

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

April 19, 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 April 12, 2019.
- Event posted on the State of Nebraska website (Public Meeting Calendar) on April 12, 2019.
- Tentative agenda emailed to each board member and interested persons on April 12, 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 on April 19, 2019.
- Relaxation of Standards hearing notice emailed to NDOT and Washington County on April 12, 2019.

Board members present:

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

Board members absent:

John F. Krager, Omaha

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  
Jodi Gibson, Highway Local Project and Research Administration, Materials & Research,  
NDOT, Lincoln

Mike Owen, Roadway Design, NDOT, Lincoln  
Curtis Nosal, Roadway Design, NDOT, Lincoln  
Doug Pillard, Roadway Design, NDOT, Lincoln  
Braulio Araya, Roadway Design, NDOT, Lincoln  
Syed Ataulah, Roadway Design, NDOT, Lincoln  
Bill Wehling, NDOT Roadway Design, representing the City of Blair  
Jamie Mikkleson, NDOT Roadway Design, representing the City of Blair  
Chaddwick Ziemann, NDOT Roadway Design, representing the City of Blair  
Roland Husk, Washington County Road Department  
William J. Hansel, Washington County Highway Superintendent  
Chris Lane, Speece Lewis Engineers, Lincoln, representing Washington County  
Tim Farmer, Speece Lewis Engineers, Lincoln, representing Washington County

\* \* \* \* \*

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.

\* \* \* \* \*

Mr. Schulz noted the following changes from the originally published agenda:  
Additional: 2019 County and Municipal One-and Six-Year Plans received

\* \* \* \* \*

Mr. Gerrard moved to approve the November 16, 2018 meeting minutes. Mr. Wootton seconded the motion. Members Gerrard, Keegan, Kramer, Syslo, Wacker, Weander, Wootton and Figard voted YES. Members Litchfield and Tagge abstained. Member Krager was absent. The motion carried.

\* \* \* \* \*

The board considered the status of the submission of the 2018– 2019 Standardized System of Annual Reports. *NOTE: With the passage of LB82 on March 8, 2019, this is the final report on the status of submission.*

1. A total of 93 County, 524 Municipal, and the Nebraska Department of Transportation's Reports have been received and are being held pending review.
2. Zero (0) County and five (5) Municipal Reports are delinquent:

Fremont                  Maskell                  Omaha                  Scribner                  Winslow

Mr. Wootton moved to accept the Status Report of the Standardized System of Annual Reports for 2018 – 2019, as presented. Mr. Litchfield seconded the motion. Members Gerrard, Keegan, Kramer, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. Member Krager was absent. The motion carried.

\* \* \* \* \*

The board considered the status of the submission of the 2019 One- and Six-Year Plans.

*NOTE: With the passage of LB82 on March 8, 2019, this is the final report on the status of submission.*

1. A total of 88 County and 519 Municipal Plans have been received and are being held pending review.
2. Zero (0) County and ten (10) Municipal Plans are delinquent:

Arthur	Cornlea	Naponee	Winslow
Carleton	Fremont	Nehawka	
Central City	Lincoln	Royal	

Mr. Wootton moved to accept the Status Report of the 2019 One- and Six-Year Plans as presented. Mr. Tagge seconded the motion. Members Gerrard, Keegan, Kramer, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. Member Krager was absent. The motion carried.

\* \* \* \* \*

At 9:12 a.m., the Board heard the NDOT request for a Relaxation for Project No. NH-80-2(100), C.N. 61566, Big Springs West. *(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 2-001.02C, New & Reconstruction Rural – State Highway System – Clear Bridge width, as specified in NDOT letter of February 4, 2019. Mr. Wehling and Mr. Owen presented the request. No one appeared in opposition. The hearing concluded at 9:32 a.m. The Board then considered the request.

Mr. Weander moved to grant the 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. Mr. Wootton seconded the motion. Members Kramer, Syslo, Weander, Wootton and Figard voted YES. Members Gerrard, Keegan Litchfield, Tagge and Wacker voted NO. Member Krager was absent. Having failed to receive the requisite majority vote, the motion failed and therefore, the Relaxation is denied.

\* \* \* \* \*

At 9:41 a.m., the Board heard the NDOT request for a Relaxation for Project No. NH-91-7(111), C.N. 22590, in Blair. *(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 2-001.02W, Resurfacing, Restoration and Rehabilitation (3R) Municipal – State Highway System – Maximum Superelevation on a Major Arterial/Minor Arterial State Highway, N-91, as specified in NDOT letter of March 25, 2019. Ms. Mikkleson presented the request. No one appeared in opposition. The hearing concluded at 9:53 a.m. The Board then considered the request.

Mr. Wootton moved to grant the 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. Mr. Syslo seconded the motion. Members Gerrard, Keegan, Kramer, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. Member Krager was absent. The motion carried.

\* \* \* \* \*

At 9:56 a.m., the Board heard the Washington County request for a Relaxation for Project No. C-89(202)A, Kennard Southeast. *(The hearing was held in an informal format, Washington County having declined the option of a formal hearing.)* The request is for a Relaxation of the 428 NAC 2-001.03D, New and Reconstructed County Road Standards on a Major Collector/Other Arterial road, as specified in their letter of March 6, 2019. Mr. Farmer and Mr. Hansel presented the request. No one appeared in opposition. The hearing concluded at 10:08 a.m. The Board then considered the request.

