

8:30 a.m., Friday, December 6, 2024
State Highway Commission Meeting Minutes

On Friday, December 6, 2024, the Nebraska State Highway Commission convened at NDOT Headquarters located at 1500 Nebraska Parkway in 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 November 27, 2024.
- The meeting agenda was kept current and available to the public in the Communication Division of the Nebraska Department of Transportation, 1500 Nebraska Parkway, 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

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| • Commissioner Richard Meginnis | District 1 |
| • Commissioner Heath Mello | District 2 |
| • Commissioner David Copple | District 3 |
| • Commissioner James H. Kindig | District 4 |
| • Commissioner Doug Leafgreen | District 5 |
| • Commissioner Jim Hawks | District 6 |
| • Commissioner Greg Wolford | District 7 |
| • <i>Vacant</i> | District 8 |
| • Director, Vicki Kramer | Ex Officio |

Amanda Callaway, 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 Hawks called the meeting to order at 8:30 a.m.
- The chair requested an attendance roll call. A quorum was present.

MINUTES

- Approval of October 24, 2024 meeting minutes
 - Motion for approval made by Wolford; Kindig seconded.
 - Motion carried by rollcall vote, 7-0

INTRODUCTIONS/ANNOUNCEMENTS

- No introductions or announcements.

MEETING BUSINESS

- Director's Remarks
Vicki Kramer, Director of NDOT
 - Thanked NDOT team. A big day for innovative finance, how the department works with local governments, how the department is dedicated to partnership. Commended how much the Department has progressed under Governor Pillen's vision.
 - To the Commissioners, this is a long day coming. You have been asking us to be better stewards of taxpayer dollars and we get to do that today.
 - What we told the Legislature at the Build Nebraska Act/Transportation Innovation Act hearing earlier this week, though we have once in a generation investment, the Infrastructure Investment and Jobs Act was really a 15% raise, when we're battling 9-30% inflation. We have started to see those prices level out but from 2 years ago we're up 16% in costs.
 - We will be getting in front of the next authorization process which will be in 2 years on a 5-year funding bill, to understand the importance of formula funding at the DOT level.
 - Commissioner Hawks:
 - This is a big day for the Department, something that has been talked about and looked at for many years.
- Transit Program Overview
Sarah Soula, Transit Program Manager
 - Program only continues to grow. 5311 is the largest program operated by NDOT, \$11.4 million for rural providers and \$1.7 million for intercity bus. Overall program is \$17.7 million. A large part of 5311 goes to the vanpool program, which commuters or industries call to get employees to and from work.
 - Rural program serves 90 counties, 52 rural providers, 8 intercity bus providers, 400+ vehicles in service. Primarily on-demand, majority don't have set routes. Benefits include enhanced mobility, economic opportunities, cost-effective travel and improved quality of life. A lot of providers funded go out of the county and all the way to Omaha and Lincoln.
 - Obstacles facing the transit program: state & federal audit findings, National Transit Database Delinquency, subrecipient oversight deficiencies, outdated guidance, change in staff, transit vehicle contracts lapse, delayed subrecipient reimbursements.
 - If you have heard anything about transit, it's probably because they're behind in getting their reimbursements – that ties all back into the audit findings. Told to increase the amount of supporting documentation, it's a huge lift and slowed things down significantly.
 - NDOT has added additional support staff to get invoices moving quicker. Created new guidance and tools and provided training to providers. Shifting the standalone transit website to NDOT's website. UNL helping study any gaps in service, and making sure there's not overlap – looking at transportation for employment, schools
 - Questions:

- **Hawks:** You had mentioned that we were 3 counties short, I'm assuming this gap analysis will show you. What 3 counties are those? From rural Nebraska, important to get out in the Sandhills.
- **Soula:** Arthur, McPherson & Logan are the 3 counties not serviced. Looking at the area and see which providers in the region would be willing to expand.
- Infrastructure Hub Update
 - **Jodi Gibson, Local Assistance Division Head**
 - Held summit to talk about discretionary grants but needed to expand. Heard a lot from locals that typically don't have staff to apply for the grants. Jenna Habegger and Dina Harris have been key to making the Hub successful.
 - Infrastructure Hub was launched so local agencies could compete for federal discretionary grants. This last year had about \$150 million come to Nebraska (amount of 2022 & 2023 combined).
 - Key components of the Hub – grant pairing portal, on-call consultants to assist with grant writing (100% state-funded), 2 full-time employees dedicated to the Hub, using partnerships to strengthen grant applications, providing support to enhance grant proposals, ensure compliance and success, NDOT helps manage project once grant is awarded.
 - NDOT collaborating with economic development districts, local public agencies, NACO, LoNM, railroads, utilities. Needing to connect counties and smaller communities together to bundle projects for discretionary grant applications.
 - Key parts of Infrastructure Hub Website:
 - Grants 101 - types of grants, what types of projects they can be used for
 - Grant pairing portal - map online, input type of entity applying, the project area, type of project, high-level questions about the project, estimated cost. After answering those questions, the website suggests grants to apply for
 - Letters of support – an entity can request a letter of support from NDOT if it's not one NDOT helped with. Provides more background before NDOT signs it
 - Questions:
 - **Hawks:** Out in my area, has received a lot of positive comments about the work of the Infrastructure Hub.
 - **Tobias Tempelmeyer, Beatrice City Administrator**
 - Intersection of Hwy 77 and Hwy 36, Hwy 36 is also called Court Street and is a hub of downtown Beatrice. Downtown has become a concrete highway and less pedestrian friendly. It's been a goal of City of Beatrice to have a downtown bypass, 2001 was the earliest could find to have a goal of a downtown bypass.
 - 2009 brought in architects and engineers to help look at community and came back with 2 action items: find common ground on downtown traffic & develop streetscape plan
 - In 2014 hired an engineering firm to do feasibility study and if NDOT would support the move. In 2022 new council members were elected and started the conversation again on creating a bypass.
 - Applied for the RAISE grant in 2023, wrote it in-house – very challenging, including the cost benefit analysis. Hired professional grant writers and an outside firm to do the CBA. Applied again in 2024, awarded \$21.4 million
- Discussion of Highway 275 Expressway Bonding
 - **Lyn Heaton, Chief of Staff/Director of Innovative Financing**
 - Recap of October meeting: NDOT recommended completion of the Highway 275 expressway corridor for completion for bond financing, NDOT presented drafts of

