

## LEGISLATIVE BILL 87

Approved by the Governor May 25, 1973

Introduced by Public Works Interim Study Committee,  
Wiltse, 1, Chmn.

AN ACT to amend sections 39-846 and 39-847, Reissue Revised Statutes of Nebraska, 1943, relating to bridges; to establish a program of state aid in the replacement of county bridges as prescribed; to delete obsolete matter; and to repeal the original sections, and also section 39-853, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 39-846, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-846. ~~The Department of Roads is hereby declared to have supervision of bridges to be located and constructed or purchased under state aid, as provided by law. In order to expedite the replacement of deficient bridges, the State Aid Bridge Fund is hereby created to provide assistance to counties for replacement of bridges. Any money in the State Aid Bridge Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1259.~~

Sec. 2. That section 39-847, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-847. ~~The (1) Any county board or boards of any county or counties may make application apply, in writing, to the Department of Roads for state aid in the construction or purchase replacement of any bridge across any stream of the width of one hundred feet or more, under the jurisdiction of such county board, or boards. The application shall contain a description of the proposed bridge, with a preliminary estimate of the cost of construction or purchase replacement thereof, and a certified copy of the resolution of such board, or boards, pledging such county or counties to furnish one half fifty per cent of the cost of construction or purchase replacement of such bridge. The county's share of replacement cost may be from any source except the State Aid Bridge Fund; Provided, that where there are~~

bridges-over-streams-which-divide is any bridge which is the responsibility of two counties, either county may make application to the department and, if the application is approved by the department, it--shall--be lawful-for such county and the department may to build-or purchase-the-same replace such bridge and to recover, by suit, one-fourth one-half of the county's cost of such bridge from the county failing or refusing to join in such application. All requests for bridge replacement under this act shall be forwarded by the department to the Board of Public Roads Classifications and Standards. Such board shall establish priorities for bridge replacement based on critical needs. Where any state-aid bridge-is-constructed-or-purchased, under the--provisions of this-section, and any county liable for a share-of-the cost thereof shall be unable to pay its share out-of--the regular-levy for bridge funds, the county--board--therein is hereby authorized and required to make an annual levy, in--addition--to--other--levies--authorized--by--law,--of one-fifth mill on the dollar upon the assessed--value--of all--the--taxable--property--in--such--county,--except intangible property, for such period as may be necessary to pay such county's share of the--cost--of--the--bridges. Any amount realized by the one-fifth mill levy, in excess of the requirements for such state--aid--bridge,--may--be transferred to the general road and bridge--fund--of--the county; Provided, in lieu of--the--one-fifth--mill--levy, such bridge may be operated as a toll bridge under rules and regulations prescribed by--the--Department--of--Roads until such time as--the--county--or--counties--interested shall collect funds equal to one-half of--the--cost--of construction-or-purchase-and-maintenance-of-such--bridge. The board shall, in June and December of each year, consider such applications and establish priorities for a period of time consistent with sections 39-2115 to 39-2119. The board shall return the applications to the department with the established priorities.

(2) The plans and specifications for each bridge shall be furnished by the Department of Roads and replacement shall be under the supervision of the Department of Roads and the county board.

(3) Any contract for the replacement of any such bridge shall be made by the Department of Roads consistent with procedures for contracts for state highways and federal-aid secondary roads.

(4) After the replacement of any such bridge and the acceptance thereof by the Department of Roads, any county having jurisdiction over it shall have sole responsibility for maintenance.



Sec. 3. The State Treasurer shall transfer monthly thirty-two thousand dollars from the Department of Roads' share of the Highway Allocation Fund and thirty-two thousand dollars from the counties' share of the Highway Allocation Fund which is allocated to bridges to the State Aid Bridge Fund.

Sec. 4. That original sections 39-846 and 39-847, Reissue Revised Statutes of Nebraska, 1943, and also section 39-853, Reissue Revised Statutes of Nebraska, 1943, are repealed.