Mr. Wootton moved to grant the 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. Mr. Wacker seconded the motion. Members Gerrard, Keegan, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. Member Kramer abstained. Member Krager was absent. The motion carried.

\* \* \* \* \*

Chairman Figard announced the biennial Election of Officers as the next item of business *(terms commencing at the conclusion of today's meeting)*.

Nominations were opened for Chairman. Mr. Wootton nominated Mr. Figard. Mr. Tagge seconded the motion. Mr. Wootton moved that nominations cease and that a unanimous ballot be cast. Mr. Wacker seconded the motion. Members Gerrard, Keegan, Kramer, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. Member Krager was absent. The motion carried. Mr. Figard was elected Chairperson for a two-year term ending December 31, 2020.

Nominations were opened for Vice Chairperson. Mr. Wootton nominated Mr. Litchfield. Ms. Kramer seconded the motion. Mr. Wootton moved that nominations cease and that a unanimous ballot be cast. Mr. Tagge seconded the motion. Members Gerrard, Keegan, Kramer, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. Member Litchfield abstained. Member Krager was absent. The motion carried. Mr. Litchfield was elected Vice Chairperson for a two-year term ending December 31, 2020.

Nominations were opened for Secretary. Mr. Wootton nominated Mr. Schulz. Mr. Litchfield seconded the nominations. Mr. Wootton moved that nominations cease and that a unanimous ballot be cast. Ms. Keegan seconded the motion. Members Gerrard, Keegan, Kramer, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. Member Krager was absent. The motion carried. Mr. Schulz was elected secretary for a two-year term ending December 31, 2020.

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Other business:

- Mr. Strack provided a state and federal Legislative Report, including LB82.
- Members received a copy of a proposed letter on LB82.

Mr. Wacker moved that staff mail the LB82 letter by May 15, 2019, to the County and Municipal Officials, i.e., Clerks, Mayors, Board Chairpersons, and County Highway and City Street Superintendents. Mr. Gerrard seconded the motion. Members Gerrard, Keegan, Kramer, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. Member Krager was absent. The motion carried. (*See Attachment #1*).

- Status of Title 428 NAC 5 Repeal; Implementation of LB82 (2019) and other Statutes; and Updating of the Board's 428 NAC Regulations and Operating Procedures.  
Mr. Strack advised that the Board's request to repeal 428 NAC 5 was denied by the Nebraska Attorney General.

The board discussed the work ahead in the updating of the regulations affected by the 2017, 2018 and 2019 legislative sessions. Mr. Schulz advised the board's rules and regulations, Title 428 NAC 1 and 2, will need to be updated, along with the board's operating procedures, and 428 NAC 3 and 4 will need to be repealed. Chairman Figard commented on the implementation of LB82 as it relates to the NBCS and offered his assistance to the NBCS staff in updating the regulations and operating procedures, including the implementation of LB82, and asked for the board's support and endorsement.

Ms. Kramer moved that Chairman Figard work with NBCS staff to (1) repeal 428 NAC 5 and replace it with the Attorney General Model Rules of Procedure; (2) to update 428 NAC 1 and 2, and the board's operating procedures; and (3) implement LB82. Mr. Wacker seconded the motion. Members Gerrard, Keegan, Litchfield, Syslo, Tagge, Wacker, Weander, Wootton and Figard voted YES. Member Kramer abstained. Member Krager was absent. The motion carried.

\* \* \* \* \*

Mr. Schulz reported the following correspondence and general information:

- Board Members were advised of the new State Mileage rate as of January 1, 2019, as posted on the State Accounting Manual website, "*Travel Policies – Personal Auto's.*"
- Board members received a copy of the *Board of Examiners for County Highway and City Street Superintendents* October 5, 2018 meeting minutes.
- Board members received a copy of the *Board of Examiners for County Highway and City Street Superintendents* November 2, 2018 meeting minutes.
- Board members received a copy of the *Board of Examiners for County Highway and City Street Superintendents* January 25, 2019 meeting minutes.

- Board members received a copy November 9, 2018 NDOT news release, *New Highway and Street Superintendents Licensed*.

\* \* \* \* \*

There were no comments from the Audience.

\* \* \* \* \*

Acknowledgement of Visitors.

\* \* \* \* \*

The next regular meeting will be held on May 17 at 9:00 a.m., in the Nebraska Department of Transportation Central Headquarters Building Auditorium, Room 139A, 1500 Highway 2, Lincoln, Nebraska. *(On May 10, 2019, Chairman Figard cancelled the May 17, 2019 meeting for want of a sufficient agenda. The next meeting will be held on June 21, 2019.) (On June 14, 2019, Chairman Figard cancelled the June 21, 2019 meeting for want of a sufficient agenda. The next meeting will be held on July 19, 2019.) (On July 12, 2019, Chairman Figard cancelled the July 19, 2019 meeting for want of a sufficient agenda. The next meeting will be held on September 20, 2019.) (On September 5, 2019, Chairman Figard cancelled the September 20, 2019 meeting for want of a sufficient agenda. The next meeting will be held on October 18, 2019.) (On October 9, 2019, Chairman Figard cancelled the October 18, 2019 meeting for want of a sufficient agenda. The next meeting will be held on November 15, 2019.)*

\* \* \* \* \*

There being no further agenda items, Chairman Figard adjourned the meeting at 11:25 a.m.