- resolution to approve issuance of bonds and indenture of trust, and Commission approved appointment of Union Bank & Trust as Bond Trustee
- Reviewed statutory guardrails
 - Today NDOT is recommending the approval of the issuance of bonds. This would include approval for the chair and the NDOT Director to sign the indenture of trust with the bond trustee on the Commission's behalf. Also provides approval for the chair to sign the agreement with NDOT regarding future DCPC limitations.
 - Next steps is NDOT working group and advisors finalizing preparation of all materials for the competitive sale for next year.
 - Since the October meeting there has been only slight changes from the draft resolution to this one. The resolution has been edited to include reference to the DCPC's and provide for language for the internal accounting mechanisms NDOT will use to segregate State Highway Capital Improvement Fund revenues to be dedicated to the debt service payments and provide direction for the State Treasurer for payments of cost for the expressway project and to bond trustee from the debt service account.
 - Only minor changes to the indenture of trust – minor correction for internal consistency related to timing for debt service payments to the bond trustee
 - Other document - the Highway Commission will approve through vote on resolution is newly drafted agreement regarding future NDOT DCPC limitations – NDOT determined that the agreement would provide clarity for bond rating agency and future bond holders on the Hwy 275 bond issuance that NDOT is committing to the commission. It will be limiting issuance of any additional DCPC's beyond those already issued and prioritizing payment on the bonds over any additional future DCPCs. The agreement is between the Department and the Commission, since the Commission is the issuer of the bonds while the NDOT entered into the construction contract which included the original DCPCs.
 - Questions:
 - **Hawks:** Commend all of those that have brought us to this point. A big step forward for the Department of Transportation, the people of Nebraska
- Vote on Resolution Approving the Issuance of Bonds
 - Motion for approval made by Copple; Mello seconded.
 - Motion carried by rollcall vote, 7-0
 - 2025 Calendar Review and Discussion
 - **Amanda Callaway, External Affairs Manager and Highway Commission Secretary**
 - Prefer calendar that has meetings on Friday mornings at 8:30 AM in the typical months of January, March, June, August, October and December.
 - Following meeting with be January 17, 2025, at 8:30 AM.

PUBLIC INPUT

- **Scott Huppert, Dodge County Highway Superintendent & President of the Association of Highway Superintendents of Nebraska & Bob Missel, Chairman of the Dodge County Commissioner**
 - Concerned with how the relinquishment of Old Hwy 30 is being handled. Have asked that some of the structures, like ditch cleanout, can be done before relinquished and answer is no – a lot of problems being turned over.
 - Concerned that there is still construction on Old Hwy 30 and who is liable for any damage done now that county is responsible for winter operations on it.
 - Concerned that Dodge County taxpayers will be responsible for fixing issues within the right-of-way. Dodge County has about 200 structures coming into state right-of-way.
 - Made clear by former District Engineer, Tim Weander, that when the county was given that right-of-way back the roads, bridges, ditches, to the right-of-way would be returned in a modern state over the next 10-15 years.
 - Questions:

- **Kramer:** my understanding is that we've had pretty good communication throughout this issue and continue to work on it. I have a question, you talked about the liability portion, believe NDOT has taken care of that to clarify that the liability will still be with the department.
- **Huppert:** I did receive an email stating that, but do not have the letter in writing yet – have in email. Our District Engineer said that would be ready at the next county commission meeting.
- **Kramer:** Not familiar with this specific relinquishment document, typically there's resources that come with relinquishment – is that part of the plan in hand?
- **Huppert:** When talked with Tim Weander that had to wait and Scott proposed what he needed. Walked it, talked about bridges and structures – did not make it into plan. Presented that to District Engineer what his problems were before doing any construction out there.
- **Kramer:** Our typical practice is what you presented with the District Engineers, that the road is in a state of good repair and typically that's talked about during plan in hand, what this looks like and what the requirements are. Want to make sure that your constituents understand what that means for relinquishments. Our Deputy Director of Operations will continue to work with you and Dodge County to get to a point where there's an understanding and where those agreements come from.
- **Huppert:** Was told that the road plan in hand would be separate from right of way structures.
 - **Kramer:** Surprised with the trees because NDOT typically doesn't let them grow if there's a safety concern. The culverts and those pieces understand why there needs to be clarity on that piece. Glad you brought this to the Commission so they can understand how these relinquishments work

REMARKS FROM THE CHAIR

- No remarks from the chair.

PUBLIC MEETINGS CALENDAR

- The next scheduled highway commission meeting is January 17, 2025, at 8:30 a.m. at NDOT Headquarters, located at 1500 Nebraska Parkway in Lincoln, Nebraska

ADJOURNMENT

- The chair adjourned the meeting at 9:57 a.m.