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Transportation and Telecommunications Committee
September 29, 2014

[LR528]

The Committee on Transportation and Telecommunications met at 1:30 p.m. on Monday, September 29, 2014, in the Syracuse Public Library, Syracuse, Nebraska, for the purpose of conducting a public hearing on LR528. Senators present: Annette Dubas, Chairperson; Jim Smith, Vice Chairperson; Lydia Brasch; and Dan Watermeier. Senators absent: Galen Hadley; Charlie Janssen; Beau McCoy, and John Murante.

[LR528]

SENATOR DUBAS: Good afternoon. My name is Senator Annette Dubas. I represent Legislative District 34 and I am the Chair of the Transportation and Telecommunications Committee. Welcome to the interim hearing on LR528 and that is to look at the financing, maintenance, and replacement of county bridges. I'll take the opportunity to introduce the senators who are with us today. We have someone that probably most of you in this room know, to my far right Senator Dan Watermeier; Senator Lydia Brasch from Bancroft. To my immediate left is Senator Jim Smith from Papillion; he is the Vice Chair of the committee. And then at the table over there on the side is Anne Hajek; she is the committee clerk. And Anna Eickholt, who is the committee's research assistant. So we're very happy to be here in Syracuse at your beautiful library. This is a very nice facility and appreciate you taking the time to come out and join us today. Interim hearings are a little bit different than our traditional legislative hearings. They are a lot less formal. We don't have people who come up and take a proponent position or opponent position. It's just the committee's chance to gather information to prepare for the upcoming legislative session. If there would happen to be legislation that comes out of the hearing, well, then there's usually a report that is issued so senators can look to that report as legislation moves forward. So it's kind of on a first-come-first-serve basis for the person who is brave enough to get up and be the first testifier. And then once...when you come to the table, we would ask that you state and then spell your name for the record. Again, this is to help our clerk build a good record and should there be some questions they would know who to reach out to and get back in touch with you

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for any clarification. And then once you're done with your testimony or what you have to say, the committee will then have the opportunity to ask questions. I promise we won't be, you know, really hard on you. This is not an interrogation. We appreciate you coming forward and sharing your expertise and your thoughts and your ideas with us. So we want to...we appreciate that. There on the table by the doors there is a white sheet that if you're here you just want it on the record that you're here and maybe some comments, go ahead and sign that white sheet. If you do plan on coming forward to testify, there's a pink sheet with information and when you come forward just leave that on the table and we'll get that. Again, that's just to help with our recordkeeping; and if there should be any questions, we can...we have a record of who you are and how to get in touch with you. I would ask that you silence your cell phones because that does interfere with our recording device. So if you could silence those, we would really appreciate it. And if you do have to have some conversations, if you would take those out in the hallway we'd appreciate that as well. I think I've taken care of the housekeeping. And we are ready to begin this hearing on LR528. And we have a brave soul who is ready get up and break the ice for us, so welcome. [LR528]

TIMOTHY W. NELSEN: Senator Dubas, members of the committee, my name is Timothy Nelsen. I'm a commissioner here in Otoe County. I want to thank you for holding the hearing here today. And I want to thank you for doing the bridge tour and braving the storms the other day. I think that was at least helpful so that you understand. To somewhat reiterate the information that was received at the bridge tour, basically counties, it's estimated, to have between 40,000 and 60,000 bridges in the state. And they're conservative estimate, I would say, that there's about 22,000 bridges in the state that are owned by the county that are substandard. One of the construction folks the other day told you that he thought it was probably in the neighborhood of a \$5 billion, with a "b", potential hole in order to fix the problem to standards. Last time I looked at your budget, I didn't think you had \$5 billion extra. So when Senator Dubas and I were talking, Senator Watermeier were talking, they asked if there were some simple solutions that could aid counties in trying to do this without busting the state's