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

# NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION



Pete Ricketts, Governor

May 15, 2019

From: The Nebraska Department of Transportation (NDOT);  
The Nebraska Board of Public Roads Classifications and Standards (NBCS); and  
The Nebraska Board of Examiners for County Highway and City Street Superintendents (BEX).

To: County and Municipal Officials: Clerks, Mayors, Board Chairpersons, and County Highway and City Street Superintendents.

Subject: **Notice of change** in One- and Six-Year Plan or Program procedures (OneAndSix); the Standardized System of Annual Reporting (SSAR); the County Road and Bridge Contracts reporting (NBCS Form 1f); the Local Option Sales Tax (LB904, 2006 Certification); the filing of Interlocal Agreements; Relaxation of Standards request; the Annual Certification of County Highway and City Street Superintendent for Incentive Funds; and the County Highway and City Street Superintendent licensure pre-examination training classes and written examination.

As you may be aware, LB82, which became law on March 8, 2019, is the first major change in fifty (50) years to NDOT and county and municipal highway, road and street public record keeping and reporting requirements.

LB82 maintains the requirement that counties and municipalities adopt a OneAndSix annually, but eliminates the annual filing of the OneAndSix and county and municipal Interlocal Agreements with the NBCS. Additionally, LB82 completely eliminates the creation and filing of: a) OneAndSix NBCS Forms 7 through 11; b) SSAR NBCS Forms 1 through 6; c) County Road and Bridge Contracts Report (NBCS Form 1f); and d) LB904, 2006 Local Option Sales Tax Certification; however, counties and municipalities must continue to maintain certain accountings systems and public records as specified in Neb. Rev. Stat. §39-2120; counties must continue to keep public records on road and bridge contracts over \$20,000 in accordance with §39-810(1); and counties and municipalities must continue to keep public records on certain Local Option Sales Taxes in accordance with Neb. Rev. Stat. §39-2510(2) or §39-2520(2). (See "**LB82, 2019 Summary of Major Changes by Section**" enclosed).

In lieu of creating and filing the former NBCS Forms, counties and municipalities will file annually a new "County or Municipal Annual Certification of Program Compliance" form that is signed by the Board Chairperson or Mayor. (See **Attachment #1**). Additionally, the county and municipal "**Year-End Certification of Superintendent for Determining Incentive Payment**" forms will also be updated. (See **Attachments #2 and #3**).

County and Municipal Officials  
May 15, 2019  
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In addition to the current Relaxation of Standards process, LB82 provides an additional method of developing minimum standards of design and maintenance through negotiation with the NBCS.

A copy of LB82 can be found on the Nebraska Legislatures website at:  
<https://nebraskalegislature.gov/>

Finally, the County Highway and City Street Superintendents licensure pre-examination training classes, offered by NDOT and NE-LTAP, and the BEX written examination, will be updated to reflect the changes made by LB82.

Please let me know if you have any questions. Email: [lemoyne.schulz@nebraska.gov](mailto:lemoyne.schulz@nebraska.gov),  
Phone: (402) 479-4436, Fax: (402) 479-3525.

Sincerely,



LeMoyne D. Schulz  
Highway Local Liaison Coordinator  
Secretary for the NBCS and lead staff person for the BEX  
Boards-Liaison Services Section  
Local Assistance Division  
Nebraska Department of Transportation

LDS/

xc: Nebraska Association of County Officials  
League of Nebraska Municipalities  
Nebraska Auditor of Public Accounts, Assistant Deputy Auditor  
Nebraska LTAP  
NBCS Members  
BEX Members  
BEX Examination Preparation & Grading Consultant  
NDOT Communication & Public Policy Division  
NDOT Local Assistance Division  
NDOT Materials & Research Division, Roadway Asset Section  
NDOT District Engineers  
File

Enclosures

NBCS mtg. 1  
Attachment No. 1  
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## LB82, 2019 SUMMARY OF MAJOR CHANGES BY SECTION

COUNTY ROAD & BRIDGE CONTRACT REPORTING (NBCS Form 1f). **Section 1 of LB82** amends Neb. Rev. Stat. §39-810(1)(e) to completely eliminate the creation and filing of NBCS Form 1f. Counties are still required to maintain public records on road and bridge contracts over \$20,000.

MINIMUM STANDARDS OF DESIGN AND MAINTENANCE AND RELAXATIONS. **Section 5** amends Neb. Rev. Stat. §39-2113 to provide an alternative to the Relaxation of Standards process by allowing NDOT, counties and municipalities the option to negotiate standards of design and maintenance, and by documenting such with a memorandum of understanding or a guidance document.

INTERLOCAL CONTRACTS (AGREEMENTS). **Section 6** amends Neb. Rev. Stat. §39-2114 to eliminate the filing by counties and municipalities of Interlocal Cooperation or Joint Public Agency Contracts with the NBCS.

ONE- AND SIX-YEAR PLANS OR PROGRAMS (OneAndSix).

