

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee January 28, 2025

MOSER: The Transportation and Telecommunications Committee hearing will now come to order. My name is Mike Moser. I serve as chair of the committee. We'll introduce senators, beginning on my left.

BOSN: Good afternoon. I am Carolyn Bosn from District 25, which is southeast Lincoln, Lancaster County, including Bennett.

DeBOER: Good afternoon, everyone. My name is Wendy DeBoer. I represent District 10 in beautiful northwest Omaha.

BALLARD: Beau Ballard, District 21 in northwest Lincoln, northern Lancaster County.

BRANDT: Tom Brandt, District 32, Fillmore, Thayer, Jefferson, Saline and southwestern Lancaster Counties.

FREDRICKSON: John Fredrickson, District 20 in central west Omaha.

STORER: Tanya Storer, District 43. Dawes, Sheridan, Cherry, Keya Paha, Boyd, Rock, Brown, Garfield, Blaine, Loup, and Custer.

GUERECA: Dunixi Guereca, Legislative District 7, downtown and south Omaha.

MOSER: Thank you. Our committee clerk is Connie Thomas. Our legal counsel is Gus Shoemaker. There are blue testifier sheets on the table near the entrance of the room. Please complete it and hand it to the page if you'd like to testify. If you are not testifying, but you want to record your presence, sign the yellow sheet in the book on the table near the entrance. The Legislature's policy is that letters for the record must be received by the committee by 8 a.m. the day of the hearing, so that was this morning. Handouts submitted by testifiers will be included as part of the record as exhibits. Please provide 12 copies of any handouts, and give them to the page. Senators may come and go during the hearing. This is common. They may be presenting bills in other committees at the same time. Testimony will begin with the introducer's opening statement, then we will hear from any supporters of the bill. Then, we'll hear from those in opposition and those speaking in neutral. The introducer of the bill will then be given the opportunity to make closing statements, if they wish to do so. Please begin your testimony by giving us your first and last names-- name-- and please also spell them for the record. We'll be using a three-minute timer light system today. No demonstrations of opposition or support are allowed on testimony. Please be sure to turn off your cell phone or put them on vibrate. With that, we'll get to

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the first item of business. Senator Cavanaugh, please give us your bill. We had 40 proponents, 4 opponents, and 1 neutral. Senator Cavanaugh, welcome to the committee.

J. CAVANAUGH: Thank you, Chairman Moser and members of the Transportation and Telecommunications Committee. My name is Senator John Cavanaugh, J-o-h-n C-a-v-a-n-a-u-g-h, and I represent the 9th Legislative District in midtown Omaha. I'm here today to introduce LB23, which directs the Department of Economic Development to establish a grant program for nonprofit organizations to operate bike share-- sharing programs. The bill states legislative intent to appropriate \$250,000 for the purpose of this grant program. I brought this bill in collaboration with ROAM Share, which operates Heartland Bike Share in Omaha-- in the Omaha metro area, BikeLNK in Lincoln, and Valentine Bike Share in Valentine to highlight the importance of these bike sharing programs and the need to support them in more communities across our state. I'll be brief in my introduction so you can hear from those behind me, and I'd ask the committee's support of LB23. We'd be happy to take any questions.

MOSER: OK. Are there questions from the committee? Seeing none, thank you. OK, are there supporters of the bill that would like to testify? If you plan to testify, come toward the front of the room so that you're close by. Welcome.

BENJAMIN FOLTZ: Thank you.

MOSER: All right, if you'd give us your name and spell it, please.

BENJAMIN FOLTZ: You bet. Good afternoon, Chairperson Moser, and members of the Transportation and Telecommunications Committee. My name is Benjamin Foltz, B-e-n-j-a-m-i-n F-o-l-t-z. I'm here to testify in support of LB23, similarly to last year's version, which was LB1250. I was born and raised in North Bend, Nebraska and lived here my whole life, currently residing in La Vista with my family, and I'm the CEO of ROAM Share. As Senator Cavanaugh mentioned, ROAM Share is a 501(c)(3) nonprofit that exists for the development, promotion and operation of bike sharing programs throughout the heartland region, for the benefit of the general public. We've grown to employ around 15 Nebraskans, most full-time, and have provided over half a million bike share trips in Nebraska, most of which were taken the past few years of-- as we have continued to see an increase in ridership since 2018, which you will see on the handout that you just got. There's a purple graph that shows our growth year over year. I've had a chance to speak with a lot of you-- well, all of you, actually-- at some capacity

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about bike share, and thank you for that opportunity. Bike shares evolved from this, you know, fun activity, which it still is, but it's certainly evolved to become a form of public transportation, which is how we view bike share in our strategic and what we're doing now. We've been operating bike share in Nebraska for over 14 years and are widely considered an industry leader. We started with just a few stations in one neighborhood in Omaha, and now operate three different bike share stations across Nebraska, as Senator Cavanaugh said. The-- you may have seen the white and green bikes here in Lincoln, called BikeLNK, which helped the university students tremendously move around. We operate the world's most rural bike share station in Valentine, Nebraska, which is exciting and fun. And more rural areas are trying to implement what we've done. And then of course, our third program and our largest, is Heartland Bike Share, which is based in Omaha. Also in Council Bluffs a little bit, covers 125 square miles. It's got urban, suburban and rural stations. We're in north and south Omaha, downtown Bellevue, Papillion, Mahoney, and later this year, we'll be in La Vista as well. In 2023, we relaunched our program to be an all-electric bike share fleet, becoming the first in the country to do such a thing. We have over 400 e-bikes for Heartland Bike share. They make for a more efficient bike chair-- share trip, and that's what this is about, is transportation; getting someone from point A to point B. Although bike share is currently not classified federally as public transportation, which limits our federal funding access, bike share requires diverse funding sources, especially if we're going to expand more and the data and survey responses we receive all indicate that more bike share is desired in Nebraska. As bike share has evolved, we, we've proven its success in Nebraska, but we cannot simply raise rates-- membership rates-- to access our bikes, as we-- many folks would not be able to afford to ride, because we serve a lot of low-income communities. You should have letters of support from nearly all these places I mentioned, describing how bike share is beneficial to their communities, and you'll hear testimony from the cities and communicate-- communities that we operate in. This bill is not asking Nebraska to fund all of bike share, or even half; all of the cities we operate in assist us at some capacity financially, and we are seen as an amenity to both Nebraskans and tourists, and bike share attracts and helps retain professionals across the state. Bike share is a public service, similar to a utility. Bike share that operates for the public good requires multiple stakeholders, including local and state, creating economic development opportunities in its communities and better lives for Nebraskans. Sorry I went over.

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MOSER: Yes. Thank you. Questions for the testifier? Yes, Senator Fredrickson.

FREDRICKSON: Thank you, Chair Moser. Thank you for being here and for your testimony. I just want to clarify. I think I heard you correctly. Did you say the ROAM Bike Share is the first one in the country to be all electric?

BENJAMIN FOLTZ: First one to relaunch as all electric. So, that's definitely the growing trend. Everyone wants e-bikes to try and retire and replace your existing classic bikes, is what, what we call a pedal bike. It takes quite a bit of effort and work, and so we were the first ones to completely accomplish that.

FREDRICKSON: Thank you.

BENJAMIN FOLTZ: Yeah.

MOSER: Senator Storer?

STORER: Yes. Good afternoon, and thank you for, for coming. A couple questions. And I know you-- you and I had the chance to visit a little bit in the rotunda, but just for-- to give us some idea, what, what would this cost if this was just purely, you know, paying for the use to make it cash flow? To make, make it a profitable business, or at least to pay for itself? What would that cost be compared to what it is, what you're able to do it for right now? Just to give us some idea of the disparity--

BENJAMIN FOLTZ: Sure. So my, my annual operating budget is just under \$2 million for all of my programs. And the-- you know, Heartland Bike Share, of course, has the largest of that chunk. And then, BikeLNK's a smaller percentage, which is around \$320,000. And then Valentine is around \$12,000.

STORER: OK.

BENJAMIN FOLTZ: So--

STORER: And is there currently a cost for the users right now?

BENJAMIN FOLTZ: There is, and that's offset about 15%. So, the system-generated revenue, or farebox recovery, is, is anywhere between 10 and 20%, usually.

STORER: OK. Thank you.

BENJAMIN FOLTZ: Yeah.

BALLARD: I got one.

MOSER: OK. Senator Ballard.

BALLARD: Thank you [INAUDIBLE]

MOSER: I didn't know if you were waiting to get my attention--

BALLARD: That, that's-- no, no, no, no. I got-- thank you for being here. Can you tell me about-- you mentioned a little bit on your testimony, your relationship with the cities. You need some city buy-- you need some municipality buy-in for these programs.

BENJAMIN FOLTZ: Mm-hmm.

BALLARD: Can you explain that a little bit?

BENJAMIN FOLTZ: Yeah, absolutely. So, the first one is with the city of Lincoln, and, and you'll hear from the director of LTU. But the city of Lincoln and BikeLNK is different than my other programs in that the city of Lincoln owns the BikeLNK program, and then they pay us to operate it. So that, that's a different flow. So, any of the system-generated revenue for BikeLNK, I do not receive, or my organization does not receive. And so, that's a different method we're in. Heartland Bike Share-- and you'll hear from city of Omaha, a long-range planner, manager as well-- I own half of the equipment-ish; I'm transferring the equipment, hopefully, over to the city of Omaha, eventually. And I have a partnership-- an ordinance, actually, with the city of Omaha. And whereas, moving forward, as I'm expanding, the city of Omaha is purchasing the equipment, and then I'm operating it for them, and that helps take off some of the equipment from my load, as well. And then, in Valentine, I'm doing most-- well, pretty much all of it. Does that answer your question?

BALLARD: It does, it does. Thank you.

BENJAMIN FOLTZ: OK.

MOSER: Senator Guereca.

GUERECA: Thank you for coming in today. What's, what's the cost per ride that a, a user would have, would have to pay?

BENJAMIN FOLTZ: Sure. So, for all of our programs, we have multiple membership pass types. So, it-- there's a daily rate, which gives you unlimited rides for a 24-hour period; a monthly pass for, you know, the same thing, or a yearly pass. So, on average, across the programs, the daily pass is around \$15, and that gives you unlimited rides for the whole day, for 24 hours. For \$5 more, you get it for the whole month. So, very affordable, right? And then, for a whole year, it's \$156-ish. That's the Omaha rate, anyways. And then, we run what we call a reduced-cost membership program, which really focuses on our underserved communities. And if they cannot afford those rates, we give you an annual pass for \$5, and that makes up anywhere from 5 to 10% of our total rides. So, we did over 100,000 trips annually, so, you know, 8,000 of those trips were from people who otherwise couldn't have been able to afford to ride.

GUERECA: Now have you seen pretty sustained growth-- and regular growth over the, over the years?

BENJAMIN FOLTZ: Par-- pardon?

GUERECA: Reg-- regular growth?

BENJAMIN FOLTZ: Yes. Yeah. There is a chart towards the back that's in purple. I think it's under the-- I forget what page it's on-- that shows-- it's the only one in the-- in there. That shows our growth since 2018. We've seen anywhere from a 4% to a 12% growth, year over year. And you'll notice in 2019, we first deployed e-bikes for the first time. One of the first bike shares to deploy e-bikes. And then, we've just slowly been adding more e-bikes since then.

GUERECA: And you said the-- that your organization's kind of an industry leader nationwide?

BENJAMIN FOLTZ: Oh, yeah. Yeah. You know, I served on the North America Bike Share Association, two-year term. One of my employees who's here is now on the board of directors as well, for that. This legislative bill is, is very instrumental in the process of micromobility, which is the industry that, that we're in. We created a library pass program where you can go into any of the libraries and check out-- if you have a library pass, instead of checking out a book, check out one of our bikes for free. And now, all bike share programs across the country do that. We're a second chance friendly organization, so we work with other nonprofits, and people coming out of incarceration. We'll potentially give them employment if it works out. So, we've done quite a few creative things. We also take

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equipment from other bike share programs that have gone under, and we bring it back to our facilit-- our headquarters in Omaha. And we sandblast and "refurb" it, and then put it back out on our streets, in our efforts to be sustainable. And because it's much more affordable.

GUERECA: Thank you for your testimony.

BENJAMIN FOLTZ: Yeah.

