

**TITLE 428, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 1**  
**BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS**  
**RULES AND REGULATIONS CONCERNING**  
**PROCEDURES FOR CLASSIFICATIONS**



**TITLE 428 – BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS**

**Chapter 1 – Procedures for Classifications**

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## TITLE 428 – BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS

### Chapter 1 – Procedures for Classifications

#### 001 SPECIFIC CRITERIA FOR THE FUNCTIONAL CLASSIFICATION OF RURAL HIGHWAYS

001.01 INTERSTATE – shall consist of the federally designated National System of Interstate and Defense Highways.

001.02 EXPRESSWAY – shall consist of a group of highways following major traffic desires in Nebraska which rank next in importance to the National System of Interstate and Defense Highways. The expressway system is one which ultimately should be developed to multilane divided highway standards.

#### SPECIFIC CRITERIA

1. Serve corridor movements having trip length and travel density characteristics indicative of substantial state-wide or interstate travel (Expressway plans of adjoining states to receive careful consideration) which are not handled by the Interstate.
2. Serve all, or virtually all, cities of ten thousand and over population which are not served by the Interstate. [The term “serve” for the expressway system is defined as coming within twenty-five miles of the center of the city via a major arterial.]
3. The Expressways in conjunction with the Continuous Major Arterials be spaced so that all developed areas of the State are within a reasonable distance of an Expressway or Arterial highway.
4. Selection between two or more routes to satisfy a particular desire line assignment will be made on the basis of:
  - A. The route with the higher traffic volume
  - B. The most direct route
  - C. The route with the highest standards and best condition
  - D. Only one assignment per desire line
  - E. Make maximum use of routes previously selected
  - F. There must be little or no adverse travel
  - G. Routes should be interconnected in a continuous system
5. The total number of miles in the Interstate and Expressway Systems shall be limited as shown in Table 1.

001.03 MAJOR ARTERIAL – shall consist of the balance of routes which serve major statewide interests for highway transportation. This system is characterized by high speed, relatively long-distance travel patterns.

#### SPECIFIC CRITERIA

1. Link cities, towns, and other traffic generators that are capable of attracting travel over long distances and form an integrated network with higher systems to provide interstate and inter-county service.

## TITLE 428 – BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS

### Chapter 1 – Procedures for Classifications (continued)

2. Serve all cities of one thousand and over population which are not served by higher systems with an integrated network without stub connections except where geographic or traffic flow conditions dictate otherwise (landlocked cities having travel desire lines in one direction only). The major arterial system shall also provide “connecting links between the interstate and the nearest existing state highway system in rural areas” if such service is not provided by higher systems. [The term “serve” for the major arterial system is defined as either penetrating or touching the corporate limits of the city or village.]
3. Be spaced at such intervals, consistent with population density, so that all developed areas of the State are within a reasonable distance of an arterial highway. Such routes (characteristics listed in 1, 2 and 3 above) will be subclassified as CONTINUOUS MAJOR ARTERIALS and constitute routes whose design should be expected to provide for relative high overall travel speeds, with minimum interference to through movement.
4. Serve every incorporated municipality of one hundred and over population and the major recreational areas of the state, which are not served by higher systems, with stub or spur connections. Such routes will be subclassified as NONCONTINUOUS MAJOR ARTERIALS. [The term “serve” for the major arterial system is defined as either penetrating or touching the corporate limits of the city or village.]
5. The total number of miles in the Interstate, Expressway and Major Arterial Systems shall be limited as shown in Table 1.

001.04 OTHER ARTERIAL – shall consist of a group of highways of less importance as through-travel routes which would serve places of smaller population and smaller recreation areas not served by the higher systems. The Other Arterial system should then be selected on the basis of the following criteria.

#### SPECIFIC CRITERIA

1. Intercommunity connections – Small municipalities, rural communities, and centers of commerce such as elevators and railsidings should be connected to each other and to the higher systems.
2. Recreational connections – Parks, reservoirs, forests, reservations and other recreation areas of statewide interest should be served by this system (if not on higher systems).
3. Important traffic connections – Routes which carry traffic volumes for longer trip lengths than the next lower level (collector) highways should be on the system.
4. County lines – The location of other arterial routes should be coordinated at county lines to form an integrated system. They may, however, collect travel from two or more collector or local roads on one end and carry it to equal or higher systems at the other end, thus creating the possibility of a classification change at county or state lines.
5. Spacing – See Figures 1 and 2.
6. Mileage limitation – See Collector.

