



## LB 716 – Summary and Analysis

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**Sponsor:** Senator Rick Kolowski (Omaha)

**Co-Sponsors:** Sen. Tommy Garrett (Bellevue, member of Transportation and Telecommunications committee), Sen. Mike Gloor (Grand Island), Sen. Robert Hilkemann (Omaha), Sen. Brent Lindstrom (Omaha), and Sen. John McCollister (Omaha)

**Intent:** This bill provides and eliminates provisions regarding pedestrians and bicyclists.

Full text of the bill can be [found here](#). Key language is as follows:

### **Amendment to Sections 60-6,153, 60-6,154 and 60-6,317:**

At or adjacent to the intersection of two highways at which a path designated for bicycles and pedestrians is controlled by a traffic control signal, a pedestrian who lawfully enters a highway where the path crosses the highway shall have the right-of-way within the crossing with respect to vehicles and bicycles.

### **Amendments to Section 60-6,154 and Section 60-6,317:**

**(60-6154)** Where a path designated for bicycles and pedestrians crosses a highway, a pedestrian who is in the crossing in accordance with the traffic control signal shall have the right-of-way within the crossing with respect to vehicles and bicycles.

**(60-6,317)** A person who is operating a bicycle on a path designated for bicycles and who lawfully enters a highway where the path crosses the highway shall have the right-of-way within the crossing with respect to any vehicle. A bicyclist who enters a crossing with the traffic control signal is lawfully entering the highway. Nothing in this subsection 1 relieves the bicyclist or the driver of a vehicle from the duty to exercise care.

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**Analysis:** These provisions clarify the law with regards to who has the right of way when bicyclists and pedestrians cross streets **while using a path designed for pedestrians and bicyclists**. This only applies to trails, not to sidewalks that are not designated trails.

Many Nebraska cities have trail systems where these types of crossings are an issue, and many of them are expanding or actively looking to expand their systems. Current statutes do not specifically address this type of crossing, and a clarification in the law is needed.

Note that the term “highway” is used in this proposed language. As defined in Nebraska law (60-470), the word "highway" does not have a meaning restricted to busy roads with fast traffic. Rather, it is specifically defined as “...the entire width between the boundary limits of any *street, road, avenue, boulevard, or way* which is publicly maintained when any part thereof is open to the use of the public for purposes of motor vehicle travel.” This is one case where everyday language differs from the words used in our statutes.

(Continued)

## LB 716 – Summary and Analysis (con't)

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### **Amendment to Section 60-6,317:**

No bicyclist shall suddenly leave a curb or other place of safety and walk or ride into the path of a vehicle which is so close that it is impossible for the driver to stop.

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**Analysis:** This language mirrors language already in the statute applying to pedestrians, creating consistency for the duties of both pedestrians and bicyclists. It is important to note that this statute does not give a bicyclist the right to “dash out” in front of cars. Motor vehicle drivers have a similar responsibility in the law, which is to not follow so closely to the vehicle in front of them that they cannot react in time to sudden actions taken by that vehicle. (Section 60-6,140: The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, and such driver shall have due regard for the speed of such vehicles and the traffic upon and the condition of the roadway.)

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**Repeals Sec. 3. Section 60-6,317 (3) :** Except as provided in section 60-6,142, whenever a usable path for bicycles has been provided adjacent to a highway, a person operating a bicycle shall use such path and shall not use such highway.

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**Analysis:** Repealing this provision is extremely important. From a legal perspective, Nebraska’s current law is based on the 1968 version of the Uniform Vehicle Code, which repealed its mandatory sidepath provision in the 1990s. We are one of only four states that still have such a provision in the law. The provision currently on the books does not give a person on a bike the choice to ride safely on the road if the available sidepath is poorly designed, poorly maintained, or if the sidepath has debris that could be dangerous through which to ride.

This provision is also important from a planning perspective. Cities should be given the flexibility to plan, design and build infrastructure that optimizes the safety of all users. Sidepaths should be allowed to co-exist next to a street with a bike lane, if a city feels that this creates the safest environment for all users. Under current law, this example would technically make it illegal for a person on a bike to ride in a bike lane if there is a sidepath adjacent to the street.

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