MOSER: OK. Any other questions from the committee? Seeing none. Thank you very much for your testimony.

BENJAMIN FOLTZ: Thank you.

MOSER: Next supporter. Our page today is Alberto, and he'll help with the handouts. Anything else they need? Welcome.

DEREK MILLER: Thank you. Good afternoon, Chairperson Moser, and members of the Transportation and Telecommunications Committee. I am Derek Miller, D-e-r-e-k M-i-l-l-e-r. I'm the long-range planning manager for the city of Omaha Planning Department. I'm here to testify in support of LB23. I would echo Benny's statements about bike share programs benefiting our communities by providing a transportation option that is affordable and accessible. Bike share provides valuable first- and last-mile connections for other transportation modes, and they do have a great-- a direct impact on economic development, recruitment, retention of our most talented individuals. In addition, bike share is also a valuable resources-- resource for individuals traveling to and moving around the Omaha metro area. They serve areas of our community that are important to visitors, linking downtown to entertainment districts and outdoor spaces. I'd like to credit Benny Foltz for his great work he has done in, in Omaha, as well as Lincoln and Valentine. The city of Omaha has invested significant resources to support the growth and operation of bike sharing in Omaha. Many of the assets, including most e-bikes and half the stations, are owned by the city of Omaha, as Benny mentioned. The additional state funding proposed in LB23 will provide the resources needed to further connect communities to Omaha, and provide a tool in the transportation network to address additional needs within our community. While the city of Omaha supplements Heartland Bike Share with non-taxed parking user fees, we are interested in seeing a larger regional network built out, and this legislation will help us achieve that. We ask for your support of LB23. Thank you for your-- for the opportunity to speak today, and I'd be happy to answer any questions.

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MOSER: OK. Questions for the testifier? Seeing none. Thank you very much.

DEREK MILLER: Thank you.

MOSER: Other supporters.

BUEY TUT: This didn't happen because of a biking accident. [LAUGHTER]

MOSER: Wel-- welcome.

BUEY TUT: Well, thank you. Good afternoon, senators. My name is Buey Ray Tut, 5003 California Street.

MOSER: Spell your name, please.

BUEY TUT: Oh, sorry. It's B-u-e-y, last name Tut, T-u-t--

MOSER: Thank you.

BUEY TUT: --and I come at-- in my official capacity as the CEO for Spark, as well as an avid bike rider for bike share. And, I mean, everything that I wanted to say was said by Benny and also Derek, the city of Omaha. But we're in strong proponent of this bill. As Spark, one of the things we focus on is urban design and multimodal transportation. And having the option of riding bikes, especially on trails, for cardiovascular health and like I said, mobility, is an important component of getting people out. So, I'm in strong proponent, and that's why I'm just hobbling around, making sure I got here today, so.

MOSER: All right. Questions? Yes, Senator Guereca.

GUERECA: Mr. Tut, thank you for coming. So, you think programs like the bike share program are, are-- help us retain some of the talent that we have in the state and recruit? We have a lot of great corporations headquartered in downtown Omaha. Do you think the expansion of these programs will help us with that recruitment and retention of, of young professionals?

BUEY TUT: Absolutely. I feel like one of the things that-- I'm no longer young, I'm 38, but-- people like me look for as having an option of mobility, not just to get around, but for exercise. I have a young son that's three years old, so having the option of not-- if I go out to downtown, and having an option to pay a couple of dollars and take an e-bike, God only knows I'm not going to try to ride a

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traditional bike with my son in the back. But the e-bike, it's, it's incredibly helpful. But I mean, coming down to your question, does it help? I think is one of the most important component as having options in the city. So, having great options-- mobility options is great. So, this is a great addition to what the city already has.

GUERECA: Thank you.

MOSER: Senator Bosn.

BOSN: You referenced Spark. Can you tell me what Spark is?

BUEY TUT: Yeah, Spark is a-- what was it-- holistic community development organization that focuses on capacity building. And we partner with bike share on different initiatives such as, what was it, bike, bike share. We're constructing, in Omaha right now, a trail from north Omaha to downtown. And one of the best amenities to have along that, and in addition to walking, is obviously having the option to ride bikes from north to south, so.

BOSN: Thank you.

MOSER: All right. Thank you very much for your testimony.

BUEY TUT: Thank you.

MOSER: Other supporters? Welcome.

STEPHANIE ROUSE: Thank you. Chair Moser, members of the committee, Stephanie Rouse, S-t-e-p-h-a-n-i-e R-o-u-s-e. I'm here representing the American Planning Association, Nebraska Chapter today, and testifying in support of LB23. AP-- APA Nebraska recognizes the importance of access to shared bicycle facilities to support active mobility, health and environmental benefits in our communities. While Lincoln and Omaha have successful bike share programs, many small communities in Nebraska that would benefit do not have the resources available to launch a program on their own. These communities have great trail networks and bicycle infrastructure that residents may not be able to access if they did not own their own bicycle, making bike share an important asset in the communities. Bike share would open access to these community investments, and, as Valentine has shown, communities that are cultural and scenic destinations can really benefit from bike share systems that support tourism in their communities. We encourage you to advance this bill out of committee, and thank you for your consideration.

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MOSER: OK. Questions? Seeing none, thank you. More supporters? Welcome.

TAYLOR STERBA: Thank you. Good afternoon, Chairperson, and members of the committee. My name is Taylor Sterba, T-a-y-l-o-r S-t-e-r-b-a, and I'm here on behalf of Bike Walk Nebraska, Nebraska's only statewide active transportation advocacy organization. Active transportation is the transport of people or goods through non-motorized means, mostly by human physical activity. But it's more than that; it's connecting people to the communities around them, to their neighborhoods, to their businesses, small and large, to education centers, to their jobs. When we use a car to get around, we are-- and should be-- looking at the road. But that really is all we see. You know, the road and other cars. If we want to enhance our communities and our state, we need to connect more intentionally. Accessible, safe and enjoyable bike share systems impact economic development, infrastructure, education, health, public safety, job opportunities, the environment. I mean, you could go on. There's so many benefits to it. Working along Heartland Bike Share for years, we've seen bike share systems help offset carbon emissions, support households with limiting or no other transportation options, engage with the state's youth, especially around our universities and colleges, and overall, just promote healthy living and increased access to the outdoors. Despite these benefits, our bike share systems remain federally unclassified as public transportation, stifling their ability to retain federal transportation funding available to other transit options. Our neighbor state of Iowa actually did an economic study titled "Economic and Health Developments of Bicycling in Iowa," which found that recreational and utilitarian bicycling produces \$400 million in economic activity for the state, and estimated health benefits savings of \$87 million a year. If we are economically benefiting millions of dollars from this spending and saving, we should invest in the systems that drive this development. So, I ask you to support LB23 and the bike share systems of Nebraska. Thank you.

MOSER: OK. Questions from our committee? Thank you very much.

TAYLOR STERBA: Thank you.

MOSER: Appreciate your testimony. Other supporters? Welcome.

KEVIN SWEENEY: My name is Kevin Sweeney, K-e-v-i-n S-w-e-e-n-e-y. I just represent myself. I'm an avid rider. I discovered Heartland Bikes [SIC] a couple of years ago. I have a little record business, and I have to get my records to the post office every day, and every once in

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a while I have to get the bulk records back to my facility to work on them. And I don't-- I own a car, but I choose not to drive. And I live in Midtown. I'd lived there because it was a walkable neighborhood, and Heartland is the best way to get around Omaha. Period. It's better than a car, it's better than the bus, it's better than Uber. And it's ridiculously cheap. My business couldn't function without Heartland. I would be spending at least-- car ownership, is about \$1,000 a month, complete. I think I pay a few cents a day to, to do Heartland. It's, it's an amazing system. And the other thing, the first time I rode a Heartland was the first time I rode an e-bike. And I'm a, I'm a regular cyclist; I've been bringing the records to the store on my bike after-- when I had to. First time I rode a, a Heartland, it was-- I felt like Elliott in E.T. It's like-- it's just amazing. You go-- come to a hill, and you're expecting [GROAN], and all of a sudden, you're just flying up the hill. It feels wonder. Anybody can ride a Heartland. And you can make it a good workout, you can turn the motor off. But anybody can ride a Heartland, it's a, it's a blast to ride, and it is public transportation. For me, it's public transportation. I, I know it's a tourist thing downtown. You see-- in Old Market and down by the river, you see a lot of tourists enjoying it. So, that's got to be an economic benefit. But I do know that young people want to live without a car, because you're just-- quality of life plummets if you're on limited income and you're spending \$1,000 a month on gas, car payments and all that stuff. If you live in a neighborhood that's concentrated and dense, and you have this option, it just-- the quality of life soars. And I'd just like to end with a quote. I don't know who, who said this, but it really hit home when I read it: A developed country is not a place where the poor have cars. It's where the rich use public transportation. Think about it. Manhattan, Paris, Copenhagen. Those people are not stuck in their cars all day long. They're on their bikes, and they're enjoying themselves.

MOSER: OK. Questions from the committee? I just have one quick one. Why wouldn't you just buy your own bike?

KEVIN SWEENEY: I have my own bike. I have three bikes.

MOSER: But you don't ride yours, and you ride the shared ones.

KEVIN SWEENEY: I ride my own, but the-- for the daily trip to the post office, and-- it's just-- because I have to take the bike down the elevator-- I live in a, in a high-rise in Midtown. And then, I have to-- if I go to the post office, I either have to lock it up or worry about it getting stolen when I'm at the post office. It's just so much more convenient.

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MOSER: If you come out and your, your e-bike's gone, then what?

KEVIN SWEENEY: That's Benny's problem.

MOSER: He's supposed to have one everywhere you want one?

KEVIN SWEENEY: Well, I don't have to dock it at the post office. I just park it. And nobody's ever taken it for something, you know. They know they have GPS on it, but--

MOSER: Sure. Any other questions? Thank you very much.

KEVIN SWEENEY: OK.

MOSER: Other supporters? Welcome.

NATE OSTDIEK: Hi. Good afternoon and hello, Chairperson Moser, and members of the Transportation and Telecommunications Committee. My name is Nate Ostdiek, spelled N-a-t-e O-s-t-d-i-e-k. I'm here representing the University of Nebraska Omaha Student Government. I serve as the chief of staff there. And I'm here to testify in support of LB23 on behalf of the UNO student body, and to speak to the positive, transformative effect that bike share programs have had on our population. The student government, you know, has taken several steps over the last few years to increase access to bike sharing through partnerships with ROAM. We've seen benefits and about universally positive feedback. Several areas I would like to address are citywide transportation and retention, reduced traffic congestion and health and recreation. First of all, it integrates with an already-existing public transportation system-- with Metro. Bike share easily adds a lot more distance that people can add. When you're living on campus, or even having to commute to campus, sometimes making those trips to Midtown, to other places in Aksarben nearby-- it can be a hassle to move vehicles, just because parking can be a very limited sort of commodity. Furthermore, many of the students who are coming to UNO don't necessarily have personal transportation, whether they don't own a car themselves, or they're an international student. And they represent talents who's really kind of coming to study in Nebraska, representing, really-- in addition to talent and potential recruiting-- a, a major revenue stream for the NU system. And then, among both these populations, which tend to over-- overlap, offering additional forms of transportation that are affordable is going to be essential for keeping young people in Nebraska, and attracting those from out-of-state for whom the "bikeability" of a location could really be a determining factor in where they want to continue their

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careers. At a level, reduce congestion. At an anecdotal level, I've seen a greater and greater number of students utilizing bike sharing services for short- to mid-distance travel, from the north campus down to the south campus, and vice versa. This has had the effect of ultimately reducing traffic congestion and alleviating parking concerns, which have, to my knowledge, affected students within the entire NU system. Just looking at that, you know, kind of high level. Finally, health and recreation. Supporting bike share is supporting not only a means of transportation for many people, but it's also supporting healthy Nebraskans. I can speak to a great number of students who have benefitted from this form of recreation when they wuther-- otherwise would not have access to a bike, or even thought about going out on a bike ride or exercising that sort of way. It offers communities activities to participate in, a resource for exercise, and in the long run, it gets people outside. This ultimately prioritizes the health of constituents, and it's good not only in and of itself, but also on our state's medical system. The best disease to treat is the one that's already been prevented. And therefore, for those reasons, the student body of UNO asks for your support in favor of LB23. Thank you. Thank you again for the opportunity to testify, and I'd be happy to respond to any questions that the committee may have.

