

Legal Notice of Rule Making
Nebraska Department of Transportation
Public Hearing
Friday, August 24, 2018, 1:00 - 3:00 PM
Nebraska Department of Transportation
Central Headquarters Bldg., Rm. 103
1500 Highway 2, Lincoln, Nebraska

The Nebraska Department of Transportation (NDOT) has commenced rule making and will hold a public hearing concerning the repeal of the following regulations:

- **17 NAC 7** - Practice and Procedure for Hearings in Contested Cases
- **407 NAC 1** - Hearing Practice and Procedure of the Department of Roads
- **408 NAC 2** - Roadside Trees, Shrubs, Bushes and Vines
- **411 NAC 6** - Snowmobiles on State Highways
- **413 NAC 1** - Consultant Services
- **428 NAC 5** - Hearing Practice and Procedure of the Board of Public Roads
Classifications and Standards

NDOT completed a detailed review of its rules and regulations by directive of the Governor's Executive Order 17-04; the above regulations were determined to be unnecessary, outdated, or both. NDOT may issue guidance documents covering some of the subject matter these regulations relate to if determined necessary.

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 until the public comment date close (September 3, 2018). Pre-hearing and post-hearing comments should be directed in writing to NDOT's Public Hearings Officer, Tony Bui, P.O. Box 94759, Lincoln, Nebraska 68509-4759; tony.bui@nebraska.gov; voice telephone (402) 479-4994, TDD telephone (402) 479-3834, fax (402) 479-3989. Comments may also be posted online through the Secretary of State's website (see below).

The proposed changes to the regulations may be viewed, downloaded, or commented on at: www.sos.state.ne.us/rules-and-regs/regtrack ("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 at PO Box 94759,

RULE & REGULATION PRELIMINARY FISCAL IMPACT STATEMENT

AGENCY:	Nebraska Department of Transportation		
TITLE:	408	PREPARED BY:	Erich Strack
CHAPTER:	2	DATE PREPARED:	May 23, 2018
SUBJECT:	Roadside Trees, Shrubs, Bushes and Vines	TELEPHONE:	402-479-4324

TYPE OF FISCAL IMPACT:

	STATE AGENCY	POLITICAL SUBDIVISION	REGULATED PUBLIC
No Fiscal Impact	X	X	X
Increased Costs			
Decreased Costs			
Increased Revenue			
Decreased Revenue			
Indeterminable			

PROVIDE AN ESTIMATED COST AND DESCRIPTION OF IMPACT:

State Agency	
Political Subdivision	
Regulated Public	

IF INDETERMINABLE, EXPLAIN WHY:

Title 408 -- NEBRASKA DEPARTMENT OF ROADS - MAINTENANCE DIVISION

Chapter 2 -- Roadside Trees, Shrubs, Bushes and Vines

001 No person, corporation, or utility, shall trim, cut down, root up, remove or cut or mutilate in any manner, any tree, shrub, bush or vine situated upon any part of the right of way of any highway on the State Highway System, without written consent of the Department of Roads.

002 Consistent with the preservation of planted vegetation, it will be the policy of the Department of Roads to cooperate with the owners of utilities in obtaining the necessary clearance for overhead wires by permitting the trimming, clearing or removal of vegetation to eliminate interference where such action is necessary. Such work shall be done only in accordance with the established practice and standards that are set up by the Department. In no case will the consent of the Department be granted for wasteful or wanton trimming or removal in order to solve difficulties.

ANNOTATION

**Title 408
Chapter 2**

**Enabling Legislation
39-699; 25-2130
and 34-101 Neb. Rev. Stat.**

FILED
Allen G. Beaumont
Secretary of State
10-20-85