

8:30 a.m., Friday, May 20, 2022  
State Highway Commission Meeting Minutes

*On Friday, May 20, 2022, the Nebraska State Highway Commission convened at the NDOT Headquarters, 1500 Hwy-2, Lincoln, Nebraska. The agenda, a recording of meeting, attendance sheets, and handouts relevant to the business of this meeting are a part of the permanent minutes of record and are on file at NDOT Central Headquarters. The Nebraska Open Meetings Act (Statutes 84-1407 to 84-1414) was posted in the meeting room.*

#### MEETING NOTICE

- Notice of the regularly scheduled meeting, including the time, location, and agenda, was advertised on the Department of Transportation and the State of Nebraska's websites no less than ten days prior to the meeting.
- The agenda was emailed or mailed to commission members, NDOT staff, and interested persons no less than ten days prior to the meeting.
- A media release was emailed to all statewide outlets on June 3, 2022.
- The meeting agenda was kept current and available to the public in the Communication Division of the Nebraska Department of Transportation, 1500 Highway 2, Lincoln, Nebraska. No changes were made to the agenda within 48 hours prior to commencement.
- Copies of the meeting agenda were posted and available to the public at the entrance to the meeting room.

#### COMMISSIONERS PRESENT

- |                                 |                                 |
|---------------------------------|---------------------------------|
| • Commissioner Mary K. Gerdes   | District 1                      |
| • Commissioner District 2       | Vacant                          |
| • Commissioner David Copple     | District 3 – Attended via WebEx |
| • Commissioner James H. Kindig  | District 4                      |
| • Commissioner Doug Leafgreen   | District 5                      |
| • Commissioner Jim Hawks        | District 6                      |
| • Commissioner Greg Wolford     | District 7                      |
| • Commissioner Jerome Fagerland | Absent                          |
| • Director, John Selmer         | Ex Officio                      |

Sarah Soula, NDOT External Affairs Manager, was recording. A transcript of the meeting is available upon request. Nebraska State Highway Commission meetings are conducted in compliance with the statutes of the Nebraska Open Meetings Act.

#### CALL TO ORDER

- Commissioner Gerdes called the meeting to order at 8:30 a.m.
- The Chair requested an attendance roll call. A quorum was present.

#### MINUTES

- Approval of March 25, 2022, meeting minutes
  - Motion for approval made by Commissioner Leafgreen; Commissioner Wolford seconded.
  - Motion carried by rollcall vote, 6-0, Commissioner Copple attended via WebEx.

#### INTRODUCTIONS/ANNOUNCEMENTS

- Introduction of Rusty Simerl, Federal Highway Administration

#### MEETING BUSINESS

- **Director's Remarks**  
**John R. Selmer, NDOT Director**
  - Been here a little over a year now, typically new directors will review the vision/mission/direction of the agency, determine if it is still in alignment with expectations.
    - Don't see a lot of need within the agency for change, but always seeking to improve and figure out how to reach the objectives in a way that is transparent and accountable.
    - Last fall: meeting with leadership to review where the agency has been in the past five or so years. Looked at the mission statement. Tweaked it a little bit.
    - Four key focus areas that will remain:
      - Challenge our business practices
      - Develop our workforce
      - Serve our customers
      - Engage our partners
  - How do we get tangible results? How do we organize our resources to have the outcomes we desire?
    - Key outcomes:
      - Enhance project delivery that is predictable and reliable
      - Modernize operational and financial systems
      - Make this the most desirable place to work
      - Become the delight of the people we serve
      - Strengthen and enhance relationships with our partners
  - Grant applications: many available but causes some frustration because of the amount of work that must be completed prior.
    - Issues:
      - First round essentially needed to already be in system from years prior
      - Interpretations of different definitions by federal level:
        - Developing alternative transportation routes
        - Where electrification is going to occur
        - Justice40: a percentage needs to go toward helping disadvantage communities
      - How do we blend all the above?
      - Restrictions for NDOT to apply for certain grants, some are for local jurisdictions and other groups out there.
        - Making ourselves available to help local jurisdictions, met with county associations and MPO (Metropolitan Planning

