

Legal Notice of Rule Making
Nebraska Dept. of Roads
Public Hearing
Friday, March 11, 2016, 9:00–11:00 AM
Nebraska Department of Roads
Central Headquarters Bldg., Rm. 103
1500 Hwy 2, Lincoln, Nebraska

The Board of Public Roads Classifications and Standards (NBCS), which is staffed by the Nebraska Department of Roads (NDOR), has commenced rule-making and will hold a public hearing concerning a proposed amended regulation.

**This public hearing is the second during the rulemaking for this regulation. A substantial number of edits were made following the December 17, 2015 hearing resulting in the need to reopen the rule for public comment. The proposed amended regulation now incorporates all those further edits and is re-published in its entirety.

428 NAC 2, Procedures for Standards

This regulation governs minimum design, construction (specifications), and maintenance standards for all new construction, reconstruction, and “3R” (Resurfacing, Restoration and Rehabilitation) projects on all county roads, municipal streets, and state highways in the state of Nebraska. The rule is authorized under Neb. Rev. Stat. 39-2113 and must be followed by all counties, municipalities and the Nebraska Department of Roads. This revision is a comprehensive update of the Minimum Design Standards portion, including providing 3R standards for counties and municipalities for the first time. The Minimum Construction Standards are also updated and incidental revisions are made for Minimum Maintenance Standards (minimum standards for maintenance). The regulations governing Relaxation of Standards (aka Design Exceptions) also have been revised for a more efficient process. There is no fiscal impact to the Nebraska Department of Roads or the regulated public. Any fiscal impact to political subdivisions is indeterminable at this time.

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 emailed prior to the hearing or by March 21, 2016. Pre-hearing and post-hearing comments should be directed in writing to NDOR'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 regulation may be viewed, downloaded or commented on at: www.sos.state.ne.us/rules-and-regs/regtrack ("Agency": Roads). To obtain a free paper copy of the proposed changes, the Proposed Regulation Policy Pre-Review Checklists, or the Fiscal Impact Statements, contact NDOR's Government Affairs Office, P.O. Box 94759, Lincoln, Nebraska 68509-4759; voice telephone (402) 479-4324; TDD telephone (402) 479-3834; fax (402) 479-3758; erich.strack@nebraska.gov. Copies may be viewed or picked up in person at the Director's Office, 1500 Highway 2, Lincoln, Nebraska.

NDOR 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 NDOR is notified by March 4, 2016. Notification should be submitted to Tony Bui, Public Hearings Officer (see contact information above).

This notice is provided pursuant to the Administrative Procedure Act.