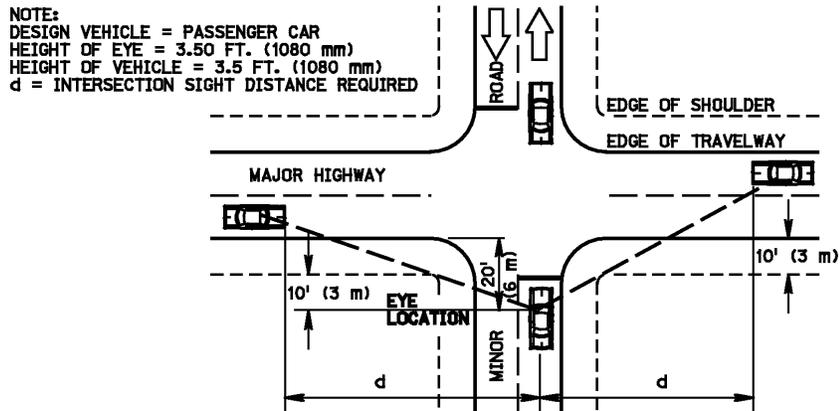


SO YOU WANT ACCESS TO THE HIGHWAY?

--A GUIDE TO HIGHWAY ACCESS--



TWO LANE HIGHWAY

March 2003

SO YOU WANT ACCESS TO THE HIGHWAY?

This guide is intended to provide Nebraskans with some basic information about highway access and to help them locate assistance when considering a request for such access.

The efficiency and safety of a highway depends upon the amount and character of interruptions to the movement of traffic. The primary cause of these interruptions is vehicular movements to and from farm fields, businesses, residences, and other developments along the highway.

Regulation and overall control of highway access is necessary to provide efficient and safe highway operation and to utilize the full potential of the public's highway investment.

When applying these rules to a particular access situation, the department shall consider the following:

1. Safety of the traveling public.
2. Perpetuation of the traffic carrying capacity of the highway.
3. The impact upon the economy of the state.
4. Protection of the rights of the traveling public and the rights of abutting property owners.

The statements contained in this document are not a substitute for engineering knowledge, experience, judgement or study but rather are intended to serve as guides for Nebraska Department of Roads (NDOR) employees, consulting engineers, developers and the general public. It is intended that the provisions of this document act as guidelines for access installations and the NDOR reserves the right to make exceptions to the guidelines where the exercise of sound and reasonable judgement indicates that the literal enforcement of the guideline would cause an undue hardship to any interested party or the NDOR.

HOW TO USE THIS BOOKLET

Section A, Permit Guidelines. Every new access installation requires a permit. This section contains a description of the permit process. On some highways the NDOR owns access rights. Please refer to Section C for the additional requirements that must be met before receiving the permit.

Section B, Traffic Impact Study. Traffic engineers have recognized that the elimination of unexpected events and the separation of decision points simplify the driving task. This section describes when a Traffic Impact Study must be completed before receiving the permit.

Section C, Controlled Access. On those highways where the NDOR owns access rights, the applicant, in order to obtain the access permit, will need to buy access rights from the NDOR. This section explains this process.

Section D, Improvements to the Highway. The applicant, in order to mitigate adverse effects caused by the access, will be required to make improvements to the highway. This section discusses the types of improvements and when exceptions are allowed.

Section E, More Information. Offices, addresses, and phone numbers are provided for additional information.

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SECTION A

Permit Guidelines

PERMIT GUIDELINES

LETS TAKE A LOOK

Since the Nebraska Department of Roads has the right and responsibility to utilize the right-of-way to the best advantage for highway purposes, it is proper that some control be exercised in the number, location and general design features of accesses along the highways.

