

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF AMENDING )  
THE ENGINE BRAKING ) RESOLUTION NO. R-18-0013  
RESOLUTION NO. 03-0106 )

WHEREAS, the Lancaster Board of County Commissioners (“Board”) of Lancaster County, Nebraska adopted regulations regarding engine braking on October 7, 2003, under Resolution No. 03-0106, prohibiting engine braking on all public roads in Lancaster County (“County”) subject to the jurisdiction of the Board;

WHEREAS, pursuant to NEB. REV. STAT. § 60-680(x), any local authority with respect to highways under its jurisdiction and within the reasonable exercise of the police power may adopt other traffic regulations not prohibited by state law or contrary to state law;

WHEREAS, pursuant to NEB. REV. STAT. § 60-680(v), any local authority with respect to highways under its jurisdiction and within the reasonable exercise of the police power may adopt and enforce a resolution prohibiting the use of engine brakes on the National System of Interstate and Defense Highways that has a grade of less than five degrees within its jurisdiction;

WHEREAS, the Board is a local authority pursuant to NEB. REV. STAT. § 60-628;

WHEREAS, NEB. REV. STAT. § 60-6,121 provides that County shall place and maintain such traffic control devices upon highways within its jurisdiction to carry out the provisions of the Nebraska Rules of the Road or to regulate, warn, or guide traffic;

WHEREAS, NEB. REV. STAT. § 60-670 provides that traffic control devices include any sign, signal, marking, or other device not inconsistent with the Nebraska Rules of the Road placed or erected by authority of the County for the purpose of regulating, warning, or guiding traffic;

WHEREAS, the Lancaster County Engineer (“Engineer”) in the Engineer’s capacity as

County Highway Superintendent, has control, government, and supervision of all the public roads and bridges in the County under the general supervision and control of the County Board of County Commissioners (“Board”) pursuant to Neb. Rev. Stat. § 39-1507;

WHEREAS, the Board believes that it is in the best interests of the citizens of the County to amend Resolution No. 03-0106 to prohibit engine braking as posted on public roads in the County that are subject to the jurisdiction of the Board, except that engine braking shall not be prohibited on any road within the National System of Interstate and Defense Highways that has a grade of five degrees or greater within the Board’s jurisdiction; and

WHEREAS, pursuant to NEB. REV. STAT. § 60-678, any person who violates regulations adopted by a local authority shall be guilty of a Class III misdemeanor;

NOW, THEREFORE, BE IT RESOLVED by the Board that Resolution No. 03-0106 be amended as follows:

Engine braking should be and hereby is prohibited as posted on all public roads in Lancaster County subject to the jurisdiction of the County Board, except that engine braking shall not be prohibited on any road within the National System of Interstate and Defense Highways that has a grade of five degrees or greater within the Board’s jurisdiction.

All other provisions of Resolution No. 03-0106 not in conflict with the terms of this Amendment shall remain in full force and effect.

DATED this 20 day of February, 2018, at the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY  
COMMISSIONERS OF LANCASTER  
COUNTY, NEBRASKA

APPROVED AS TO FORM  
this 20 day of  
February, 2018.

[Signature]  
Deputy County Attorney  
for JOE KELLY  
County Attorney

Bill Atney  
Deb Schorr  
Todd Wilson  
Jennifer J. Binkema  
AMUNDSON ABSENT