

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

February 18, 2022

Lancaster County Extension Education Center
444 Cherrycreek Road, Suite A, Lincoln, Nebraska

Meeting and Hearings Notices:

- Statewide news release emailed and posted on Nebraska Department of Transportation website, February 11, 2022.
- Event posted on the State of Nebraska website (Public Meeting Calendar), February 11, 2022.
- Tentative agenda emailed to each board member and interested persons, February 11, 2022.
- 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 and the Lancaster County Extension Education Center main entrance and the entrance of Suite A, February 18, 2022.
- Relaxation of Standards hearing notice emailed to NDOT, February 11, 2022.

Board members present:

Roger Figard, Lincoln, Chairman
James A. Litchfield, Wakefield, Vice Chairman
Barbara Keegan, Alliance
Lisa Kramer, Kennard
Steven D. Rames, Norfolk
Timothy W. Weander, Omaha
Edward R. Wootton, Sr., Bellevue

Board members absent:

LeRoy G. Gerrard, Stromsburg (*term expired 11/30/2019 – serves until replaced*)
John F. Krager, Omaha
Congressional District 3 representative seat is vacant.

Board member absent:

Brandie Neemann, Lincoln, Nebraska

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:

Mick Syslo, Roadway Design, NDOT, Lincoln
Jodi Gibson, Jodi Gibson, Local Assistance, NDOT, Lincoln
Don Butler, Highway Safety, NDOT, Lincoln
Nathan Sorben, Roadway Design, NDOT, Lincoln
Kyle Christensen, Roadway Design, NDOT, Lincoln
Steve McCullough, Roadway Design, NDOT, Lincoln
Jacqueline Baird, Roadway Design, NDOT, Lincoln
Matt McFadden, Felsburg, Holt + Ullevig, Lincoln, for NDOT
Larry Legg, Lancaster County Engineer's Office, Lincoln
Tim Byrne, City of Lincoln Transportation and Utilities
Erin Sokolik, City of Lincoln Transportation and Utilities
Dan Carpenter, City of Lincoln Transportation and Utilities
Thomas Shafer, City of Lincoln Transportation and Utilities
Mitch Doht, Director, Nebraska LTAP, Lincoln
Jim Wilkinson, Yankee Hills Solution, LLC, Lincoln

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Chairman Figard called the meeting to order at 9:00 a.m. The meeting was open to the public. He announced that we have a new member, Brandie Neemann, who will not be present today, and thanked Mr. Syslo for his service. Ms. Neemann was appointed by Governor Ricketts as a NDOT representative, replacing former member Mick Syslo. Her term expires November 30, 2025. The appointment is contingent on approval by the Legislature. Legislative Confirmation Hearings are tentatively scheduled for March 29, 2022, at 12:00 p.m., in the State Capitol.

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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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There were no changes from the originally published agenda; however, Chairman Figard changed the sequential order at start of meeting.

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Mr. Wootton moved to approve the August 20, 2021, meeting minutes. Mr. Litchfield seconded the motion. Members Keegan, Kramer, Litchfield, Rames, Weander, Wootton, and Figard voted YES. Members Gerrard, Krager, and Neemann were absent. The motion carried.

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Final Status of the submission of the 2021 Annual Certification of Program Compliance and Signing Resolution.

- Ninety-three (93) County, 529 Municipal and the NDOT certifications have been received.

Mr. Wootton moved to accept the report. Ms. Keegan seconded the motion. Members Keegan, Kramer, Litchfield, Rames, Weander, Wootton, and Figard voted YES. Members Gerrard, Krager, and Neemann were absent. The motion carried.

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Mr. Syslo and Mr. Sorben gave a presentation on the New Framework for Geometric Design based on (2018) AASHTO Green Book revisions.

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At 9:36 a.m., the Board heard the NDOT relaxation request for Project No. STP-16-3(110), C.N. 32289, Structure Nos. S016 00624 & S016 00747, N Jct N-51 to S Jct N-9. *(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, New and Reconstructed Bridges, Minimum Design Standards, on a Major Arterial /Minor Arterial State Highway, N-16, as specified in its letter of February 11, 2022, and received by email from Steve McCullough on February 11, 2022. Mr. McCullough and Mr. McFadden presented the request. No one appeared in opposition. The hearing concluded at 9:52 a.m. The Board then considered the request.

Mr. Wootton moved to grant in whole, 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 Keegan, Kramer, Litchfield, Rames, Weander, Wootton, and Figard voted YES. Members Gerrard, Krager, and Neemann were absent. The motion carried with the requisite majority vote.

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Revised Authority to Conduct Business for the Board as it Relates to Communications, Questions and Information Requests of the Board and Staff. Chairman Figard presented a revised authority to conduct business.