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budget. With that in mind, I've put together just a couple of items that I want to talk to you about. Part of them I understand this committee would not have jurisdiction over. And yet I would encourage you to consider putting in a bill on the items, and certainly consider you...ask for your assistance in getting it passed in the Legislature. The county as it sets now have two different lid requirements. One is constitutional, and that's the 50 cent lid that everybody is familiar with, and Henry Larry (phonetic) can tell us for sure, I think it was about 25 years ago that they put in a 5 percent lid for budget increases. So we have a dual-lid process inside of the state. We think that you should at least consider taking off the 5 percent lid for a number of different reasons. The state made a decision two years ago...three years ago to cut all aid to counties and cities. And by doing that, remember that in reality a county government is a sublevel of a state government. The senators pass a law signed by the Governor and the enforcement and the carrying out of those laws are done by your county governments. In Otoe County, between 25 percent and 35 percent of our mainline budget is on state unfunded mandates. So say, basically, a third of those. Then with the 5 percent budget lid on top, it creates a problem. I mean, to give you some idea, about half of our budget increase in Otoe County this year was simply done for the cost of healthcare. It's a massive cost inside the budget item. I began working for Otoe County nearly 30 years in their legal department, became a commissioner six years ago, and I can tell you that in the last six years it went up 40 percent or so during that period of time. I know the state has the same problem. I mean, I understand where you're at. But if you could consider getting rid of the 5 percent lid limit, you're going to be able to help counties to raise money. Now everybody always worries about taking lids off. I don't care if they're in the state senate or in the county government. And I don't think any of you sat here, but about seven years ago we asked and had introduced a bill that said--county commissioners are technically responsible for the budgets of the county, but we have no authority to control those budgets. At that point if a sheriff gave us a budget, your only option was to pass it. So we went to the Legislature and said--county board...the county board should be not only responsible for the budget, but also have the authority to ax things in the budget to do it. There was great angst in the Legislature at that time because they feared that

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there was going to be this huge lawsuit problem across the state of Nebraska. I'm happy to tell you that county board members are adults, as are elected officials. And in all 93 counties, after the law was passed, there have been no lawsuits in the intervening three years. We have the expertise; we have the ability to manage our budgets. Certainly, we're not going to go crazy on the lid limits, and yet realistically we have to pay for these. In Otoe County alone, we have 292 bridges in the county. Of those, to date there's 25 closed. We average about four to five bridges closed a year and we average about three bridges being opened. And this has been the way it is for a long time. We don't have the authority to do it in order to solve the problem. The second equation of the lid limit is also the bonding authority. We do not presently have bonding authority for road and bridge projects. And we would ask you to consider allowing road and bridge projects to be bonded by the commissioners to a, you know, a certain level. We in Otoe County in '08 had a massive flood out by Senator Watermeier's farm. And it wiped out six or seven bridges in the county. So there were fewer bridges which is nice except for fewer bridges require a 20 percent matching fund by the county. We're talking about \$3 million. Now the federal government allows you to bond for federal highway funds. And Otoe County did that; we bonded \$5 million and were able to open up all those bridges. We would have no ability to do that if we couldn't bond. And in reality, if we're talking about major projects inside the county, again it doesn't cost the state any money to allow us to bond, but it seems to me that that's a simple-sense solution, as Senator Dubas said, that can help counties with this. Now to the portion that you're not going to like in the testimony. We are, in essence, a sublevel of state government. But we also feel that we're a whipping boy of the State Department of Roads. We've had unbelievable battles over the last few years trying to figure out how the bridges are going to be managed. So let me give you some specific examples. Five years ago, the Department of Roads mandated for counties in the state to all send people to a responsible charge class called a RC class. It cost millions of dollars for us to all send our highway superintendents, in some cases commissioners went, there were a couple of county clerks in the state that did it, this was all mandated. If you wanted any funds for any bridge projects from the state, you would have the RC person because the state

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simply didn't have time to have a responsible charge person and it's a requirement of the federal aid program to do this. Everyone complied. The intervening four years after that, the counties also had to go back for updates. In Otoe County alone, we estimated that the cost to the county was about \$30,000 to do this. Well, then came the '08 stimulus funds which are both the bane and the blessing to certain areas in the state that came through in its part of the federal government funds. What those funds did was require the state to use shovel-ready projects which the state, incidentally, defined as Douglas, Sarpy, Lancaster, and Hastings (sic) Counties and the rest of us all were not considered eligible for the program. And the state had to get this money out to obligate this money very quickly in order to meet the stimulus plans. So what the state did is they enlarged the amount of people that work at the Department of Roads, we call bloated down here in Otoe County. But you can call it what you want, the fact is is that the number of employees at the Department of Roads went up. Well now the stimulus money is gone. So the State Department of Roads hasn't, to the best of my knowledge, as of last year when we had a hearing about this, we talked about the item, too, and they've not reduced that number. So, we had all these stimulus fund projects that had to be done. The Department of Roads moved forward and said--we have to have all these extra people to do this stimulus fund projects. And in deed those projects were done, closed, and built, and yet the people remain. Now I'm getting back, and I don't mean to take too long, but I'm getting back to the story at hand. So now we have all these RC people that we've spent lots of money in the state training, mandatory requirements every year, you name it--they had to do this. So last year the Department of Roads said--you know what, we now have the staff capable of doing this, so even though not one RC in the counties, after all this training in all 93 counties, actually performed the duties, the state took back that responsibility and said we're now going to manage those projects for your county because we're the benevolent brothers. And as a result of that, the number of federal-aid bridge projects in the state that are funded by the feds have went down rather dramatically over the five-year period. If first this got blamed on the stimulus funds coming into the state. We're past stimulus. And last year wasn't any better. The fact is, Senators, that the Department of Roads isn't able to get the work