STATUTE PERTAINING TO PROPERTY OWNERS ACCESS RIGHTS:

39-1329. The right of reasonable convenient egress and ingress from lands or lots abutting on an existing highway, street or road may not be denied except with the consent of the owners of such lands or lots or with the condemnation of such right of access to and from such abutting lands or lots. If the construction or reconstruction of any highway to be paid for in whole or in part with federal or state highway funds, results in the abutment of property on such highway that did not therefore have direct egress or ingress to it, no rights of direct access shall accrue because of such abutment, but the Department may prescribe and define the location of the privilege of access, if any of the properties which then, but not theretofore, abut on such highway.

STATUTE PERTAINING TO PERMIT REQUIREMENT:

39-1333. The department may adopt reasonable rules and regulations and issue permits for the construction or use of any private entrance or exit, approach road, facility, thing, or appurtenance upon or connected to highway rights-of-way. Such rules and regulations and such permits may include, but need not be limited to, provisions for construction of culverts, requirements as to depth of fills, and requirements for drainage facilities deemed necessary. Such a permit so issued may contain such terms and conditions as, in the judgement of the granting authority, may be in the best interest of the public. All construction under such permits shall be under the supervision of the granting authority and at the expense of the applicant. After completion of the construction of the particular private entrance or exit, approach road, facility, thing, or appurtenance, the same shall be maintained at the expense of the applicant and in accordance with the rules and regulations of the department. Nothing herein contained shall be determined or construed to grant any right for or authorize the construction of a private entrance or exit or approach road upon or connected to any facility, thing, or appurtenance on the right-of-way of any highway or section of highway for which the department has by gift, agreement, or eminent domain acquired the rights of access on a portion thereof.

APPLICATION REVIEW IN THE DISTRICT

All requests for a permit for an access shall first be submitted to the District Engineer in whose District such access lies. See the map at the end for addresses and district boundaries.

Requests must be submitted on standard access permit application form available from the department. The department may require any of the following items or others when relevant to the evaluation of an access application or the construction of an access:

1. Highway and access plan and profile.
2. Complete drainage plan of the site showing impact to the highway right of way.
3. Map and letters detailing the utility locations before and after development in and along the highway.
4. Subdivision zoning and development plan. These should be coordinated with the local officials and their comments should be included with the application.
5. Property map indicating other accesses and abutting public roads and streets, including those on the opposite side of the highway.
6. Proposed access design details, such as, ADA requirements, or wetlands.
7. A Traffic Impact Study, if required.

Each District Engineer should make appropriate comments and forward the application together with the plans and other supporting data to the Right of Way Division for issuance of the permit. Access to the state highway system is based on several factors. Among those to be considered by the District and the central office include:

1. Preservation of the safety of the persons using the highway, including plans to rebuild a highway in the near future.
2. Preservation of the public's investment in the existing highway.
3. The effect of the proposed access point on the traffic carrying capability of the highway, the potential for accidents, and the impact on traffic signals or pedestrian crossings.
4. The existing sight distance along the highway.
5. Highway alignment and configuration.
6. The volume and speed of the traffic on the highway at the proposed access point.
7. The volume and type of traffic generated by the development served by the access.

8. What extent improvement(s) to the highway facilities by persons requesting access will mitigate adverse effects caused by the access point to the highway facility.
9. Closure or relocation of existing access points, or relocating access points to provide better traffic turning movements.
10. Moving the new access point to a property line to allow for a joint use drive to serve two properties.
11. Conformance of the proposed development to zoning regulations and other local ordinances.
12. Dedication of right of way for future public streets to provide for orderly development of the property abutting the highway.

PERFORMANCE GUARANTEE

Performance guarantees are required to assure satisfactory completion of the work noted on the permit. When the work has been inspected by the department and has been determined to be satisfactory, the performance guarantee is returned to the applicant.