MOSER: Questions? Seeing none, thank you. Appreciate your testimony. Other supporters? Welcome.

KEVIN JOHNSON: Thank you. Chairman Moser, and members of the Transportation Committee, my name's Kevin Johnson, K-e-v-i-n J-o-h-n-s-o-n. I'm a volunteer with AARP Nebraska. So, I guess Nate and I are kind of bookending the people that are going to participate in this. I'm a retired pharmacist, and I spent nearly 40 years advocating for my customers to have a healthy lifestyle so that they wouldn't have to see me as often. I'm also an avid cyclist, and I want everybody to have the opportunity that I experience when I'm in that saddle. On behalf of AARP Nebraska's approximately 185,000 members, we support LB23, and we thank Senator Cavanaugh for introducing it. So, why AARP and bike sharing? Well, it's an opportunity to get older adults into or back into cycling. I'm sure you all have seen the research that says healthy activities boost mental health, strengthen the immune system, and slow the aging process. Those are all important factors in our 50-and-over people to maintain a healthy lifestyle and age in place. And it's really nice to note that Heartland Bike Share's 2024 annual report shows that almost a quarter of their riders are 55 and older. Bike sharing programs supported by LB23 offer several advantages to individuals, including older adults. Somebody who drove

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to work this morning because it was 20 degrees could be riding a bike to lunch this afternoon because it's a beautiful day out there. They could run errands. They could ride a bike to a meeting and then they could drive home this evening. For others, it offers simple access to a bicycle that they might not already have for exercise and transportation. I've actually seen this in action. I just came back to Nebraska from living somewhere that had a robust bike share program. All sorts of people use these bikes, and the racks were at the hospitals and at the medical clinics, so people that were going for well-care visits could just ride a bicycle. It's an important component of AARP's livable communities work. AARP's Community Grant Challenge Program has enabled AARP Nebraska to help fund a couple of grants from BikeLNK here in Lincoln in 2021 and 2022. And we appreciate that ongoing partnership with bike share programs in Nebraska, and AARP hopes to spread that around to more people in Nebraska. Thank you again, Senator Cavanaugh, for introducing LB23. AARP Nebraska encourages the members of this committee to support this bill and send it to General File. Thank you very much. I'll take questions. Please remember, I'm a volunteer.

MOSER: Any questions? Thank you for your testimony. More supporters? If you're planning to testify, move toward the front so that you can come up more quickly. Welcome.

JENNIFER HIATT: Thank you. My name is Jennifer Hiatt, J-e-n-n-i-f-e-r H-i-a-t-t. Senator Moser, members of the committee, thank you for taking the time to listen to us. I want to start out by saying that I don't own a bike, and I am not an avid bike rider. But that doesn't mean that people who don't own bikes and aren't avid bike riders don't recognize the importance of having bike share in the community. And, though I live in Nebraska-- or, though I live in Lincoln now, rural Nebraska actually has my heart. You've heard from quite a few people here today about how urb-- urban areas can benefit from bike share, but rural areas can benefit just as much. So, I'm from North Platte, I graduated from Hershey Public School. I've lived in Holdrege, I've lived in Kearney before moving here. North Platte and Kearney have some of the greatest trail systems in, in the state, in my opinion. They, they connect through to places like Buffalo Bill's House and Scout's Rest Ranch, the Golden Spike, or even Lake Maloney with a whole loop through across the lake. And Kearney-- Kearney's loop is amazing. They have a full loop around the community, and it connects things like the Archway Museum, Cottonmill Park, Yanney Park, UNK Campus, Younes Convention Center stretches across a large portion of Kearney, and brings in tons of people every year who probably aren't hitching a bike to the back of their car, but still probably deserve

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to have access to these amazing natural resources and cool trails that the cities have to offer. These are just two communities that I personally can attest to, but I know that small communities across the state have cool attractions that they can and want people to come visit. And further, the average cost of an electron-- an, an e-bike, an electric bike, is \$2,000. The lower-end ones tend to hit around \$1,000; higher-end ones tend to hit around \$4,000. So, if you're someone like me who just wants to pick up a bike every now and then and ride around, and-- I'm not in the best of shape, so riding a regular bike isn't probably my choice; an e-bike is. I'm not probably going to spend \$2,000 on a bike I ride maybe once every three months. Or, even still, we know that the average American probably can't fund a \$400 emergency, and so, the \$5 monthly fee is a lot easier than saving \$2,000. So, I thank you for listening to our testimony, and I ask that you would move LB23 through into General File. Thank you.

MOSER: OK. Questions? Seeing none, thank you for your testimony. More supporters? Welcome.

MIKE HELGERSON: Hello. Hello, Senator Moser, and members of the Tele-- Transportation and Telecommunications Committee. I'm Mike Helgerson, M-i-k-e H-e-l-g-e-r-s-o-n, and I'm here on behalf of the Metropolitan Area Planning Agency, of which I'm the executive director. MAPA has been pleased to benefit-- or pleased to partner with Heartland Bike Share in partnership with many of our communities across the Omaha-Council Bluffs metro area, including city of Omaha, city of Papillion, and the city of Bellevue to date. MAPA also recently supported the active mobility plan in the city of La Vista, which identified new transportation corridors for investment, but also several Heartland Bike Share locations across that community, thus adding another community that is seeking to expand this option. MAPA serves as the metropolitan planning organization for the Omaha-Council Bluffs Metro area, and in that role, we really serve as a liaison between local governments, state DOT, and the federal agencies of which we're a partner. That's FHWA and FTA. And through that process, we do what's called the long-range transportation plan, which looks out 20 years to identify regionally significant transportation investments that support our regional goals. One of those overarching goals is reducing vehicle miles traveled on our roadway. This reduces our need to invest in roadway capacity, opens up opportunities for multimodal strategies like transit, walking and biking. And of those, Heartland Bike Share and bike share in our region has been a really key strategy that's been low cost and easy to resource across our region. MAPA partnered with the city of Omaha and Heartland Bike Share to access some of the limited funding that is available for bike

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share, to expand the system and nearly double its size in 2019-- that was a nearly million dollar investment-- and we've also partnered with Heartland Bike Share on the data side of things, to understand how people move through our region, how we can better make decisions that inform these riders. And so, I would say the state of Nebraska is tremendously fortunate to have an organization like ROAM Share and the bike share operators across the state to resource with a bill like LB23, one that is providing value not just in urban communities that we serve, but also across recreational opportunities, like those in Valentine. And so, here in adamant support of this bill and opening up more opportunities for communities like those in the MAPA region to partner with our own bike share in the future.

MOSER: All right. Questions from committee members? Seeing none. Thank you.

MIKE HELGERSON: Thank you.

MOSER: More supporters? Welcome.

ELIZABETH ELLIOTT: Thank you. Good afternoon. Good afternoon, Chairperson Moser, and members of the Transportation and Telecommunications Committee. I am Elizabeth Elliott, Direct-- E-l-i-z-a-b-e-t-h E-l-l-i-o-t-t. I'm director of Lincoln Transportation and Utilities. I'm here to testify on behalf of the city of Lincoln in support of LB23. Bike sharing programs are a means to enhance accessibility, providing transportation option that is not only affordable but also readily available to enj-- individuals from all walks of life. In a world where financial considerations often limit mobility options, bike sharing breaks down barriers by offering a cost-effective and efficient means of transportation. Moreover, the economic benefits of bike sharing cannot be overstated. By linking individuals to jobs, bike sharing programs become catalysts for economic development. As we strive to retain and attract talent, particularly among the vibrant and dynamic millennial demographic, embracing bike share aligns seamlessly with the governor's efforts to combat brain drain. By investing in bike share, we position our state as a hub for innovation-- innovation, fostering an environment where businesses and individuals alike can thrive. And furthermore, bike share plays a crucial role in overcoming the first-mile and last-mile challenges associated with public transit. The challenge relates to the initial-- the initial and the final segments of a commuter's journey, typically between home or the destination and a transit station, such as a bus stop, which often pose accessibility and convenience issues. Bike share programs offer a flexible and

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sustainable solution, enabling commuters to effortlessly connect their starting point to that transit location, improving overall connectivity and promoting a smooth and efficient public transportation experience for all. By providing accessible pick-up and drop-off points, bike share systems seamlessly integrate with existing transit networks, contributing to the overall efficiency of the public transportation system. By embracing bike share, we not only provide a practical and affordable transportation option, but also positions our state as a forward-thinking leader in addressing the evolving needs of our citizens. Therefore, we ask for your support in LB23, and thank you again for the opportunity to provide testimony. Happy to answer any questions.

MOSER: Questions? Seeing none. Thank you--

ELIZABETH ELLIOTT: Thank you.

MOSER: --for your testimony. Do we have more supporters? OK. Is there anyone here to speak in opposition? Seeing none. Is there anyone here to speak in the neutral capacity? All right. Senator Cavanaugh, welcome back.

J. CAVANAUGH: Thank you, Chairman, and thank you, committee, for your attention. And-- you know, I don't need to belabor the point. I know you can see there's a lot of interest and excitement about this. I just wanted to highlight a few things about what we're talking about here. This is an organization that's partnered with basically every other level of government in the state. And we're-- the reason I'm interested in this is that the state of Nebraska should be a partner as well. And I think the last speaker there, Ms. Elliott, pointed out, I think the over-- increases the overall efficiency. Had a few folks talking about the last mile, first mile problem. It allows us to extend the usefulness of our transit systems, and to make them get-- have a further reach without having to spend as much money on that sunk infrastructure. It, it's something that allows us for-- to retain and attract talent. It has health implications. And, you know, I think, in the current climate, \$250,000 sounds like a lot of money to the state of Nebraska. And we're looking at places to cut a lot of expending, but we need to be looking at return on investment. And I think that investing in this program has the potential for a great return on investment going forward. I'd love to see us expand this program in Omaha and Lincoln and Valentine, but I'd love to see it expand into places like Columbus and Crete and Plymouth. I don't know if you guys need one in Plymouth, but it might be nice. And I was very excited to hear-- I would love to go into Kearney and North Platte,

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and have an opportunity to ride in places like that. And Senator Moser, to what your question-- I wrote down about "why not just buy your own bike?" And I think, actually-- well, I don't remember who said it, but there's a barrier to entry. It's \$156 bucks a year for membership to this, but to buy a bike like this would cost you \$2,000. So it allows people to use these bikes more efficiently, and to be able to ride them when they can't afford to get a bike. So that's one of the real values this brings. So, if you have any questions, I'd be happy to answer them. But I appreciate your time.

MOSER: They have all-terrain bikes in Plymouth?

BRANDT: Yeah, yeah. Gravel grinders.

MOSER: Senator Brandt.

BRANDT: Yeah. We would need a bike trail first. It's called the road.

J. CAVANAUGH: You can ride on the road.

BRANDT: Yeah, we do. So, today, the state of Nebraska does not participate in this program in any way, shape or form. Is that right, or am I wrong?

J. CAVANAUGH: It's-- my understanding is currently, the state does not participate. There have been-- over time, the Environmental Trust has granted money towards this program.

BRANDT: And has that-- have they been approached? The Environmental Trust?

J. CAVANAUGH: I don't know where the status of the current applications are, but the reason I brought this bill last year was because the Environmental Trust did not, I think, deem this is a value-- a project that they were going to fund in the last round of funding, or maybe it was two years ago round of funding.

BRANDT: So where is the revenue stream going to come from to finance this \$250,000?

J. CAVANAUGH: Currently it's general funds,--

BRANDT: OK.

J. CAVANAUGH: But I'm, I'm open to other proposals if you have a suggestion, Senator Brandt.

BRANDT: Certainly. All right. Thank you.

MOSER: Other questions? Oh. OK. Senator Ballard.

BALLARD: I was trying to be subtle. Thank you, thank you Senator Cavanaugh. How can we provide assurances that this \$250,000 will be spread around the state of Nebraska? I just, like-- be dumped all into Omaha, or all into Lincoln.