001.05 COLLECTOR – shall consist of a group of highways which pick up traffic from many local or land- service roads and carry it to community centers or to the arterial systems. They are the main school bus routes, mail routes, and farm-to-market routes.

## TITLE 428 – BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS

### Chapter 1 – Procedures for Classifications (continued)

#### SPECIFIC CRITERIA

1. All community centers and agricultural activity centers not on higher systems should be connected with each other and connected with the higher systems by a collector road.
2. Clustered residents who are at considerable distances from the previous selected systems should be served.
3. Spacing should be at intervals, consistent with population density, to collect traffic from local roads and bring all developed areas within a reasonable distance of a collector road. The spacing recommended is shown in Figure 2.
4. The total number of miles in the Other Arterial and Collector Systems shall be limited as shown in Table 1.
5. The location of collector routes should be coordinated at county lines to form an integrated system.

001.06 LOCAL – shall consist of all remaining rural roads, except remote residential and minimum maintenance roads.

#### SPECIFIC CRITERIA

1. Shall serve, in conjunction with remote residential roads, all occupied residences with connection to another local or higher system classification.
2. Shall serve, in conjunction with remote residential roads, all cemeteries, parks, wildlife management areas or other rural areas with a connection to another local or higher system classification.
3. Shall serve, in conjunction with remote residential roads, all school bus and mail routes not served by a higher system.
4. Shall be so spaced, in conjunction with remote residential roads, as to avoid considerable extra travel or normal travel over minimum maintenance roads.

#### 001.07 REMOTE RESIDENTIAL

#### GENERAL CRITERIA

**General Criteria from Chapter 39, Section 39-2103(9) Nebraska Revised Statutes** - shall consist of roads or segments of roads in remote areas of counties with (a) a population density of no more than five people per square mile or (b) an area of at least one thousand square miles, and which roads or segments of roads serve as primary access to no more than seven residences. For the purposes of this subdivision, residence means a structure which serves as a primary residence for more than six months of a calendar year. Population shall be determined using data from the most recent federal decennial census.

## TITLE 428 – BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS

### Chapter 1 – Procedures for Classifications (continued)

#### SPECIFIC CRITERIA

1. Remote Residential roads shall serve qualified properties having occupied residences with a connection to another remote residential, local or higher system classification. In conjunction with such service, they may also serve as school bus and mail routes and serve farms, ranches, cemeteries, parks, wildlife management areas or other rural areas. For the purpose of this section “qualified” shall pertain to the county population density or area size set forth above.
2. Remote Residential roads shall be sufficient to provide access to properties having remote residences, farms, and ranches by passenger and commercial vehicles. One-lane traffic is allowed where sight distance is adequate to warn motorists of oncoming traffic.

#### RESTRICTIONS

1. County Board Public Hearing – A County Board Public Hearing is required prior to requesting the department to classify a new road segment or an extension to an existing road segment or to reclassify an existing road segment as a Remote Residential road. For county line roads, each adjoining county shall meet the general criteria of Chapter 39, Section 39-2103(9) Nebraska Revised Statutes and each County Board shall hold a public hearing on the matter prior to requesting the department to classify.
2. Relaxation of Standards – In addition to the County Board Public Hearing, a Relaxation of Standards granted by the Board is required for construction of a new road segment or an extension to an existing road segment, or when a county wants an existing non-surfaced road segment or an existing one-lane road segment with inadequate sight distance reclassified to remote residential. See 428 NAC 2, Section 004.
3. The Functional Classification will only be assigned by the department when requested by official action of a County Board.

001.08 MINIMUM MAINTENANCE – shall consist of roads used occasionally by a limited number of people as alternative access roads for areas served primarily by local, collector, or arterial roads or roads which are the principal access roads to agricultural lands for farm machinery and farm trucks, and which are not primarily used by passenger or commercial vehicles and are not intended for school bus or mail routes.

