

8:30 a.m., Friday, January 19, 2024
State Highway Commission Meeting Minutes

On Friday, January 19, 2024, the Nebraska State Highway Commission convened at NDOT Headquarters Highway Commission Room 103 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 January 12, 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 Greg Wolford | District 7 |
| • Director, Vicki Kramer | Ex Officio |

Shannon Ankeny, NDOT Communications & Public Policy Director, 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 Kindig called the meeting to order at 8:30 a.m.
- The chair requested an attendance roll call. A quorum was present.

MINUTES

- Approval of December 8, 2023 meeting minutes
 - Motion for approval made by Commissioner Wolford; Commissioner Meginnis seconded.
 - Motion carried by rollcall vote, 6-0

INTRODUCTIONS/ANNOUNCEMENTS

- No introductions or announcements.

MEETING BUSINESS

- **Director's Remarks**

Vicki Kramer, NDOT Director

- Thank you to all the snow fighters. One thousand seven hundred of miles were plowed during the storm. Planning starts weeks in advance to determine what resourced will be needed. It is a challenging learning opportunity with a situation of this magnitude. Our biggest issue was making sure people had their medication and making sure agricultural products could move. The state did have some loss in the dairy market. All of the snow removal is handled in the operational level. The Operations Director works with Deputy Director Khalil Jaber and working with our District Operations Maintenance Managers and pushing that information out to our snowplowers.
- LB1135: As we transition into this legislative session it is obvious that we take a look at how our mitigation efforts have impacted the American Burying Beetle (ABB). We need to take a hard look at the Nebraska Nongame Law which governs the threatened and endangered species at the state level. We've been in consultation with Games and Park, the Governor's office and the Transportation Telecommunications Committee we put forth a bill to look at the roadway, specifically the public right away in regard to the critical habitat for that species. We are hoping LB1135 will move forward with consideration because of the impacts it will have if it is not passed. We are asking that public right away be exempt since it is essentially not deemed critical habitat in many places. We understand environmental stewardship and we have done a lot to bring resources to our environmental section. We need to make sure the actions we take are not going to negatively impact that species.
 - If we do not get an exemption, we expect it to be between 10 and 20 million in mitigation during our 5-year program. There is a big variance because it depends on how we can get the land. We were able to buy land credit from a private company who was seeking conservation easement.
 - Though we have this pending legislative bill, we are still moving forward so we don't have disruption to our construction program while still being good stewards to the environment.
- LB966 primarily deals with traffic lights.
- LB966: This bill introduced by Senator Brandt and related to vehicle length. We want to protect the roadway. This bill we can support or remain neutral on it. At this point we aren't increasing axle weight. We are not increasing anything outside of length that will still work with the design of our highways.
- LB1163: Senator Lowe introduced this bill which would allow ATVs to plow snow in city and towns. This bill really doesn't have much impact on us because it is not allowed on the highway. In recent history bills have been introduced in regard to allowing ATVs cross the highway but safety is our main concern.
- LB1218: This is the NEVI bill, formerly LB505. We are one of two states that have not passed the ability to charge electric vehicles a kilowatt an hour. We support this bill and would like to see the kilowatt by hour go through. We have the 30 million NEVI funds which are federal funds. We will continue to work with Senator Bostar, Public Power, and truck stops to see this move forward.
- LB1030: This bill was introduced by Senator Bostelman. It dedicates funding of 8 million dollars to the County Bridge Match Program. We have had many conversations with the Legislature about the future of the County Bridge Match program. We need to make sure we are supporting the counties in a way they need to be supported. We need to take a hard look at the 45%/55% cost split. A lot of the counties need to save up their 55% portion. We are working with our State Engineer so we can fully understand what our counties need.

- No DOTs are funded the same. Nebraska is 50% federally funded for the majority of our preservation and our Highway Program. When we don't have an Appropriation Bill we live in limbo. I can't tell you what our programs are going to look like in June and July. It a very uncomfortable environment. We are going to have to make some decision in the coming months on where we are and what amount of risk we can accept.
- We have seen two bills introduced out of the Governor's office to reallocate the 87 million in Federal ARPA funds. Unfortunately, the bills aren't valid. There are very stiff rules about how you can use those funds. Last fall the Federal Highway Administration, USDOT and the Treasurer released guidelines on how those funds can be moved to transportation. It can only be used on new projects so if we should get those funds, it will be used in the interstate reconstruction program.
- **US-275, Norfolk-Wisner, Approval**
Steve McCullough, Assistant Roadway Engineer
 - This 16-mile project begins where the 4 lane ends coming out of Norfolk to just outside of Wisner.
 - Will be using the 2 existing lanes and adding 2 new lanes with a median.
 - Access control is the regulation of public access locations abutting the highway facility. This provides:
 - Safer environment
 - Increase efficiency of movement
 - Reduces accidents by minimizing conflict points.
 - A public hearing was held December 21st on this project which was well attended and very supportive.
 - NDOT is requesting the Highway Commission advise the Governor for approval of corridor location, design concept, and use of access control concept.
 - Motion for approval of resolution made by Commissioner Wolford; Commissioner Leafgreen seconded.
 - Motion carried by rollcall vote, 6-0
 - The resolution passed.
- **Utility Accommodation Policy**
Mick Syslo, Roadway Design Engineer
 - The purpose of this program is to improve utility coordination from design through construction.
 - Each Fall NDOT meets with the utility companies in each district where they discuss the program for the next 2 years.
 - An update of the policy is needed to:
 - Improve delivery and construction processes.
 - Document and standardize utility processes.
 - Address new utility needs and regulations.
 - The next steps are to continue implementation of initiatives and utility policy rollout.
 - As of last week, the policy was completed and on the NDOTs website.
- **Proposed 2024 Highway Commission Meetings Calendar**
Shannon Ankeny, Communications & Public Policy Director
 - The new meeting calendar reflects what was discussed at the December meeting.
 - There will be 6 meetings: 2 at NDOT headquarters, 4 Program Hearings.
 - Two of the Program hearings will be on a Thursday evening at 6:30.
 - Motion for approval of the 2024 meeting calendar made by Commissioner Meginnis; Commissioner Copple seconded.
 - Motion carried by rollcall vote, 6-0
 - The meeting calendar was approved.
- **Election of 2023 Commission Chair & Vice Chair**

Shannon Ankeny, Communications and Public Policy Director

- In the past the Chair and Vice Chair are rotated which would put Commissioner Hawks as Chair and Commissioner Fagerland as Vice Chair.
- Motion was made by Commissioner Copple to elect Commissioner Hawks, Chair and Commissioner Fagerland, Vice Chair; Commissioner Mello seconded.
 - Motion carried by rollcall vote, 6-0
 - The motion passed.
- **Highway Naming Procedures Discussion**

Commissioner Copple

 - The Commission felt that the process works as intended.
 - Commissioner Kindig said that the last three Highway Naming were in his district and each of them complied with what the policy states.
 - The Volunteer Fallen Firefighters Memorial Highway request is ready to be sent to the Governor's office for his signature.

REMARKS FROM THE CHAIR

- No remarks from the chair.

PUBLIC MEETINGS CALENDAR

- No pending public meetings.

ADJOURNMENT

- The chair adjourned the meeting at 9:34 a.m.