J. CAVANAUGH: That's a good point. So, I mean, there's a grant and I think, as drafted, it's probably ROAM would be the one that qualifies. And-- but it doesn't stop somebody else from starting up in Columbus and, and seeking the grant funding for that. I don't think there's a geographic com-- component to it. I'd, I'd be willing to entertain any of those kind of, you know, assurances that would spread the money around. I-- and as I think I heard Mr. Foltz say, the program in Valentine's about \$12,000. So, if we wanted to direct-- to make sure some of it was spread to, to smaller towns for \$12,000 a pop, we could do half of it and get 10 towns, right? Which I think is, is a valuable consideration.

BALLARD: OK. Thank you.

MOSER: All right. Thank you very much, Senator.

J. CAVANAUGH: Thank you, Chairman.

MOSER: Appreciate the--

J. CAVANAUGH: Thank you.

MOSER: That brings us to LB98, and I'm going to turn the meeting over to Vice Chair Ballard.

BALLARD: Good afternoon, Senator Moser.

MOSER: Good afternoon. Thank you, Vice Chair Ballard, and members of the Transportation and Telecommunications Committee. My name is Mike Moser, M-o-s-e-r, spelled M-i-k [SIC] M-o-s-e-r, and I represent the 22nd Legislative District. I'm introducing LB98, a bill that is signed to-- it's designed to update Nebraska's statutory definitions for all-terrain vehicles, ATVs, and utility-type vehicles, UTVs, to ensure that these vehicles can be appropriately titled by our, our county officials. Currently, Nebraska restricts the weight of ATVs to 1,200 pounds, and UTVs to 2,000 pounds. However, vehicles exceeding these weight limits are increasingly being sold by our local dealers. These

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weight limits have led to challenges for county treasurers who have expressed concerns about their inability to issue titles for these vehicles. As a result, many of these vehicles are untitled, creating unnecessary complications for their owners. LB98 addresses this issue by removing the weight limits from the statutory definitions of ATVs and UTVs, thereby fixing the titling problem. This straightforward change will align our laws with the realities of today's market, and reduce the administrative burden on county officials. In developing this legislation, we've engaged with key stakeholders, including the Nebraska Association of County Officials, the Iowa-Nebraska Equipment Dealers Association, the new car-- Nebraska New Car and Truck Dealers Association, Polaris, and the Nebraska Department of Motor Vehicles. I am pleased to say that all parties mentioned support this measure, and are eager to see it move forward in order to provide local county officials with the ability to title these vehicles. I urge the committee to advance LB98, and I'd be glad to answer any questions that you might have.

BALLARD: Thank you, Senator Moser. Are there any questions? Senator Storer.

STORER: Just, just briefly. As I understand, that's really the-- we, we have a whole 'nother series, if you will, of ATVs and UTVs that simply don't fit the current state statute's definition, right? That don't allow them to technically be titled?

MOSER: I think when these weight limits were put in, they were descriptive of the market and what was being built and sold. And now, they've-- according to one of the manufacturers, they've added more features like air conditioning, heavier suspensions, other features that make them flunk the weight tests. And so, other states don't specify the weight limits. The UTVs and ATVs are still defined by wheels-- wheelbase and width, and-- or, width and length. And so, those are still going to be enforced, but the weight limit would be removed.

STORER: So is it fair to say this language change is just kind of modernizing our statute with what the market has brought forth?

MOSER: Yeah, I would say that's an accurate statement. Yes.

STORER: Thank you.

BALLARD: Thank you, Senator Storer. Any other questions from the committee? Seeing none. Thank you.

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MOSER: You did a great job.

BALLARD: I appreciate that.

BALLARD: Next-- any proponents for LB98. Good afternoon.

CLAYTON NOVOTNY: Good afternoon. Thank you for committee, for hearing me on this matter of LB98. I'm Clayton Novotny with Motoplex of Norfolk and Motoplex of Columbus. That's C-l-a-y-t-o-n N-o-v-o-t-n-y. With bringing up LB98, it helps modernize the state statutes for ATV and UTV by eliminating the weight restriction. With having that weight restriction in the bill-- or in the state statute as it sits, it causes problems with titling and registering these machines with the county courthouses. In 2014, the state took away the dealerships' position to collect the taxes and put it back onto the counties, which actually made it easier and more efficient for dealers and the counties. With the weight going over the 2,000 pound limit here, for the last few years, it's caused issues with some counties collecting it, and some not, and causing problems there. So, by removing the 2,000 pound weight restriction, it makes it more streamlined, more efficient to collect the taxes from the individuals at the courthouses, versus having the dealers be responsible for trying to collect those taxes from the individual. With that, it also helps keep the level playing field with the dealers, from customers looking from other states that don't have the dealers collect the sales tax. With us having to collect the sales tax at the dealership, it has customers go outside of the state, where machines that are under 2,000 pounds, we're not responsible for collecting those sales taxes. So, it helps us, as dealers, be more competitive with pricing of not having to worry about collecting the taxes and putting that back at the county clerks to collect that when they go in to title the machines. With that, I would answer any questions.

BALLARD: All right. Thank you. Any questions? Yes, Senator Guereca.

GUERECA: Thank you for coming, and for your testimony. So, obviously, you know, these, these devices, they've, they've got bigger. So what's the average weight of a, of a UTV that you, you sell?

CLAYTON NOVOTNY: The average weight of UTVs that we are seeing are closer to that 2,000 to 2,500 pounds. The reason why that-- a lot of these machines are becoming more and more used throughout the year, especially in Nebraska, with the harsher climates like that-- a lot of our ag department that does cow and cow calving, use these things year round. Year round, they want comfort, they want heat, they want a cab,

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they want to stay out of the elements when they're out in their fields at 2 or 3:00 in the morning. By adding those features, it adds weight. So, to make them more accommodating for our clientele, they have become heavier.

GUERECA: And do you think we've lost businesses to surrounding states?

CLAYTON NOVOTNY: Yes. Yes, we have, we have lost deals with customers come in, saying, "I can go to this state and buy it at this price, but since I don't have to worry about the taxes, I can go there and buy it cheaper." Granted, they have to pay the taxes; it's just the upfront cost of that tax.

GUERECA: Thank you.

BALLARD: Thank you. Any other questions? All right. Thanks for being here.

KAYLA WALFORD: Hello.

BALLARD: Good afternoon.

KAYLA WALFORD: My name's Kayla Walford, K-a-y-l-a W-a-l-f-o-r-d. I am also another dealer here, with ATV Motor Sports in Omaha, Nebraska. We're at Washington County, but we're having issues getting them titled as well. Our biggest thing is-- that I wanted to bring up, that Clayton did not-- is, since they're not being titled, a lot of them-- a lot of our customers are worried about them getting stolen, and not being able to prove that it's theirs, because it's not titled like the ones currently are. Another thing is, is those units that are 2,000 pounds or above are our most expensive units, so that's what the concern is for. That's the main thing.

BALLARD: All right. Well, thank you for your testimony. Are there any questions? Seeing none. Thank you for your time.

KAYLA WALFORD: Thank you.

BALLARD: Next proponent. Mr. Erdman.

PHIL ERDMAN: Senator Ballard, members of the Transportation and Telecommunications Committee, I'm Phil Erdman, P-h-i-l E-r-d-m-a-n, representing the Iowa-Nebraska Equipment Dealers Association, testifying in support of LB98. Senator Moser and his staff have done a great job of including a number of stakeholders in this process. One of the things that our dealers have run into-- and, and we represent

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about 150 locations across Nebraska, everything from Bobcat to outdoor power sports, which you've heard today; John Deere, Kubota, other equipment, sell UTVs, as well. But we're running into issues, and our dealers are facing issues with financing of these vehicles, as well, due to the security concerns of the lender. And so, those are some of the things that you would have received in your online comments from Superior Outdoor Power, Kearney Powersports. But we're here to offer our support for LB98, and encourage your advancement.

BALLARD: Thank you. Are there any questions? Seeing none. Thank you.

PHIL ERDMAN: Thank you.

BALLARD: Next proponent. Good afternoon.

BETH BAZYN FERRELL: Good afternoon, Vice Chair Ballard, members of the committee. For the record, my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials. I'm testifying in support of LB98. We'd like to thank Senator Moser for introducing this bill. This is an important bill to county treasurers, when they receive an MSO-- manufacturer's statement of origin-- or an out-of-state title, and the weight on that exceeds the statutory limits, they can't issue a title. And you've heard the problems that come if they can't get a-- a title can't be issued. There are law enforcement issues, there are concerns about being able to note a lien. If there's no title, then it has to go through a UCC process. So, we would just encourage you to advance this bill from committee. It has our strong support. Be happy to answer questions.

BALLARD: Thank you. Are there any questions? Seeing none. Thank you for being here. Next proponent. Seeing none. Any of those in opposition? Seeing none. Any of those in the neutral capacity? Seeing none. Senator Moser. Just to let the committee know, we have four pro-- online proponents, no-one in opposition, and no-one in neutral. Would you like to close? Senator Moser waives closing. That ends our hearing on--

MOSER: Unless you have real damning questions. Thank you, Mr. Vice Chair. I skipped my close so we can keep going. We have more business to do. So, this brings us to LB196 by Senator Storm. Is he with us? He's AWOL. We'll give the redcoats a second. If they don't find him, then we'll skip to Senator Wordekemper's bill. Madam Clerk, did we tell them-- the senators their bills were up today, I assume?

CONNIE THOMAS: Yes.

MOSER: OK.

CONNIE THOMAS: We sent emails to them and their offices--

MOSER: Well, they may have other bills they're trying to testify on at the same time or something. Is Senator Wordekemper here?

_____ : He's on his way from 1507 across the hallway.

MOSER: OK. All right. Well, we'll take a minute or two here to-- ah, we have a willing participant.

WORDEKEMPER: Those were generous words.

MOSER: We were just about to adjourn the meeting without listening to your bill.

WORDEKEMPER: Just move it to General File. That'd be good.

MOSER: No, everybody's got to have a whack at it first before we can--

WORDEKEMPER: All right.

MOSER: --vote on it. Welcome to the committee.

WORDEKEMPER: Thank you.

MOSER: Welcome to the committee.

WORDEKEMPER: Good afternoon, Chairman Moser, members of the Transportation and Telecommunications Committee. I'm Senator Dave Wordekemper. D-a-v-e W-o-r-d-e-k-e-m-p-e-r. I proudly represent Legislative District 15, which includes Dodge County and a portion of western Douglas County. I'm here today to introduce LB337, a bill that would create a comprehensive framework for the registration and operation of all-terrain vehicles-- ATVs-- and utility-terrain vehicles-- UTVs-- on Nebraska roads. The current situation in Nebraska creates unnecessary barriers for ATV and UTV enthusiasts. Under existing statutes, municipalities can adopt ordinances allowing these vehicles on city streets within their jurisdictions, and many towns have done so. However, a significant problem arises when residents who live outside city limits want to travel into town. Unless they qualify for an agricultural use exemption, these individuals technically violate the law when crossing jurisdictional boundaries, only to reenter a zone of legal operation once they reach city limits. This creates a confusing and inconsistent legal framework that puts

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well-intentioned citizens at risk of violating the law. LB337 solves this problem by establishing a clear statewide system for ATV and UTV registration and operation. The bill includes necessary safety requirements, such as proper lighting, tire safety provisions, and occupant protection measures. To ensure public safety, these vehicles would continue to be prohibited on interstates, freeways and state highways. Also, expressways. I want to emphasize that this means the vehicles would only be allowed on county roads, not those maintained at the state or federal level. Furthermore, any county, city, village can adopt an ordinance to ban these vehicles from specific roads and areas within their jurisdiction. LB337 preserves local control by allowing local governments to regulate ATV and UTV uses as necessary in their jurisdiction. The economic opportunity we're missing is substantial. Currently, South Dakota dominates our region in ATV and UTV recreation and tourism. Many Nebraskans are registering their vehicles in South Dakota and spending their money there because of South Dakota's less restrictive regulations. To put this into perspective, South Dakota generates over \$1 million annually from ATV registration fees alone. This doesn't include the additional economic impact from tourism, lodging, food, fuel and other spending that accompanies ATV and UTV recreation. The fiscal note estimates this bill would generate nearly \$1 million in the first year, and nearly \$1.5 million in the second year through registration and licensing fees alone. The projections assume 30,000 vehicles would register in the first year, and 50,000 in the second year. This would create a significant positive fiscal impact, both for the state and local governments. By passing LB337, we have an-- we have the opportunity to protect our constituents from unnecessary citations, capturing registration dollars, create new recreational opportunities, and position Nebraska as a destination for ATV and UTV enthusiasts. Instead of watching our residents travel to South Dakota, we can keep those dollars in Nebraska while attracting tourism from surrounding states. The pages have passed out an amendment, AM49. I worked with-- I worked on this amendment with Joss [SIC] Eickmeier of the Motor Vehicle Licensing Board. The board was concerned about the unknown number of manufacturers of these vehicles who would have been required to be licensed under this bill. The amendment before you carves out ATV and UTV from the requirement under the Motor Vehicle Industry Regulation Act. Mr. Eickmeier is here today, and will be able to speak on that matter. I am open to working with the committee as a stakeholder on any technical modifications needed to improve this legislation. Thank you for your consideration. I'll be willing to try and answer any questions.