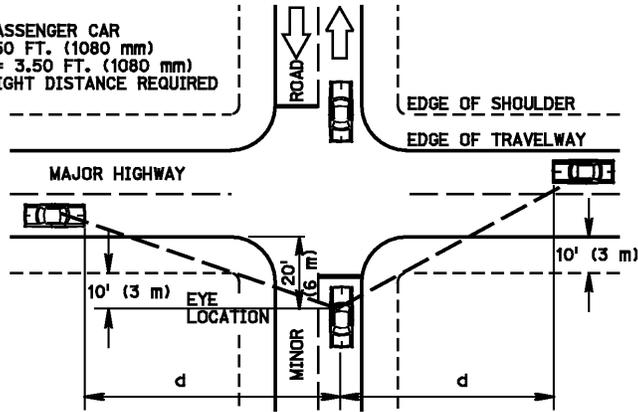
1. Commercial Drive \$1,000.00 each
2. Private Drives \$250.00 each

The Performance Guarantee shown above are suggested amounts and may be adjusted as deemed necessary by the District Engineer.

INTERSECTION SIGHT DISTANCE

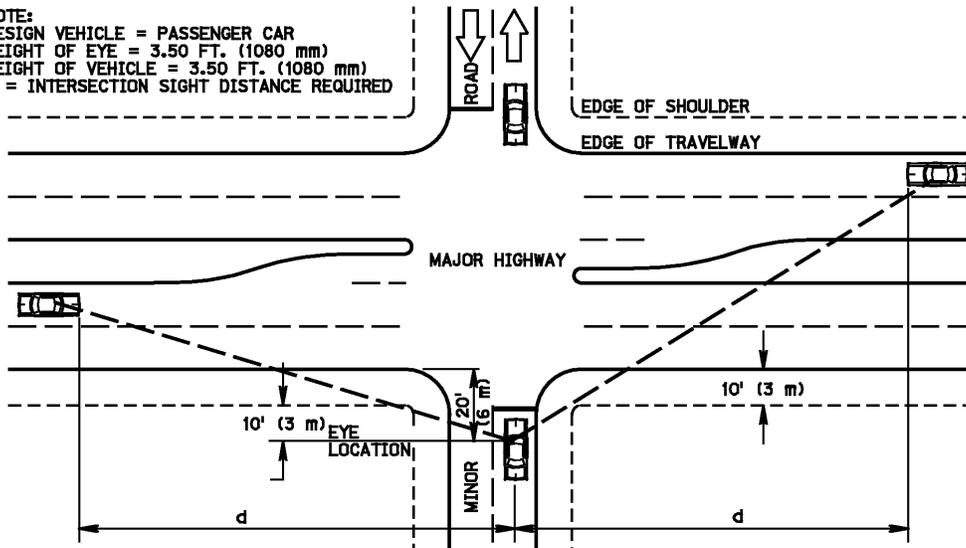
Access should only be located at a point of adequate sight distance along the highway. The profile of an access and the grading should be such that the driver of a vehicle that is waiting on the access outside the edge of the traveled way, can see a sufficient distance in both directions along the highway traveled way to enable the driver to enter it without creating a hazardous situation. The speed of vehicles on the highway shall be considered to determine minimum safe sight distance necessary.

NOTE:
 DESIGN VEHICLE = PASSENGER CAR
 HEIGHT OF EYE = 3.50 FT. (1080 mm)
 HEIGHT OF VEHICLE = 3.50 FT. (1080 mm)
 d = INTERSECTION SIGHT DISTANCE REQUIRED



TWO LANE HIGHWAY

NOTE:
 DESIGN VEHICLE = PASSENGER CAR
 HEIGHT OF EYE = 3.50 FT. (1080 mm)
 HEIGHT OF VEHICLE = 3.50 FT. (1080 mm)
 d = INTERSECTION SIGHT DISTANCE REQUIRED



DIVIDED FOUR LANE HIGHWAY

INTERSECTION SIGHT DISTANCE		
POSTED SPEED MPH	TWO-LANE MINIMUM	FOUR-LANE MINIMUM
	8.8 SEC.	10.5 SEC.
35	450 ft. (135 m)	540 ft. (165 m)
40	520 ft. (160 m)	620 ft. (190 m)
45	580 ft. (175 m)	690 ft. (210 m)
50	650 ft. (200 m)	770 ft. (235 m)
55	710 ft. (215 m)	850 ft. (260 m)
60	780 ft. (235 m)	930 ft. (280 m)
65	840 ft. (255 m)	1000 ft. (305 m)

