

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

September 16, 2016  
Nebraska Department of Roads'  
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 Roads' website September 9, 2016.
- Event posted on State of Nebraska website (Public Meeting Calendar) September 9, 2016.
- Tentative agenda emailed to each board member and interested persons September 9, 2016.
- Meeting agenda kept current and on public display in Liaison Services Section, Room 123B, Nebraska Department of Roads, 1400 Highway 2, Lincoln, Nebraska.
- Meeting agenda posted in the main entrance of the Nebraska Department of Roads' 1500 Highway 2 building on September 16, 2016.
- Relaxation of Standards hearing notice emailed to NDOR on September 9, 2016.

Board members present:

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

Board members absent:

John F. Krager, Omaha  
Mick Syslo, Lincoln

Staff members present:

LeMoyne D. Schulz, Board Secretary & Highway Local Liaison Coordinator, NDOR, Lincoln  
Barbara Hasterlo, Office Associate, Liaison Services Sect., Nebraska LTAP/NDOR, Lincoln

Others in attendance:

Andrew F. Cunningham, Government Affairs Office, NDOR, Lincoln  
Kyle Schneweis, Director, NDOR, Lincoln  
Erich Strack, Government Affairs Office, Legislative Coordinator, NDOR, Lincoln

Jim Rerucha, Butler County Highway Superintendent  
Brian L. Johnson, NDOR Roadway Design Division, Lincoln  
Terry L. Gibson, NDOR Roadway Design Division, Lincoln  
Mike Owen, NDOR Roadway Design Division, Lincoln  
Jim Wilkinson, P.E., Yankee Hill Solutions, LLC, Lincoln, NE

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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.

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

Additional: 2015-2016 Annual Report received from Elk Creek. Additional: 2016-2017 Annual Report received from Custer County.

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Mr. Tagge moved to approve the August 19, 2016 meeting minutes. Mr. Wootton seconded the motion. Members Gerrard, Keegan, Kramer, Litchfield, Tagge, Wacker, Weander, Wootton and Figard voted YES. Members Krager and Syslo were absent. The motion carried.

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Chairman Figard welcomed NDOR Director, Kyle Schneweis and asked each board member to introduce themselves.

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The board considered the Final status of the submission of the 2015 – 2016 Standardized System of Annual Reports.

1. A total of 93 County, 529 Municipal and the Nebraska Department of Roads' Reports have been received.
2. A total of 93 County and 526 Municipal and the Nebraska Department of Roads' Reports were accepted by the board at previous meetings.
3. Three (3) Municipal Reports were received and recommended for acceptance:  
Elk Creek (*Received 9/15/16*)      Riverton (*Received 9/2/16*)      Rulo (*Received 8/31/16*)

4. Three (3) Municipalities, which were cited to the State Treasurer for suspension of Highway Allocation Funds, have submitted the Reports. Highway Allocation Funds are under suspension, beginning with the April distribution, and are currently in the six-month of suspension. The State Treasurer should be advised to cease the suspension and restore the suspended funds for: Elk Creek, Riverton and Rulo.

Mr. Wootton moved to accept the Final Status Report of the Standardized System of Annual Reports for 2015-2016 as presented. Ms. Kramer seconded the motion. Members Gerrard, Keegan, Kramer, Litchfield, Tagge, Wacker, Weander, Wootton and Figard voted YES. Members Krager and Syslo were absent. The motion carried.

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

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The board considered the status of the submission of the 2016 One- and Six-Year Plans.

1. A total of 93 County, 528 Municipal, and the Nebraska Department of Roads' One- and Six-Year Plans have been received.
2. A total of 93 County and 528 Municipal and the Nebraska Department of Roads' One- and Six-Year Plans were accepted by the board at previous meetings.
3. One (1) Municipality has not submitted a One- and Six-Year Plan: Elk Creek. The Plan has been delinquent since March 2, 2016. Highway Allocation Funds are under suspension beginning with the September distribution.

Mr. Wootton moved to accept the Status Report of the One- and Six-Year Plans as presented. Ms. Kramer seconded the motion. Members Gerrard, Keegan, Kramer, Litchfield, Tagge, Wacker, Weander, Wootton and Figard voted YES. Members Krager and Syslo were absent. The motion carried.

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The board considered the Initial status of the submission of the 2016 – 2017 Standardized System of Annual Reports.

1. One (1) County Report has been received and is being held pending review: Custer County.

Mr. Wootton moved to accept the Initial status report of the Standardized System of Annual Reports for 2016-2017 as presented. Mr. Tagge seconded the motion. Members Gerrard, Keegan, Kramer, Litchfield, Tagge, Wacker, Weander, Wootton and Figard voted YES. Members Krager and Syslo were absent. The motion carried.

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The Board considered the Butler County One- and Six-Year Plan revision adding Project No. 895 to the 2016 One-Year Plan. A signed copy of Resolution No. 2016-34, adopted August 15, 2016, was received on September 6, 2016. Mr. Rerucha presented the request.

The project consists of grading and aggregate surfacing on a Minimum Maintenance road. On Form 10, 1) 'Drainage Structures' was marked; however, "Bridges and Culverts Sized" was marked "N/A"; 2) The legal description was deemed incorrect after the board determined it to be Sections 3 & 15, T15N, Rg 1E; and 3) no explanation of the reclassification of the road from Maintenance to Local. The total estimated cost is \$5,000 (County Funding).

