...you can't...they don't have a choice. But for the ones that do, why not? And there is just one more thing. Where I live, if I rode my bike to the trail, which is about three miles, another ten miles would take me directly to UNO. So all these kids, college-age kids, could be riding their bike. And if that...I mean, now we have BCycle stations. They don't even have to own a bike; they could be commuting. And if you have not been to UNO campus, parking is an issue, right? You know, it's always trouble, so...but I hope you know that I'm here just like you. I care about the health and wellness and above all, safety of the people in my city and in our area. And you are doing that; it is just as a, at a greater extent, for the people of Nebraska. So we're wanting the same thing. So I appreciate your time

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and your efforts. And I do hope that you do move this along, and that you support this LB716. Okay, can I answer any questions? [LB716]

SENATOR SMITH: Thank you, Ms. Pietsch. Appreciate your testimony, and thank you for your military service to our country. [LB716]

LISA PIETSCH: Okay, thank you. [LB716]

SENATOR SMITH: And good to have you back in Nebraska... [LB716]

LISA PIETSCH: Yeah, we're happy to be here. [LB716]

SENATOR SMITH: ...and in Bellevue. I know your mayor, Rita Sanders, is a... [LB716]

LISA PIETSCH: Yes. [LB716]

SENATOR SMITH: ...bicycle enthusiast, as well. And on a cold day like today, Oahu sounds pretty good (laughter). [LB716]

LISA PIETSCH: It does; it does, yeah. Yeah, yeah. [LB716]

SENATOR SMITH: Let's see if we have any questions from the committee. [LB716]

LISA PIETSCH: Okay. [LB716]

SENATOR SMITH: Any questions for Ms. Pietsch? [LB716]

LISA PIETSCH: So you're all going to vote for this...(laughter). [LB716]

SENATOR SMITH: I see none. [LB716]

LISA PIETSCH: Thank you so much. [LB716]

SENATOR SMITH: Thank you. [LB716]

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LISA PIETSCH: Thanks for your patience. [LB716]

SENATOR SMITH: Next proponent, supporter of LB716. [LB716]

JULIE HARRIS: Good afternoon. Senator Smith, thank you, and the members of the committee. I'm Julie Harris, J-u-l-i-e H-a-r-r-i-s. I'm the executive director of the Nebraska Bicycling Alliance, and I am here to kind of wrap up our testimony and try to clarify any additional questions you might have and to address specifically the mandatory sidepath law portion of the bill, because I think we've clarified, hopefully clarified the legal issues with the right of way, with respect to the trails. A couple of things about this bill that I just want to, to bring up right away. The mission of our organization is to cultivate a safer, more bicycle-friendly Nebraska, through partnerships, education, and advocacy. And I truly believe that this bill, today in front of you, represents all of those things. We have been in partnership and ran all of this past NDOR before we brought it to you today. We've been working with them from the get-go and, although they are not going to be testifying in favor or opposed, they do not have any issues with this bill that we have put forward to you. Second, I just want to reinforce the fact that the right of way issues is very narrow and is only applicable to where trails cross streets. So that's something I just want you to be aware of. And the trails that we've talked about...we've talked about a lot in Omaha and Lincoln. But in terms of our partnerships across the state, we know that these trails exist all over our state...Grand Island, Hastings, Kearney, North Platte, Sidney, Scottsbluff...they're all over the state. And the cities around the state are noticing the true benefits of having these trails. And they are looking actively to expand them, to increase the number of miles that they have to connect to other trails. So this is going to continue to be an issue in our state. But I really want to focus mostly on the mandatory sidepath provision of this legislation. As David Rowe mentioned, the...this is something that used to be in the Uniform Vehicle Code and has been...was repealed from that many, many years ago. In fact, Nebraska is one of only three states remaining that has this blanket mandatory sidepath provision in their law. People on bikes need to be able to ride legally in the road, as we mentioned. If there's debris, if there's poor maintenance, if there's other issues that makes it unsafe to be on a sidepath. Senator Brasch, I think you asked about maintenance. And the maintenance of our trails can be very tricky. And in Omaha, in fact, one single piece of trail could run through several different jurisdictions. It could be run through a homeowner's association and then the county and then the city, as it goes along. And so maintenance and snow removal and all of these things, can be a little bit confusing. And so, obviously, it's a need that we need to make sure that we can make it safe for everyone walking and bicycling. Repealing this mandatory sidepath provision, I think there's three important things here, and I think everybody in the room can probably identify with one of them. (A) It's outdated; it's just plain outdated. It doesn't need to be in our statutes. So we'd be removing something from our law that just doesn't need to be there. (B) And I think the most important thing is that it gives the flexibility back to our local authorities to build projects that they feel are the safest for the users in their community. So if a city feels like the safest thing is

