

CHAPTER 71: TRAFFIC REGULATIONS

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GENERAL PROVISIONS

§ 71.01 RESTRICTIONS ON DIRECTION OF TRAVEL.

(A) The City Council, with respect to highways under its jurisdiction, may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all times or at such times as shall be indicated by traffic-control devices.

(B) Except for emergency vehicles, no vehicle shall be operated, backed, pushed, or otherwise caused to move in a direction which is opposite to the direction designated by competent authority on any deceleration lane, acceleration lane, access ramp, shoulder, or roadway.

(C) A vehicle which passes around a roundabout shall be driven only to the right of the central island while on the circulatory roadway in such roundabout.

(Neb. RS 60-6,138) Penalty, see § 71.99

§ 71.02 RIGHT-OF-WAY; STOP AND YIELD SIGNS.

(A) The City Council may provide for preferential right-of-way at an intersection and indicate such by stop signs or yield signs erected by such authorities.

(B) (1) Except when directed to proceed by a peace officer or traffic-control signal, every driver of a vehicle approaching an intersection where a stop is indicated by a stop sign shall stop at a clearly marked stop line, or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection, or if no crosswalk is indicated, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(2) After having stopped, such driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on such highway as to constitute an immediate hazard if such driver moved across or into such intersection.

(C) (1) The driver of a vehicle approaching a yield sign shall slow to a speed reasonable under the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection, or if no crosswalk is indicated, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

(2) After slowing or stopping, such driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard if such driver moved across or into such intersection.

(Neb. RS 60-6,148) Penalty, see § 71.99

§ 71.03 INTERFERENCE WITH TRAFFIC-CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any traffic-control device, any railroad sign or signal, or any part of such a device, sign, or signal.

(Neb. RS 60-6,129) Penalty, see § 71.99

§ 71.04 SIGNS, MARKERS, DEVICES, OR NOTICES; PROHIBITED ACTS.

(A) Any person who willfully or maliciously shoots upon the public highway and injures, defaces, damages, or destroys any signs, monuments, road markers, traffic-control devices, traffic-surveillance devices, or other public notices lawfully placed upon such highways shall be guilty of an offense.

(B) No person shall willfully or maliciously injure, deface, alter, or knock down any sign, traffic-control device, or traffic-surveillance device.

(C) It shall be unlawful for any person, other than a duly authorized representative of the Department of Transportation, the county, or the city, to remove any sign, traffic-control device, or traffic-surveillance device placed along a highway for traffic-control, warning, or informational purposes by official action of the department, county, or city. It shall be unlawful for any person to possess a sign or device which has been removed in violation of this division (C).

(D) Any person violating division (B) or (C) above shall be guilty of an offense and shall be assessed liquidated damages in the amount of the value of the sign, traffic-control device, or traffic-surveillance device and the cost of replacing it.

(Neb. RS 60-6,130) Penalty, see § 71.99

§ 71.05 TIRE REQUIREMENTS AND PROHIBITIONS; PERMISSIVE USES.

(A) Every solid rubber tire on a vehicle moved on any highway shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(B) No tire on a vehicle moved on a highway shall have on its periphery any clock, stud, flange, cleat, or spike, or any other protuberance of any material other than rubber, which projects beyond the tread of the traction surface of the tire, except that:

(1) This prohibition shall not apply to pneumatic tires with metal or metal-type studs not exceeding five-sixteenths of an inch in diameter, inclusive of the stud-casing, with an average protrusion beyond the tread surface of not more than seven-sixty-fourths of an inch between November 1 and April 1, except that school buses, mail carrier vehicles, and emergency vehicles shall be permitted to use metal or metal-type studs at any time during the year;

(2) It shall be permissible to use farm machinery with tires having protuberances which will not injure the highway; and

(3) It shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other condition tending to cause a vehicle to slide or skid.

(C) (1) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer:

- (a) Having any metal tire in contact with the roadway; or
- (b) Equipped with solid rubber tires.

(2) Division (C)(1) above shall not apply to farm vehicles having a gross weight of 10,000 pounds or less or to implements of husbandry.

(D) The city may, in its discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery.

(Neb. RS 60-6,250) Penalty, see § 71.99

Statutory reference:

Rubber-tired cranes, see Neb. RS 60-6,288

SPEED LIMITS

§ 71.20 BASIC RULE.

No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. A person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(Neb. RS 60-6,185) Penalty, see § 71.99

§ 71.21 MAXIMUM LIMITS.

(A) Except when a special hazard exists that requires lower speed for compliance with § 71.20, the limits set forth in this section and Neb. RS 60-6,187, 60-6,188, 60-6,305, and 60-6,313 shall be the maximum lawful speeds unless reduced pursuant to division (B) below, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits:

- (1) Twenty-five mph in any residential district;

- (2) Twenty mph in any business district;
- (3) Fifty mph upon any highway that is gravel or not dustless-surfaced;
- (4) Fifty-five mph upon any dustless-surfaced highway not a part of the state highway system;
- (5) Sixty-five mph upon any four-lane divided highway not a part of the state highway system;

and

(6) Sixty-five mph upon any part of the state highway system other than an expressway, a super-two highway, or a freeway.

(B) The maximum speed limits established in division (A) above may be reduced by the Department of Transportation or the City Council pursuant to § 71.23 or Neb. RS 60-6,188.