#### SPECIFIC CRITERIA

1. Shall provide for travel during normal weather, shall not require snow removal or roadway mowing, except to prevent hazard.
2. Minimum maintenance roads may be earth or turf covered.
3. County line coordination – minimum maintenance roads should not stub at a county line.
4. May not be the only access to an occupied dwelling – a minimum maintenance road shall be reclassified to remote residential, local or a higher functional classification whenever an existing dwelling or newly constructed dwelling becomes occupied.

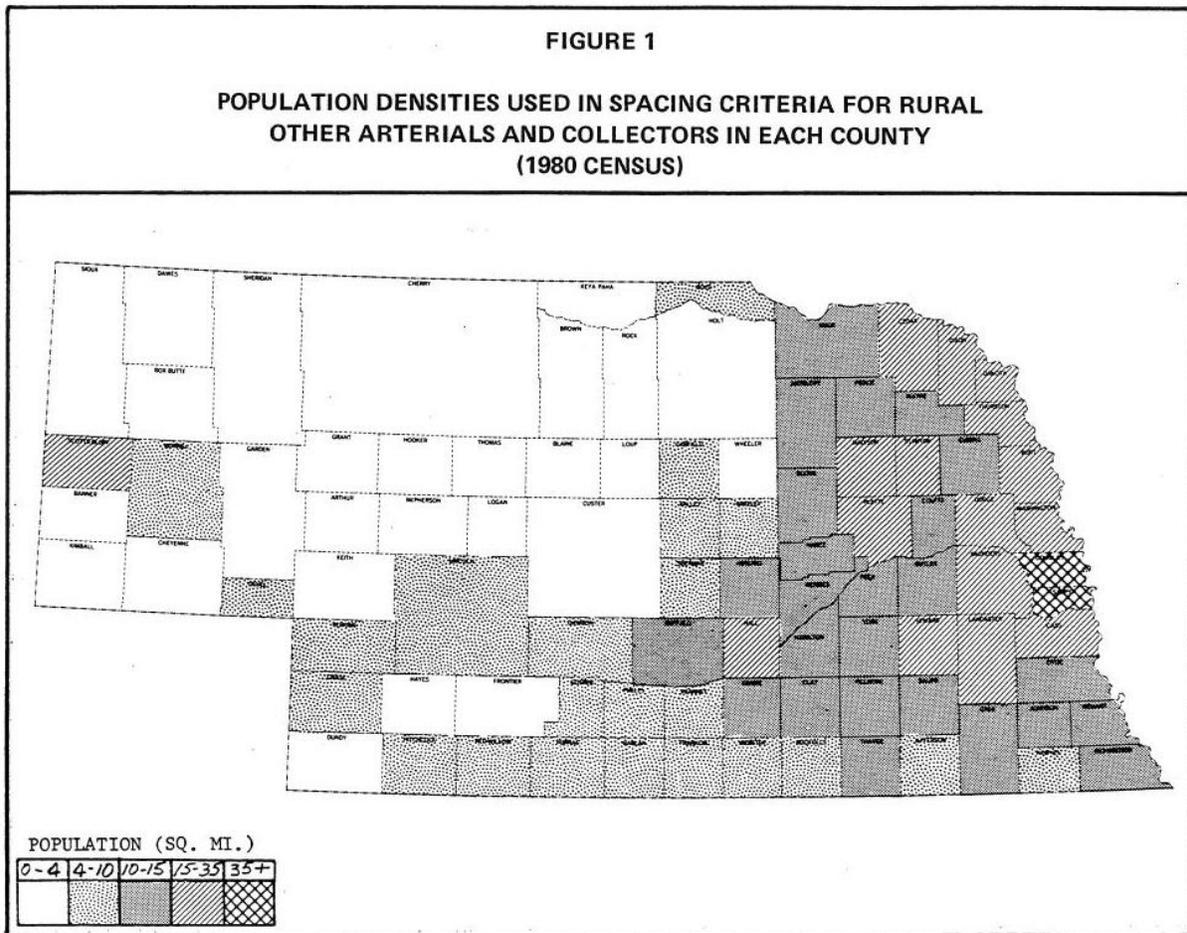
**TITLE 428 – BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS**

**Chapter 1 – Procedures for Classifications (continued)**

TABLE 1 PROPOSED ALLOWABLE MILEAGE FUNCTIONAL CLASSIFICATION GROUPS			
Rural Systems	%	Miles	Probable Mileage
Interstate plus	3 Max.	2,762	482)
Expressway			) 864
Interstate plus		*10,000 Max.	382)
Expressway plus			) 9,963
Major Arterials			9,099)
Other Arterials plus	20 – 25	18,410 – 23,012	10,237)
Collector			) 21,374
Remaining Local plus Remote Residential plus Minimum Maintenance			11,137)
			64,798
* The intention of this maximum allowance is to limit the State Highway System to 10,000 miles (including rural and municipal mileage).			