LOCATION OF ACCESSES

Accesses should be located as to result in no undue interference with, or hazard to, the free movement of normal highway traffic and so that areas of traffic congestion will not be created on the highway. Access locations should be avoided within intersection and interchanges or on the highways immediately approaching them. Also to be avoided, are locations which would interfere with the placement and proper functions of light poles, highway signs, signals, traffic islands and other devices which affect traffic operation. The department shall determine, upon the basis of an engineering and traffic investigation, the location which provides the highest degree of safety for any proposed access which is in the vicinity of:

1. A traffic signal, whether the signal is in an intersection or at a location outside an intersection.
2. A traffic regulatory sign.
3. An intersection which has traffic islands or separate turning lanes. Accesses shall not ordinarily be permitted within turning lanes or their tapers.
4. A guardrail or similar safety appurtenance.

The Department may require consolidation of existing accesses whenever separate parcels of land abutting the highway are consolidated or assembled under one plan usage or entity. The location of existing accesses on both sides of the highway shall be considered in approval of a location for a proposed access.

ACCESS ALIGNMENT

Single accesses should normally be positioned at right angles to the roadway. New drives should be located whenever possible directly across from drives on the other side of the roadway.

On uncurbed sections of highway, the gradient of the access should conform with the normal shoulder slope from the edge of the traveled way to the outer shoulder line and slope downward to a suitable grade. (Need to minimize the drainage entering the highway from the access.)

Where curbs are present along the roadway and sidewalks are provided or contemplated, the gradient of the access should fit the plane of the sidewalk.

NO curbing should be allowed upon the right-of-way, except on existing Curb and Gutter Sections, or within the shoulder so that it will not create snow removal, maintenance or traffic hazards.

ACCESS SURFACING

It is desirable to surface commercial drives with a material to match the abutting travel way. A minimum depth of surfacing shall be no less than: (8) eight inches PCC or (8) eight inches asphalt concrete. Farm accesses which serve an area for field work only, need not be surfaced, however, if the drive is to serve as an access for a farmstead, it must be surfaced as a minimum with gravel or crushed rock. Private drives, which serve as Residential Access shall be surfaced with gravel or crushed rock, unless the adjoining drives are hard surfaced, then in such case, to form continuity of construction, such private drives must be of PCC or asphalt concrete surface. Minimum depth for surfacing private drives shall be (6) six inches PCC or (5) five inches asphalt concrete. These thickness assume proper subgrade preparation to a depth of (4) four inches. These are typical thicknesses we use on our project plans. Total thickness of roadway may require some changes to assist in construction or to make it more "constructible" but the above stated thickness are the department's normal minimums.

DRAINAGE

All accesses should be constructed so as not to impair drainage within the highway right-of-way nor alter the stability of the roadway and at the same time not impair or materially alter drainage of the adjacent area. All culverts, catch basins, drainage channels, and other drainage structures required should be installed in accordance with the current Nebraska Standard Specifications for Highway Construction.

BUFFER AREAS

In the development of accesses serving private property, the buffer area (area outside and adjacent to the right-of-way line) may require regrading or adjustment to insure adequate sight distance for traffic operation, proper drainage and suitable slopes for maintenance operations, and as far away from the highway as possible.

RIGHT-OF-WAY ENCROACHMENT

No part of the right-of-way is to be used for servicing of vehicles, conduct private business, parking of vehicles or the erection of signs or displays. Parking of vehicles may be permitted along the roadway only if provided in Agreement between City and State or if no action has been taken by local governing body or State to prohibit parking. If necessary, barriers will be required to prohibit encroachment onto the highway right-of-way.