Organization) for MAPA (Metropolitan Area Planning Agency) in Omaha to try and provide more guidance for them

- Applied for RAISE (Rebuilding American Infrastructure with Sustainability and Equity) Grant for the 275 project being developed up by Norfolk

- Questions:

- Q. Commissioner Wolford: You mentioned a lot of these grants are for local jurisdictions. I haven't seen any information coming out on these. Is there a clearing house or is the DOT acting as place to put all these together? Is there a clearing house somewhere that says, "Go here and see what's available?"
- A. Shannon Ankeny, NDOT Director of Communications and Public Policy: We are meeting with Strategic Planning and our Local Assistance Divisions to put together a webpage on the NDOT website that will help provide all that information, so that local municipalities, counties will know where to go for information that is specific to Nebraska and help them understand their requirements and what they need to do to apply for that grant money. We are meeting next week to figure out what to have on it and we're hoping to get up fast.
- A. John Selmer: Not all the guidance has been provided yet. I know Federal Highway or USDOT has somewhat of a website discussing the bill listing out the different components of it. So, there is a website there on the federal side.
- A. Mick Syslo, NDOT Roadway Design Engineer: and it has all the grants and when they are expected to come out and all the funding opportunities and how to apply for those. We have been trying to get that information out to various organizations and other community organizations.

- **2022 Program Book Updates**

- **Amy Starr, NDOT Program Management Engineer**

- Construction Program Documents
  - The Nebraska Surface Transportation Program (STP): Includes State projects only, State and/or Federal funds; 1 Year Construction Program & 5 Year Planning Program; Highlights changes in our project lists since last year
  - Statewide Transportation Improvement Program (STIP): Local and State Projects, Federal Funds, or Considered Regionally Significant; Financially constrained 4 Year projection of projects in Planning, Delivery/NEPA, Right-of-Way, Construction Phases; Federal Requirements
- Typical content includes:
  - District Commissioner and District Engineer information
  - Map: red routes are upcoming, blue routes are accepting letting packets
  - Listing of current fiscal year district projects
  - Listing of 5-year planning program for district
- Annual Construction Program Development
  - Summer: assess condition of bridges and highways (deterioration levels, projections, etc.)
  - Fall-Winter: identify new candidates and annual priorities for the next 6-10 years, provide to program managers
  - Winter: refine project estimates, delivery schedules, risks and revenue projections
  - Spring: finalize list of projects that will appear in 1-year and 5-year program (STP)
  - July: To be consistent with Federal FY (Aug. 1), publish Program Book by July 1, reflect those decisions in the STIP, and provide information to MPO's for inclusion in TIP
- Construction Program Size: annually set, based on funding projections and NDOT cash flow (monthly forecast of cash balances for the next 4 years)
  - Traditionally about 95-120 projects a year, more than 750 active projects in the delivery process