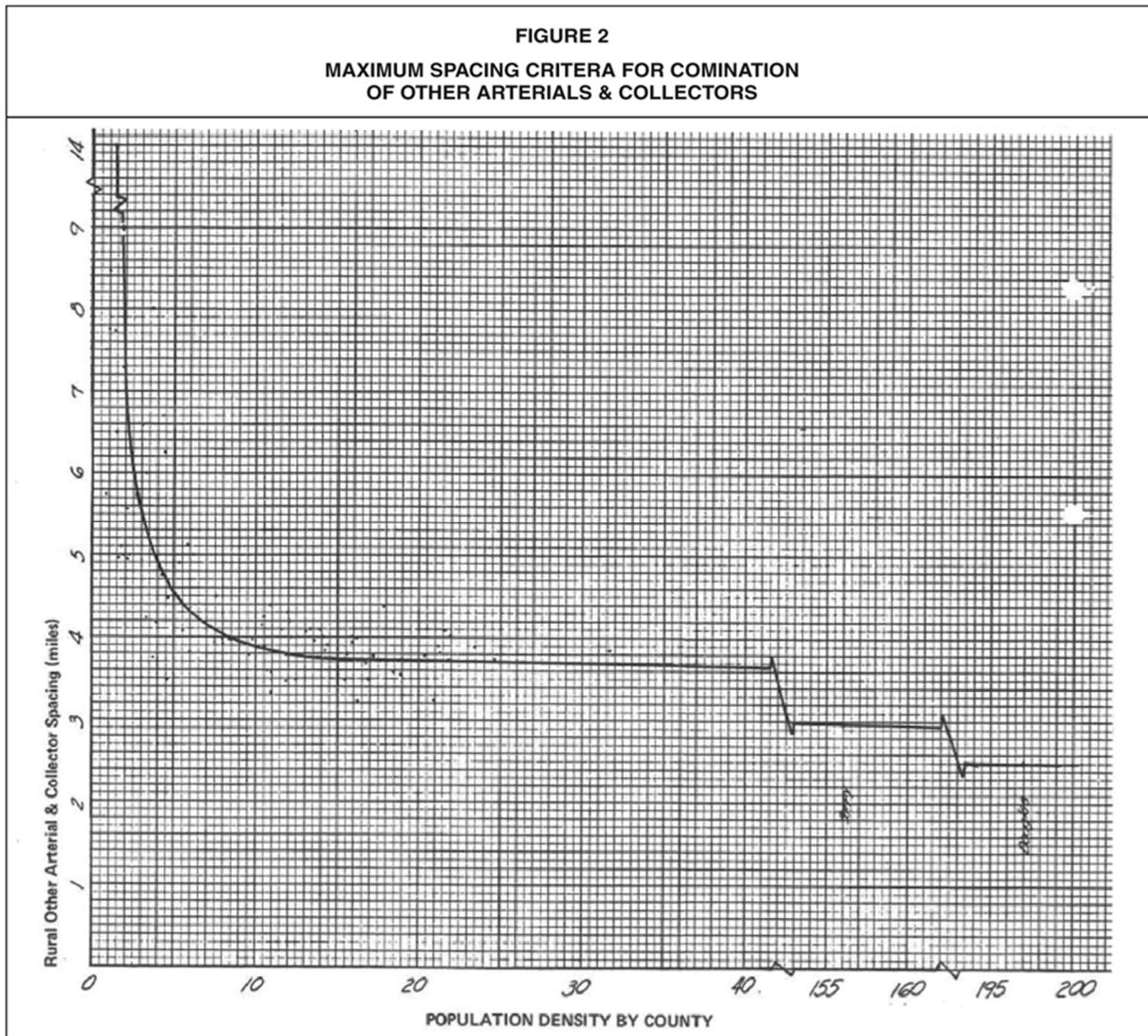
TITLE 428 – BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS

Chapter 1 – Procedures for Classifications (continued)



TITLE 428 – BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS

Chapter 1 – Procedures for Classifications (continued)



002 SPECIFIC CRITERIA FOR THE FUNCTIONAL CLASSIFICATION OF MUNICIPAL STREETS

Municipal streets shall consist of all public streets within the limits of any incorporated municipality. It is recommended the municipalities be divided into three population groups to facilitate the comparison process which inevitably must take place between cities and villages of similar sizes. These streets shall be divided into six functional classifications groups. Each incorporated municipality with a population over five thousand shall approximate the guideline mileage percentages established in Table 2.

002.01 POPULATION GROUP I – OVER FIFTY THOUSAND (URBANIZED AREAS)

002.01A INTERSTATE – shall consist of the federally-designated National System of Interstate and Defense Highways.

## TITLE 428 – BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS

### Chapter 1 – Procedures for Classifications (continued)

002.01B EXPRESSWAY – which shall consist of two categories: Extension of rural expressways within some urban areas and some additional routes which serve very high volumes of local traffic.

#### SPECIFIC CRITERIA

1. Provide connecting link for rural expressways which intercept the incorporated municipalities.
2. Provide routes for major traffic generators within the city.
3. Expressway system one in which ultimately should be developed to multi-lane divided highway standards.
4. Provide an integrated network without stub connections.

002.01C MAJOR ARTERIAL – shall consist of extensions of rural major arterials which provide continuous service through municipalities for long distance rural travel. They are the arterial streets used to transport products into and out of municipalities.

#### SPECIFIC CRITERIA

1. Connecting link for rural major arterials.
2. Serve the major activity centers of the urban area not served by the higher systems.
3. Serve the highest traffic volume corridors not served by the higher systems.
4. Service to abutting land should not be a primary functional responsibility of this class of street.
5. Serve the longest trip desires not served by the higher systems.
6. Should (in conjunction with the higher systems) carry a high proportion of the total urban area travel on a minimum of mileage.
7. System should be integrated both internally and between major rural connections.
8. Spacing (in conjunction with the higher systems) may vary from less than one mile in Central Business District to five miles in urban fringe.

002.01D OTHER ARTERIAL – which shall consist of two categories: municipal extensions of rural other arterials, and arterial movements peculiar to a municipality's own complex, that is streets which interconnect major areas of activity within a municipality, such as shopping centers, the Central Business District, manufacturing centers, and industrial parks.

## TITLE 428 – BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS

### Chapter 1 – Procedures for Classifications (continued)

#### SPECIFIC CRITERIA

1. Provide connecting link for rural other arterials.
2. Intra-community connections of areas of activities in municipalities not connected by a higher order system, such as shopping centers, central business district, manufacturing and industrial areas.
3. Interconnect with and augment the urban major arterial system. This need not form an integrated system in all cases.
4. Spacing may vary from one-eighth to one-half mile in the Central Business District to two to three miles in the suburban fringe, but should normally be not more than one mile in fully developed areas.

002.01E COLLECTOR – shall consist of a group of streets which collect traffic from residential streets and move it to smaller commercial centers or to higher arterial systems.

#### SPECIFIC CRITERIA

1. Collect traffic from local streets in neighborhood and channels it to the arterial system.
2. Provide land access service within residential neighborhoods, commercial areas and industrial areas.
3. Spacing should be at intervals consistent with population density.

002.01F LOCAL – shall consist of the balance of streets in each municipality, principally residential access service streets and local business streets. They are characterized by very short trip lengths, almost exclusively limited to vehicles desiring to go to or from adjacent property.

#### 002.02 POPULATION GROUP II – FIVE THOUSAND TO FORTY-NINE THOUSAND (SMALL URBAN AREAS)

002.02A INTERSTATE – None

002.02B EXPRESSWAY – Due to present design plans, most cities in this population group will be by-passed with expressways or arterials outside the corporate limits.