SETBACK CONTROL BEYOND THE RIGHT-OF-WAY LINE

Even though the Highway Department has no jurisdiction over areas outside the right-of-way lines, the cooperation of property owners and local officials should be utilized to affect the necessary setback that may be necessary or desirable to protect the highway facility.

CONTROL DIMENSIONS

To accomplish the objective of the principles previously stated, it is necessary to include certain control dimensions. Since there are many variables which affect the propriety of such dimensions, such as the type of highway, type of private property development, volume and type of traffic, width of right-of-way, etc., it is not practicable to indicate a set of single dimensions that will be suitable in all cases.

The access width should be adequate to handle the limits specified from the particular conditions and types of use, but not to exceed 40 feet at the throat. The access should be constructed with adequate width, radii, tapers and deceleration lanes as deemed necessary so as not to unduly impede the movement of the highway traffic. Wider accesses may be allowed if multiple lanes and/or medians are needed.

SPACING FROM EXISTING INTERSECTION (Corner Clearance):

1. Rural: As far from the right of way line at the intersection as is practicable to least affect traffic operation. Minimums: 200 feet or the length of any deceleration lane plus taper, if longer.
2. Urban: As far from the right of way line at the intersection as is practicable to least affect traffic operation. Minimums: If a right turn lane is required, the distance to the access should be the length of the turning lane plus taper and if no turning lane, the access should be outside the cross walk area and/or corner radius.

NOTE: The minimum spacing intervals shown above should only be allowed when moving the drive further from the intersection is not possible.

FILL SLOPE

1. All access which do not have a culvert shall be built with 8:1 fill slopes unless the access is protected by guard rail or other means that would protect the traveling public from colliding with the access embankment.
2. All accesses which have a culvert shall be built with 6:1 fill slope, unless the access is protected by guard rail or other means that would protect the traveling public from colliding with the access embankment.
3. All access culverts shall be placed at the intersection of the ditch bottom and the backslope to place it as far as possible from the traveled way. Access culverts shall be designed for length using the 6:1 fill slope.

SECTION B

Traffic Impact Study

A TRAFFIC IMPACT STUDY . . .

. . . WILL ONE BE REQUIRED ?

INTRODUCTION

For any new development to be successful, good traffic access must be provided. It is important to plan in advance for any traffic impacts that may be caused by a new development on the nearby highway. A Traffic Impact Study may be submitted prior to or with the application for highway access. In any case, the Traffic Impact Study must be approved by the department prior to granting a permit to construct on highway right-of-way.

PURPOSES OF THE TRAFFIC IMPACT STUDY

There are three primary reasons why the department requests a Traffic Impact Study:

1. To determine the need for additional highway geometric improvements and/or traffic controls, and to maintain adequate traffic capacity in the vicinity of the proposed developments.
2. To check the driveway access design. This includes the location, the width, the radii, the allowable turning movements, and the estimated turning volumes during peak traffic hours.
3. To allow equitable cost sharing between the developer, the Department of Roads and the city, for any needed intersection or access improvements, including added lanes and traffic controls.

WHEN A TRAFFIC IMPACT STUDY IS REQUIRED

A traffic Impact Study will be required if any one of the following conditions exists:

1. The proposed development will generate 100 or more new trips (inbound plus outbound) per hour, and average daily traffic on the adjacent highway is (or projected to be within 5 years) 4,500 vehicles or more per day (AADT).
2. The proposed development is estimated to generate 100 or more new inbound or outbound trips per hour during the peak hours, and the average daily traffic on the adjacent highway is (or projected to be within 5 years) between 3,000 and 4,500 vehicles per day (AADT).
3. Any new development adjacent to a state highway that is estimated to generate 250 or more new trips per hour during peak hours (inbound plus outbound).
4. All new drive-in restaurants, drive-in banks, elementary schools, high schools, and colleges.
5. Where separate left- or right-turn lanes may be needed because of the development.

When a Metropolitan Planning Organization (MPO) has established traffic impact study requirements within their jurisdiction, the MPO requirements will be followed.