- **Six-Year:** **Section 7** amends Neb. Rev. Stat. §39-2115 to provide greater flexibility in the planning and adopting of a Six-Year Plan or Program and eliminates the filing with the NBCS. Although the filing of the Six-Year Plan or Program with the NBCS is no longer required, counties and municipalities must still develop, adopt and annually update and maintain a Six-Year Plan or Program, as a public record, and must annually certify compliance with the NBCS, using the "County or Municipal Annual Certification of Program Compliance" form developed by the NBCS under Neb. Rev. Stat. §39-2120. (See Attachment #1). The filing date for the "County or Municipal Annual Certification of Program Compliance" form is specified in Neb. Rev. Stat. §39-2121(1).

**NOTE:** *Section 7 does not specify a specific Six-Year reporting period (six calendar years or six fiscal years), as that decision will need to be made by the governing body. However, the NBCS recommends that a county or municipality should elect to report on a fiscal or calendar year basis and should then so report.*

**NOTE:** *Section 7 does not specify a specific deadline for adoption of the Six-Year Plan or Program, as that decision will need to be made by the governing body. However, the NBCS recommends that the Six-Year Plan or Program be adopted at the time of the finalization of the budget, but no later than September 30<sup>th</sup> of each year.*

- **One-Year:** **Section 9** amends Neb. Rev. Stat. §39-2119 to provide greater flexibility in the planning and adopting of a One-Year Plan or Program and eliminates the filing of the One-Year Plan or Program with the NBCS. Although the filing with the NBCS is no longer required, a One-Year Plan or Program must be developed; a public hearing must be held; and approval by the governing body is required. The public hearing may be held prior to, or in conjunction with, the public hearing on the proposed budget statement. Counties and municipalities must annually certify compliance to the NBCS, using the "County or Municipal Annual Certification of Program Compliance" form developed by the NBCS under Neb. Rev. Stat. §39-2120. (See Attachment #1). The filing date for the "County or Municipal Annual Certification of Program Compliance" form is specified in Neb. Rev. Stat. §39-2121(1).

**NOTE:** *Section 9 does not specify a specific One-Year reporting period (calendar year or fiscal year), as that decision will need to be made by the governing body. However, the NBCS recommends that a county or municipality should elect to report on a fiscal or calendar year basis and should then so report.*

**NOTE:** *Section 9 does not specify specific minimum public hearing requirements, a public hearing date or a deadline for adoption as those decisions will need to be made by the governing body. However, the NBCS recommends that the One-Year Plan or Program be adopted at the time of the finalization of the budget, but no later than September 30<sup>th</sup> of each year.*

NBCS Mtg. 1  
Attachment No. \_\_\_\_\_

## LB82, 2019 SUMMARY OF MAJOR CHANGES BY SECTION

**NOTE:** For those 2019 One- and Six-Year Plan or Program due March 1, 2019, once the filing is complete with the NBCS, a county or municipality will no longer be required to file a future OneAndSix with the NBCS. Additionally, any revisions to the 2019 One-Year Plan or Program adopted by a county or municipality after LB82 became law (March 8, 2019) will no longer be filed with the NBCS.

**(NEW) "COUNTY or MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE" FORM REPLACES THE STANDARDIZED SYSTEM OF ANNUAL REPORTING (SSAR).** Section 10 amends Neb. Rev. Stat. §39-2120 to completely eliminate the SSAR and replaces it with the "County or Municipal Annual Certification of Program Compliance" form. (See Attachment #1).

**(NEW) "COUNTY or MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE" FORM FILING DATE.** Section 11 amends Neb. Rev. Stat. §39-2121(1) to specify the filing date for the "County or Municipal Annual Certification of Program Compliance" form. (See Attachment #1).

**NOTE:** NDOT files by July 31<sup>st</sup>, and counties and incorporated municipalities file by October 31<sup>st</sup>.

### INCENTIVE PAYMENTS.

- **Counties:** Section 13 amends Neb. Rev. Stat. §39-2502 to eliminate the filing of the OneAndSix and SSAR with the NBCS by the appointed County Highway Superintendent as one of the qualifications to receive Incentive Funds. The year-end certification form will be revised for the 2019 calendar year reporting period to reflect this change. (See Attachment #2, "Year-End Certification of County Highway Superintendent" form).
- **Municipalities:** Section 15 amends Neb. Rev. Stat. §39-2512 to eliminate the filing of the OneAndSix and SSAR with the NBCS by the appointed City Street Superintendent as one of the qualifications to receive Incentive Funds. The year-end certification form will be revised for the 2019 calendar year reporting period to reflect this change. (See Attachment #3, "Year-End Certification of City Street Superintendent" form).

### REPORTING OF LOCAL OPTION SALES AND USE TAX ON MOTOR VEHICLES, TRAILERS, AND SEMITRAILERS. (Certification to NBCS originally required by LB904, 2006).

- **Counties:** Section 14 amends Neb. Rev. Stat. §39-2510(2) to eliminate county reporting to NBCS. In the future counties will create and maintain such determination as a public record and certify the determination using the "County or Municipal Annual Certification of Program Compliance" form. (See Attachment #1).
- **Municipalities:** Section 16 amends Neb. Rev. Stat. §39-2520(2) to eliminate municipal reporting to NBCS. In the future municipalities will create and maintain such determination as a public record and certify the determination using the "County or Municipal Annual Certification of Program Compliance" form. (See Attachment #1).

