

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

November 15, 2019

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, November 8, 2019.
- Event posted on the State of Nebraska website (Public Meeting Calendar), November 8, 2019.
- Tentative agenda emailed to each board member and interested persons, November 8, 2019.
- 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, November 15, 2019.
- Relaxation of Standards hearing notice emailed to NDOT and Webster County, November 8, 2019.

Board members present:

Roger Figard, Lincoln, 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

Board members absent:

James A. Litchfield, Wakefield, Vice Chairman
Edward R. Wootton, Sr., Bellevue

Staff members present:

LeMoyne D. Schulz, Board Secretary & Highway Local Liaison Coordinator, NDOT, Lincoln
Barbara Hasterlo, Office Associate, Liaison Services Section, UNL, LTAP/NDOT, Lincoln

Others in attendance:

Erich Strack, Manager, Government Affairs, NDOT, Lincoln
Lance Harter, Oak Creek Engineering, representing Webster County

Don Butler, Highway Safety, NDOT, Lincoln
Doug Pillard, Roadway Design, NDOT, Lincoln
John Thomas, Roadway Design, NDOT Lincoln
Braulio Araya, Roadway Design, NDOT, Lincoln
Nathan Sorben, Roadway Design, NDOT, Lincoln
Kyle Hall, NDOT Roadway Design, NDOT, Lincoln
Jacqueline Baird, Roadway Design, NDOT, Lincoln
Steve McCullough, Roadway Design, NDOT, Lincoln
Brad Reid, Policy and Practical Design, NDOT, 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:

- Additional: 2019 County and Municipal Annual Certification of Program Compliance received
- Added: '*Consideration of Request*' to the '*9:10 a.m. Informal Hearing*' (NDOT)
- Added: '*Nathan Sorben, NDOT Assistant Roadway Design Engineer*' to the '*Minimum Design Standards update.*'
- Removed: '*Mike Owen, NDOT Roadway Design Engineer and Staff*' from the '*Minimum Design Standards update.*'
- Added: '*Updated November 14, 2019*' to the updated agenda.

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Mr. Wacker moved to approve the April 19, 2019 meeting minutes. Mr. Gerrard seconded the motion. Members Gerrard, Keegan, Kramer, Syslo, Tagge, Wacker, Weander and Figard voted YES. Member Krager abstained. Members Litchfield and Wootton were absent. The motion carried.

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The board considered the status of the submission of the 2019 Annual Certification of Program Compliance.

1. A total of 85 County, 480 Municipal and NDOT certifications have been received.
2. Eight (8) County and forty-nine (49) Municipal certifications are delinquent:

Mr. Tagge moved to accept the Status Report of the 2019 Annual Certification of Program Compliance as presented. Mr. Krager seconded the motion. Members Gerrard, Keegan, Krager, Kramer, Syslo, Tagge, Wacker, Weander and Figard voted YES. Members Litchfield and Wootton were absent. The motion carried.

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Mr. Wacker 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, 2019. Mr. Tagge seconded the motion. Members Gerrard, Keegan, Krager, Kramer, Syslo, Tagge, Wacker, Weander and Figard voted YES. Members Litchfield and Wootton were absent. The motion carried.

Antelope	Cass	Furnas	Greeley	Seward
Blaine		Garfield	Madison	
Abie	Chapman	Hadar	Naponee	Stuart
Anoka	Clarks	Kilgore	Nehawka	Surprise
Beaver Crossing	Cowles	Leshara	Newport	Thayer
Berwyn	Crab Orchard	Linwood	Ohiowa	Trenton
Bladen	Crofton	Meadow Grove	Orchard	Upland
Brule	Dawson	Memphis	Orleans	Valparaiso
Burton	Franklin	Merna	Riverton	Wallace
Campbell	Garrison	Miller	Shickley	Waterloo
Carleton	Geneva	Monowi	South Bend	Wolbach
Central City	Gross	Murdock	Staplehurst	

Following the meeting, all delinquent county and municipal certifications were received, therefore, no funds were suspended.

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At 9:10 a.m., the Board heard the NDOT request for a Relaxation for Project No. STP-57-4(118), C.N. 32256, Hartington North. *(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 2-001.02Q, Resurfacing, Restoration and Rehabilitation (3R) Rural – State Highway System – Shoulder Width, on a Major Arterial/Minor Arterial State Highway, N-57, as specified in NDOT letter of November 6, 2019. Mr. Thomas and Mr. Butler presented the request. No one appeared in opposition. The hearing concluded at 9:19 a.m. The Board then considered the request.

Mr. Wacker moved to grant the NDOT relaxation, 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. Ms. Kramer seconded the motion. Members Gerrard, Keegan, Krager, Kramer, Syslo, Tagge, Wacker, Weander and Figard voted YES. Members Litchfield and Wootton were absent. The motion carried with the required six (6) votes.

