

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

October 19, 2018

Nebraska Department of Transportation,
Central Headquarters Building Auditorium, Room 139A
1500 Highway 2, Lincoln, Nebraska

Meeting and Hearings Notices:

- Statewide news release emailed and posted on Nebraska Department of Transportation website October 12, 2018.
- Event posted on the State of Nebraska website (Public Meeting Calendar) on October 12, 2018.
- Tentative agenda emailed to each board member and interested persons on October 12, 2018.
- Meeting agenda kept current and on public display in Liaison Services Section, Room 123B, Nebraska Department of Transportation, 1400 Highway 2, Lincoln, Nebraska.
- Meeting agenda posted in the main entrance of the Nebraska Department of Transportation's 1500 Highway 2 building on October 19, 2018.
- Relaxation of Standards hearing notice emailed to NDOT on October 12, 2018.

Board members present:

Roger Figard, Lincoln, Chairman
James A. Litchfield, Wakefield, Vice Chairman
LeRoy G. Gerrard, Stromsburg
Barbara Keegan, Alliance
John F. Krager, Omaha
Lisa Kramer, Kennard
Mick Syslo, Lincoln
Darold E. Tagge, Holdrege
David Wacker, Hastings
Timothy W. Weander, Omaha
Edward R. Wootton, Sr., Bellevue

Board members absent: none

Staff members present:

LeMoyne D. Schulz, Board Secretary & Highway Local Liaison Coordinator, NDOT, Lincoln
Dennis R. Smith, Highway Local Coordinator, Liaison Services Section, University of
Nebraska LTAP/NDOT, Lincoln
Barbara Hasterlo, Office Associate, Liaison Services Section, University of Nebraska
LTAP/NDOT, Lincoln

Others in attendance:

Erich Strack, Manager, Government Affairs, NDOT, Lincoln

Andy Cunningham, Government Affairs, NDOT, Lincoln
Jodi Gibson, Highway Local Project and Research Administration, Materials & Research,
NDOT, Lincoln
Mark Traynowicz, Bridge Division, NDOT, Lincoln
Mike Owen, Roadway Design, NDOT, Lincoln
Tony Kessler, Roadway Design, NDOT, Lincoln
Kyle Keller, Roadway Design, NDOT, Lincoln
Kellie Troxel, Roadway Design, NDOT, Lincoln
Rich Geschwender, Roadway Design, NDOT, Lincoln
Syed Ataulah, Roadway Design, NDOT, Lincoln
Dan Barth, Felsburg, Holt & Ullevig, Omaha, for NDOT
Matt McFadden, Felsburg, Holt & Ullevig, Omaha, for NDOT
Bill Cook, Nebraska Concrete Paving Association, Lincoln
Noel Hmchir, University of Nebraska-Lincoln
Michelle Winkelmann, WSP USA, Lincoln

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

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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.

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Mr. Schulz noted the following changes from the originally published agenda:

Added: NDOT Relaxation- clarification of project locations.

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Mr. Wootton moved to approve the September 21, 2018 meeting minutes. Mr. Wacker seconded the motion. Members Keegan, Krager, Kramer, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. Member Gerrard abstained. The motion carried.

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The board considered the Final Status of the submission of the 2017– 2018 Standardized System of Annual Reports.

- A total of 93 County, 529 Municipal and the Nebraska Department of Transportation's Reports have been received.
- A total of 93 County, 528 Municipal and the Nebraska Department of Transportation's Reports were accepted at previous meetings.

- One (1) Municipal Report is recommended for acceptance: Maskell.
- The Municipality of Maskell, which was cited to the State Treasurer for suspension of Highway Allocation Funds, has submitted its Report on September 25, 2018. Highway Allocation Funds have been under suspension, beginning with the May 10 distribution, and is currently in the sixth month of suspension. The State Treasurer should be advised to cease the suspension and restore the suspended funds.

