

STATE OF NEBRASKA  
Minutes of the  
Nebraska Board of Public Roads Classifications and Standards

November 17, 2023

Nebraska Department of Transportation,  
Central Headquarters Building Auditorium  
1500 Nebraska Parkway, Lincoln, Nebraska

Meeting and Hearings Notices:

- Statewide news release emailed and posted on Nebraska Department of Transportation website, November 9, 2023.
- Event posted on the State of Nebraska website (Public Meeting Calendar), November 9, 2023.
- Tentative agenda emailed to each board member and interested persons, November 9, 2023.
- Meeting agenda kept current and on public display in Liaison Services Section, Room 123B, Nebraska Department of Transportation, 1400 Nebraska Parkway, Lincoln, Nebraska.
- Meeting agenda posted in the main entrance of the Nebraska Department of Transportation's 1500 Nebraska Parkway building, November 17, 2023.

Board members present:

Roger Figard, Lincoln, Chairman  
James A. Litchfield, Wakefield, Vice Chairman  
Barbara Keegan, Alliance  
Russell L. Kreachbaum, Jr., Central City  
Brandie Neemann, Lincoln  
Steven D. Rames, Norfolk  
Edward R. Wootton, Sr., Bellevue

Board members absent:

John F. Krager, Omaha  
Timothy W. Weander, Omaha  
Congressional District 3 representative seat is vacant.  
Class 5, 6 or 7 County representative seat is vacant.

Staff member present:

Barbara Hasterlo, Office Associate, Liaison Services Section, UNL, LTAP / NDOT, Lincoln

Staff member absent:

LeMoyne D. Schulz, Board Secretary & Highway Local Liaison Coordinator, NDOT, Lincoln

Others in attendance:

Todd Hill, Roadway Design, NDOT, Lincoln  
Tony Kessler, Roadway Design, NDOT, Lincoln  
Syed Ataullah, Roadway Design, NDOT, Lincoln

Pat Kastl, Benesch, Omaha, for the Nebraska Department of Transportation  
Brandon Varilek, District 1 Division Engineer, NDOT, Lincoln  
Jodi Gibson, Local Assistant Division Manager, NDOT, Lincoln  
David Nassi, City of Omaha  
Chris Hennings, City of Omaha  
Matt Beran, E & A Consulting Group, Inc., Omaha, for the City of Omaha  
Joan Green, E & A Consulting Group, Inc., Omaha, for the City of Omaha

\* \* \* \* \*

Chairman Figard called the meeting to order at 9:00 a.m. The meeting was open to the public.

\* \* \* \* \*

Chairman Figard made the following announcements in compliance with the Open Meetings Act.

- A copy of the Open Meetings Act is available for inspection and is posted by the entrance to this room.
- The Meeting Agenda and a copy of all materials that were provided to the Board Members, prior to the start of this meeting, are available on the table by the entrance to this room.
- A sign in sheet is available. Visitors are not required to sign but are encouraged to do so.

\* \* \* \* \*

Ms. Hasterlo noted the following changes from the originally published agenda:  
Additional: 2023 County and Municipal Annual Certification of Program Compliance received.

\* \* \* \* \*

Ms. Keegan moved to approve the July 21, 2023, meeting minutes. Mr. Wootton seconded the motion. Members Keegan, Kreachbaum, Litchfield, Neemann, Rames, Wootton, and Figard voted YES. Members Krager and Weander were absent. The motion carried.

\* \* \* \* \*

The board considered the status of the submission of the 2023 Annual Certification of Program Compliance. The filing deadline was October 31, 2023.

1. A total of 93 County, 512 Municipal, and NDOT certifications have been received.
2. Zero (0) County and 16 Municipal certifications are delinquent.

Mr. Wootton moved to accept the Status Report of the 2023 Annual Certification of Program Compliance as presented. Mr. Litchfield seconded the motion. Members Keegan, Kreachbaum, Litchfield, Neemann, Rames, Wootton, and Figard voted YES. Members Krager and Weander were absent. The motion carried.

- - - - -

Mr. Wootton moved to suspend Highway Allocation Funds to the following counties and municipalities, in accordance with Neb. Rev. Stat. Sections 39-2120 and 39-2121, if the certifications are not received by December 31, 2023. Ms. Neemann seconded the motion. Members Keegan, Kreachbaum, Litchfield, Neemann, Rames, Wootton, and Figard voted YES. Members Krager and Weander were absent. The motion carried.

**2023 Annual Certification of Program Compliance**  
 Delinquent County and Municipal certifications  
 As of November 17, 2023, 10:30 a.m.

