

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 589

Introduced by Smith, 14.

Read first time January 19, 2011

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to state highways; to amend section 39-1359,
2 Reissue Revised Statutes of Nebraska; to allow for
3 encroachments on the state highway system for special
4 events held by counties, cities, or villages as
5 prescribed; to provide a duty for the Department of
6 Roads; and to repeal the original section.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 39-1359, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 39-1359 (1) The rights-of-way acquired by the department
4 shall be held inviolate for state highway and departmental purposes
5 and no physical or functional encroachments, structures, or uses
6 shall be permitted within such right-of-way limits, except by written
7 consent of the department.

8 (2) Encroachments on the state highway system by a
9 county, city, or village, including full and partial lane closures,
10 shall be allowed for special events, as designated by a county, city,
11 or village, under the following conditions:

12 (a) The roadway is located within the official corporate
13 limits or zoning jurisdiction of the county, city, or village; and

14 (b) The county, city, or village encroaching on the state
15 highway system for a special event has formally, by official
16 governing body action, waived any and all rights of recovery against
17 the Department of Roads for damages or liability that may arise from
18 the special event.

19 (3) If a county, city, or village has met the
20 requirements of subsection (2) of this section for holding a special
21 event, the department shall issue a permit authorizing the
22 encroachment on the state highway system.

23 Sec. 2. Original section 39-1359, Reissue Revised
24 Statutes of Nebraska, is repealed.