NBCS mtg. 1  
Attachment No. \_\_\_\_\_  
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**ANNUAL MAILING OF CERTIFICATION FORMS AND RESOLUTIONS**

The attached draft notification letters, forms and resolutions are for information only at this time. The actual notification letters, forms and resolutions for use in 2019 will be mailed to all county, city and village clerks as follows:

The 2019 **“County or Municipal Annual Certification of Program Compliance”** notification letter, form and resolution will be mailed on July 31, 2019, with a due date of **October 31, 2019**. A reminder (second mailing) will be sent on September 30, 2019.

The 2019 **“Year-End Certification of Superintendent”** notification letter, form and resolution will be mailed on November 1, 2019, with a due date of **December 31, 2019**. A reminder (second mailing) will be sent on December 1, 2019.

# NEBRASKA

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## DEPARTMENT OF ROADS



May 15, 2019

To County, City and Village Clerks

Pete Ricketts, Governor

Notice of change in county and municipal highway, road and street reporting requirements to the Nebraska Board of Public Roads Classifications and Standards (NBCS). Reference LB82, 2019.

Roger A. Figard  
Lincoln

The enclosed "NEW" COUNTY or MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE form and "NEW" Resolution authorizing the signing of the certification by the Board Chairperson or Mayor, replaces the annual filing of the One- and Six-Year Plan or Program and the former Standardized System of Annual Reporting (SSAR) with the NBCS.

LeRoy G. Gerrard  
Stromsburg

Barbara J. Keegan  
Alliance

To avoid the suspension of Highway-user Revenue to your county or municipality, following adoption of the One- and Six-Year Plan or Program and Annual Budget, please complete the enclosed COUNTY or MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE form and RESOLUTION and return them to the NBCS by October 31, 2019. Reference Neb. Rev. Stat. §§39-2120 and 39-2121(1).

John F. Krager, III  
Omaha

Lisa Kramer  
Kennard

Penalties for failure to comply can be found in the following State Statutes:

James A. Litchfield  
Wakefield

- Failure to comply with the provisions of Neb. Rev. Stat. §39-2115.
- Failure to comply with the provisions of Neb. Rev. Stat. §39-2119.
- Failure to file the County or Municipal Annual Certification of Program Compliance form with the NBCS, Neb. Rev. Stat. §39-2121(2).
- Filing of a materially false County or Municipal Annual Certification of Program Compliance form, Neb. Rev. Stat. §39-2121(3).
- Construction below minimum standards without the prior approval of the NBCS, Neb. Rev. Stat. §39-2121(3).

Mick Syslo  
Lincoln

Darold E. Tagge  
Holdrege

David L. Wacker  
Hastings

Timothy W. Weander  
Omaha

**While the signature of the County Highway or City Street Superintendent is optional on the certification, the NBCS strongly recommends that the superintendent sign this certification if said county or municipality has a superintendent.**

Edward R. Wootton, Sr.  
Bellevue

LeMoyné D. Schulz  
Secretary – ex officio

Please let me know if you have any questions. Email: [lemoyne.schulz@nebraska.gov](mailto:lemoyne.schulz@nebraska.gov), Phone: (402) 479-4436, Fax: (402) 479-3525.

Sincerely,

LeMoyné D. Schulz  
Secretary for the Board

LDS/

xc: File

Enclosures

NBCS mtg. 1  
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Kyle Schneeweis, 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](http://roads.nebraska.gov)

Attachment No. 1  
Page 1 of 3 Pages

**COUNTY or MUNICIPAL  
ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE  
TO  
NEBRASKA BOARD OF PUBLIC ROADS CLASSIFICATIONS  
AND STANDARDS  
2019**

In compliance with the provisions of the State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2510(2) for counties or 39-2520(2) for incorporated municipalities, requiring annual certification of program compliance to the Board of Public Roads Classifications and Standards, the County  City  Village  of \_\_\_\_\_ hereby certifies that it:  
(Check one box) (Print name of jurisdiction)

- ✓ has developed, adopted, and included in its public records the plans, programs, or standards required by sections 39-2115 and 39-2119;
- ✓ meets the plans, programs, or standards of design, construction, and maintenance for its highways, roads, or streets;
- ✓ expends all tax revenue for highway, road, or street purposes in accordance with approved plans, programs, or standards, including county and municipal tax revenue as well as highway-user revenue allocations;
- ✓ uses a system of revenue and costs accounting which clearly includes a comparison of receipts and expenditures for approved budgets, plans, programs, and standards;
- ✓ uses a system of budgeting which reflects uses and sources of funds in terms of plans, programs, or standards and accomplishments;
- ✓ uses an accounting system including an inventory of machinery, equipment, and supplies;
- ✓ uses an accounting system that tracks equipment operation costs;
- ✓ has included in its public records the information required under subsection (2) of section 39-2510 for counties or subsection (2) of section 39-2520 for incorporated municipalities; and
- ✓ **has attached to this certification, a copy of the resolution of the governing body authorizing the signing of this certification by the Board Chairperson or Mayor.**