to have a sidepath and a bike lane on the same road, if they locally have determined that's the best thing that will keep people the safest, our cities should have the flexibility to do that. And right now, with this mandatory sidepath law, it really ties their hands. And they're not able to legally put a bike lane on a street next to where there's a bike path, a sidepath. And there's places I can think of in Omaha, in particular, near Creighton University, where we have...they're looking at putting in a sidepath along a street that's already a designated bike route. It's the most heavily-used bike route in Omaha. And there's a lot of pedestrians that use the sidepath, walking back and forth to Creighton. That's going to create a problem to try to make it safer for all users. So we need to give that flexibility back to our cities. And third, it increases the safety for people on bikes, as we talked about. These are just very simple, common-sense things that we can do to make it safer for all users in Nebraska. And so we urge you to consider that very strongly. The other thing I want to mention is that I think, a lot of times, we get caught up in the conversation about, well, I saw this bicyclist doing this thing or that thing, or Senator Murante was discussing, you know, or (inaudible) he was concerned about the motorist turning, and now that we would specify the right of way. I think it's really important to remember that driving a vehicle is a enormous responsibility. And I think, a lot of times, we take that for granted. And being a driver of a vehicle requires you, requires all of us, to be alert to all things in our environment as we are driving. And so we can't just take it for granted that people on bikes, even though we're in the vast minority, we should just be fending for ourselves. If you're driving a vehicle, it's your responsibility to be mindful all the time. So these common-sense clarifications addressed in this bill, repealing the sidepath provision, all of these things, very common-sense, should not be controversial, will increase safety and give flexibility back to our cities. I'm happy to answer any questions. [LB716]

SENATOR SMITH: Thank you, Ms. Harris. And I agree, driving vehicles is a huge responsibility, but I think some of the concerns that you've heard in the type of questioning is also that we don't want to project a false sense of security and safety to the bicyclist, because that puts them in danger, as well. But we do appreciate your testimony. Do we have any questions? Senator McCoy. [LB716]

SENATOR McCOY: Thank you, Chairman Smith. And thank you, Ms. Harris, for being here this afternoon. You just mentioned in your testimony that your second, I believe it was, of your three points of why the mandatory sidepath area of the statute should be repealed, that it's for the safety of the bicyclist. You didn't proceed, then, to explain why that would be. I'd like to give you that opportunity, because I find that hard to understand, how that could be the case. [LB716]

JULIE HARRIS: Well, we've discussed, at length, the maintenance issues and the things that cyclists could encounter on a sidepath that would make it dangerous for them. As a motorist, sometime we don't even think about a patch of gravel, for instance, or any of these types of

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things. So, from a safety perspective, just in operating a bicycle on a path that has debris or other things, can be very dangerous. [LB716]

SENATOR McCOY: That's not, however, though, in the bill, Ms. Harris. There is no such provision in the bill, but the reason that this would be repealed is from a safety standpoint. It's just a carte blanche. [LB716]

JULIE HARRIS: Correct, but that's just one reason why we think that it makes a lot of sense to repeal it. This...the only time I have ever been, as a bicyclist, nearly hit has been in this exact situation, as I am continuing on and almost...somebody almost turned into me. [LB716]

SENATOR McCOY: But that's not what we're speaking about. That's not the question that I'm asking. [LB716]

JULIE HARRIS: But, but the thing about being...the giving the bicyclist the...for one thing, the bicyclist has the right, under Nebraska statute, to operate on the road. That's in our statutes that the...a bicyclist has the legal right to be on the road, except on a freeway or an interstate or places where it's specifically prohibited. And so it's a conflict to say, you're allowed to ride on the road, except if there's a sidepath. And then, if there is a sidepath, we're not going to give you any protection, because if people are turning right or not paying attention, then you're at bigger risk of being hit or you have less of a, you know, legal...a way to address it legally, if you're hit by somebody who, if you're in the right. If a bicyclist has a right to be on the road, we should accept that. And it's up to every bicyclist to ride legally with the rules of the road and in a way that they feel safest. And some will feel safest on the sidepath; some will feel safer on the road. [LB716]

SENATOR McCOY: I didn't see. Actually, if I remember hearing what you just said, you actually believe that the statute provides for no protection for those who ride? [LB716]