For a more complete guide to trip generation rates for all land uses and building types, Trip Generation, the most recent edition, Institute of Transportation Engineers (ITE), should be used.

The use of computer programs is acceptable if the program incorporates the ITE Trip Generation data.

Local data on trip generation may be used if that data is available. The development of trip generation rates for the specific site and uses being analyzed is highly encouraged; in developing such rates, however, accepted traffic engineering practices must be followed. These should be first reviewed with the State Traffic Engineer.

On request, the Nebraska Department of Roads can provide the developer or consultant with any traffic counts presently on file in the Traffic Engineering or Transportation Planning offices.

Also, the following information, when on file, can be provided to the consultant for the cost of reproduction:

1. Future and existing street paving plans.
2. Traffic signal controller information, including type of equipment, construction plans, and timing charts.
3. Pedestrian counts.
4. Existing traffic control sign inventory.

CONSULTANT QUALIFICATIONS

The traffic impact report should be prepared by an engineer with knowledge of traffic engineering principles. The traffic impact study should be prepared under the supervision of a registered Professional Engineer.

ELEMENTS FOR A TRAFFIC IMPACT STUDY INCLUDE THE FOLLOWING:

1. The existing traffic conditions (including peak-hour volumes) and the existing roadway geometrics.
2. The additional traffic that will be generated by the developments, and the directional distribution.
3. The impact on existing conditions of additional traffic for the critical peak traffic hours.

4. The needed highway improvements, the traffic controls, the access location, and access design for the development.
5. The need for additional right-of-way, the costs, and the responsibility for costs.

THE TRAFFIC IMPACT STUDY INCLUDES THE FOLLOWING, AS APPLICABLE:

1. Map of Proposed development and access routes.
 - a. Type, size, shape and area of the development.
 - b. Location map showing the adjacent streets.
 - c. Classification of streets into local, collector, major arterial or freeway functional classification.
2. Existing Traffic Conditions
 - a. Geometrics of the road network and intersections in the vicinity of the site, specifically at the access points.
 - b. Counts during peak-impact hours.
 - c. Internal reservoir or storage at access points.
 - d. Parking layout.
 - e. Loading dock locations and access, including design truck used.
3. Site Traffic Generation and Distribution
 - a. Trip generation rates used and source.
 - b. Traffic generated during peak-impact hours.
 - c. Traffic distribution method used. A table or figure showing the estimated site traffic movements by direction.
 - d. Discussion of method used for traffic assignment and assumptions used for assignment of traffic network
4. Nonsite Traffic Projections
 - a. Definition of design year (opening of proposed development or other agreed-upon stages of development).
 - b. Identification of developments in the study area whose traffic is to be included in impact calculations.

- c. Adjustments of off-site through-traffic volumes, if needed, using agreed-upon growth rates.
 - d. Assembling of off-site traffic forecast for design year, if needed.
5. Traffic Impact or Capacity Analysis
- a. A site-specific traffic evaluation is to be provided. Volumes at the accesses and at the critical intersections are all interpreted in terms of required numbers of lanes and types of controls needed. Data are listed for the existing intersection operating levels. Then a second capacity analysis is made to calculate the change in levels that could be produced by the added development traffic. Any lanes required to be added or changes in controls are identified, and a third capacity analysis is made. In effect, this report develops the detailed recommendations with respect to improvements by location and type, to handle the impact of the development's traffic.
 - b. Identified geometric improvements should maintain the existing excess capacity at the existing level-of-service. Level-of-service is defined in the Highway Capacity Manual, Highway Research Board, Special Report 209, 1985 (and updates).

SECTION C

Controlled Access

WHAT IS CONTROLLED ACCESS?

ACCESS CONTROL DEFINED

Access control is the regulation of access, through the limitation of public access rights to and from properties abutting the highway facility. It is the condition where the right of property owners use and enjoyment of access is controlled by the department, when the department has acquired private property, in the form of access rights, for public use by payment of just compensation.