**Delinquent Municipalities:**

Alda	Rec'd 12/29/23	Melbeta	Rec'd 11/17/23	Primrose	Rec'd 12/11/23
Alvo	Rec'd 12/7/23	Miller	Rec'd 12/26/23	Richland	Rec'd 12/15/23
Bladen	Rec'd 12/18/23	Morse Bluff	Rec'd 11/28/23	Rosalie	Rec'd 11/27/23
Bruno	Rec'd 12/11/23	Nehawka	Rec'd 12/26/23	Shickley	Rec'd 12/19/23
Lamar	Rec'd 11/27/23	Pickrell	Rec'd 12/19/23	South Bend	(See Attachment # 1)
Litchfield	Rec'd 12/29/23				

\* \* \* \* \*

At 9:07 a.m., the Board heard the City of Omaha request for a Relaxation for Project No. OPW 54496, North 29<sup>th</sup> Street Improvements, Hamilton Street to Seward Street. *(The hearing was held in an informal format, the City of Omaha having declined the option of a formal hearing.)* The request is for a Relaxation of the 428 NAC 2-001.03F, New and Reconstructed – Municipal Systems Standards, on a Local/Local Street, as specified in City of Omaha letter of October 4, 2023. Mr. Nassi and Mr. Hennings presented the request. No one appeared in opposition. The hearing concluded at 9:27 a.m. The Board then considered the request.

Mr. Wootton moved to grant the City of Omaha relaxation, in whole, in view of the peculiar, special, or unique local situation presented whereby the application of a specific Minimum Design Standard would work a special hardship. Mr. Kreachbaum seconded the motion. Members Keegan, Kreachbaum, Litchfield, Neemann, Rames, Wootton, and Figard voted YES. Members Krager and Weander were absent. The motion carried with the requisite majority votes.

\* \* \* \* \*

At 9:31 a.m., the Board heard the NDOT request for a Relaxation for Project No. RRZ-TMT-14-2(123), C.N. 42013, Central City Viaduct. *(The hearing was held in an informal format, NDOT having declined the option of a formal hearing.)* The request is for a Relaxation of 428 NAC 2-001.02A Note (1) and the 428 NAC 2-001.02L New and Reconstructed Municipal– State Highway System – Minimum Design Standards, on a Major Arterial/Minor Arterial US Highway (US-30), as specified in NDOT letter of November 9, 2023. Mr. Hill presented the request. No one appeared in opposition. The hearing concluded at 9:59 a.m. The Board then considered the request.

Mr. Wootton moved to grant the NDOT relaxation, in whole, in view of the peculiar, special, or unique local situation presented whereby the application of specific Minimum Design Standards would work a special hardship, and contingent upon the completion of the US Highway 30 and

Nebraska Highway 14/17th Avenue (US-30: RP 337+56; N-14: RP 81+55) intersection improvements prior to the closing of the Nebraska Highway 14/17th Avenue at grade railroad crossing. Mr. Litchfield seconded the motion. Members Keegan, Kreachbaum, Litchfield, Neemann, Rames, Wootton, and Figard voted YES. Members Krager and Weander were absent. The motion carried with the requisite majority votes.

\* \* \* \* \*

Status on updating 428 Nebraska Administrative Code (NAC) and affected regulations and state statutes as needed: Chairman Figard gave a brief update.

Other business:

- There was no state and federal Legislative Report.
- The board considered a schedule of tentative meeting dates for 2024 and a tentative schedule for 2025. The 2025 dates are for planning purposes. The meeting dates can be found on the NDOT Local Assistance Division, Boards- Liaison Services website <https://dot.nebraska.gov/business-center/lpa/boards-liaison/nbcs/meetings/> Meetings are scheduled for the 3<sup>rd</sup> Friday. If there will be no meeting, the Chairperson will advise at least two (2) weeks prior. (See Attachment # 2)
- Mr. Litchfield moved to approve the tentative meeting dates for 2024 and 2025. Mr. Wootton seconded the motion. Members Keegan, Kreachbaum, Litchfield, Neemann, Rames, Wootton, and Figard voted YES. Members Krager and Weander were absent. The motion carried.
- Reappointment/Replacement of Members Figard, Krager, Kreachbaum, Rames and Weander (*terms expire November 30, 2023*). (*Members serve until a successor is appointed.*)
- The Third Congressional District Lay Citizen Representative seat, and the Class 5,6 7 (population over 20,000) County Board Member Representative seat, remain vacant.

\* \* \* \* \*

There was no Correspondence and general information to report.

\* \* \* \* \*

There were no Comments from the Audience.

\* \* \* \* \*

Acknowledgement of Visitors.

