



**Legal Notice of Rulemaking**  
**Nebraska Department of Transportation**  
**Public Hearing**  
**Tuesday, November 5, 2019, 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 revisions to the following regulations:

- **407 NAC 2 - Contested Cases:** This regulation governs the Department's procedure for contested cases. NDOT is proposing to revise this existing regulation to update the language. The proposed revisions will 1) eliminate the currently out-of-date language and adopt the Attorney General's Model Rule for Contested Cases (53 NAC 4) by reference, and 2) Include the two statutory boards NDOT oversees (Nebraska Board of Examiners for County Highway and City Street Superintendents and the Nebraska Board of Public Roads Classifications and Standards). This proposed revision will allow the two Boards to repeal their out-of-date regulations on Contested Cases, which is included in this rulemaking.
- **411 NAC 1 - Manual on Uniform Traffic Control Devices:** This regulation provides for a uniform system of traffic control devices throughout Nebraska that match national standards for traffic control through the adoption of the Federal Highway Administration's (FHWA) "Manual on Uniform Traffic Control Devices" (MUTCD). The MUTCD provides traffic control guidance for all roads open to public traffic.

The MUTCD is periodically updated by FHWA. The proposed regulation changes will update Title 411 to match the current MUTCD revision.

NDOT will also be adopting an updated Nebraska Supplement to the MUTCD. Federal regulation allows state DOTs to create a supplemental manual containing state-specific sign and control device standards.

- **415 NAC 2 - Nebraska Transportation Public Assistance Program:** This regulation governs funding distribution and defines eligible recipients and sub-recipients of state and federal funds for transportation services in Nebraska.

The regulation covers NDOT, and any municipality or non-profit organization that applies and is eligible for funding assistance.

In addition to revising the previous three regulations, NDOT is proposing to repeal the following regulations:

- **17 NAC 8 - Promotion of Aviation:** NDOT is proposing the repeal of this unnecessary regulation. NDOT is an avid promoter of aviation in the state of Nebraska. However, this regulation neither regulates nor sets any parameters for the promotion of aviation and is thus, unnecessary. The repeal of this regulation was supported by the passage of LB 190 (2019).
- **17 NAC 9 - Rental of Aircraft:** NDOT is proposing the repeal of this unnecessary regulation. NDOT's Aeronautics Division is not an expert in the liability or insurance fields and should not have a duty or need to oversee, review, or file aircraft renters' liability notices and acknowledgements. The repeal of this regulation was supported by the passage of LB 190 (2019).
- **411 NAC 2 - School Bus Loading Area Signs:** NDOT is proposing to repeal this regulation. The regulation, formerly mandated by §60-6,176, required NDOT to adopt a regulation with specifications for a single sign to be erected in school bus loading areas. That statute was repealed by LB 190 (2019) and NDOT has determined that the sign specifications can be incorporated into the Nebraska Supplement to the Federal Manual on Uniform Traffic Control Devices which is adopted pursuant to regulation 411 NAC 1 rendering this regulation unnecessary.
- **425 NAC 1 - Hearing Practice and Procedure of the Board of Examiners for County Highway and City Street Superintendents and Hearing Practice and Procedure for Contested Cases:** This regulation is being proposed for repeal. NDOT has chosen to include the Board in its update of 407 NAC 2, which is also included in this rulemaking, rendering this regulation duplicative and unnecessary.
- **428 NAC 5 - Hearing Practice and Procedure of the Board of Public Roads Classifications and Standards:** This regulation is being proposed for repeal. NDOT has chosen to include the Board in its update of 407 NAC 2, which is also included in this rulemaking, rendering this regulation duplicative 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 (November 15, 2019). Pre-hearing and post-hearing comments should be directed in writing to NDOT's Public Involvement Manager, Sarah Soula, P.O. 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).

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To view or download the proposed changes to the regulations or to comment online, visit: [www.sos.state.ne.us/rules-and-regs/regtrack](http://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, PO Box 94759, Lincoln, Nebraska 68509-4759; [erich.strack@nebraska.gov](mailto:erich.strack@nebraska.gov); voice telephone 402-479-4324, TDD telephone 402-479-3834, fax 402-479-3758. Copies may be viewed or picked up in person at the NDOT 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 29, 2019. Notification should be submitted to Sarah Soula, Public Involvement Manager (see contact information above).

This notice is provided pursuant to the Administrative Procedure Act.

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# RULE & REGULATION PRELIMINARY FISCAL IMPACT STATEMENT

<b>AGENCY:</b>	Nebraska Department of Transportation		
<b>TITLE:</b>	17	<b>PREPARED BY:</b>	Erich Strack
<b>CHAPTER:</b>	8	<b>DATE PREPARED:</b>	September 30, 2019
<b>SUBJECT:</b>	Promotion of Aviation	<b>TELEPHONE:</b>	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:**

<b>State Agency</b>	
<b>Political Subdivision</b>	
<b>Regulated Public</b>	

**IF INDETERMINABLE, EXPLAIN WHY:**

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NEBRASKA ADMINISTRATIVE CODE

TITLE 17 – NEBRASKA DEPARTMENT OF AERONAUTICS

PRIOR ISSUE – August 2002

CURRENT ISSUE –

CHAPTER 8 – NEBRASKA AERONAUTICS COMMISSION

001 Funding the Promotion of Aviation

001.01. Definition

For the purposes of the Nebraska Aeronautics Commission funding decisions as authorized by Neb. Rev. Stat. §3-104, the term “promotion of aviation” is defined as follows:

001.01A. Any activity which enhances or encourages the use and growth of aviation in the state of Nebraska.

001.02. Exceptions.

Explicitly excluded from the definition of “promotion of aviation” are the following activities:

001.02A. Funding for the promotion or support of air service in any specific community or region of Nebraska; and

001.02B. Funding to support privately owned businesses.

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