JULIE HARRIS: There's a...we need to clarify the right of way issue for the specific things that are outlined here. When a trail crosses a road, we need to, we need to clarify the right of way so that we, everyone, understands the rules of the road. And if anything does happen, then there's the appropriate legal things can be done. [LB716]

SENATOR McCOY: But that's a secondary issue to the mandatory sidepath statute, is it not? Because I'm referencing a story from the 22nd (sic: 18th) of this month in the Lincoln Journal Star, in which you're quoted, talking about "this session's bill is focused on the two highest priorities: repealing the mandatory sidepath law and clarifying who has the right-of-way when a trail crosses a road." You, in that article, called out two separate priorities, but appear, as you're

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talking here, to be melding the two together. I...how is that? That seems to be inconsistent.
[LB716]

JULIE HARRIS: Well, I think they are two separate issues. But, in this particular case, where there is a crossing, that's where there is similarity. But they are two specific...they do stand alone, as well. The mandatory sidepath law is...like I said, it's been repealed from the Uniform Vehicle Code. Almost every state has seen that it's not needed. It's out of date; it doesn't apply. And so I think it makes a lot of sense for us to follow that guidance. Our cities need to be able to build the infrastructure that makes it safe for all users. And if the city of Omaha decides that it's...makes it safer, along Burt Street and Creighton University, to put a sidepath and a bike lane, then the city of Omaha should be able to do that. And the mandatory sidepath law, as it exists today, would make it illegal for the person on the bike to ride in the bike lane, if they install a sidepath.
[LB716]

SENATOR McCOY: It also makes it illegal, does it not, for them to use federal highway funding for such a project, as well? [LB716]

JULIE HARRIS: Well, that particular project...it, I don't believe, is using federal funding.
[LB716]

SENATOR McCOY: If...how may...let me clarify what I'm saying. This, this statute may also stand in the way of someone using strictly roads funding for a bicycle project. Well, in the city of Lincoln...it's been in the news lately, the city of Lincoln using some of the money, gas tax dollars, I believe, for a bike project, a bicycle trails project. And there being some sort of...confusion, perhaps, might be the best word to use, over whether or not that funding could be used for that or whether it was designed specifically for automobile, an automobile traffic project. [LB716]

JULIE HARRIS: Um-hum. [LB716]

SENATOR McCOY: Is that what you're saying when you talk about funding, that this clears up that confusion, if this was removed from the statute? Is that what you mean by that? [LB716]

JULIE HARRIS: This...no, this doesn't address any funding issues whatsoever. [LB716]

SENATOR McCOY: Earlier you said, though, that it addressed funding issues. Did I mishear what you said? [LB716]

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JULIE HARRIS: I don't believe...no, there's nothing about funding that's in this bill./ It's about giving cities the flexibility to build, however, however they would fund it. If they feel like they need to build a sidepath and a bike lane to make it safer for everyone, then we, then we should be, then they should be able, allowed to do that. And, and it could be that it's the NRD funding. It could be local funding. It, I mean, transportation funding, as you know, is extremely complex. And so there's a variety of ways to do that, and it could be that GPTN has raised millions of dollars in Lincoln that has funded many miles of trails. So this, this does not affect funding whatsoever. This...merely repealing the sidepath law gives flexibility to cities to design things that make it safe for all users. [LB716]

SENATOR McCOY: Okay, thank you. [LB716]

SENATOR SMITH: Additional questions from the committee? I see none. Thank you, Ms. Harris. [LB716]

JULIE HARRIS: Thank you. [LB716]

SENATOR SMITH: (Exhibits 2-4) Appreciate your testimony. Continuing with, continuing with proponents, supporters of LB716. Any additional proponents. We do have a letter, for the record, in support of LB716. Actually, we have three. Clyde Anderson, on behalf of the Nebraska Sierra Club, Kevin Johnson from Lincoln, and Sarah Knight from Lincoln. We now turn to opponents, those wishing to testify in opposition to LB716, opponents. Seeing none, those wishing to testify in a neutral capacity. Anyone wishing to testify in a neutral capacity on LB716. Welcome. [LB716]