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At 9:21 a.m., the Board heard the Webster County request for a Relaxation for County Project No. C-91(579), Bridge No. C009124015. *(The hearing was held in an informal format, Webster County having declined the option of a formal hearing.)* The request is for a Relaxation of Standards for Construction of a Low Water Crossing on a Minimum Maintenance road, as specified as option three (3) in the Webster County letter of October 25, 2019, and in County

Resolution No. 42-2019 dated October 15, 2019. Mr. Harter presented the request. No one appeared in opposition. The hearing concluded at 9:34 a.m. The Board then considered the request.

Mr. Syslo moved to grant in whole the Webster County relaxation request for option number three (3). Ms. Keegan seconded the motion. Members Gerrard, Keegan, Krager, Kramer, Syslo, Tagge, Wacker, Weander and Figard voted YES. Members Litchfield and Wootton were absent. The motion carried with the required six (6) votes.

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Other business:

- Mr. Strack provided a state and federal Legislative Report.
- Status of Title 428 NAC 5 Repeal. Members received a copy of the Public Hearing Notice for November 5, 2019, on the Repeal and Revision of Regulations, including the repeal of 428 NAC 5 – Hearing Practice and Procedures of the Board of Public Roads Classifications and Standards. (See Attachment #1.)
- Following the meeting, Chairman Figard signed the *Certification of Adoption*. (See Attachment #2.)
- Implementation of LB82 (2019) and other Statutes; and Updating of the Board's 428 NAC Regulations and Operating Procedures. Mr. Figard provided the board with a PowerPoint presentation on the Implementation of LB82 that he presented to the *American Public Works Association – Nebraska Branch* (APWA - NE) on November 6, 2019 in Kearney.
- Minimum Design Standards Update – Nathan Sorben, NDOT Assistant Roadway Design Engineer. Mr. Sorben and Mr. Reid provided the board with an update.
- Lincoln South Beltway Update – Steve McCullough, NDOT Assistant Roadway Design Engineer. Mr. McCullough provided the board with an update.
- The board considered a tentative schedule of meeting dates for 2020 and 2021. The 2021 dates, which will be subject to confirmation in late 2020, are for informational purposes.

Mr. Wacker moved to approve the tentative schedule as presented by staff. Mr. Tagge seconded the motion. Members Gerrard, Keegan, Krager, Kramer, Syslo, Tagge, Wacker, Weander and Figard voted YES. Members Litchfield and Wootton were absent. The motion carried. (See Attachment #3.)

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Mr. Schulz reported the following correspondence and general information:

- Reappointment/Replacement of Members Gerrard, Figard, Krager, Kramer, Tagge, Wacker and Weander (*terms expire November 30, 2019*). (*Members serve until a successor is appointed.*)

- Board members received a handout from the Highway Superintendent's 2019 Summer Meeting, in Valentine, Nebraska in June 2019.
- Board members received a copy of the *Board of Examiners for County Highway and City Street Superintendents* March 1, 2019 meeting minutes.
- Board members received a copy of the *Board of Examiners for County Highway and City Street Superintendents* April 4, 2019 meeting minutes.
- Board members received a copy of the *Board of Examiners for County Highway and City Street Superintendents* May 3, 2019 meeting minutes.
- Board members received a copy of the *Board of Examiners for County Highway and City Street Superintendents* August 23, 2019 meeting minutes.
- Board members received a copy of the *Board of Examiners for County Highway and City Street Superintendents* October 4, 2019 meeting minutes.
- Board members received a copy November 13, 2019, NDOT news release, *New Highway and Street Superintendents Licensed*.

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There were no comments from the Audience.

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Acknowledgement of Visitors.

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The next tentative meeting will be held on January 17, 2020 at 9:00 a.m., in the Nebraska Department of Transportation Central Headquarters Building Auditorium, Room 139A, 1500 Highway 2, Lincoln, Nebraska. *(On January 9, 2020, Chairman Figard cancelled the January 17, 2020 meeting for want of a sufficient agenda and determined that no meeting notices be sent until he determines the need for a meeting.*

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There being no further agenda items, Chairman Figard adjourned the meeting at 11:15 a.m.

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

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DEPARTMENT OF TRANSPORTATION

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1500 Highway 2
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Lincoln, NE 68509-4759
Communication Office: 402-479-4512
dot.nebraska.gov



Pete Ricketts, Governor

FOR IMMEDIATE RELEASE

Public Hearing November 5 on Repeal and Revision of Regulations

October 22, 2019 (Lincoln, Neb.) — The Nebraska Department of Transportation (NDOT) will hold a public hearing on Tuesday, November 5, concerning the revision and repeal of regulations. The hearing will be held from 9:00 to 11:00 a.m., at NDOT's Central Headquarters Building, Room 103, 1500 Highway 2, in Lincoln.

The proposed revisions of regulations include: **Revision 407 NAC 2** – Contested Cases; **Revision 411 NAC 1** – Manual on Uniform Traffic Control Devices; and **Revision 415 NAC 2** – Nebraska Transportation Public Assistance Program. The proposed repeals of regulations include: **Repeal 17 NAC 8** – Promotion of Aviation; **Repeal 17 NAC 9** – Rental of Aircraft; **Repeal 411 NAC 2** – School Bus Loading Area Signs; **Repeal 425 NAC 1** – Hearing Practice and Procedure of the Board of Examiners for County Highway and City Street Superintendents and Hearing Practice and Procedure for Contested Cases; **Repeal 428 NAC 5** – Hearing Practice and Procedure of the Board of Public Roads Classifications and Standards.