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MOSER: Questions for-- Senator Brandt?

BRANDT: Thank you, Chairman Moser. Thank you, Senator Wordekemper, for bringing this. Are they required to wear helmets?

WORDEKEMPER: Under this bill, if you are under the age of 21, you need to wear a helmet if you're on a ATV, and if you are a passenger on an ATV, you have to wear a helmet. Now, you can take the course-- three-hour course to-- like motorcycle drivers do. If you take that course, and you are on an ATV and over 21, you can just wear the eye protection if you're the driver. You still have to have a helmet if you're the passenger. If you are on a UTV, which has-- basically, they're the, the bigger units. They'll have the roll protection, 3-point, 5-point harnesses, usually a windshield in them. If you're in one of those vehicles, and you are using the safety equipment that is in that, you do not need a helmet.

BRANDT: So, if the vehicle is old enough that it doesn't have safety equipment, you're exempt?

WORDEKEMPER: You need to have a helmet on.

BRANDT: And that--

WORDEKEMPER: Unless-- if you're under 21.

BRANDT: And that would just be on the registered ATVs, UTVs. If you're exempt under ag, that wouldn't apply?

WORDEKEMPER: You're exempt.

BRANDT: All right. Thank you.

MOSER: So I have a question, Senator. If you're operating your UTV or ATV on your own property, are you required to follow all the regulations?

WORDEKEMPER: If you are just using that vehicle on your own property and you do not want to take them on the public roads, you do not need to license them. So, basically, the licensing is to be able to drive them on a, on a public road outside of the state highway system, which would be county roads, gravel roads, things like that.

MOSER: Yeah. OK. Thank you.

STORER: And just--

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MOSER: Yes, go ahead, Senator Storer.

STORER: Thank you. Just to be clear, so agriculture use is exempt from the requirement to license?

WORDEKEMPER: Yes. It currently is now, and this provision will also keep it exempt. The fees to license the vehicle is \$33. If you're an ag user and you want to be able to use that vehicle, possibly for other things other than ag, it would cost you \$33 to license it and be able to drive it anywhere. But if you're just using it on your, your farm, your ranch and, you know, crossing a county road, I, I don't believe you need to license that.

STORER: So, in some cases, operations have to-- do have to cross a state highway. It may just be literally crossing the highway. Is that also included in the exemption?

WORDEKEMPER: Yes. So, within this bill, you are allowed to cross a state highway, whether it's a divided highway-- you can cross them, but you cannot drive down them. So, you're not exempt from crossing those. Obviously, if you're a rancher or something, and you have to cross those highways, you can. But it's not designed for you to be able to drive down them as a thoroughfare.

STORER: One more follow-up question.

MOSER: Sure. Go ahead.

STORER: Cherry County has always been accused of being unique in many ways, but I don't-- I, I don't think this would apply just to Cherry County. But an instance that I see that could be, could be problematic: a lot of, a lot of ranchers will move cattle, and sometimes it requires being on a state highway. They'll usually get the local sheriff to, to come out and help the traffic, but it may be a mile or 2 or 5 on a state highway. So, in that case, if I understand right, they would have to-- they would be required to have it licensed?

WORDEKEMPER: According to the statute, there would. But I would, I would certainly-- that can be up to the jurisdiction. So, so this bill-- the counties can set whatever law they want; the cities can set their law. But if they decide they want them in their county, then they could design the-- they could write their county ordinance to say a farmer is exempt from licensing if they're using it to move live-- livestock down a county road. So, that is still left up to the jurisdiction of the county and the cities on where they would allow

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these to be drove. If, if that's clear. I, I mean, if, if you want to use that, and you're, and you're certainly using it for ag to go down a state highway, and that's predominant in your county, the county could adopt an ordinance that says it's OK for ranchers to use their ATVs, and they're exempt.

STORER: So currently, there's no provision to license, if I understand--

WORDEKEMPER: Correct.

STORER: --ATVs and UTVs. This is, this is providing for that, but county-by-county will still--

WORDEKEMPER: We're leaving the, the local authorities, whether it's county or city, to adopt an ordinance to regulate how they want it in their jurisdiction. This just allows them the ability to license it to be on public roads.

STORER: Thank you.

WORDEKEMPER: Now, a city could say we don't want them in our city; county can say we'll allow them in our county, but we want to exempt them from this road. But, you know-- so that's still up to local jurisdiction.

STORER: Thank you.

WORDEKEMPER: Yes.

MOSER: State law-- other questions? OK, go ahead, Senator Bosn.

BOSN: Thank you. Thank you, Senator Wordekemper. So, essentially, your goal here is to al-- it's not prescribing how a county has to do it, it's just saying they can be licensed, and then the county can say-- and then they can be used on county roads and the-- or they can't be used on county roads, they can be used on city streets for this and that reason, but not for another reason. So, all you're saying is licensing.

WORDEKEMPER: Correct.

BOSN: OK. Thank you.

MOSER: Senator Brandt?

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BRANDT: Thank you, Chairman Moser. Just for clarification. So, this is a state of Nebraska license and license plate on this vehicle. So, regardless of what county it's in, it could go to any county or city that has allowed for the regulation of these ATVs?

WORDEKEMPER: Correct.

BRANDT: All right. Thank you.

MOSER: Senator Storer.

STORER: If I may. Sorry. I'm going to complicate this one step further. So, just trying to wrap my head a little bit around this. So, in, in the event that-- you know, I'll use two counties in, in my district-- in the event you're in Sheridan County and they have provisions to license your ATV or UTV, but Cherry County decided not to, and you live on the, on the line, and may have ag property on both sides of that line. Does that potentially create some problems if you're going to use, you know, in one county, then you would be abiding by the county ordinances, and then you cross over into the next county and you're not?

WORDEKEMPER: If you're using your ATV or UTV for ag purposes, you are exempt from this license.

STORER: Anywhere in the state of Nebraska?

WORDEKEMPER: Yes.

STORER: Regardless of the county's--

WORDEKEMPER: Yes.

STORER: --determined ordinances.

WORDEKEMPER: Yes.

STORER: OK. Thank you.

WORDEKEMPER: But if you want to use that and you, you want to go joyriding--

STORER: Right.

WORDEKEMPER: Or you have a Sunday vehicle for that, then I would suggest licensing it for \$33.

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STORER: OK. Thank you, Senator Wordekemper.

WORDEKEMPER: Yes.

MOSER: OK. Other questions. Thank you very much.

WORDEKEMPER: Thank you.

MOSER: Anybody to speak in support of this bill-- LB337?

WORDEKEMPER: Mr. Chairman?

MOSER: Yes.

WORDEKEMPER: I would like to request Clayton Novotny to testify next as a proponent. I believe he has another thing he has to go to this afternoon at [INAUDIBLE] if we can do that.

MOSER: Well, get him up front and center, here.

WORDEKEMPER: All right. Thank you.

MOSER: We don't usually save spots, but since he was the next one to get up, I didn't have a choice.

CLAYTON NOVOTNY: Thank you.

MOSER: Welcome.

CLAYTON NOVOTNY: Thank you, committee. My name's Clayton Novotny. That's C-l-a-y-t-o-n N-o-v-o-t-n-y. I am with Motoplex of Norfolk, and Motoplex of Columbus. With having some of these vehicles, with Norfolk and Columbus already having laws in place where we can actually drive these on the street, it is very beneficial to both those towns. We have done some events in Norfolk, what we call Explore Norfolk, where it allows citizens that have their vehicles licensed with the city of Norfolk to be able to ride around in Norfolk and do events. We've had other towns around Norfolk say, "Can we do it in Hadar? Can we go to Pierce? Can we go to the places?" As things currently sit, you have to have a license plate for each town. So, Norfolk's rules are different than Columbus rules, are different than Stanton's rules. By having a statewide law that's the same, it'll make it easier for us to be able to go from town to town if you're not ag use, and have one plate for the state and have it-- a unified rule versus it being up to-- right now, where each town and city ordinance, it can change. Norfolk has a license plate. Wisner has a little sticker to put on there. With a

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bill like this, it'd be, you know, Nebraska could have a motorcycle-sized plate with a tag on it so you can ride from Norfolk to Hadar, to wherever you'd want to, to ride this machine, and be legal to do it. With the ag side of it, we have a bunch of ag customers that use their machines for ag, if they're out checking pivots and stuff. Certain people have pivots in multiple counties. They go, you know, 40, 50 miles a day on, on these machines. When they go from county to county, if they're ag use, they can legally go that way. But if they want to-- they're out checking their pivots and they want to go to their kid's ball game, well, technically now they're not ag use. It's very easy for them to be able to go into town if they make this a statewide ruling, so they can drive into town, go to the ball game, get their groceries, do stuff, and then go home, versus having to go home, switch vehicles and come back in. The economical impact of this, we would see a lot of revenue, being \$33. I think that's on, on the, on the low side of what we could do with this bill and stuff on it, with people wanting to buy more machinery. So, we've had customers come and say, I'd own one if I could ride it in town, because they're out of town. You'd see a spike in, in purchasing of these machines and stuff, and keeping some of that revenue here in Nebraska.

MOSER: Would a driver's license be required?

CLAYTON NOVOTNY: Yes. Currently, right now, I believe it's set for-- the towns that we have, a driver's license is required.

MOSER: OK. Questions? Senator DeBoer.

DeBOER: Thank you. So, are you envisioning this bill, then, as being sort of universalized laws throughout the state? Because, as I'm reading the bill, it says that the various county commissioners can make their own rules and regulations. So while you'd be licensed throughout the state, you would have, still, a patchwork, as it were, of different county laws about it. Is that how you're imagining it, or no?

CLAYTON NOVOTNY: Yes. I think the, the framework of the bill, as it sits, would be a-- basically, a, a benchmark of how it'd be for every county and city to make their own ruling. Prime example, South Dakota has a very similar law in place to where they can't ride on, on certain highways or in certain towns or certain areas. So-- but by having it be a unified state license plate, it eliminates-- our clientele, right now, we have several people that have ten different tags on the back of their vehicle so they can ride in ten different

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towns legally. By having it be a statewide license plate, they just need one license plate, one revenue source for the state of Nebraska, versus having tags for each individual town that they want to ride in. We have a lot of ag people that, you know-- we have Norfolk, Stanton, Columbus in that area. They can go into multiple different towns. If they want to go into each one of those towns, they have to have a different plate. But by having it be a statewide man-- or, statewide deal, they can go there, get one license plate for the state and be legal everywhere.

DeBOER: So I'm understanding you to say that it streamlines the actual plating process, and the plates that need to be displayed rather than the regulatory scheme, so that you maybe have to drive it under this mile per hour in, in this county, and a different regulation in a different county. Is that how you understand it?

CLAYTON NOVOTNY: Yeah, I think it, it still goes to that person to know which, which town and city rules that they have. It's on that person to know. I mean, it's on the person to know, you know, like, like an automotive vehicle, where they can or can't ride. You have semis go into towns where they can or can't use their jake brakes. The same mentality with this, to where I think the person can get the license plate knowing that it's good for the state, but it's up to them to know what regulations each town or city or county would have on that stuff. You know, the one senator mentioned before about, you know, moving cattle from one county to the next, if that's going to be right or not. Some people might help that farmer move, move the cattle. By having this plate, they're legal to help that farmer out, even though he's not necessarily ag. It would help unify things, make things easier, but it's up to that person to know what each town or city ordinance would, would have in place to where they can or can't ride.

MOSER: Senator Brandt?

BRANDT: Thank you, Chairman Moser. Would I have to have proof of insurance and registration on the vehicle?