Mr. Wootton moved to accept the Final Status Report of the Standardized System of Annual Reports for 2017 – 2018, as presented. Mr. Tagge seconded the motion. Members Gerrard, Keegan, Krager, Kramer, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. The motion carried.

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Mr. Wootton moved to lift the suspension of Highway Allocation Funds to the Village of Maskell. Ms. Keegan seconded the motion. Members Gerrard, Keegan, Krager, Kramer, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. The motion carried. (See Attachment #1.)

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The board considered the Initial Status of the submission of the 2018– 2019 Standardized System of Annual Reports.

- Thirty-eight (38) County, three (3) Municipal and the Nebraska Department of Transportation’s Reports have been received.
- Thirty-eight (38) County Reports are recommended for acceptance.
- Three (3) Municipal Reports are recommended for acceptance.
- The Nebraska Department of Transportation’s Report is recommended for acceptance.

Mr. Wootton moved to accept the Initial Status Report of the Standardized System of Annual Reports for 2018 – 2019, as presented. Mr. Syslo seconded the motion. Members Gerrard, Keegan, Krager, Kramer, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. The motion carried.

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The board considered the Madison County One- and Six-Year Plan revision adding Work/Project No. C-59(911) to the 2018 One-Year Plan. A copy of the County Board Resolution No. 2018-57 adopted October 2, 2018, was received on October 5, 2018. No one was present to present the request.

Project C-59(911) consists of Work Type 3R, asphalt surfacing on an existing asphalt surfaced Major Collector/Other Arterial road. The estimated cost of the project is \$105,000 (County Funding).

Mr. Tagge moved to accept the Madison County revision. Mr. Wootton seconded the motion. Members Gerrard, Keegan, Kramer, Krager, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. The motion carried.

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The board considered the Cedar County One- and Six-Year Plan revision adding Work/Project No. C-14(782) to the 2018 One-Year Plan. A copy of the County Resolution No. 18-7, adopted September 25, 2018, was received on September 28, 2018. No one was present to present the request.

Project C-14(782) consists of Work Type N&R, grade and gravel surfacing on an existing gravel surfaced Minor Collector/Collector road. The estimated cost of the project is \$250,000 (County Funding).

Mr. Syslo moved to accept the Cedar County revision. Mr. Krager seconded the motion. Members Gerrard, Keegan, Krager, Kramer, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. The motion carried.

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At 9:13 a.m., the Board heard the NDOT request for a Relaxation for Project No. NH-80-8(157), C.N. 42792, on Interstate 80. (*The hearing was held in an informal format, NDOT having declined the option of a formal hearing.*) The request is for a Relaxation of the 428 NAC 2-001.02C 3R Clear Bridge Width Standard, per letter dated October 15, 2018, received on October 16, 2018, as follows:

- Project No. NH-80-8(157), C.N. 42792, Waco – Utica
- Project No. NH-80-8(159), C.N. 13356, York/Seward County Line – Goehner
- Project No. NH-80-8(160), C.N. 13358, Goehner – Milford
- Project No. NH-80-8(161), C.N. 13359, Milford – Lincoln
- Project No. NH-80-7(161), C.N. 42732, Aurora East and West on Interstate 80
- In addition to the structures located within these project limits, NDOT requests a Relaxation for all bridges that do not meet the 3R Clear Bridge Width Standard along the I-80 corridor between Grand Island and Lincoln (approx. RP 312+00 to RP 400+00).

Mr. Kessler and Mr. McFadden presented the request. Mr. Owen and Mr. Traynowicz commented. The hearing concluded at 9:38 a.m. The Board considered the request.

Mr. Wacker moved to grant the NDOT Relaxation Request in view of peculiar, special or unique local situation presented, whereby the application of a specific Minimum Design Standard would work a special hardship. Mr. Tagge seconded the motion. Members Gerrard, Keegan, Krager, Kramer, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. The motion carried with the requisite majority vote.