\_\_\_\_\_  
Signature of Board Chairperson  or Mayor  (Required)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature of County Highway or City Street Superintendent (Optional)

\_\_\_\_\_  
(Date)



**Return the completed original certification and resolution annually by October 31<sup>st</sup> to:**

Nebraska Board of Public Roads Classifications and Standards  
PO Box 94759  
Lincoln NE 68509

*NBCS mtg. 1*  
Attachment No. \_\_\_\_\_

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RESOLUTION

SIGNING OF THE COUNTY or MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM

Resolution No. \_\_\_\_\_

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2510(2) for counties or 39-2520(2) for incorporated municipalities, requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards, and

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each county and municipality shall be signed by the board chairperson or mayor and shall include a copy of a resolution of the governing body of the county or municipality authorizing the signing of the certification form.

Be it resolved that the Board Chairperson  Mayor  of \_\_\_\_\_ is hereby authorized to sign the attached County or Municipal Annual Certification of Program Compliance Form.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ Nebraska.

Board/Council Members

Four horizontal lines for Board/Council Members' signatures.

Board/Council Member \_\_\_\_\_ Moved the adoption of said resolution Member \_\_\_\_\_ Seconded the Motion Roll Call: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Abstained \_\_\_\_\_ Absent Resolution adopted, signed and billed as adopted

NB CS Mtg. 1 Attachment No. \_\_\_\_\_

Attest:

Page 8 of 14 Pages

Signature of Clerk \_\_\_\_\_

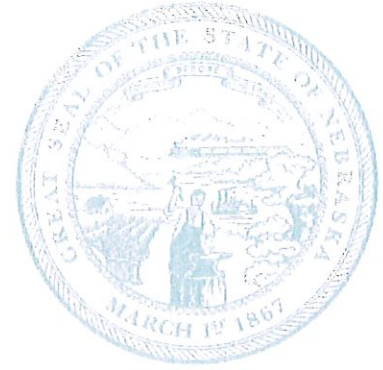
Attachment No. \_\_\_\_\_

Page 3 of 3 Pages

# NEBRASKA

Good Life. Great Journey.

## DEPARTMENT OF TRANSPORTATION



Steve Ricketts, Governor

bex3  
4-16-19  
November 1, 2019

«Clerk»  
«Title»  
«Address»  
«Address2»  
«City» «State» «Zip»

The enclosed "NEW" YEAR-END CERTIFICATION OF COUNTY HIGHWAY SUPERINTENDENT form is the basis for determining your calendar year 2019 Incentive funds. The amount will be computed based on (a) your most recent Federal Census, rural population; (b) whether or not your county appointed a licensed County Highway Superintendent for all 12 months; (c) class of license, A or B; (d) whether your Superintendent is employed by the county or under contract (consultant or interlocal agreement with another county or incorporated municipality); and (e) whether or not the Superintendent performed all of the duties required by law. Reference Neb. Rev. Stat. §§ 39-2501 through 39-2505. If your county does not have an appointed County Highway Superintendent, write "County Board" as the name of "Superintendent."

**Please complete the form and return it to us by December 31, 2019, together with the following documents. Payment is scheduled for February 2020. Failure to return the certification, meeting minutes and resolution may result in your county not receiving an Incentive Payment for Calendar Year 2019.**

- A copy of the County Board meeting minutes showing the appointment of the County Highway Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant or interlocal agreement with another county or incorporated municipality).
- A copy of a resolution of the County Board authorizing the signing of the Year-End Certification of County Highway Superintendent form by the County Board Chairperson.

Please let me know if you have any questions. Email: [lemoyne.schulz@nebraska.gov](mailto:lemoyne.schulz@nebraska.gov), Phone: (402) 479-4436, Fax: (402) 479-3525.

Sincerely,

LeMoyne D. Schulz  
Highway Local Liaison Coordinator  
Boards-Liaison Services Section  
Local Assistance Division  
Nebraska Department of Transportation  
LDS/coding

Enclosures

NBCS Mtg. 1  
Attachment No. 1  
Page 9 of 14 Pages

# Year-End Certification of County Highway Superintendent For Determining Incentive Payment January 1, 2019 to December 31, 2019

\*This certifies that \_\_\_\_\_, License Number S- \_\_\_\_\_ Class \_\_\_\_\_,  
(Print name of Superintendent as appears on license card) (A or B)  
was the appointed County Highway Superintendent of \_\_\_\_\_ County  
(Print name of County)  
from \_\_\_\_\_, 2019 to \_\_\_\_\_, 2019  
Month Date Month Date

**and actually performed all of the following duties:**

1. Developing and annually updating a long-range plan based on needs and coordinated with adjacent local governmental units;
2. Developing an annual program for design, construction, and maintenance;
3. Developing an annual budget based on programmed projects and activities;
4. Submitting such plans, programs, and budgets to the local governing body for approval; and
5. Implementing the capital improvements and maintenance activities provided in the approved plans, programs, and budgets.
- ~~6. Preparing and submitting annually to the Board of Public Roads Classifications and Standards the one-year plans, six-year plans, or annual metropolitan transportation improvement programs of the county for highway, road, and street improvements as set forth in sections 39-2115 to 39-2117, 39-2119, and 39-2119.01 and a report showing the actual receipts, expenditures, and accomplishments compared with those budgeted and programmed in the county's annual plans as set forth in section 39-2120.~~