- Basic Rules: cover payroll, pay operating expenses, pay contractors, invest as much as possible in roads and bridges, plan for emergencies
- Construction Program Projection: \$658 million
  - Percentages: Highway 63%, Interstate 22%, Bridge 12%, Research and Planning 2%, Capital Improvement 1%
    - Looking into grants to help cover Capital Improvement
    - Currently paying for active construction on several large Capital Improvements let in previous years: Lincoln South Beltway, Hwy 75 Murray to Plattsmouth, Fremont SE Beltway and Heartland Expressway.
    - Once cash flow recovers, can let additional Capital Improvement projects
- FY 2023 Program Book Next Steps
  - Commissioners and District Engineers will receive embargoed draft copies (in the next couple weeks)
  - Final records will be published on NDOT website July 1
    - Press Release
    - Interactive GIS Map
    - PDF of New Program Book
- **IIJA Grant Opportunities**  
**Ryan Huff, NDOT Chief Strategy Officer**
  - Discretionary Grants presentation given to NACo (National Association of Counties), conducted a Grants Workshop with our metro area partners in Omaha, trying to get them oriented and acclimated with the concept of what is a discretionary grant, what goes into it, etc.
  - A lot of confusion out there because of IIJA or the Infrastructure and Jobs Act or the Bipartisan Infrastructure Law sometimes gets confused with the money that is associated with the American Rescue Plan Act, the ARPA funds that were discussed in the legislature. What are these funds for... we want this money for our project. The IIJA funding is specifically to re-fund our transportation programs, but there is a lot of money out there. What does this represent? How can we get it? How is it coming to Nebraska?
  - Two types of funding:
    - "Formula" – money Congress assigns to Nebraska – directly to the DOT. No application process.
      - \$2.2 billion over 5 years for defined programs (highways and bridges)
    - Discretionary grants: awarded using a competitive selection process
      - Funds managed by the USDOT Secretary's Office and others - They decide how they distribute these funds.
      - The process is competitive, meaning the merits of projects are compared and evaluated against one another. In the end, the Secretary's office decides to which projects to award funding.
  - Bill Grant Opportunities: By our estimates - there is approximately \$88 billion spread out over 5 years for three categories of project (not an amount for only Nebraska; for the entire nation):
    - Transportation
      - Roads and Bridges Related Grants = \$38 - 45 billion over 5 years
      - All Transportation = \$66 billion (what is potentially available to US; some only available to the State DOT and some to the Locals, some both)
    - Climate, Energy and Environment
    - Broadband - Cybersecurity
  - Notice of Funding Opportunity (NOFO): Official notice that funding for a grant program is available.
    - Publishes grant opportunities in rounds, typically 1-2 times per year depending on the program.

- Includes a description of the projects and the entities that are eligible to apply.
- Dates are not known ahead of time; must pay attention.
- Grant Applications:
  - Desired content of each application is described in the NOFO.
  - Not all grant opportunities will be like RAISE and INFRA. There is an ongoing attempt by USDOT to streamline application and award process.
  - Traditional content:
    - Project location – descriptions, maps, etc.
    - Regional significance
    - Project history
    - Safety Analysis
    - Benefits and Cost Analysis [Benefits should outweigh the costs of the project (over 1.0)]
    - Will need to address NEPA compliance and permitting: how is the project set to address federal environmental stewardship laws – wetland permitting, reviews of endangered species, etc.
    - Funding breakdown – must explain funding through phases and what share is local.
      - USDOT's office advises that the more local share you show in your project, the more favorably it will be considered. This is because they have more projects than funding. So, if your minimally matching, you may not receive as favorable of a project rating.
    - Letters of support (a necessary element) – these come from trade groups, elected officials, official bodies, and anyone else that represents a group that is supportive of your project.
  - Projects need to commit to being federalized meaning they must fulfill all NEPA and other Federal Laws related to natural, historic, and cultural resources.
  - Depending upon the type of grant (planning vs. capital improvement), must meet the "cradle to grave" for federal requirements (i.e., planning, programming, NEPA, Design, ROW, Construction, etc...)
- NOFOs are published with some warning; but no defined dates are usually given.
  - Sometimes they publish twice a year or not at all. Depends on available funding.
  - NOFOs can have very short turnaround times (usually 3 months), but there are some with 1-month turnaround times.
  - Altogether, it's a fast-paced process and applicants must have their projects ready to go and be ready to move quickly to develop a well-rounded application.
- Competing with all other types of projects nationally
- Subjectivity: applications must show project benefits but not just minimally met requirements. Applications must distinguish itself.
- Performance: address quality of life and other softer elements: cosmetics and storytelling of your application is almost as important as performance aspects.
- Play to Win
  - Risk - You can't win if you don't play; but the odds of winning are low.
    - For example, the 2021 RAISE Program, the NDOT submitted 2 of the nearly 800 applications. Unfortunately, the NDOT did not receive any of the 70 project awards. These awards ranged from \$3-\$22 million and are decided by the USDOT Secretary's office.
  - On top of that, it's hard to pin down why your application wasn't selected – they don't give you details – very subjective at the end of the process
  - All in all, it's a gamble to develop your project and spend the effort on an application when you have no guarantee of winning. Must already be committed to your project and willing to risk the resources for the reward.