Mr. Wacker moved to accept the Butler County One- and Six- Year Plan revision contingent upon the County submitting an amended NBCS Form 10 showing: 1) the correct legal description; 2) provide clarification of the project pertaining to the drainage, such that drainage is sufficient and proposing to use in place (check box 'N/A' not needed and add the explanation in blank space on form); and 3) explain (in blank space on form) that reclassification (from Maintenance to Local road) is to be processed by NDOR. Ms. Kramer seconded the motion. Members Gerrard, Keegan, Kramer, Litchfield, Tagge, Wacker, Weander, Wootton and Figard voted YES. Members Krager and Syslo were absent. The motion carried.

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The Board considered the City of Saint Paul One- and Six-Year Plan revisions (3) adding Project Nos. M-530(141) revised; M-530(172); and M-530(173) to the 2016 One-Year Plan. A signed copy of city Resolution No. 2016-19, adopted July 18, 2016, was received on July 22, 2016. No one appeared to present the request. The projects were tabled at the August 19, 2016 meeting pending further clarification of the Hydraulic Analysis. A corrected Form 10 was received on August 31, 2016.

The three (3) projects consist of concrete surfacing on a new Local street and an Alley. The total estimated cost is \$247,600 (City Funding).

Mr. Wootton moved to accept the City of Saint Paul One- and Six- Year Plan revision. Mr. Wacker seconded the motion. Members Gerrard, Keegan, Kramer, Litchfield, Tagge, Wacker, Weander, Wootton and Figard voted YES. Members Krager and Syslo were absent. The motion carried.

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At 9:31 a.m., the Board heard the NDOR request for a Relaxation of Minimum Design Standards for Project No. S-80-9 (1215), C.N. 22646, I-480 – 24<sup>th</sup> Street. *(The hearing was held in an informal format, NDOR having declined the option of a formal hearing.)* The request is for a Relaxation of the 428 NAC 2-001.021, New and Reconstructed Municipal-State Highway System – Shoulder Width and Surface Shoulder Width – Interstate, as specified in its August 29, 2016 letter. Mr. Johnson and Mr. Owen presented the request. No one appeared in opposition. The hearing concluded at 9:46 a.m. The Board then considered the request.

Mr. Tagge moved to grant the NDOR Relaxation request 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. Wootton seconded the motion. Members Gerrard, Keegan, Kramer, Litchfield, Tagge, Wacker, Weander, Wootton and Figard voted YES. Members Krager and Syslo were absent. The motion carried with the requisite majority vote.

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Update on revision of 428 NAC 3, Annual Reporting of One- and Six-Year Plans and 428 NAC 4, Standardized System of Annual Reporting Regulations. Chairman Figard announced the Committee will meet following the NBCS meeting today, to continue discussions on the revised forms.

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Other business:

- There was no Legislative Report.

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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 May 6, 2016 meeting minutes*.
- Board Members received a copy of the State of Nebraska 2015 Annual Report *Traffic Crash Facts*.

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There were no Comments from the Audience.

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The next regular meeting will be held October 21, 2016 at 9:00 a.m., in the Nebraska Department of Roads' Central Headquarters Building Auditorium, Room 139A, 1500 Highway 2, Lincoln, Nebraska. (Note: On October 5, 2016, Chairman Figard cancelled the October 21, 2016 meeting and rescheduled it for October 28, 2016, at the Nebraska Department of Roads' Training Room 152 "The Hill," 5001 South 14<sup>th</sup> Street, Lincoln, Nebraska.)

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There being no further agenda items, Chairman Figard adjourned the meeting at 9:50 a.m.

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LeMoyne D. Schulz  
Secretary for the Board  
<http://www.transportation.nebraska.gov/gov-aff/gov-aff-main.html>



# NEBRASKA

Good Life. Great Journey.

## DEPARTMENT OF ROADS

September 16, 2016

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 September 16, 2016, voted to lift the suspension of Highway-User Revenue to the **Village of Elk Creek**. The suspension was initiated by letter of this board dated March 31, 2016, pursuant to action taken at the March 25, 2016 meeting. By action of your office, funds were suspended beginning with the April 11, 2016 allocation. Elk Creek's Standardized Annual Street Program Report for 2015-2016 was received September 15, 2016.

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 April, May, June, July and August funds held in escrow, pursuant to 39-2121 Neb.Rev.Stat., to the **Village of Elk Creek**, and at this time, the September funds, withheld for failure to submit the annual One- and Six-Year Plan for 2016, shall remain in escrow. Please note that this Board's action does not alter sanctions imposed by another state agency pursuant to other statutes.

Sincerely,



LeMoyn D. Schulz  
Secretary for the Board

LDS/bpr2-gp

xc: Pete Ricketts, Governor  
Elk Creek Village Board  
File

Kyle Schneweis, Nebraska Department of Roads  
Paul Buss, Elk Creek Street Superintendent  
Teresa Kuper, Nebraska Department of Roads

Kyle Schneweis, P.E., Director

### Department of Roads

Board of Public Roads Classifications and Standards  
1500 Highway 2 OFFICE 402-479-4436 FAX 402-479-3525  
PO Box 94759 DOR.ContactUs@nebraska.gov  
Lincoln, NE 68509-4759  
roads.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

LeMoyn D. Schulz  
Secretary – ex officio

Attachment No. 1  
Page 1 of 1 Pages