And further certifies that the superintending services of the above listed individual were provided by: (Check one)

- Employment with this County       Contract (consultant) with this County       Contract (interlocal agreement) between this County and the following listed County(ies) and/or Municipality(ies)
- \_\_\_\_\_

\_\_\_\_\_  
Signature of County Board Chairperson

\* If more than one individual, in succession, provided superintending services during the calendar year, list each successive superintendent on a separate form. The amount will be computed based on (a) your most recent Federal Census, rural population; (b) whether or not your county appointed a licensed County Highway Superintendent for all 12 months; (c) class of license, A or B; (d) whether your Superintendent is employed, or under contract (consultant or interlocal agreement with another county or incorporated municipality); and (e) whether or not the Superintendent performed all of the duties listed. Reference Neb. Rev. Stat. §§ 39-2501 through 39-2505. If your county does not have an appointed Superintendent, write "County Board" as the name of "Superintendent." **Failure to return the certification, meeting minutes and resolution may result in your county not receiving an Incentive Payment for Calendar Year 2019.**

\*\*\*\*\*

In addition to this annual, Year-End certification of superintendent to the Nebraska Department of Transportation, (due December 31<sup>st</sup>), the county is also responsible for filing the "County or Municipal Annual Certification of Program Compliance" form with the Board of Public Roads Classifications and Standards (due October 31<sup>st</sup>). Reference Neb. Rev. Stat. §§ 39-2115, 39-2119, 39-2120, 39-2121 and 39-2510(2).



NBCS Mtg. /  
Attachment No. \_\_\_\_\_  
Page 10 of 14 Pages

**Return the completed original certification to:**  
Highway Local Liaison Coordinator  
Boards-Liaison Services Section  
Local Assistance Division  
Nebraska Department of Transportation  
PO Box 94759  
Lincoln NE 68509-4759  
Attachment No. 2  
Page 2 of 3 Pages



RESOLUTION

SIGNING OF THE YEAR-END CERTIFICATION OF COUNTY HIGHWAY SUPERINTENDENT FORM

Resolution No. \_\_\_\_\_

Whereas: State of Nebraska Statutes, sections 39-2302, and 39-2501 through 39-2505 details the requirements that must be met in order for a county to qualify for an annual Incentive Payment;

Whereas: The State of Nebraska Department of Transportation (NDOT) requires that each county must annually certify (by December 31st of each year) the appointment of the County Highway Superintendent to the NDOT using the Year-End Certification of County Highway Superintendent form;

Whereas: The NDOT requires that such certification shall also include a copy of the meeting minutes showing the appointment of the County Highway Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), and type of appointment, i.e., employed or under contract (consultant, or interlocal agreement with a county or incorporated municipality); and

Whereas: The NDOT also requires that such Year-End Certification of County Highway Superintendent form shall be signed by the County Board Chairperson and shall include a copy of a resolution of the County Board authorizing the signing of the Year-End Certification of County Highway Superintendent form by the County Board Chairperson.

Be it resolved that the County Board Chairperson of \_\_\_\_\_ County is hereby authorized to sign the attached Year-End Certification of County Highway Superintendent form.

(Print Name of County)

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_, Nebraska.

(Month)

Board Members

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

County Board Member \_\_\_\_\_  
Moved the adoption of said resolution  
Member \_\_\_\_\_ Seconded the Motion  
Roll Call: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Abstained \_\_\_\_\_ Absent  
Resolution adopted, signed and billed as adopted.

Attest:

\_\_\_\_\_  
Signature of County Clerk

NBCS mtg. 1  
Attachment No. \_\_\_\_\_  
Page 11 of 14 Pages

Attachment No. 2

# NEBRASKA

Good Life. Great Journey.

## DEPARTMENT OF TRANSPORTATION



Pete Ricketts, Governor

Bex4  
Revised 4-17-19  
November 1, 2019

«Clerk»  
«CityName» «Title»  
«Address»  
«Address2»  
«City» «State» «Zip»

The enclosed "NEW" YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT form is the basis for determining your calendar year 2019 Incentive funds. The amount will be computed based on (a) your most recent Federal Census as certified by the Tax Commissioner; (b) whether or not your municipality appointed a licensed City Street Superintendent for all 12 months; (c) class of license, A or B; and (d) whether or not the Superintendent performed all of the duties required by law. Reference Neb. Rev. Stat. §§ 39-2511 through 39-2515. If your city or village does not have an appointed City Street Superintendent, write "City Council" or "Village Board" as the name of "Superintendent."

**Please complete the form and return it to us by December 31, 2019, together with the following documents. Payment is scheduled for February 2020.** Failure to return the certification, meeting minutes and resolution may result in your municipality not receiving an Incentive payment for Calendar Year 2019.

- A copy of the City Council or Village Board meeting minutes showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), and type of appointment, i.e., employed or under contract (consultant or interlocal agreement with another county or incorporated municipality).
- A copy of a resolution of the City Council or Village Board authorizing the signing of the Year-End Certification of City Street Superintendent form by the City Mayor or Village Board Chairperson.