(C) The City Council may erect and maintain suitable signs along highways under its jurisdiction in such number and at such locations as it deems necessary to give adequate notice of the speed limits established pursuant to division (A) or (B) above upon such highways.

(Neb. RS 60-6,186) Penalty, see § 71.99

§ 71.22 BRIDGES AND OTHER ELEVATED STRUCTURES.

(A) No person shall drive a vehicle over any public bridge, causeway, viaduct, or other elevated structure at a speed which is greater than the maximum speed which can be maintained with safety thereon when such structure is posted with signs as provided in division (B) below.

(B) The Department of Transportation or the City Council may conduct an investigation of any bridge or other elevated structure constituting a part of a highway under its jurisdiction, and if it finds that the structure cannot safely withstand vehicles traveling at the speed otherwise permissible, the Department or the City Council shall determine and declare the maximum speed of vehicles which the structure can safely withstand and shall cause suitable signs stating the maximum speed to be erected and maintained before each end of the structure.

(C) Upon the trial of any person charged with a violation of division (A) above, proof of the determination of the maximum speed by the Department or the City Council and the existence of such signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety on the bridge or structure.

(Neb. RS 60-6,189) Penalty, see § 71.99

§ 71.23 ALTERNATIVE MAXIMUM LIMITS.

(A) Whenever the Department of Transportation determines, upon the basis of an engineering and traffic investigation, that any maximum speed limit is greater or less than is reasonable or safe under the conditions found to exist at any intersection, place, or part of the state highway system outside of the corporate limits of cities and villages, as well as inside the corporate limits of cities and villages on freeways which are part of the state highway system, it may determine and set a reasonable and safe maximum speed limit for such intersection, place, or part of such highway, which shall be the lawful speed limit when appropriate signs giving notice thereof are erected at such intersection, place, or part of the highway, except that the maximum rural and freeway limits shall not be exceeded. Such a maximum speed limit may be set to be effective at all times or at such times as are indicated upon such signs.

(B) On all highways within its corporate limits, except on state-maintained freeways which are part of the state highway system, the City Council shall have the same power and duty to alter the maximum speed limits as the Department if the change is based on engineering and traffic investigation, except that no imposition of speed limits on highways which are part of the state highway system in the city shall be effective without the approval of the Department.

(C) Not more than six such speed limits shall be set per mile along a highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than 20 mph, and there shall be no limit on the difference between adjacent speed limits for increasing speed limits along a highway.

(D) When the Department or the City Council determines by an investigation that certain vehicles in addition to those specified in Neb. RS 60-6,187, 60-6,305, and 60-6,313 cannot with safety travel at the speeds provided in §§ 71.21 and 71.22 and Neb. RS 60-6,187, 60-6,305, and 60-6,313, or set pursuant to this section, § 71.22, or Neb. RS 60-6,188, the Department or the City Council may restrict the speed limit for such vehicles on highways under its respective jurisdiction and post proper and adequate signs.

(Neb. RS 60-6,190)

§ 71.24 NEAR SCHOOLS.

(A) It shall be unlawful for the driver of any vehicle, when passing premises on which school buildings are located and which are used for school purposes, during school recess or while children are going to or leaving school during the opening or closing hours, to drive the vehicle at a rate of speed in excess of 15 mph past the premises.

(B) The driver shall stop at all stop signs located at or near such school premises, and it shall be unlawful for the driver to make a U-turn at any intersection where such stop signs are located at or near such school premises.

Penalty, see § 71.99

§ 71.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) Any person who operates a vehicle in violation of any maximum speed limit established for any highway or freeway as set out in §§ 71.20 through 71.24 is guilty of a traffic infraction and, upon conviction, shall be fined:

- (a) For traveling one to five mph over the authorized speed limit: \$10;
- (b) For traveling over five mph but not over ten mph over the authorized speed limit: \$25;
- (c) For traveling over ten mph but not over 15 mph over the authorized speed limit: \$75;
- (d) For traveling over 15 mph but not over 20 mph over the authorized speed limit: \$125;
- (e) For traveling over 20 mph but not over 35 mph over the authorized speed limit: \$200;

and

- (f) For traveling over 35 mph over the authorized speed limit: \$300.

(2) (a) The fines prescribed in division (B)(1) above shall be doubled if the violation occurs within a maintenance, repair, or construction zone established pursuant to Neb. RS 60-6,188.

(b) For the purpose of this division (B)(2), the following definition shall apply unless the context clearly indicates or requires a different meaning.

MAINTENANCE, REPAIR, OR CONSTRUCTION ZONE.

a. i. The portion of a highway identified by posted or moving signs as being under maintenance, repair, or construction;

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ii. The portion of a highway identified by maintenance, repair, or construction zone speed limit signs displayed pursuant to Neb. RS 60-6,188; and

iii. Within such portion of a highway where road construction workers are present.

b. The ***MAINTENANCE, REPAIR, OR CONSTRUCTION ZONE*** starts at the location of the first sign identifying the maintenance, repair, or construction zone and continues until a posted or moving sign indicates that the maintenance, repair, or construction zone has ended.

(3) The fines prescribed in division (B)(1) above shall be doubled if the violation occurs within a school crossing zone.

(Neb. RS 60-682.01)