

Legal Notice of Rulemaking
Nebraska Department of Transportation
Public Hearing
Wednesday, October 21, 2020 - 9:00-11:00 AM
Nebraska Department of Transportation
Central Headquarters Bldg., Rm. 103
1500 Hwy 2, Lincoln, Nebraska

The Nebraska Department of Transportation (NDOT) has commenced rulemaking and will hold a public hearing concerning repealing or revising the following proposed regulations.

17 NAC 1, Public Use Airport/Heliport Licensing

- During an extensive review of all NDOT regulations, it was determined that this regulation would benefit from a revision pertaining to heliports. This includes removing the regulation language for private-use heliports, as the Division's statutory authority to register private-use heliports is questionable.

410 NAC 7, The Accommodation of Mailboxes and Newspaper Delivery Boxes and Support Posts on Highway Rights-Of-Way

- NDOT is transferring this regulation to Title 412 due to a change in ownership within the agency. Because of this action, NDOT is required by law to repeal the chapter and re-adopt the regulation as a new chapter within the new title.

412 NAC 2, The Accommodation of Mailboxes and Newspaper Delivery Boxes and Support Posts on Highway Rights-Of-Way

- NDOT is re-adopting this regulation after repealing it from 410 NAC 7 and updating it to reflect current best practices. These practices include both State and Federal changes that have been implemented since the regulation last received a substantive revision.

414 NAC 1, Nebraska Scenic Byways Program

- NDOT is updating this regulation, originally adopted in 1996, to remove portions of the rule which are no longer applicable.

428 NAC 3, Instruction Manual for Annual Reporting of One- and Six-Year Plans for Highway, Road and Street Improvements

- NDOT is proposing to repeal this regulation in its entirety. The regulation is no longer necessary due to NDOT- and Board-sponsored legislation (LB 82) passed in 2019 by the Legislature. The Legislation requires local political subdivisions to certify to the NBCS their compliance with the law rather than submit the one- and six-year plans to the NBCS for NBCS staff to review. Because of this change in law, 428 NAC 3 is obsolete and unnecessary.

428 NAC 3, Instruction Manual for Standardized System of Annual Reporting Road, Street, and Highway Programs as adopted by the Board of Public Roads Classifications and Standards and approved by the Auditor of Public Accounts

- NDOT is proposing to repeal this regulation in its entirety. The regulation is no longer necessary due to NDOT- and Board-sponsored legislation (LB 82) passed in 2019 by the Legislature. The Legislation requires local political subdivisions to certify to the NBCS their compliance with the law rather than submit the SSAR report to the NBCS for NBCS staff to review. Because of this change in law, 428 NAC 3 is obsolete and unnecessary.

Interested persons are invited to attend the public hearing. Comments and recommendations may be presented orally or in writing at the hearing. They may also be mailed, faxed, or e-mailed prior to the hearing or until the close of the public comment period (October 31, 2020). Pre- and post-hearing comments should be directed in writing to NDOT's External Affairs Manager, Sarah Soula, PO Box 94759, Lincoln, Nebraska 68509-4759; sarah.soula@nebraska.gov; voice telephone (402) 479-4871, TDD telephone (402) 479-3834, fax (402) 479-3989. Comments may also be posted online through the Secretary of State's website (see below).

To view or download the proposed amendments to the regulations or to comment online, visit: <https://www.nebraska.gov/nesos/rules-and-regs/regtrack/index.cgi> ("Agency": Transportation). To obtain a free paper copy of the proposed changes, the Proposed Regulation Policy Pre-Review Checklists, or the Fiscal Impact Statements, contact NDOT's Government Affairs Office, PO Box 94759, Lincoln, Nebraska 68509-4759; voice telephone (402) 479-4324; TDD telephone (402) 479-3834; fax (402) 479-3758; erich.strack@nebraska.gov. To view or pick up copies in person: Director's Office, 1500 Highway 2, Lincoln, NE.

NDOT will make every reasonable accommodation to provide an accessible meeting facility for all persons. Appropriate provisions for the hearing and visually challenged or persons with limited English proficiency (LEP) will be made if NDOT is notified by October 14, 2020. Notification should be submitted to Sarah Soula (see contact information above).

This notice is provided pursuant to the Administrative Procedure Act.