002.02C MAJOR ARTERIAL – OTHER ARTERIAL – COLLECTOR – LOCAL – Same specific criteria as for those in Population Group I.

#### 002.03 POPULATION GROUP III – ONE TO FIVE THOUSAND (VILLAGES AND SECOND CLASS CITIES)

In the National Highway Functional Classification Study the mileage in cities of less than five thousand population was classified as rural. The specific criteria for small urban areas is generally applicable to these smaller cities and villages. The basic difference is that, by nature of their size, small municipalities will not generate internal travel warranting a network of arterial service.

002.03A INTERSTATE – None

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**Chapter 1 – Procedures for Classifications (continued)**

002.03B EXPRESSWAY – None

002.03C MAJOR ARTERIAL – Extension of all major rural arterials into and through these municipalities which are on the State Highway System including stubs and spurs to towns above one hundred population.

002.03D OTHER ARTERIAL – Municipal extension of high volume rural collectors on county system.

002.03E COLLECTOR – Municipal extension of low volume collectors on county system.

002.03F LOCAL – All streets not on one of the higher systems.

TABLE 2 PROPOSED ALLOWABLE MILEAGE FUNCTIONAL CLASSIFICATION GROUPS	
Municipal System (Population 5000 and over)	Percent of Mileage In each City
Interstate, Expressway and Major Arterial System	5 – 10
Total of Interstate, Expressway, Major Arterial & Other Arterial Systems	15 – 25
Collector Streets	5 – 10
Local Streets	65 - 80

**003 SPECIFIC CRITERIA FOR THE FUNCTIONAL CLASSIFICATION OF SCENIC - RECREATION ROADS**

003.01 Scenic-Recreation, which shall consist of highways or roads located within or which provide access to or through state parks, recreation or wilderness areas, other areas of geographical, historical, geological, recreational, biological, or archaeological significance, or areas of scenic beauty; and are defined as follows:

1. State Parks as defined by 81-815.22 Neb. Rev. Stat. shall mean parks of substantial area with primary value of significant statewide scenic, scientific or historical interest, having a complete development potential and, where possible, a representative portion which can be retained in a natural or relatively undisturbed state.
2. State Recreation or Wilderness Areas as defined by 81-815.22 Neb. Rev. Stat. shall mean areas with a primary value for day use, but with secondary overnight-use facilities or potential, which have reasonable expansion capability and are located in accordance with sound park management principles.
3. Geographic Areas shall consist of a unique or unusual area which has particular interest and is not usually present in extensive numbers in the immediate area.

## TITLE 428 – BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS

### Chapter 1 – Procedures for Classifications (continued)

4. Historical Areas shall include areas which have been determined by the State Historical Society to be historic sites or have been registered or nominated to be included in the National Register of Historic Places.
5. Geological Areas shall consist of unique or unusual areas which have particular interest in the interpretation of geologic information and are the best areas of information in that particular region.
6. Recreational Areas as defined in 81-815.22 Neb. Rev. Stat. State wayside areas shall be areas appropriate in size and located at strategic intervals adjacent to main travelled highways to provide safe rest and picnic stops for travelers, which sites shall be selected for scenic or historical interest, when possible. Equipped with safe approach and departure lanes, and be developed in a manner and with such facilities as are appropriate to their purpose and State Special Use areas shall be those areas which are primarily of public hunting, fishing, or other wildlife values, and which cannot logically be classified in one of the categories listed in sub-divisions 2, 3, 4 or 5 of this section, when so designated by the Nebraska Game and Parks Commission to be maintained from fish and game funds.
7. Biological Significance areas are defined as only those areas where a unique or unusual life form or process exists and only that area that is most unusual in the given region of the State.
8. Archaeological Significant areas are areas for which the Nebraska State Historical Society has declared an archaeological significance. A joint agreement exists between the Society and the Department of Transportation concerning these areas if a road project proposes to infringe on them.
9. Scenic. No precise definition of scenic is possible as stated in the Scenic Highways Narrative dated March 12, 1974, by the Nebraska Game and Parks Commission. "Scenery, as with other forms of beauty, lies in the eyes of the beholder, and an element of subjectivity is bound to be a part of any attempt to develop and apply objective criteria and guideline."