DICK REISER: Thank you, Chairman Smith, members of the committee and staff. My name is Dick Reiser, D-i-c-k R-e-i-s-e-r, appearing today on behalf of the Nebraska Trucking Association. We appear in a neutral capacity, with questions about the wording of the LB716. I noticed, in the testimony that has been given so far, there's been a lot of talk about other states having repealed the pathway, the parallel pathway law that's in Nebraska at the present time. There hasn't been much talk about what they replaced it with. Looking at this language of the bill, there's a section that says, "A person who is operating a bicycle on a path designated for bicycles and who lawfully enters a highway where the path crosses the highway shall have the right-of-way within the crossing with respect to any vehicle." I've looked at the statutes and, admittedly not in great detail, but I find, I question who designates what a pathway is. In the statute that's now being replaced, there's talk about a path set aside by the Department of Roads or a local authority. That language would be gone. This simply talks about a path designated for bicycles. Raises the question whether a path must be designated by a local government or any government or can simply be a path created by anyone of these associations that chose to build a

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bicycle path that would cross a highway. If that happens, the question, then, is, who is responsible for marking or putting up any signals? I think this section does deal with unmarked intersections of a pathway and a highway. It appears that an individual could create a bike path that crosses a highway. And when I say that, I'm not thinking was...they were about Lincoln and Omaha. I'm thinking about Highway 2, Highway 20, when one of our trucks comes over a hill and there's an unmarked pathway where there's five people crossing the highway on bicycles, and it's totally unmarked. There's no signal there; there's nothing. This appears to say that those bicyclists have the right of way over that truck coming over the hill. And we really don't think that's good law. If the highway...for example, if...when there's a highway, a state highway, there's county roads crossing it. In almost every case, there are stop signs that stop the intersecting road, so the traffic there stops and yields the right of way to the highway. And that, of course, keeps traffic flowing and free flow of commerce, etcetera. If it's unmarked, then there are provisions in the law where the vehicle to the right has the right of way in an unmarked intersection. This pretty much says if there's an unmarked intersection, the bicycle has the right of way over the vehicle, no matter what the situation is. So we really think that it needs to be examined a little more carefully, and some of the wording reworked, if this law is going to go forward. Thank you. [LB716]

SENATOR SMITH: Thank you, Mr. Reiser. Do we have questions from the committee? I see none. Thank you. [LB716]

DICK REISER: Okay. [LB716]

SENATOR SMITH: Any additional testimony in a neutral capacity? Seeing none, Senator Kolowski, you're invited to close on your bill, LB716. [LB716]

SENATOR KOLOWSKI: Thank you, Chairman Smith. I also want to thank Senator Smith and his staff and my staff for the work they've done over this last year on the topics that we've heard about today. It is a complex issue. It is complex because it's in different places, different locations, different times why, without some videos or something that we could have shown a lot of different samples and examples of our bill today, as far as some of the issues that we were talking about, might have helped in that particular way. But it's something that we hope to begin to take inroads on, as far as phasing this in over time, phasing in bicycle safety and driver safety, as far as the roads are concerned. I had an opportunity, and...and I want to thank Senator McCoy and others who were talking about the bike trails and bike paths in different places. Sometimes we have a cubbyhole mentality. We're going to work on roads, and we don't think of the bigger picture of roads, sidepaths with bikes, sidewalks where pedestrians would walk. Sometimes it's not all connected very well. And I saw a great example of that last summer in Europe. My wife and I were on a vacation, and we saw a number of countries that had dedicated paths on the side

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of the roads where bikes...the ramps going up and down never had to hit a bump. And everything was smooth with sidewalks and bike ramps and parking areas for vehicles, and the roads or streets that people would use with their vehicles. It was all part of a phase-in that worked perfectly, because that's how they thought...big picture, not cubbyhole, one little piece, and then we have to come back and tear it up and put bike lanes in, or do something like we do with paint and bumps in the road, as far as protections in different places. One country we were in had 6 million people in their country, and they had 10 million bikes in their country. I've never seen a three-story garage right next to one area downtown, a large garage only for bikes. And it was packed; you couldn't get another bike in there. That's how many people are using bikes for transportation in different countries around the world at the current time. And it's very common and very popular in European countries. So I thank you for your time today. I thank you for your excellent questions on the seriousness of the issue. It's only going to grow. It's only going to get bigger and better over time. And I hope we can be a part of putting the right pieces in place, dropping out old pieces that no longer apply and moving ahead with bike safety and motor vehicle safety on our roads and streets. Thank you very much. [LB716]

SENATOR SMITH: Thank you, Senator Kolowski. Any remaining questions for Senator Kolowski? I see none. Thank you, Senator. And that concludes our hearing on LB716 and our...concludes all hearings for the day. Thank you. [LB716]