- Post Awards: As with any federal aid project, you must continue to fulfill all the federal laws and policy related to the environment, procurement, and documentation.
  - Required to do regular reporting to the FHWA through the course of construction and after construction. Requirements vary.
- Released NOFOs – Multimodal Project Discretionary Grant Program (MPDG)
  - 3 different programs under the same NOFO (unique in different way, whether matching requirements, what it's used for, etc.):
    - Mega – projects over \$100 million
    - Infra – traditional infrastructure
    - Rural – only rural projects in rural areas
  - Each has their own timetable, but must obligate the funds by 2025
  - NDOT applying for US-275 Expressway and I-80 west of Lincoln (RAISE, Infra, and Rural)
- Additional Grants to Come
  - Being Released Soon:
    - Bridge Investment Program – rehabilitate/replace bridges and culverts
    - Safe Streets – local governments to support efforts toward “vision zero” plans and other complete streets improvements
    - Railroad – intended to eliminate at-grade crossings that are frequently blocked by trains and improve safety
    - Culvert – replace/remove/repair culverts that would meaningfully improve/restore fish passage for anadromous fish
    - Reconnect – reconnect communities divided by transportation infrastructure
    - Clean School Bus – replace existing buses with low/zero-emission buses
  - Later in 2022:
    - PROTECT – improve resiliency of existing infrastructure, especially in terms of weather/natural disaster impacts
    - Healthy Streets – deploy cool and/or porous pavements and expand tree cover – mitigate impact of urban heat islands
    - SMART (Strengthening Mobility & Revolutionizing Transportation) – conduct demonstrations projects focused on advanced smart city community technologies
    - Charging – strategic deployment of publicly accessible EV charging infrastructure
- Questions:
  - Q. Commissioner Copple: You indicated you made the presentation to Omaha. Have you made the presentation to cities the size of Scottsbluff, North Platte, Kearney, Grand Island, Norfolk, Fremont, Columbus, so that they can get their resources gathered to try to make some applications for these local grants?
  - A. Ryan Huff: We have not, just the county, the NACo, so far. Only the briefest of details have been included in the actual law. This presentation is something to just let you know there's going to be hard work but getting them prepped for exactly what they need to assemble that's a challenge. It's certainly something we'd be open to doing.
  - A. Khalil Jaber, NDOT Deputy Director - Engineering: We are also waiting for the next opportunity the municipality will have a workshop and we intend to be part of that. The biggest challenge for us, that's kind of the feedback we've got from the municipalities, it's presenting a challenging approach to come back because of the (federal funding) buyout, they all have been following the local type of processes that they have but we have hope that they can still seek outside help to help them with the federal process. That's the goal. We still want to present that information to them.