003.02 Jurisdictional responsibility for all scenic-recreation roads and highways shall remain with the governmental subdivision which had jurisdictional responsibility for such road or highway prior to its change in classification to scenic-recreation.

003.03 Specific Criteria for Scenic-Recreation roads shall be divided into two classes.

1. Highways and roads providing access to or to and through scenic-recreation area.
2. Highways and roads located within scenic-recreation area.

003.03A Specific Criteria – Scenic-Recreation roads providing access to or to and through Scenic- Recreation Area:

003.03A1 Highways functionally classified as Interstate shall not be considered for a scenic- recreation classification.

## TITLE 428 – BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS

### Chapter 1 – Procedures for Classifications (continued)

003.03A2 Highways functionally classified as Expressway shall not be considered for a scenic-recreation classification.

#### 003.03A3 SPECIFIC CRITERIA – SCENIC - RECREATION - MAJOR ARTERIAL

1. Scenic-Recreation-Major Arterial shall consist of state highways which provide access to or to and through scenic-recreation areas and which qualify for a Major Arterial Functional Classification.
2. Limits of a Scenic-Recreation Highway to be classified Scenic-Recreation-Major Arterial shall be determined from logical points of Scenic-Recreation interest. Termini may be from a road with any functional classification.
3. Scenic-Recreation-Major Arterial highways to Scenic-Recreation areas shall meet or exceed applicable minimum standards unless a request for Relaxation of Standards has been granted by the Board of Public Roads Classifications and Standards.
4. Effort shall be made to preserve the natural environment to the extent possible without compromising the safety of those using the facility, at the speed limits that apply.

#### 003.03A4 SPECIFIC CRITERIA – SCENIC - RECREATION - OTHER ARTERIAL

1. Scenic-Recreation-Other Arterial shall consist of roads which provide access to or to and through scenic-recreation areas and which qualify for an Other Arterial Functional Classification.
2. Limits of a Scenic-Recreation Road to be classified Scenic-Recreation-Other Arterial shall be determined from logical points of Scenic-Recreation interest. Termini may be from a road with any functional classification.
3. Scenic-Recreation-Other Arterial roads to Scenic-Recreation areas shall meet or exceed applicable minimum standards unless a request for Relaxation of Standards has been granted by the Board of Public Roads Classifications and Standards.
4. Effort shall be made to preserve the natural environment to the extent possible without compromising the safety of those using the facility at the speed limits that apply.

#### 003.03A5 SPECIFIC CRITERIA – SCENIC - RECREATION - COLLECTOR

1. Scenic-Recreation-Collector shall consist of roads which provide access to or to and through Scenic-Recreation areas and which qualify for a Collector Functional Classification.
2. Limits of a Scenic-Recreation Road to be classified Scenic-Recreation-Collector shall be determined from logical points of Scenic-Recreation interest. Termini may be from a road with any functional classification.

## TITLE 428 – BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS

### Chapter 1 – Procedures for Classifications (continued)

3. Scenic-Recreation-Collector roads to Scenic-Recreation areas shall meet or exceed applicable minimum standards unless a request for Relaxation of Standards has been granted by the Board of Public Roads Classifications and Standards.
4. Effort shall be made to preserve the natural environment to the extent possible without compromising the safety of those using the facility at the speed limits that apply.

#### 003.03A6 SPECIFIC CRITERIA – SCENIC - RECREATION - LOCAL

1. Scenic-Recreation-Local shall consist of roads which provide access to or to and through Scenic-Recreation areas and which qualify for a Local Functional Classification.
2. Limits of a Scenic-Recreation Road to be classified Scenic-Recreation-Local shall be determined from logical points of Scenic-Recreation interest. Termini may be from a road with any functional classification.
3. Scenic-Recreation-Local roads to Scenic-Recreation areas shall meet or exceed applicable minimum standards unless a request for Relaxation of Standards has been granted by the Board of Public Roads Classifications and Standards.
4. Effort shall be made to preserve the natural environment to the extent possible without compromising the safety of those using the facility at the speed limits that apply.

003.03A7 Highways functionally classified as Remote Residential shall not be considered for a Scenic-Recreation classification.

003.03A8 Highways functionally classified as Minimum Maintenance shall not be considered for a Scenic-Recreation classification.