CLAYTON NOVOTNY: Yes.

BRANDT: So I have to have insurance.

CLAYTON NOVOTNY: Yep. Currently, right now, we have it to where-- a couple of towns around us have it to where-- to go to get the plate on

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it, you have to have proof of ownership, insurance, and the proper lighting required by that--

MOSER: Would riding without a helmet and a seatbelt be a secondary offense?

CLAYTON NOVOTNY: I think that's kind of-- depends up to the town or city, of how they want to enforce the laws and make, make the stuff, there. We've had people that have advocated for a law like this, and they make a comment, saying if, if someone's going to break the law and ruin this for the rest of us, make it, make it sting a little bit. You know, they, they said they wouldn't be opposed to see where it'd be, you know, double the points, or double the, the regular automotive type fine on it. So, if they were caught speeding, you know-- so, that way it prohibits people from wanting to speed, or do that kind of stuff on these things. I know people are going to say we don't want them on the roads for-- because of speeding or not being able to see, but to make it-- to deter some of that, to make the, the fines a little more severe.

BRANDT: So, so they would lose points off their regular driver's license?

CLAYTON NOVOTNY: Yep, because, like Chairman Moser asked if it would be a 16 or older-- if you are 16 or older to operate these, like a lot of the OEMs re-- require you to be, they would technically have a driver's license.

BRANDT: All right. Thank you.

MOSER: OK. Other questions? Thank you. Appreciate your testimony. Are there are more supporters for LB337? Well, I guess you were going to be next anyway. Oh no, here comes somebody. Welcome.

KAYLA WALFORD: My name's Kayla Walford, K-a-y-l-a W-a-l-f-o-r-d. I just have a few cue-- points that I wanted to bring attention to that would make things easier for the state, as well. I am with a dealership as well, ATV Motor Sports, out of Omaha, Nebraska, and it's within Washington County, so we are pretty rural. But the biggest thing I have is titling these machines. If we had to go get a license plate on them, I think it would force people to get their titles made, which in turn, makes people go in and pay their sales tax. Because right now, I have a huge influx of people not paying-- coming in and trying to give me the MSO, and I have to tell them to go get their titles made when they trade in a machine. So I feel like that would

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push people to get it done right when they buy the machine, instead of waiting 5 or 6 years before they trade in the unit. Another thing that I wanted to just talk on too is-- like, myself, I'm a personal rider, and I take my vehicle to Iowa a lot, because they are street legal over there. So, our group rides over there. We ride in South Dakota. We go-- we, we travel to use our machines, because the closest riding areas to us is three hours away. So, we travel just to ride in towns in Iowa, so they're close, but we also travel 3 to 4 hours away just to use our machines. Another thing is la-- a couple of years ago, I actually put on a "Washington County Country Cruise." It was a Sunday cruise of just ATVs on county roads. And I had a huge turnout; it was twice as big as I expected it to be. We had over 212 people show up. So I-- that, that alone proved to me that we have a huge ATV/UTV community here in Nebraska that could benefit from just riding up county roads, just going to your small towns. Because right now, how it is is-- town to town has their own rules. My sister was trying to drive her machine in to just get gas. She got pulled over; said she could trailer it to town, but she couldn't drive it to town to get gas. So, that kind of things that would limit down those aspects a little bit, so we could just, like, drive to town, and then get our stuff done and go back in without having to worry about getting stopped and saying, hey, you can't be out here just driving to-- driving to town.

MOSER: OK. Questions? Just take your gas tank into town.

KAYLA WALFORD: I know.

MOSER: You're going to get a ticket, then. All right. Thank you for your testimony.

KAYLA WALFORD: Yep.

MOSER: Are there more proponents for LB337? All right. Are there any opponents for LB337? Is there anyone in the neutral capacity for LB337? Welcome.

JOSH EICKMEIER: Thank you. Thank you, Chairman, and committee members. My name is Josh Eickmeier, J-o-s-h E-i-c-k-m-e-i-e-r. I'm the Executive Director for the Motor Vehicle Industry Licensing Board. And when the introducer mentions you by name in their introduction, you have to testify. Our board licenses-- we-- well, we-- easier to say we, we don't license off-road vehicles. So your ATVs, UTVs and dirt bikes, for example, are beyond our jurisdiction. Motor Vehicle Industry Regulation Act focuses on your traditional vehicles, your,

your, your cars, your trucks, your, your motorcycles, and we also-- trailers and manufactured homes. When it comes to the, the, the off-road or motor sport dealers, we do license some of them, but only because they may also take in on trade motorcycles, or want to sell motorcycles, which is within our jurisdiction. But we would only license them for that limited purpose. And so, when it comes to the other-- the, the motorbike-- the, the dirt bikes and the ATVs, UTVs, we don't license those manufacturers, we don't license those dealers. And so, I believe this-- a similar bill may have been introduced by Senator Slama in the past, and I basically gave the same testimony there that year. And I believe there's maybe another bill coming up in the future-- it's LB690-- that's similar to this bill as well. And so, I'm just here to make sure that-- that would be-- the intent would be that by including ATVs and UTVs as-- in the definition of motor vehicle, the fact that they would be registered with a title, be-- starts to fall into our jurisdiction. And if that's not the intent, then I suggested an amendment, which is what was provided by the introducer, or some other way of excluding ATVs and UTVs from the Motor Vehicle Industry Regulation Act, if that is the intent of, of the Legislature. If you'd like to include it, then I just wanted to make sure there weren't surprises later when we start regulating them, which would be the case if, if they were included in-- within that act. So, I'd be happy to answer any questions you may have.

MOSER: OK. Questions? Yes, Senator Bosn.

BOSN: Thank you, Chair, And thank you, Mr. Eickmeier. I'm sorry, I wasn't totally following exactly what you were saying. And I'm sure it wasn't your fault, it was mine, but--

JOSH EICKMEIER: I doubt that, but go ahead.

BOSN: Well, you did a nice job, but-- so, if-- but for the amendment that was provided, they would have to go through the licensing, just like my family car.

JOSH EICKMEIER: We-- so, we license the dealerships, and we license the manufacturers. So we don't-- so we don't license any of the individuals that are utilizing those vehicles. So, if you are a manufacturer of a UTV, then our current fee would be \$500, and every manufacturer would need to then apply for a manufacturer's license. The dealerships that are out there-- and I say dealerships, I'm referring to UTV, ATV-type dealerships. In my world, dealership means something different. But if they were to be included, then they would also need a license, an annual license to be a dealer for those ATVs

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and UTVs. And so, because in the bill, it, it includes ATVs and UTVs in the definition of a motor vehicle, and within our act, we specifically talk about if you-- if a title is required for registration, which is-- if you're heading down that path, then it starts to, to get into our, our jurisdiction. And I just didn't want anyone to be surprised if all of a sudden we're regulating all of these ATVs and UTVs if that wasn't the, the intent of the introducer or those in the Legislature.

MOSER: They're regulating dealers, not the--

JOSH EICKMEIER: Correct.

MOSER: --actual vehicles.

JOSH EICKMEIER: We don't care who drives them. We just care about who's selling them and who's manufacturing them.

BOSN: So, can you tell me right now who it is that regulates Motorplex [SIC]?

JOSH EICKMEIER: I'm unaware of any one that does.

BOSN: OK. So, with the amendment, we've done a carve-out to eliminate that concern.

JOSH EICKMEIER: Just a-- well, yes. If the intent is to not have our agency regulate ATV, UTV manufacturers and dealers, then there's this amendment that was proposed, or one similar would be needed just to clarify that that's not the intent to carve them out of, of the act; of our, of our act.

BOSN: And, assuming that that amendment gets added on to the bill, then you're either not neutral, not supportive, not opposed, you're just not involved.

JOSH EICKMEIER: I'm just here as a resource. I'd be happy to answer any questions, but we would-- our board wouldn't likely take a position.

BOSN: Right.

JOSH EICKMEIER: We will meet-- we tried to schedule our board meeting as quickly as we could after Day Ten. Unfortunately, our meeting is tomorrow. So, you, you beat us to the punch. But we would be-- there-- like I mentioned, there's a similar bill that, if there is a hearing

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is scheduled later, I believe on-- is it LB690? I believe is what I mentioned earlier. Yeah, LB690. We will discuss that at our meeting tomorrow, and if, for some reason, the, the board chooses to take a position, we would do so at that time to clarify. But we typically-- when, when the question is whether to regulate or not regulate, that's not really our place to have a position necessarily. It's just wanting to make sure that the outcome is what you want it to be, and that there aren't any unintended consequences as a result of, of passing this. Because I don't think anyone was thinking about us regulating them when this would maybe introduced originally. But if it is, fine. If it's not, fine. We're fine. Everything's fine.

BOSN: Thank you for clarifying that. I appreciate it.

JOSH EICKMEIER: Sure. You bet.

MOSER: Yes, we're fine, too.

JOSH EICKMEIER: Good. Great. We're all fine.

MOSER: Other questions? You would prefer not to regulate--

JOSH EICKMEIER: We don't--

MOSER: --UTV, ATV dealers?

JOSH EICKMEIER: We have not--

MOSER: Or you don't know until you to talk to your board?

JOSH EICKMEIER: Right. Historically, we have not. So, the status quo would be no. But if, if you wanted us to regulate, then we sure could. Because, like I said, we do regulate some dealers, but for the limited purpose of motorcycles, not the ATVs/UTVs. But I can also clarify that tomorrow at our board meeting, and then let you know if anything changes.

MOSER: A motorcycle dealer has to pay 500 bucks?

JOSH EICKMEIER: Motorcycle manufacturer pays \$500. The mo-- dealer license is, I believe, \$250.

MOSER: \$250?

JOSH EICKMEIER: Yeah. And it's an annual--

MOSER: Regardless of how many you sell?

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JOSH EICKMEIER: Correct. Mm-hmm.

MOSER: OK.

JOSH EICKMEIER: It's just an annual fee, and it requires to be reapplied for.

MOSER: OK. Other questions? Seeing none. Thank you very much.

JOSH EICKMEIER: Thank you so much.

MOSER: Anybody else in the neutral capacity? Welcome.

VICKI KRAMER: Good afternoon, Chairman. Good afternoon, Chairman Moser, members of the Transportation and Telecommunications Committee. My name is Vicki Kramer, V-i-c-k-i K-r-a-m-e-r, and I'm the director of the Nebraska Department of Transportation. Testifying in the neutral capacity, I'd like to offer input for consideration regarding LB337. LB337, as introduced, would define ATVs and UTVs as motor vehicles instead of off-highway devices. And, if properly registered within the DMV under the bill, they would be allowed to travel on the state's roads, with the exception of state highways, the interstate, freeways or expressways, or on a highway where they have been prohibited by a city, county or village ordinance. Currently, there are agricultural use exemptions for ATVs and UTVs. They can cross state highways, local governments can permit them within their boundaries, but these vehicles are not designed to be driven alongside road-permitted vehicles, and present safety risks to the operators and occupants of these vehicles. NDOT would like to provide the following policy considerations while the committee deliberates on LB337. No driving skills test is required for a person to be licensed to drive an ATV or a UTV on Nebraska highways under the bill, as is the case with the licensing of a motorcycle. This would create the possibility of inexperienced operators operating an ATV or a UTV on high-traffic roadways. ATVs and UTVs are not designed to be operated on roads and highways. The traditional ATV tire is designed for an off-road use only. Their career-- their high centers of gravity make them difficult to maneuver at high speeds, and are therefore more dangerous. Many manufacturers warn against driving these vehicles on paved surfaces because of the knobby texture affects the handling of the, of the vehicle, which is especially a problem on high-sp-- highway-- or on high roadway speeds. Consumer product safety groups, such as the United States Consumer Product Safety Commission, warn that ATVs should not be driven on paved surfaces, and never used on public roads except to cross them. Despite this, LB337 would make an exemption to

the statute prohibiting the use of non-highway tires on highways, as long as these tires are found on an ATV and UTV. Neither drivers nor occupants of an ATV or UTV will have the benefit of the safety features in motor vehicles. There have been many occupant safety lifesaving advancements in motor vehicles, such as seatbelts, airbags, crumple zones, and structural components that protect drivers and occupants when motor vehicles crashes occurs. ATV/UTVs do not have any of these types of safety features, nor are they crash-tested, like other vehicles on the highways or roadways. The size and speed differential between ATVs and UTVs and traditional vehicles simply create greater risks of those drivers on Nebraska's roads. Motor vehicle crash statistics involving ATVs and UTVs confirm a greater risk for these vehicles in highway crashes. In Nebraska, an ATV crash is 13 times more likely to be fatal than a typical motor vehicle crash. A car-- a car/ATV crash is 18-- 8 times more likely to be fatal than a car/car crash. According to a 2021 report from the Consumer Product Safety Commission, there were more than 1,650 ATV-related deaths that year, 300 of which were children under the age of 16. In 2024, 251 people lost their lives on Nebraska state roads and highways, which is a 17-year high. As a state, I encourage us to focus on improving the safety of our roadways. While this bill technically excludes the state highway, that does not change the safety concern posed by allowing these vehicles to drive on other high-speed roadways, such as rural county roads. As I wrap up, I just want to note some of the statistics that were brought out from South Dakota and Iowa--

MOSER: Go ahead. Conclude your thoughts.