STATUTORY AUTHORITY FOR CONTROL OF ACCESS

A controlled access facility as defined in Section 39-1302, Paragraph (9) Revised Statutes of Nebraska, reissue of 1993 "shall mean a highway or street especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement of only a controlled right or easement of access, light, air, or view by reason of the fact that their property abuts upon such controlled access facility or for any other reason. Such highways or streets may be freeways or they may be parkways.

ACQUISITION OF ACCESS RIGHTS

It is necessary that every effort be made to preserve the public investment in the highway system. Where efficiency of traffic movement is desired, this investment is preserved by acquiring the adjacent property's access rights and regulating the number of access points to the highway. This provides a safer environment for the highway user, increases the free and efficient movement of through traffic, and reduces highway accidents by minimizing the number of conflict points or entrances located along the highway.

ADDITIONAL ACCESS ENTRANCE ON A CONTROLLED ACCESS FACILITY

An additional access entrance to a property from which access rights have previously been acquired may be permitted by the department. The applicant for an additional access entrance should be aware that the State of Nebraska has previously acquired the rights of direct access to the highway from the applicant's highway frontage and, therefore, the applicant has no remaining right of additional direct access to the highway. The acquisition of access rights is recorded in the local county courthouse and is a restriction placed on the property. The department realizes there may be locations where granting an access within an area where access rights were previously acquired may be consistent with our current policies. In these case, a request for the establishment of a new access shall be submitted by the property owner to the district engineer and the procedure that was previously described shall be followed by the applicant and the department.

Because access rights are a marketable property right, the value of such rights must be considered. Real property interests are a valuable resource and should be handled accordingly. This position is not based on a desire to make money from prior investments, since that was not the public purpose justifying the original purchase. Rather, applying prudent property management practices is proper when disposing of assets acquired with public funds. Access control rights acquired by the department are an integral part of the highway right of way and, as such, are a valuable part of the public highway. Any disposal of

these access rights for a private purpose require a credit to the project and/or the Federal Highway Administration. The fair market value of the access sold is to be determined by the appraisal process.

There are occasions when improvements made and paid for by the applicant to the highway facility clearly and directly provide transportation benefits.

It has been determined that it is in the public interest to offset the amount of compensation due the department from the applicant for the access control right sold by the cost of those improvements.

The improvements will include all items determined by the department to be necessary to preserve the safety of the motorist and the public's investment in the existing highway. Examples of these improvements include, but are not limited to additional lanes, lighting, traffic signals, etc. The contributions will not include any of the cost associated with construction the actual access from the new access point to the roadway.

Therefore, the estimated cost of the improvement will be deducted from the appraised fair market value.

The applicant will be notified by the department of the fair market value of the access rights being sold, the estimated amount of the improvements, if any, and the resulting amount to be paid for the access rights. After payment by the applicant, the deed granting the new access will be signed by the Director State-Engineer and Governor and the permit will be issued in accordance for the construction of the access.

SECTION D

Improvements to the Highway

WILL I BE REQUIRED TO MAKE IMPROVEMENTS TO THE HIGHWAY?

ARE IMPROVEMENTS REQUIRED TO THE HIGHWAY?

As stated elsewhere in this guideline, the Nebraska Department of Roads has legal authority to issue permits and require terms and conditions that, in our judgment, are in the best interest of the public. These terms and conditions usually include improvements to the highway facility by the applicant that will mitigate adverse effects caused by the access being connected to the highway.

Typically these improvements include, but are not necessarily limited to: drainage structures, grading, traffic control devices, additional lanes, medians, etc.

The department will inform the applicant, after our review of the permit application, what, if any, additional highway improvements are required to be built and paid for by the applicant. As a general rule, all necessary improvements will be built by the applicant and the applicant will pay for those improvements that directly benefit their property. The required improvements that don't directly benefit the applicants property will be paid for by the department.