Interested persons are invited to attend the public hearing. Comments and recommendations may be presented orally or in writing at the hearing. They may also be mailed, faxed, or emailed prior to the hearing or until the close of the public comment period (November 15, 2019). Pre-hearing and post-hearing comments should be directed in writing to NDOT's Public Involvement Manager, Sarah Soula, PO Box 94759, Lincoln, Nebraska 68509-4759; sarah.soula@nebraska.gov; voice telephone 402-479-4871, TDD telephone 402-479-3834, fax 402-479-3989. Comments may also be posted online through the Secretary of State's website (see below).

To view or download the proposed changes to the regulations or to comment online, visit: www.sos.state.ne.us/rules-and-regs/regtrack ("Agency": Transportation). To obtain a free paper copy of the proposed changes, the Proposed Regulation Policy Pre-Review Checklists, or the Fiscal Impact Statements, contact NDOT's Government Affairs Office, PO Box 94759, Lincoln, Nebraska 68509-4759;

Attachment No. 1
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erich.strack@nebraska.gov; voice telephone 402-479-4324, TDD telephone 402-479-3834
fax 402-479-3758. Copies may be viewed or picked up in person at the NDOT Director's Office,
1500 Highway 2, Lincoln, NE.

NDOT will make every reasonable accommodation to provide an accessible meeting facility for all persons. Appropriate provisions for the hearing and visually challenged or persons with limited English proficiency (LEP) will be made if NDOT is notified by October 29, 2019. Notification should be submitted to Sarah Soula, Public Involvement Manager (see contact information above).

This notice is provided pursuant to the Administrative Procedure Act.

#NDOT#

Contact:

Erich Strack, NDOT Government Affairs Office, Lincoln, (402) 479-4324

NR10-zn

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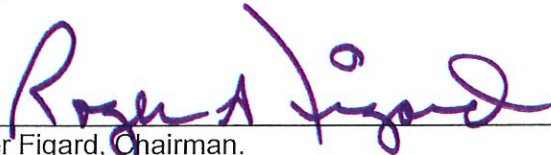
STATE OF NEBRASKA DEPARTMENT OF TRANSPORTATION

CERTIFICATE OF ADOPTION

I, Roger Figard, Chairman, hereby certify that Title 428, Nebraska Administrative Code, Chapter 5 – Hearing Practice and Procedure of the Board of Public Roads Classifications and Standards, is submitted for repeal on this date by me as provided by law. The Public Hearing was held on November 5, 2019, at the Nebraska Department of Transportation in Lincoln, Nebraska.

The regulation was previously updated on November, 2018.

Dated this 19TH day of November, 2019



Roger Figard, Chairman.
Nebraska Board of Public Roads Classifications and Standards

Kyle Schneweis, P.E., Director
Department of Transportation

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Attachment No. 2
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TENTATIVE SCHEDULE OF MEETINGS
BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS
2020 – 2021

-- Usually 3rd Friday of Month --

* No meeting, unless one becomes necessary, in which case, it will be set no later than the prior meeting

Friday, January 17, 2020	9:00 a.m.	NDOT Auditorium, Lincoln No meeting held
Friday, February 21, 2020	9:00 a.m.	NDOT Auditorium, Lincoln No meeting held
Friday, March 20, 2020	9:00 a.m.	NDOT Auditorium, Lincoln No meeting held
Friday, April 17, 2020	9:00 a.m.	NDOT Auditorium, Lincoln No meeting held
Friday, May 15, 2020	9:00 a.m.	NDOT Auditorium, Lincoln No meeting held
Friday, June 19, 2020	9:00 a.m.	NDOT Auditorium, Lincoln No meeting held
Friday, July 17, 2020	9:00 a.m.	NDOT Auditorium, Lincoln
*(Friday, August 21, 2020)	(9:00 a.m.)	(NDOT Auditorium, Lincoln)
Friday, September 18, 2020	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, October 16, 2020	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, November 20, 2020	9:00 a.m.	NDOT Auditorium, Lincoln
*(Friday, December 18, 2020)	(9:00 a.m.)	(NDOT Auditorium, Lincoln)
Friday, January 15, 2021	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, February 19, 2021	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, March 19, 2021	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, April 16, 2021	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, May 21, 2021	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, June 18, 2021	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, July 16, 2021	9:00 a.m.	NDOT Auditorium, Lincoln
*(Friday, August 20, 2021)	(9:00 a.m.)	(NDOT Auditorium, Lincoln)
Friday, September 17, 2021	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, October 15, 2021	9:00 a.m.	NDOT Auditorium, Lincoln
Friday, November 19, 2021	9:00 a.m.	NDOT Auditorium, Lincoln
*(Friday, December 17, 2021)	(9:00 a.m.)	(NDOT Auditorium, Lincoln)