Please let me know if you have any questions. Email: [lemoyne.schulz@nebraska.gov](mailto:lemoyne.schulz@nebraska.gov), Phone: (402) 479-4436, Fax: (402) 479-3525.

Sincerely,

LeMoyne D. Schulz  
Highway Local Liaison Coordinator  
Boards-Liaison Services Section  
Local Assistance Division  
Nebraska Department of Transportation  
LDS/coding

Enclosures

NBCS mtg. /  
Attachment No. \_\_\_\_\_  
Page 12 of 14 Pages

# Year-End Certification of City Street Superintendent For Determining Incentive Payment

**January 1, 2019 to December 31, 2019**

\*This certifies that \_\_\_\_\_, License Number S- \_\_\_\_\_ Class \_\_\_\_\_,  
(Print name of Superintendent as appears on license card) (A or B)  
 was the appointed City Street Superintendent of \_\_\_\_\_  
(Print name of City or Village)  
 from \_\_\_\_\_, 2019 to \_\_\_\_\_, 2019  
Month Date Month Date

**and actually performed all of the following duties:**

1. Developing and annually updating a long-range plan based on needs and coordinated with adjacent local governmental units;
2. Developing an annual program for design, construction, and maintenance;
3. Developing an annual budget based on programmed projects and activities;
4. Submitting such plans, programs, and budgets to the local governing body for approval; and
5. Implementing the capital improvements and maintenance activities provided in the approved plans, programs, and budgets.
- ~~6. Preparing and submitting annually to the Board of Public Roads Classifications and Standards the one-year plans, six-year plans, or annual metropolitan transportation improvement programs of the municipality for highway, road, and street improvements as set forth in sections 39-2115 to 39-2117, 39-2119, and 39-2119.04 and a report showing the actual receipts, expenditures, and accomplishments compared with those budgeted and programmed in the annual plans of the municipality as set forth in section 39-2120.~~

And further certifies that the superintending services of the above listed individual were provided by: *(check one)*

- Employment with this Municipality     
  Contract (consultant) with this Municipality     
  Contract (interlocal agreement) between this Municipality and the following listed Municipality(ies) and/or County(ies)  
 \_\_\_\_\_

Signature of Mayor  or Village Board Chairperson

**\* If more than one individual, in succession, provided superintending services during the calendar year, list each successive superintendent on a separate form.** The amount will be computed based on (a) your most recent Federal Census as certified by the Tax Commissioner; (b) whether or not your municipality appointed a licensed City Street Superintendent for all 12 months; (c) class of license, A or B; and (d) whether or not the Superintendent performed all of the duties listed. *Reference Neb. Rev. Stat. §§ 39-2511 through 39-2515.* If your city or village does not have an appointed City Street Superintendent, write "City Council" or Village Board" as the name of "Superintendent." **Failure to return the certification, meeting minutes and resolution may result in your municipality not receiving an Incentive Payment for Calendar Year 2019.**

\*\*\*\*\*

*In addition to this annual, Year-End certification of superintendent to the Nebraska Department of Transportation, (due December 31<sup>st</sup>), the municipality is also responsible for filing the "County or Municipal Annual Certification of Program Compliance" form with the Board of Public Roads Classifications and Standards (due October 31<sup>st</sup>). Reference Neb. Rev. Stat. §§ 39-2115, 39-2119, 39-2120, 39-2121 and 39-2520(2).*



**Return the completed original certification to:**

Highway Local Liaison Coordinator  
 Boards-Liaison Services Section  
 Local Assistance Division  
 Nebraska Department of Transportation  
 PO Box 94759  
 Lincoln NE 68509-4759

NBCS mtg. /  
 Attachment No. \_\_\_\_\_  
 Page 13 of 14 Pages

Attachment No. 3  
 Page 2 of 3 Pages

RESOLUTION

SIGNING OF THE YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT FORM

Resolution No. \_\_\_\_\_

Whereas: State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment;

Whereas: The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31<sup>st</sup> of each year) the appointment of the City Street Superintendent to the NDOT using the Year-End Certification of City Street Superintendent form;

Whereas: The NDOT requires that such certification shall also include a copy of the meeting minutes showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), and type of appointment, i.e., Employed, Contract Consultant, or Interlocal Agreement with a county or incorporated municipality; and

Whereas: The NDOT also requires that such Year-End Certification of City Street Superintendent form shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent form by the Mayor or Village Board Chairperson.

Be it resolved that the Mayor  or Village Board Chairperson  of \_\_\_\_\_  
(Print Name of Municipality)  
is hereby authorized to sign the attached Year-End Certification of City Street Superintendent form.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_, Nebraska.  
(Month)

City Council/Village Board Members

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

City Council/Village Board Member \_\_\_\_\_  
Moved the adoption of said resolution  
Member \_\_\_\_\_ Seconded the Motion  
Roll Call: \_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Abstained \_\_\_\_ Absent  
Resolution adopted, signed and billed as adopted.

Attest:

\_\_\_\_\_  
Signature of City/Village Clerk

NBCS Mtg. 1  
Attachment No. \_\_\_\_\_  
Page 14 of 14 Pages