Mr. Litchfield moved to approve the revised process. Mr. Wootton seconded the motion. Members Keegan, Kramer, Litchfield, Rames, Weander, Wootton and Figard voted YES. Members Gerrard, Krager, and Neemann were absent. The motion carried. *(See Attachment #1)*

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Other business:

- Mr. Erich Strack, Government Affairs Manager, NDOT, Lincoln, provided a written Legislative Report.
- Ms. Gibson provided a handout on the federal, *Infrastructure Investment and Jobs Act*, including the federal discretionary grant program.
- Implementation of LB113 (2017), LB339 (2017), LB1009 (2018), LB82 (2019), LB174 (2021) and other Statutes; and changes to the Board's Operating Procedures and 428 NAC 1 and 2 Regulations. Chairman Figard provided an update.
- Repeal of 428 NAC 4 Regulations. Chairman Figard reported that a second public hearing needs to be scheduled on the repeal of 428 NAC 4, due to an earlier publication error. No updates since the last meeting.

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Mr. Schulz reported the following correspondence and general information:

- Reappointment/Replacement of Members. Members Keegan, Litchfield and Wootton were reappointed. Their terms expire on November 30, 2025. The reappointments are contingent on approval by the Legislature. Members Keegan, Litchfield, Neemann, and Wootton Legislative Confirmation Hearings are tentatively scheduled for March 29, 2022, at 12:00 p.m., in the State Capitol.
- Board members received an updated copy of the *NBCS – Schedule of Meetings for 2021 – 2022*.
- Board Member received a copy of the *State of Nebraska 2020 Annual Report Traffic Crash Facts*.

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There were no comments from the Audience.

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Acknowledgement of Visitors. Chairman Figard thanked Mr. Legg of Lancaster County Engineer's office, and Mr. Carpenter, Ms. Sokolik, Mr. Byrne and Mr. Shafer of the City of Lincoln Transportation & Utilities office for attending.

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The next tentative meeting is scheduled to be held on March 18, 2022, at 9:00 a.m., in the Nebraska Department of Transportation Central Headquarters Building Auditorium, Room 139A, 1500 Highway 2, Lincoln, Nebraska. (*There was no March 18, 2022 meeting, due to lack of agenda items. No further meetings were held from March 18, 2022 through May 20, 2022. The next meeting is scheduled for June 24, 2022, at 9:00 a.m. in the Central Headquarters Building Conference Room B12.*)

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There being no further agenda items, Chairman Figard adjourned the meeting at 10:22 a.m.

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

STATE OF NEBRASKA
Board of Public Roads Classifications and Standards (NBCS)

February 18, 2022

Authority to Conduct Business for the Board as it Relates to Communications, Questions and Information Requests of the Board and Staff.

Intent: To establish, for the sake of managing communications and for transparency, a more formal process to receive and respond to questions and inquires of the NBCS.

1. Routine, common, typical, previously answered communications, questions and requests can be discussed and resolved quickly electronically or telephonically by the Secretary of the Board (Secretary) and need not involve the Board. Examples are relaxation of standards submittal requirements, or where to find design standards information.
2. Non-routine communications, questions and requests for information should be sent in writing (hard-copy) or electronically (e-mail to ndot.blshelp@nebraska.gov or file-sharing) to the Secretary of the Board. Examples are relaxation of standards requests, interpretations of design standards, and complaints. Those requiring a response are handled as follows:
 - a. Responses shall be in writing (hard-copy) or electronic (e-mail or file-sharing) to the requesting individual or entity.
 - b. The Secretary of the Board (Secretary) shall answer if within his/her experience and knowledge to resolve.
 - c. The Nebraska Department of Transportation (NDOT) or State shall provide supplemental/additional support as needed for professional engineering (Professional Support), legal advice, or other issues. The Secretary is authorized to confer with, and request reviews/evaluations and recommendations from said support personnel. The Secretary, if in agreement, will respond and communicate directly to the individual or entity in writing, as above in 2.a.
 - d. Before being brought to the Board, complaints shall be reviewed by Counsel for direction on how to proceed. Such review and direction are outside the purview of this document.
 - e. For those issues, questions and requests where the Secretary and supplemental/additional support personnel do not agree, or are not sure of an appropriate response, both shall confer with the Chair of the Board for a proper response, and either the Chair or Secretary shall respond back to the individual or entity, as above in 2.a.
 - f. Any issues, questions and requests not resolved to the satisfaction of the individual or entity in any of the above steps, may be taken to the full Board for resolution.
 - g. All non-routine communications, questions and requests for information will be reported to the Board at any subsequent meetings, for the purpose of transparency in the conduction of the business of the Board. These may not have all details; they may be summaries, relevant portions of communications, and /or listings.