Other business:

- Mr. Cunningham provided an update and a handout in response to Mr. Weander's inquiry at the September meeting, on the possible 2019 Unicameral New Faces.
- Mr. Strack provided a state and federal Legislative Report.

- Update on the Status of proposed changes to the State Statutes, and rules and regulations for OneAndSix, SSAR, and Construction and Maintenance Standards. Ms. Gibson provided the board with an update on proposed legislative changes for 2019. The proposal, if adopted, would, (1) replace the annual filing of the OneAndSix and SSAR with an annual certification of compliance to the Board by each entity, and (2) provide more flexibility with the application of the Design and Maintenance Standards.
- The board considered a schedule of meeting dates for 2019 and a tentative schedule for 2020. The 2020 dates, which will be subject to confirmation late in 2019, are for planning purposes (*to be voted on at the November meeting*)

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Mr. Schulz reported the following correspondence and general information:

- Board members received a copy of the *Board of Examiners for County Highway and City Street Superintendents August 24, 2018* meeting minutes.

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There were no comments from the Audience.

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Acknowledgement of Visitors.

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The next regular meeting will be held on November 16 at 9:00 a.m., in the Nebraska Department of Transportation Central Headquarters Building Auditorium, Room 139A, 1500 Highway 2, Lincoln, Nebraska.

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There being no further agenda items, Chairman Figard adjourned the meeting at 10:13 a.m.

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

NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

October 19, 2018



Mr. Don Stenberg
Nebraska State Treasurer
State Capitol Rm 2003
Lincoln NE 68509

Dear Mr. Stenberg:

The Board of Public Roads Classifications and Standards, at their regular meeting on October 19, 2018, voted to lift the suspension of Highway-User Revenue to the **Village of Maskell**. The suspension was initiated by letter of this board dated May 3, 2018, pursuant to action taken at the April 20, 2018 meeting. By action of your office, funds were suspended beginning with the May 10, 2018 allocation. Maskell's Standardized Annual Street Program Report for 2016-2017 was received September 25, 2018.

The penalty provision of 39-2121 Nebraska Revised Statutes provides that if any county or municipality fails to file such plan 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 county or municipality until the report has been filed. Such funds shall be held in escrow for six months until the county or municipality complies. If the county or municipality complies within the six-month period, it shall receive the money in escrow, but after six months, if the county or municipality fails to comply, the money in the escrow account shall be lost to the county or municipality.

The Board of Public Roads Classifications and Standards respectfully requests that you release the funds held in escrow, pursuant to 39-2121 Neb.Rev.Stat., and resume distribution of Highway-User Revenue to the **Village of Maskell** at this time. Please note that this Board's action does not alter sanctions imposed by the State Auditor pursuant to other statutes.

Sincerely,

Handwritten signature of LeMoyné D. Schulz in black ink.

LeMoyné D. Schulz
Secretary for the Board

LDS/BPR10-zu

xc: Pete Ricketts, Governor
Kyle Schneweis, Nebraska Department of Transportation
Maskell Village Board
Becky Fleming, Nebraska Department of Transportation
Keith Gilmore, Maskell Street Superintendent
File

Kyle Schneweis, P.E., Director

Department of Transportation

Board of Public Roads Classifications and Standards

1500 Highway 2

PO Box 94759

Lincoln, NE 68509-4759

dot.nebraska.gov

OFFICE 402-479-4436 FAX 402-479-3525

NDOT.ContactUs@nebraska.gov

Roger A. Figard
Lincoln

LeRoy G. Gerrard
Stromsburg

Barbara J. Keegan
Alliance

John F. Krager, III
Omaha

Lisa Kramer
Kennard

James A. Litchfield
Wakefield

Mick Syslo
Lincoln

Darold E. Tagge
Holdrege

David L. Wacker
Hastings

Timothy W. Weander
Omaha

Edward R. Wootton, Sr.
Bellevue

LeMoyné D. Schulz
Secretary – ex officio

Attachment No. 1

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