

LEGISLATIVE BILL 213

Approved by the Governor April 2, 1979

Introduced by R. Maresh, 32

AN ACT relating to roads; to provide for construction of dams in lieu of bridges or culverts in certain instances; to provide duties for the Department of Roads, county boards, and the natural resources districts; and to provide for studies.

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

Section 1. The Department of Roads or the county board shall, prior to the design or construction of a new bridge or culvert in a new or existing highway or road within its jurisdiction, notify in writing, by first-class mail, the natural resources district in which such bridge or culvert will be located. The natural resources district shall, pursuant to section 2 of this act, determine whether it would be beneficial to the district to have a dam constructed in lieu of the proposed bridge or culvert. If the district shall determine that a dam would be more beneficial, the Department of Roads or the county board and the natural resources district shall jointly determine the feasibility of constructing a dam to support the road in lieu of a bridge or culvert. If the Department of Roads or the county board and the natural resources district cannot agree regarding the feasibility of a dam, the decision of the Department of Roads, in the case of the state highway system, or the county board, in the case of the county road system, shall be controlling.

Sec. 2. If a natural resources district shall receive notice of a proposed bridge or culvert, pursuant to section 1 of this act, the district shall make a study to determine whether it would be practicable to construct a dam at or near the proposed site which could be used to support a highway or road. In making the study, such district shall consider the benefit which would be derived and the feasibility of such a dam. After it has made its determination, the natural resources district shall notify the Department of Roads or the county board and shall, if the district favors such a dam, assist in the joint feasibility study and provide any other assistance which may be required.