EXCEPTIONS

There are occasions when it is in the public interest to grant exceptions to when the applicant will pay for improvements to the highway facility. The following situations may be given consideration:

1. Those who have filed an application for tax credits under the Employment and Investment Growth Act (LB 775, as amended by LB 1234) and which application has been approved by the State Tax commissioner.
2. Those who have qualified for tax credits under the Employment Expansion and Investment Incentive Act (LB 270, as amended by LB 270 and LB 335) and have completed and filed form 3800N, Nebraska Employment and Investment Credit Computation, with the Nebraska Department of Revenue
3. Those who are developing housing subdivisions primarily to serve low to moderate income families. The developer must be receiving some type of governmental assistance from the Federal or State government to facilitate the development of housing units for low to moderate income families.

Any such exception will be carefully reviewed and adequately supported.

SECTION E

More Information

For more info. . . . give a call

Contact these folks for assistance or for more information:

Department of Roads District Offices

District 1

302 Superior St.
Lincoln, NE 68521
(402) 471-0850

District 2

4425 S. 108th St.
Omaha, NE 68137
(402) 595-2534

District 3

408 N. 13th St.
Norfolk, NE 68702
(402) 370-3470

District 4

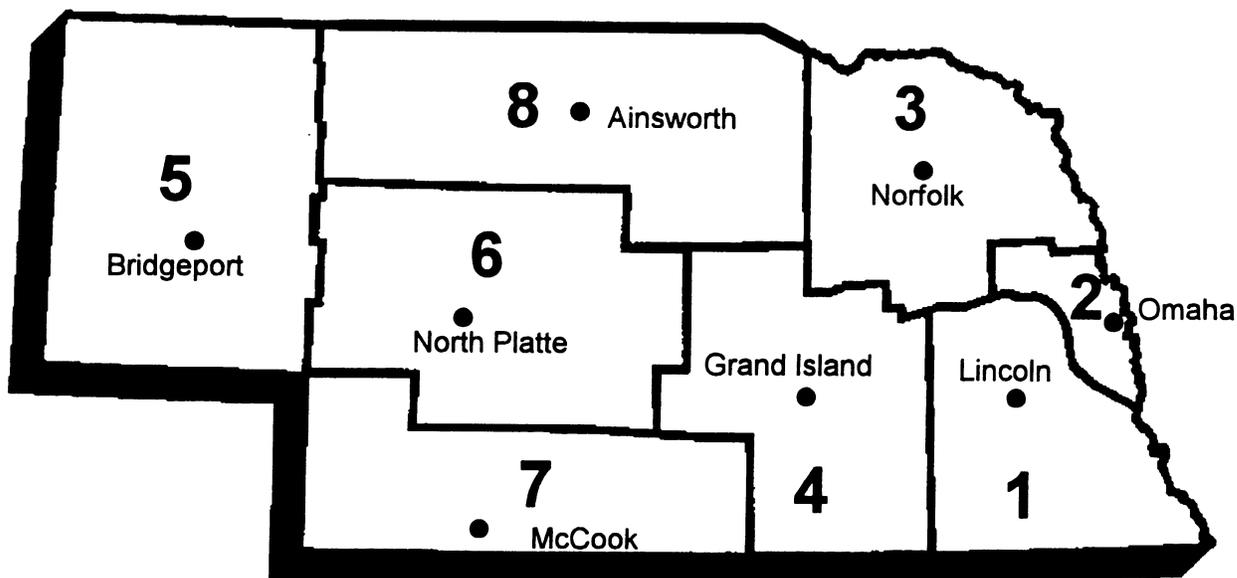
211 N. Tilden
Grand Island, NE 68803
(308) 385-6265

District 5

514 Main St.
Bridgeport, NE 69336
(308) 262-1920

District 6

1321 N. Jeffers
North Platte, NE 69101
(308) 535-8031



Traffic Engineering Division

NDOR State Headquarters
P.O. Box 94759
Lincoln, NE 68509-4759
(402) 479-4594

Right of Way Division

NDOR State Headquarters
P.O. Box 94759
Lincoln, NE 68509-4759
(402) 479-4625