- **6-Lane Expansion, I-80 Lincoln to Pleasant Dale**  
**Kyle Keller, NDOT Assistant Roadway Design Engineer**
  - Project Location: Approximately 7.6 miles
    - Construction limits
      - West of NW 154th
      - West of NW 56th
    - Restriping work extends west of NW 48th to create 3 continuous lanes each way
  - Improvements: Expanding to 6-lanes of pavement; Widened shoulders; 28-ft paved median with concrete barrier; Culverts and guardrail
    - Structures: 2 mainline locations and NW 126th, 112th, and 98th Overhead
  - Challenges:
    - Challenge: Safety Concerns – corridor has experienced crash rates that exceed statewide average; maintenance of corridor
    - Solution: New 6-lane pavement, 28-foot median with concrete barrier, widened shoulders, new guardrail
    - The added capacity, along with widened shoulders will increase the safety of incident responders by minimizing their exposure to adjacent passing traffic and reduce the probability of secondary incidents
    - Challenge: Deteriorating Infrastructure – roadway, structures, culverts, and guardrail were originally constructed in 1962 and needs replaced
    - Solution: Reconstruction of the corridor, Save on annual maintenance
    - Challenge: Congested Corridor – I-80 is a primary freight corridor of the Midwest with high volume of heavy trucks and the corridor is approaching capacity; Level of Service “C”; Preserving the existing asset
    - Solution: Widen from 4-lanes to 6-lanes will improve traffic flow, relieve congestion, safety, reliability, and incident management
  - Major Truck Corridors (most to least): I-80 (more than double the next highest), US-77, NE-2, US-34, US-6, I-180
  - Process: Add addition lane inside median, erect concrete barrier down middle of median; adjust traffic pattern to keep 4 lanes open at all times during construction
  - Why Inside the Median?
    - Forecasting of development fits urban section
    - Safety benefit for median barrier
    - Eliminates the need for Right-of-Way
    - Reduces Environmental impacts and footprint
  - Current Status
    - Preliminary Engineering
    - CE Document for Environmental / NEPA
    - No Right-of Way
    - 2022 MPDG Grant \$ 77 Million
    - Spring 2024 Construction
  - Questions:
    - Q. Commissioner Leafgreen: What are DOT’s plans on moving west on the interstate, widening?
    - A. Kyle Keller: We see a need to continue to go west. There’s a lot of talk about getting west all the way towards Grand Island. This is our current focus. With overall cost, even getting to Pleasant Dale were looking at \$130 million. We’re looking to supplement that with grant opportunities. We are still planning on moving west, but just focusing on this now.
- **US-81, Hebron RCUT Update**  
**Mick Syslo, NDOT Roadway Design Engineer**
  - Strategic Safety Infrastructure Projects Team: 11 Members on the team

- NDOT: Traffic, Roadway Design, Local Projects, Program Management, and District
- Federal Highway Administration
- Improvements: Spot locations, Corridor Level, and Systematic Level
- Study conducted to propose solutions for crash reduction at intersections along US-81 near Hebron. Some intersections have had higher than average crash rates, with many resulting in injuries and/or fatalities.
- Intersections of interest: CR 6200 North, Dove Road, Spur 85H, River Road, US-136, CR 6200 South, and Link 85F.
- US-81 speed limit: 70 mph
- US-81 intersections average daily vehicles (ADT)
  - CR 6200 North: 5,517 vehicles
  - Dove Road: 5,262 vehicles
  - US-136: 5,327 vehicles
  - CR 6200 South: 3,670 vehicles
- Proposed solutions: constructing Restricted Crossing U-turn (RCUT) improvements at some intersections to reduce potential for crashes.
  - 67% of the crashes were caused by drivers on minor roads either crossing the major road or turning left onto the major road. RCUTs would prevent these movements and reduce potential for crashes.
  - Improvements would be split into 2 phases; north 4 intersections would be phase 1 and south 3 would be phase 2.
- NDOT met and presented this solution to the Major and City Council members on March 24. They gave their support and the following week provided NDOT with an approved City Resolution for the project.
- Proposed phase 1: safety improvements at Dove Road, Spur 85H, and River Road
- Proposed phase 2 (after evaluation of phase 1): safety improvements at Hwy 136, Road 6200, and Link 85F, as well as two median breaks
- Questions:
  - Commissioner Leafgreen: Just a comment. I know the community will really appreciate that because we've had Hebron ask a number of times for lights and signage and still, we have fatalities there. It's a very difficult intersection.

#### **PUBLIC INPUT**

- No Public Comment

#### **REMARKS FROM THE CHAIR**

- No remarks from the chair.

#### **PUBLIC MEETINGS CALENDAR**

- The next scheduled highway commission meeting is June 24, 2022, at 8:30 a.m. at the Holiday Inn Express, located at 1630 Holsten Drive in Alliance, Nebraska.

#### **ADJOURNMENT**

- The chair adjourned the meeting at 10:05 a.m.