VICKI KRAMER: Sure. We were able to review some of these ATV crash statistics in South Dakota/Iowa. South Dakota's injury rate per ATV is 172% higher following their implementation of the bill. For Iowa, they did see increased fatality from 12 in 2023, to 20 in 2024. So, the, the experience is showing us that ATVs and UTVs on roadways is going to be more deadly. As the NDOT, we understand the exemption that we aren't going to allow these vehicles on highways. But, as a senior transportation official in the state, I felt it necessary to make sure that the committee is aware of some of the safety concerns that we see with further implementation of ATVs and UTVs on public roadways that will be high-traffic toward them-- majority of the traveling public is not expecting them to be on those highways.

MOSER: OK. Questions for the director? Senator DeBoer.

DeBOER: Thank you. Thank you so much for being here. Happy New Year. We haven't seen you here yet. So, in general, you're saying that be-- that these ATV and UTV vehicles operating on our-- not state highways, but maybe county highways-- are going to provide less safety for the ATV/UTV vehicle. Are there-- is there an increased risk to the standard drive cars that are on these highways when they share them with these vehicles?

VICKI KRAMER: I wouldn't know-- I wouldn't say that there's an increased risk. It, it's going to be on the emotional impact of if you kill somebody in a UTV/ATV because they pull out in front of you. I think, when reviewing this bill, the concern that the department has is that, no matter what safety provisions you put in, you're still putting a vehicle that is not considered road-worthy in major traffic situations, to where those, those normal pickup trucks are not expecting a UTV/ATV to pull out in front of them. You're more likely to be on the other side of killing someone in a UTV/ATV than you are if you hit a vehicle. I would say in terms of their actual concerns of a driver operating alongside them, that's going to be your major concern.

DeBOER: Do these vehicles go at the same speed as other-- as sort of what's allowed on our highways?

VICKI KRAMER: No. We are seeing-- and when we inquired with some of the, the dealers, some of the speeds do get upwards of 50 miles an hour. But, for the most part, they're going to be slower speeds. So, your expectation of speed on those county roads is also going to be different.

DeBOER: And is that-- is there a greater chance of collision when folks are going on different sort of vastly different speeds within a driving-- a situation?

VICKI KRAMER: Yeah. So typically, we, we look at this as driver expectation. So, we, we want to-- when we set speed limits, we're looking at what is the driver expectation and the reasonable-- we set-- we call it an 85 percentile. What, what do we expect on roadways? Now, that changes a little bit when you go to a gravel road versus a paved road, right? And so, you are going to have-- if you're coming up the cusp of a curve, right? Like, I grew up on a county road. I can see how you're, you're going down; car coming up at 55 doesn't expect a UTV/ATV to be going down that same-- cussing that hill on the other side, going 25 miles an hour, right? You're less of an ability to adjust to that speed. So, again, I understand, as an

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agricultural state, the, the intent of the bill. But I do think that you have to look at-- since Iowa and South Dakota were referenced, Senator, you do have to look at the fact that we have seen increased fatalities in both of those states due to the implementation of broader use of UTV and ATVs on road-- public roadways.

DeBOER: Can you speak also to the tires question? You said that these tires are off-road tires. Is the concern about that safety? Or is it safety plus road wear? Or?

VICKI KRAMER: We're not concerned on the, the damage done to the vehicle. That's typically, actually, managed by the axles. And so, I don't see any impact on-- except for the ability to grip the surface being a concern. It's not one of our major issues.

DeBOER: OK.

MOSER: Senator Fredrickson, please.

FREDRICKSON: Thank you, Chair Moser. Thank you, Dr. Kramer, for being here and for your testimony. Yeah, I, I, I, I-- I'm-- I share some of the concerns that you highlighted. I'm-- what I-- what I guess-- what I'm trying to balance here is sort of the, the desire for ag to be able to use this in, in this type of context. Do we, do we currently have agriculture exemptions for these vehicles?

VICKI KRAMER: We do, Senator, and we worked through this with the Legislature several years ago, that there were, in other places, sheriffs that were implementing this differently across different county lines. And so, we tried to work with NSP as well as our law enforcement partners, to provide some clarity as to what's allowed.

FREDRICKSON: Mmhmm.

VICKI KRAMER: You know, our intent is not to have-- or to regulate people crossing. It is to regulate exactly what I saw when I pulled out of my house yesterday. I live outside-- I live in Ashland. And I s-- there was an ATV/UTV that pulled out. We joined the roadway together on a public road, they went through the golf course and entered the highway from a non-access point, pulled out in front of my husband and I and my kids, and then proceeded to go through 66, through the roundabout on 6 and 66, and all the way through 66. That is not legal. And that-- I, I understand they're checking cattle, but that is not the intent of an agricultural exemption. Where the challenge for the Legislature is, as I understand, the reason about-- reasonability of we need to be able to operate. But, the example that

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was given before of, hey, we need to just be able to use these vehicles as motor vehicles, I think poses a significant safety risk for the state that is going to cost us lives, if you look at the statistics of other states.

FREDRICKSON: Sure. And you also mentioned in your testimony that-- and I don't expect you to be an expert on the manufacturer's guidelines of these-- of every single one of these vehicles. But do manufacturer guidelines recommend that they be used in the way that this is being proposed in this legislation?

VICKI KRAMER: No. I mean, we all have liability. And so, they're, they're sold based for off-road vehicles, right? That-- the way that they're marketed, in, in my interpretation, is for off-road use.

FREDRICKSON: Thank you.

MOSER: Do you have model language in mind that would fix the problem?

VICKI KRAMER: We-- we've, we've been challenged with that, Senator. I think the biggest issue from the department is when you get into paved roads. And though we are exempted from the freeways, the highways, and-- I really appreciate that-- the interstate, the major throughputs have been exempted from this allowance, I still think you have to look at you have high traffic, public roads. I'm happy to, to work with the Legislature on if we could figure out a way to further classify what is allowed based on road type. But I think that you're going to get into a position where you're still going to see people do this. I just want to make sure that the, the threat and the safety risk is, is known to the Legislature.

MOSER: OK. All right. Thank you very much for your testimony.

VICKI KRAMER: Thank you, Senator.

MOSER: Anybody else in the neutral? Greetings, once again.

BETH BAZYN FERRELL: Thank you. Good afternoon, Chairman Moser, members of the committee. For the record, my name is Beth, B-e-t-h, Bazyn, B-a-z-y-n, Ferrell, F-e-r-r-e-l-l. I'm with the Nebraska Association of County Officials. I'm appearing in neutral on LB377 [SIC]. Over the last 20 years since counties have been titling ATVs and UTVs, we've also had discussions about "should they be registered?" And those conversations have become a little more pronounced in the last while, since cities and villages have started doing more permitting and authorizing the use of the vehicles on the city streets. With that in

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mind, though, our position is neutral this year. That's the same position we've had the last two times that this concept was introduced. With the exception of this year, we do support the provisions that are in LB337 that are the same as in the bill that Senator Moser introduced earlier about taking the weight limits out-- off the titles. I would just like to leave you with a little information about county ordinances. Counties have very limited ordinance authority. Counties can only regulate by ordinance the things that are included in Section 23-187, and that's in Section 2 of the bill. It does give counties specific authority to do this, but without the language in that section, counties would not have ordinance authority. So, with that, I'd be happy to answer questions.

MOSER: Senator Brandt.

BRANDT: Thank you, Chairman Moser. I have cities that have a problem with golf carts. So, I mean, I could see us pass this, and Wilber is one that comes to example; they kind of lose their minds, some people do there. And they're going to be up here the following year saying, hey, we need-- we want to license these golf carts or, or something, because these-- the newer golf carts appear to be able to do 20 or 25 miles an hour inside of town. And that's-- seems primarily what this bill deals with is inside of city limits. Do you have any experience with golf carts?

BETH BAZYN FERRELL: We do not. There is ordinance authority for golf cars, to reg-- for counties to regulate the use of those, but not for golf carts.

BRANDT: What's the difference?

BETH BAZYN FERRELL: That is a good question. I would probably refer to someone who has more expertise.

BRANDT: All right. No, that's fine. I'll-- we'll talk after this. All right. Thank you.

MOSER: So, so are you really neutral? Or are you against it?

BETH BAZYN FERRELL: We've had conversations on both sides. There's some benefit to having some statewide authority, to-- so there's consistency across the state. On the other hand, you know, we're always talking about local control, and so, you know, there's, there's been conversation that way too. So, we really, truly are, are neutral on this.

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MOSER: Owners of UTVs and ATVs don't have to get their vehicle titled if they use it on the farm or whatever, right?

BRANDT: Yeah, we do.

BETH BAZYN FERRELL: I think that they do. I think everyone has to have--

MOSER: They do have to have steps to--

BETH BAZYN FERRELL: --a title.

BOSN: They're not doing it, though.

MOSER: I don't think I have a title for mine. I'll have to look into that. But I don't drive it on the road, but-- and so, if they flunk the weight limits, then you wouldn't title them?

BETH BAZYN FERRELL: Right. Then we wouldn't be able to title them, because they wouldn't meet the statutory definition of an ATV or a UTV.

MOSER: OK. And do you collect the sales tax?

BETH BAZYN FERRELL: That was something that I, I-- another testifier talked about, I believe it was 2014, there were some changes to that. I--

MOSER: Do the dealers have to collect the sales tax or the--

BETH BAZYN FERRELL: OK. I'm, I'm going to say no, based on the--

MOSER: Well, that doesn't affect the legality of it, but it's just a question I had. All right. Any other questions? Oh, yes. Senator Storer.

STORER: Thank you, Chairman. And welcome. Good to see you again.

BETH BAZYN FERRELL: You, too.

STORER: So just-- I'm going to go back, just for re-clarification, because when I think I have my head wrapped around this. So, so the bill just simply allows for these ATV and UTVs to be licensed; it does not require them to be licensed, correct?

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BETH BAZYN FERRELL: Right. There are exceptions for some ag use. Those-- there, there-- there's a list of, of things that it would [INAUDIBLE].

STORER: And, and the counties, then. But you had made a comment-- and I would like you to repeat that so I'm sure I understood you correctly-- that you had a concern the way this was worded, that it doesn't actually fully provide for the county to have-- to have an ordinance to require licensing?

BETH BAZYN FERRELL: The, the way the bill is drafted, it does provide that authority.

STORER: OK.

BETH BAZYN FERRELL: It's just that ordinance authority has to be within that particular section of statute. And it is in there; it's in Section 2 of the bill.

STORER: OK. Thank you.

MOSER: All right. Any other comments? Seeing none. Thank you. Anybody else in the neutral? OK. Is Senator Wordekemper here to close?

WORDEKEMPER: I am.

MOSER: Oh, he's hiding in the corner. Come on around. Or do you-- to close is optional to you, but it's a good idea, I think.

WORDEKEMPER: I will close. Thank you for the opportunity.

MOSER: Welcome back.

