

## LEGISLATIVE BILL 443

Approved by the Governor May 22, 1975

Introduced by Urban Affairs Committee, Fowler, 27, Chmn.; Koch, 12; George, 16; Stoney, 4; Burrows, 30; Hasebroock, 18; Duis, 39; Swigart, 8

AN ACT to amend section 14-1822.01, Revised Statutes Supplement, 1974, and section 1, Legislative Bill 875A, Eighty-third Legislature, Second Session, 1974, relating to transportation services; to define a term; to provide provisions to include all municipalities; to provide for retroactive reimbursement; to adopt the Nebraska Public Transportation Act of 1975; to make an appropriation; to provide an expiration date; to provide an operative date; to repeal the original sections, and also sections 68-1107, 68-1108, and 68-1109, Revised Statutes Supplement, 1974; and to declare an emergency.

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

Section 1. As used in sections 1 to 4 of this act, unless the context otherwise requires, municipality shall mean any incorporated city or village.

Sec. 2. That section 14-1822.01, Revised Statutes Supplement, 1974, be amended to read as follows:

14-1822.01:--At--such--times--as Whenever state funds shall be available to all municipalities and transit authorities to cover the difference between the regular fare and the reduced fare stated herein, the fare on the regular public transit buses shall not exceed ten cents for those persons sixty years of age or older shall not cost in excess of ten cents during nonpeak operating hours, which hours shall be designated by the local transit authority or city municipality, whichever has jurisdiction.

Sec. 3. That section 1, Legislative Bill 875A, Eighty-third Legislature, Second Session, 1974, be amended to read as follows:

Section 1. There is hereby appropriated one million dollars from the state General Fund for the period of July 1, 1974 to June 30, 1975 to the Department of Roads, Agency No. 27 for Program 305, Assistance to Public Transit of Municipalities Local and Transit Authorities, to aid in carrying out the provisions of

Legislative Bill 475, Eighty-third Legislature, Second Session, 1974: section 2 of this act. The local transit authority shall certify monthly to the Department of Roads the amount of reduced fare and subsidy, and the Department of Roads shall verify such determination before payment is made. The funds appropriated by this section shall be available for retroactive reimbursement in full to any municipality or transit authority for any subsidy advanced by it for the transportation of elderly persons on regular public transit buses after July 12, 1974 and before July 1, 1975.

Sec. 4. The municipality or transit authority shall certify monthly to the Department of Roads the amount of reduced fare and subsidy, and the Department of Roads shall verify such determination before payment is made.

Sec. 5. Sections 5 to 15 of this act shall be known and may be cited as the Nebraska Public Transportation Act of 1975.

Sec. 6. The Legislature finds that: (1) Transportation is a critical need of the elderly, handicapped, and others without access to the private automobile; (2) urban traffic congestion and the need for fuel conservation require greater reliance on public transportation; (3) public transportation in the rural and small urban areas of the state is lacking; (4) public transportation in many instances is no longer a profitable undertaking for private enterprise acting alone; (5) public subsidy of public transportation, whether privately or publicly operated, is often necessary to provide needed transportation services; (6) the variety of federal, state, and local activities in providing public transportation services require coordination for maximum benefit from public resources; (7) communities require technical assistance in addressing their public transportation needs; and (8) it is in the best interests of the people of the state to develop programs providing for the above concerns.

Sec. 7. As used in sections 5 to 19 of this act, unless the context otherwise requires:

(1) Public transportation shall mean the transport of passengers on a regular and continuing basis by motor carrier for hire, whether over regular or irregular routes, over any public road in this state, including city bus systems, intercity bus systems, special public transportation systems to include portal-to-portal escorted service for the elderly or handicapped, taxi, subscription, dial-a-ride, or other

demand-responsive systems, but shall not include motor carriers for hire when engaged in the transportation of school children and teachers to and from school and school-related activities, or private car pools;

(2) Department shall mean the Department of Roads;

(3) Director shall mean the Director-State Engineer of the Department of Roads;

(4) Elderly shall mean any person sixty-two years of age or older who is drawing social security and every person aged sixty-five years of age and older;

(5) Handicapped shall mean any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize public transportation facilities and services as easily as persons who are not; and

(6) Municipality shall mean any village or incorporated city, including cities, except cities of the metropolitan class operating under home rule charter.

Sec. 8. The Department of Roads shall be the principal state agency responsible for coordinating public transportation activities in the state and for providing technical assistance to improve public transportation. The department may contract pursuant to the provisions of sections 5 to 15 of this act to assist state agencies, political subdivisions, and other public and public-purpose organizations in the improvement of public transportation and contract with publicly or privately-owned carriers to provide public transportation services.

