

Proposal to Update Rules and Regulations
of the
Board of Public Roads Classifications and Standards (NBCS)

428 NAC 3 One-And Six-Year Plans
and
428 NAC 4 Standardized System of Annual Reporting (SSAR)

Adopted by the NBCS on March 25, 2016

The NBCS and the Nebraska Department of Roads, Boards – Liaison Services Section, proposes to update 428 NAC 3, the rule and regulation which addresses the One-And Six-Year Plan requirements, and 428 NAC 4, the rule and regulation which addresses the Standardized System of Annual Reporting (SSAR). Reference state statutes §§39-2115 through 39-2119, and §§39-2120 through 39-2121.

Why is there a need to update the One-And Six-Year Plan and SSAR rules and regulations?

Various questions and problems have occurred which are not addressed by the current rules and regulations. 428 NAC 3 and 428 NAC 4 have essentially not changed since their inception in the early 1970's. In the meantime, other requirements, rules and regulations which affect 428 NAC 3 and 428 NAC 4 have evolved and changed significantly. Federal and local requirements have changed over the years creating some duplication and overlap between the Board's One-And Six-Year Plan requirements, FHWA's TIP requirements, and local jurisdiction project reporting requirements. Standards for the design, construction and maintenance of highways, roads and streets are currently undergoing a major overhaul and will likely become effective in April. The State Auditor's Accounting Code Manual for Counties was updated in 2006. Tax lid laws and capital outlay rules have changed since the 1970's. Technology has also changed significantly, creating opportunities to improve reporting and analysis.

What are the goals of updating 428 NAC 3 and 428 NAC 4?

428 NAC 3 and 428 NAC 4 fit within the State's desire to have a coordinated and integrated system of roads. In bringing the rules and regulations in line with modern accounting methods and the proposed 2016 standards, the overall goal is to have in place a modern, state-of-the-art reporting system. Goals include reducing paperwork, helping government employees do their jobs, and a system that provides useful, transparent and clear information for the general public.

What some objectives of updating 428 NAC 3 and 428 NAC 4?

- Update forms. This includes the ability of the NBCS to change forms annually without rulemaking.
- Add forms (Sales Tax form, Federal project form, complaint form).
- Update instructions, some examples are:
 - Reporting maintenance activities and 3R work, etc.
 - Submitting the correct map (clear up confusion as to which maps are acceptable)
 - Filing reports in OnBase
 - Clarification on notices and postings for public meetings

- Determine if requirements should be different for various levels of government or populations.
- Make changes to other rules or procedures as needed (such as the Board's operating procedures, or 428 NAC 2.003 Maintenance rule, etc.) based on changes to 428 NAC 3 and 428 NAC 4.

Will there be a need to propose revisions to existing state statutes?

No. The Board anticipates working within the framework of existing state statutes.

What will be the extent of public involvement?

Proposed changes will go through formal rulemaking which means there will be a public hearing. Staff will work closely with NDOR's Legal Counsel and with the State Auditor's office. There will also be ongoing coordination with the Nebraska Association of County Officials (NACO), the League of Nebraska Municipalities (LONM), the Highway Superintendents, the Association of County Engineers, Highway Superintendents and Surveyors and possibly other groups.

What is the proposed schedule?

- A. Start work late February or early March.
- B. Draft changes by the end of April. Coordinate with NDOR Legal Counsel and the State Auditor's office
- C. Review of changes in May by NDOR Legal Counsel, the State Auditor's office and other interested parties.
- D. NBCS review and comment on the changes at the Board's June meeting.
- E. Finalize changes by the end of August.
- F. NBCS approve changes at the Board's 9/16/2016 meeting.
- G. Hold a public hearing on or about 10/20/2016.
- H. The updated rules and regulations would become effective prior to 2017 submittals.

Will there be any training needed?

There will likely be some training needed. The extent of such training will be determined later after the proposed changes are known and somewhat settled.