#### 003.03B SPECIFIC CRITERIA – SCENIC - RECREATION - INTERNAL ROADS

1. Those roads located within the Scenic-Recreation area which are not through routes. Scenic-Recreation Internal Roads serve as routes within Scenic-Recreation areas.
2. Jurisdictional responsibility is in accordance with the approved Functional Classification.
3. The location of Scenic-Recreation-Internal roads shall be coordinated with other roads in the area so that both through and scenic-recreational travel is served, unless the route terminates in an area as previously described and is not a through route.

## TITLE 428 – BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS

### Chapter 1 – Procedures for Classifications (continued)

#### 004 FUNCTIONAL CLASSIFICATION ASSIGNMENT APPEAL TO THE BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS

004.01 Any County or Municipality may, based on changing traffic patterns or volume, request the Department of Transportation to reclassify any segment of highway, road or street. The Department shall review such request and either grant or deny the reclassification in whole or in part. Any County or Municipality dissatisfied with the action taken by the Department under this section, may appeal to the Board of Public Roads Classifications and Standards.

004.02 An appeal of assigned functional classification by any County or Municipality shall be submitted to the Board of Public Roads Classifications and Standards in writing. Appeal documentation shall include:

1. One copy of the Resolution, by the County Board or City Council, appealing the assigned functional classification and specifying the functional classification requested.
2. One copy of a map showing the location of the road or street. Beginning and ending points shall be identified.
3. Evidence that the Department of Transportation denied a request for reclassification.
4. Traffic count data to include location of traffic count station(s) and date(s).

004.03 Upon the talking of such an appeal, the Board shall review all information pertaining to the assignment and hold a hearing thereon if deemed advisable. The determination, on whether or not a Public Hearing shall be held, shall be by Roll Call Vote. The Board shall set the time and place of Public Hearing.

004.04 When a functional classification appeal Public Hearing is scheduled by the Board, the Secretary for the Board shall:

1. Notify in writing the County(s) and/or Municipality(s) of the time and place for Public Hearing at least ten days prior to the Hearing.
2. Notify in writing the Director-State Engineer, Department of Transportation the time and place for Public Hearing at least ten days prior to the Hearing.
3. Cause to be published a legal notice of Public hearing at least ten days prior thereto in a designated legal newspaper in the County(s) and/or Municipality(s) at least one time stating the time and place and purpose of the Public Hearing. Such legal notice shall also be published in a legal newspaper with statewide circulation.
4. Notify in writing the members of the Board and place the Public Hearing on the Agenda.
5. Prepare the Public Hearing format which will be divided into three parts in addition to the opening and closing statements.

PART ONE The County(s) and/or Municipality(s) shall present their appeal.

PART TWO The Department of Transportation shall present information concerning the functional classification as assigned.

## TITLE 428 – BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS

### Chapter 1 – Procedures for Classifications (continued)

PART THREE The Board shall conduct a question and answer period if deemed advisable.

004.05 FUNCTIONAL CLASSIFICATION APPEAL TRANSCRIPTS All Functional Classification Appeals shall be recorded and a written transcript prepared under the direction of the Secretary for the Board.

Statements or exhibits submitted to the Board within ten days following the Public Hearing will become an official part of the Public Hearing transcript.

One copy of the Public Hearing transcript shall be furnished to each Board member. The Board shall examine the transcript for correctness. The accepted Public Hearing transcript shall then be available for public inspection and copying at the Department of Transportation' Headquarters, South Junction U.S. 77 and N-2, Lincoln, Nebraska.

004.06. Within ninety days of the date of the hearing, the Board will meet, consider the request, and by one vote, grant or deny the appeal either in whole or in part. An affirmative vote of at least six members will be necessary to grant an appeal. A permanent record will be maintained of the Board's decision. A copy will be distributed to the requesting County(s) or Municipality(s) to the Department of Transportation, and to any interested party requesting a record of the proceeding.

The Boards' decision on the assigned classification shall be subject to the provisions of Chapter 84, Article 9 Neb. Rev. Stat.

#### ANNOTATION

Title 428  
Chapter 1

Enabling Legislation  
§39-2109; 39-2111; 39-2112  
Neb. Rev. Stat.