Sec. 9. The department shall have the following powers, duties, and responsibilities:

(1) To collect and maintain data on public transportation in the state;

(2) To assess the regional and statewide effect of changes, improvement, and route abandonments in the state's public transportation system;

(3) To develop short and long-range plans and programs for public transportation in the state on a statewide basis in coordination with local plans and programs developed by municipalities, counties, and transit authorities;

(4) To provide planning and technical assistance to agencies of the state, political subdivisions, or groups seeking to improve public transportation;

(5) To advise, consult, and cooperate with agencies of the state, the federal government, other states and interstate agencies, political subdivisions, and with groups concerned with public transportation;

(6) To cooperate with the Public Service Commission in determining the effect of proposed regulatory decisions on public transportation;

(7) To administer federal and state programs providing financial assistance to public transportation, except those federal and state programs in which a municipality, county, transit authority, or other state agency is designated as the administrator;

(8) To prepare and submit an annual report to the Governor and Legislature detailing its activities under sections 5 to 15 of this act and make recommendations to strengthen, expand, and improve public transportation in the state; and

(9) To exercise all other powers necessary and proper for the discharge of its duties, including the promulgation of reasonable rules and regulations to carry out the provisions of sections 5 to 15 of this act.

Sec. 10. The department may receive, contract for, or apply for and receive gifts, grants, loans, contributions, and other funds from the federal or state government or from any public or private sources for the purpose of carrying out the provisions of sections 5 to 15 of this act. Any contract between the department and the federal government entered into pursuant to this section may include all reasonable and appropriate conditions imposed by federal law or regulation which are not inconsistent with the purposes of sections 5 to 15 of this act.

Sec. 11. Prior to the promulgation of rules and regulations pursuant to section 15 of this act, and prior to the awarding of federal or state funds under any program administered by the department or any other state agency which affects the transportation of the elderly, such rules and regulations and the awarding of such funds shall be reviewed by the Executive Director of the Nebraska Commission on Aging.

Sec. 12. Any municipality or county may lease, purchase, construct, own, maintain, and operate, or

contract for the operation of public transportation, including special transportation for the elderly or handicapped, and apply for and accept advances, loans, grants, contributions, and any other form of assistance from the federal government, the state, or from any public or private sources for the purpose of providing a public transportation system.

Any special transportation system for the elderly or handicapped shall include transportation of necessary personal escorts of such elderly or handicapped riders.

Sec. 13. (1) A public transportation assistance program is hereby established to provide state financial assistance for the operating costs of public transportation systems.

(2) Any municipality, county, or transit authority shall be eligible to receive assistance for the eligible operating costs of a public transportation system, whether the applicant directly operates such system or contracts for its operation. Eligible operating costs shall include those expenses incurred in the operation of a public transportation system which exceed the amount of operating revenue and which are not otherwise eligible for reimbursement from any available federal programs other than those administered by the United States Department of the Treasury.

(3) The state grant to an applicant shall not exceed fifty per cent of the eligible operating costs of the public transportation system as provided for in subsection (2) of this section. The amount of state funds shall be matched by an equal amount of local funds in support of operating costs.

Sec. 14. The fares charged elderly or handicapped persons shall not exceed ten cents for each one-way trip for any city bus system operating over regularly scheduled routes and receiving state funds pursuant to sections 5 to 13 of this act. The recipient of state funds under sections 5 to 19 of this act may designate certain peak hours during which this section shall not apply.

Sec. 15. The Department of Roads shall administer sections 13 to 15 of this act, and issue such rules and regulations pursuant to Chapter 84, article 9 as are necessary, including but not limited to defining eligible operating costs, establishing contractual and other requirements including standardized accounting and reporting requirements for recipients to insure the proper and effective use of state funds, establishing

application procedures, and developing a policy for apportioning funds made available for this program should they be insufficient to cover all eligible projects, except that fifty per cent of the funds for this program shall first be made available to fund eligible projects which are designed to serve primarily that portion of the population of the state that resides in unincorporated areas and in villages, cities of the second class, or cities of the first class. Priority on the allocation of all funds shall be given to those proposed projects best suited to serve the needs of the elderly and handicapped and to proposed projects with federal funding participation.

Sec. 16. Sections 1 to 4 of this act shall expire ninety days after their effective date.

Sec. 17. Sections 5 to 15 of this act shall become operative on July 1, 1975.

Sec. 18. That original section 14-1822.01, Revised Statutes Supplement, 1974, and section 1, Legislative Bill 875A, Eighty-third Legislature, Second Session, 1974, and also sections 68-1107, 68-1108, and 68-1109, Revised Statutes Supplement, 1974, are repealed.

Sec. 19. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.