\* \* \* \* \*

The next tentative meeting is scheduled to be held on January 19, 2024, at 9:00 a.m., in the Nebraska Department of Transportation Central Headquarters Building Auditorium, 1500 Nebraska Parkway, Lincoln, Nebraska. (*There have been no meetings held since November*

*17, 2023, due to lack of agenda items. The next tentative meeting is scheduled for May 16, 2025, at 9:00 a.m. in the Central Headquarters Building Auditorium, 1500 Nebraska Parkway, Lincoln, Nebraska.)*

\* \* \* \* \*

There being no further agenda items, Mr. Wootton moved to adjourn. Mr. Litchfield seconded the motion. Members Keegan, Kreachbaum, Litchfield, Neemann, Rames, Wootton and Figard voted YES. Members Krager and Weander were Absent. The motion carried and the business meeting adjourned at 10:09 a.m.

\* \* \* \* \*

---

Barbara Hasterlo for  
LeMoyne D. Schulz  
Secretary for the Board  
<https://dot.nebraska.gov/business-center/lpa/boards-liaison/>

January 31, 2024



Jim Pillen, Governor

Mr. Tom Briesse  
Nebraska State Treasurer  
Rm 2003 State Capitol  
Lincoln NE 68509

RE: Notice of Suspension of Highway-User Revenue to the Village of South Bend

Dear Mr. Briesse:

The Nebraska Board of Public Roads Classifications and Standards ("Board") request that you suspend distribution of Highway-User Revenue to the **Village of South Bend** for failure to submit the Annual Certification of Program Compliance for 2023, as referenced in Neb. Rev. Stat. §§39-2120 and 39-2121(1).

The penalty provision of Neb. Rev. Stat. §39-2121(2) provides that if any municipality fails to file such certification on or before its due date, the Board shall notify the local governing board, the Governor, and the State Treasurer who shall suspend distribution of any Highway-User Revenue allocated to such municipality until the certification has been filed. Such funds shall be held in escrow for six months until the municipality complies. If the municipality complies within the six-month period, it shall receive the money in escrow, but after six months, if the municipality fails to comply, the money in the escrow account shall be lost to the municipality and shall be distributed to other municipalities, as appropriate, in the manner provided by law for allocation of highway-user revenue.

The Nebraska Board of Public Roads Classifications and Standards respectfully requests that the Highway-User Revenue distribution to the **Village of South Bend** be suspended, commencing with the next monthly disbursement, until the report is filed. The Board will advise you at such time when the certification has been filed.

Sincerely,

*LeMoyne D. Schulz*

LeMoyne D. Schulz  
Secretary for the Board

xc: Jim Pillen, Governor  
South Bend Village Board  
Roger Figard, NBCS Board Chair  
Heidi Wallace, Nebraska State Treasurer's Office  
Lily Kathee-Harner, Nebraska Department of Transportation  
James Busing, Nebraska Department of Transportation  
Mark Avery, Nebraska Auditor of Public Accounts Office

Roger A. Figard  
Lincoln

Barbara J. Keegan  
Alliance

John F. Krager, III  
Omaha

Russell Kreachbaum, Jr.  
Central City

James A. Litchfield  
Wakefield

Brandie Neemann  
Lincoln

Steven D. Ramos  
Norfolk

Timothy W. Weander  
Omaha

Edward R. Wootton, Sr.  
Bellevue

LeMoyne D. Schulz  
Secretary – ex officio

**TENTATIVE SCHEDULE OF MEETINGS**  
**BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS**  
**2024 – 2025**

-- Usually 3<sup>rd</sup> Friday of Month --

No meeting, unless one becomes necessary, in which case, it will be set by the Chairperson no later than two (2) weeks prior to the meeting.

Friday January 19, 2024	9:00 a.m.	NDOT Rm. B12, Lincoln
Friday, February 16, 2024	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, March 15, 2024	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, April 19, 2024	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, May 17, 2024	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, June 21, 2024	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, July 19, 2024	9:00 a.m.	NDOT Rm. B12, Lincoln
Friday, August 16, 2024	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, September 20, 2024	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, October 18, 2024	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, November 15, 2024	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, December 20, 2024	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, January 17, 2025	9:00 a.m.	NDOT Rm. B12, Lincoln
Friday, February 21, 2025	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, March 21, 2025	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, April 18, 2025	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, May 16, 2025	9:00 a.m.	NDOT Rm. B12, Lincoln
Friday, June 20, 2025	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, July 18, 2025	9:00 a.m.	NDOT Rm. B12, Lincoln
Friday, August 15, 2025	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, September 19, 2025	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, October 17, 2025	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, November 21, 2025	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, December 19, 2025	9:00 a.m.	NDOT Auditorium, Lincoln

Attachment No. 2  
Page 1 of 1 Pages