WORDEKEMPER: Thank you, Chairman Moser, and members of the committee. I appreciate the attention to the matter of safety and working with all those intended with the Nebraska DOT. The intent of this bill is to not make anything more dangerous. This bill does not get rid of any of the current ag exemptions that are in place. That's not the intent of this bill. It's basically a vehicle for people, whether it's recreation or whatever, to license their ATV, UTV, to be able to drive them on public roadways that are not state-maintained, not state highways, things like that. So that's, that's the basis of the intent of this bill. I'd like to address a few of the things that the, the NDOT had in their statements. I do have a handout here that I'd like to hand out, please. They had a neutral testimony. And like I said, we-- we're both concerned about safety. And, and I think, you know,

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with-- Senator Brandt, you, you brought up, if it's a second class offense, if you're not wearing your seatbelt or whatever, I-- you know, personally, I think it should be treated just like a motor vehicle because, you know, you have the opportunity to wear it; if you choose not to, you know, if it comes off your license, you know, the, the sheriff's departments can take care of that. This isn't a legal thing. NDOT states that no driving skills would be required under LB337. This is simply untrue. The bill directly models the current testing structure used for cars. An individual must possess a driver's license subject to the same driving test, written test and medical tests used to provide their license. The bill only states that while obtaining that license, you cannot use a ATV or a UTV to obtain your driver's license. On-road tires are available for these vehicles. It's a secondary market. There's a wide variety of paved-roads-specific tires, and if, if you choose to put those on your vehicle, you can. The bill does clearly specify that the tires need to be in good condition, no different than any other vehicle. Driver safety, NDOT claims these vehicles lack modern safety standards found in cars. However, LB337 mandates specific safety requirements, including seatbelts where equipped, helmets as required, eye protection, and all of the UTV safety provisions. It's worth noting that the same vehicles are currently allowed to be driven by NDOT, farmers, electrical companies without these additional safety requirements. Following NDOT's logic about modern safety standards, I want you to think-- if all vehicles have to be up to safety standards, are we going to start going after the car clubs that have antique cars, cars that don't meet the current safety standards? Are we going to pull them all off the road? The logic doesn't make sense. So, it's obvious that the UTVs and ATVs will not have the same safety standards as a current car. They weren't designed to. The statistics from the 2021 data, which I believe I showed to you there-- says 1,650 ATV-related deaths in a single year when this figure actually covers a three-year period across the entire United States. Further analysis reveals that the majority of these deaths occurred in five states: California, Texas, Pennsylvania, Kentucky and West Virginia. States with mountainous terrain, desert dunes. The Midwest region, specifically South Dakota and Nebraska, report less than 70 of the 1,650 deaths. This reflects our different use pattern in the Great Plains, where vehicles are primarily worked for utility and agricultural use. Rural fatalities, NDOT cites ATV and UTV deaths on Nebraska rural farm roads in 2024 without providing crucial context to these incidents. Were they driving at night? Were all the safety requirements in place? So, I don't believe the numbers are accurate, and it doesn't lay out any parameters of how the statistics were derived. South Dakota

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comparison, while NDOT states crash data from South Dakota, they're-- failed to acknowledge key differences in the regulation. South Dakota permits these vehicles on all public roadways except interstates, while LB337 makes a more measured approach, focusing on county roads. NDOT failed to demonstrate how South Dakota's crash circumstances would translate to Nebraska's more restricted approach. Importantly, the Consumer Product Safety Commission report shows that South Dakota's fatality rates are comparable to Nebraska under the current laws, despite their broader access. In conclusion, while I appreciate their testimony, I don't know that it all applies, and the goal is here to-- you know, public safety is, is paramount in this. Thank you.

MOSER: OK. Questions for Senator Wordekemper? All right. Thank you very much.

WORDEKEMPER: Thank you.

MOSER: Appreciate your te-- your testimony.

WORDEKEMPER: Thank you.

MOSER: That will conclude our hearing--

GUS SHOEMAKER: Still [INAUDIBLE].

MOSER: --on LB337.

GUS SHOEMAKER: Still on.

MOSER: Yeah. We still have one more--

GUS SHOEMAKER: Yeah.

MOSER: --bill. Senator Storm's going to assist on LB337.

BALLARD: Do we have the letters?

MOSER: What?

BALLARD: Letters for that one?

MOSER: There were 18 proponents, no opponents, no neutral on LB337. On LB196, there are no proponents, no opponents, and 2 neutral letters. Senator, welcome to our committee.

STORM: All right. Thank you very much. Last but not least. Good afternoon, Chairman Moser, members of the Transportation and

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Telecommunications Committee. My name is Jared Storm, J-a-r-e-d S-t-o-r-m. I'm representative of-- I represent Legislative District 23. I'm here today to introduce LB196. LB196 would provide the opportunity for cities and villages to enact ordinances to allow for the use of all-terrain vehicles and utility-type vehicles to remove snow from streets from sunset to sunrise. Should a city or village enact an ordinance allowing the use of ATVs or UTVs to remove snow at night, the operator would be required to have a valid O (operator) license or a farm permit, valid liability insurance, not exceed 30 mile an hour-- 30 miles per hour, and use headlights and tail lights. We have heard from cities and villages that they have business owners that would like to utilize ATVs and UTVs to remove snow from streets at night. The current statute only limits the use of ATVs and UTVs on roads to daytime operation. Right now, if someone using-- is using an ATV or UTV to remove snow at night, and needs to go to another property, they must load the ATV or UTV on a trailer to transport it on city streets. Working with the League of Municipalities, they ensured that the larger cities such as Omaha and Lincoln have participated in the discussion of this bill and had no plans of enacting ordinances allowing ATVs or UTVs on their roads. This is a small change in statute, and I ask for the committee's support on LB196, its avan--advancement to General File. I will answer any questions you may have. Thank you.

MOSER: OK. Questions? OK, seeing none, we're going to let you off easy.

STORM: All right.

MOSER: Supporters for LB196. Welcome.

CHRISTY ABRAHAM: Hi, Senator Moser, and members of the Transportation and Telecommunications Committee. My name is Christy Abraham, C-h-r-i-s-t-y A-b-r-a-h-a-m. I'm here representing the League of Nebraska Municipalities. We are an organization that represents municipalities from all over the great state, and we want to thank Senator Storm for introducing this bill for us. As he mentioned, this bill went through the League legislative process. So, all of our communities that sit on our league legislative process had a chance to look at this, and, as he mentioned, our larger municipalities like Lincoln, Omaha, some of our bigger first class cities, really don't want ATVs and UTVs on their roadways, and we appreciate that. And this bill does not require in any way that municipalities allow ATVs or UTVs on their roadway. All this bill really allows is-- when it is before the sun rises in the morning and someone wants to clear their

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snow, but they can use their ATV to do it. So, I think Senator Storm did a great job of explaining-- this bill is very permissive. The city of Schuyler is here with me. The mayor of Schuyler is going to testify after me; he's going to talk about why his community would really like to have this provision. No other municipality needs to necessarily adopt this, if they don't want to. But it is an option in state law that they could have that-- if they want to allow ATVs to remove snow between the hours of sunset and sunrise, this bill would let them do it. Again, I just want to reiterate, there are currently, in law, safety provisions such as headlights, tail lights that have to be on the ATV and UTV to be operated at night, so, we're hopeful that there are enough safety provisions in place for this bill. And I'm happy to answer any questions you might have.

MOSER: OK. Questions? All right. Well, you got off easily.

CHRISTY ABRAHAM: I see that. Thank you so much. I appreciate it.

MOSER: Thank you. Other supporters of the bill? Welcome.

ART LINDBERG: Welcome, Senator Moser, and the committee. Thank you for having me here today. My name is Art Lindberg. It's spelled A-r-t L-i-n-d-b-e-r-g. I'm the mayor of the city of Schuyler. I want to thank the Transportation and Telecommunications Committee for allowing me to be here today to speak on behalf of LB9-- LB196. LB196 is a bill that is intended to allow the operation of all-terrain vehicles and utility-type vehicles between the hours of sunset and sunrise during winter months for the re-- for the removal-- sole purpose of snow removal. Currently, statute-- state statute 60-6,356 item [SIC] 3 reads as follows: an all-terrain vehicle or a utility-type vehicle may be operated and authorized in Subsection 2 of this section when operation occurs only between the hours of sunrise and sunset. What we are asking is that the state statute be amended to allow communities to amend their own ordinances to allow for the use of all-terrain or utility-type vehicles during the hours between sunset and sunrise during the winter months for the purpose of snow removal only. We feel this is a change that can be made and should be made, since a lot has changed since ATVs and UTVs first came out, and there are more safety features on these vehicles now than in the past. For example, all ATVs and UTVs have headlights and tail lights and with brake-- and brake lights, and some have the ability to have blinkers put onto them as well. And almost all of them have the ability to have a snow plow attached to the front of them. In rural communities, ATVs, UTVs are used for a lot of daily chores and use of transportation. We are asking the state allow these communities to amend the ordinances to

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allow the uses of these ATVs and UTVs for the use of snow removal. Again, during the winter months from sunrise to sunset, and we have-- and I've personally have had businesses contact me and ask me if we could introduce this for the purpose of traveling from place to place. If they have a business in, in a local community, instead of trailering their ATV that's more than able to travel, they can just go from one place to the other during the sunrise-- between sunset and sunrise to remove the snow. And if, if a community does not want to amend the current statute, that would be up to that community. That is the basis for this bill: to give each community the chance to listen to their citizens and allow them to make the change in the ordinance as they see fit. That's all I have. I'll take any questions.

MOSER: All right. Senator Brandt.

BRANDT: Thank you, Chairman Moser. Thank you, Mr. Mayor, for being here today. Just a quick question. Does it make any difference if they're plowing a sidewalk or a street or a parking lot?

ART LINDBERG: No.

BRANDT: So, as, as far as the municipality is concerned, the liability is the same, or, or-- they can plow whatever they want to plow.

ART LINDBERG: Yes. We've had people talk that, like-- if you have a business owner, that's, like, in the middle of the block and you have an ATV with the plow, you can, you know-- you know, 4 to 6 feet, you can clear that lot faster than with a shovel. So that, that's part of the-- what was brought to me.

BRANDT: All right. Thank you.

MOSER: Other questions? Senator Bosn.

BOSN: And I guess part of what sticks out-- thank you for your testimony-- to me is, is that, in the winter months when the snow is most likely, the sun goes down at 4:30 or 5:00, and now you have businesses that can't open the next morning until you get there.

ART LINDBERG: Get there.

BOSN: When the sun rises.

ART LINDBERG: Exactly.

BOSN: And that seems foolish when we have headlights.

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ART LINDBERG: Yes. And, and to elaborate on that, when is the best time to remove snow? When there's less traffic.

BOSN: Yeah.

ART LINDBERG: And it's at night.

BOSN: Thank you.

MOSER: OK. Other questions? Thank you. Appreciate your testimony.

ART LINDBERG: All right. Thank you.

MOSER: Other supporters? OK. Are there opponents to LB196? Is anyone here to speak in the neutral on LB196? Senator Storm, you're recognized to close.

STORM: Thank you, Chairman Moser and the committee. Yeah, it's a-- to me, this is a common sense bill. Like Senator Bosn said, if you're a business and it snows out in the middle of the night or right before it gets dark, you have to wait until daytime to start mo-- moving snow. That makes for a much danger-- dangerous situation for everybody. If you have a UTV out there plowing the sidewalk or your, your parking lot, and people are trying to get to work, or get into your business, that's definitely a negative. So I think this is a common sense bill that, that there sure is support for. Thank you.

MOSER: Yeah, it's too bad you weren't here when your turn came up. You could be home with your feet up.

STORM: I was in Ag-- I was in the Ag Committee there, talking about phragmites.

MOSER: Senator Fredrickson.

FREDRICKSON: Thank you, Chair Moser. Thank you,--

STORM: Yeah.

FREDRICKSON: --Senator Storm, for being here and for bringing the bill. I couldn't let you go without having many questions from the-- is this your first bill you're introducing?

STORM: Second.

FREDRICKSON: Second. OK. Well, I wanted to see if it was the first one. I had to ask you at least one question if it was your first.

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STORM: Yeah.

MOSE: How's the other one look?

STORM: It looks good. It's already gotten through exec--

MOSE: Compared to this one.

STORM: Yeah, that one looks good, too. Both of these, I hope, are going to make it through.

MOSE: Your bills are all good, you say.

STORM: Yep.

MOSE: OK.

STORM: I only have four bills, so that's what--

MOSE: All right. Any other questions? Thank you very much.

STORM: Thank you.

MOSE: Appreciate your appearance.

STORM: Thank you.

MOSE: All right. So that should conclude our hearing for today. Thank you for attending.