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done. The fact is is that our engineering is faster and cheaper and better; we know what we want in Otoe County. They know what they want in Cheyenne County. Everybody knows what they want. You have elected officials here that are professionals as well that are trying to make good financial decisions for the county. And there's no reason we have to have the State Department of Roads that five years ago wanted nothing whatsoever to do with any county projects, turned all responsibilities over to us, have these new employees that they don't want to get rid of, obviously, and so now the state wants to take over all those responsibilities. There's no reason that the county needs the oversight of the state unless you're going to pay the bill. Again, we shouldn't have to pay the bill for the state to do oversight and engineering when we can do it cheaper, faster, and more effective. The point is is that bridges aren't going to get done unless the federal aid money flows down to counties. We can do those federal requirements much faster than the state bureaucracy can and get the stuff done and get it over with. You're, obviously, going to hear people that disagree with this. And I appreciate that. But I ask you to look at the last ten years. Ask one of your staff aides to look at federal aid county bridges that were funded on a chart for you over ten years. And what you're going to see is a steep decline. One other thing while I'm at the point and then I promise to quit picking on the Department of Roads for you. Two years ago, because during the '10 session, during the 2010 period, no county projects were funded. You get money from the federal government that comes to the state that gets out to the county for federal aid bridges. And in that cycle, there were none funded by the state during that year. There was a massive outcry of which I think there was like 90 commissioners from 90 different counties that were at the hearing and we said--you simply can't shut off the federal money to us, even if you need the money for state projects, if we have no money coming, and it's a federal aid program, and what the state did was what's now commonly called the buy-back program. The buy-back program was very well received, not only in this state but in all the surrounding states that did the program as well. The difference is that Nebraska has the most expensive buy-back program that I'm able to find according to Federal Highway. You...you meaning the state, charge the counties 25 cents for every dollar that comes into the program as a "administration fee" which

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means cutting 93 checks to the counties. It's not a bad job if you have it, but when we have...the same \$25 million is coming in and the state is keeping \$5 million of that. If you want to help out the counties, give us the money that the federal government is...designated for counties and allow us to spend it without administrative costs of the state and things like that. I mean, it seems to me that if you can't cut 93 checks for less than \$25 million, we really need to look at the state system as a whole. The question was asked at the show and tell last week--what can counties do and what can the state do to assist? I don't, frankly, expect the state to go back into the county aid. Mind you, I'd love it if you'd do that, if somebody really has the desire to do that, I would certainly encourage you to put forward that bill and do that. But in reality, I think that that boat has sailed and those dollars are being spent elsewhere and we're not going to get that money back. I do, however, want to pitch for a program that, for 50 years before that, at least 25 that I know before that, worked very well and that was called the "soft match" program. It was a Department of Roads program that said--you spend so much money in an appropriate way--the state set guidelines--bridges, roads, rock, etcetera. You notify the state how much money you spent and we'll match part of that money in a soft-match program. That went away during the budget crisis. And it hasn't been back. And I have no idea what...and maybe Larry can answer that, what the state part of those funds were. I don't know. But that program was very simple for counties. Money actually didn't come out to the counties, the money stayed in the state pot as soft match, so when we had to do state matching funds for federal aid, these kinds of things, the money didn't trade hands, it just came from that pot. There was an argument at the time that not all counties were participating in the program and I submit to you that you can lead a horse to water, but you can't make them drink. If you have commissioners that don't want to be a part of that program, or any program, that's the way it's going to be. And it's up as elected officials to answer to their constituents for that. For us, the program saved Otoe County about \$4 million a year in the soft-match program. We were able to do the last four federal-aid bridges that we did with that money. And I should tell you one quick funny story and then I'll leave. The federal aid...the soft-match money worked for a long time. And if you do...it's proof if you do the bridges yourself, if

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the county...if you let the county in charge of it works, is during the switch over on the buy back money, there was a one-year period where the state was looking for projects because they had excess money from that year that had to be spent or sent back to the federal government and there were no projects in the state system that were done. It is amazing to me to think that there were no projects, with all the state engineers, that were ready to be funded under the county bridge program. Otoe County had four projects ready. We had engineered them ourselves. We paid for the engineering fees. We paid for all those things. All four projects are getting funded by federal aid. For Otoe County it was the largest boon that we've ever seen. And I'm telling you that we can do the job better if you give us the tools and let us do it. Thank you for your time and I'm happy to answer any questions you have. [LR528]

SENATOR DUBAS: Thank you, Commissioner Nelsen. And I don't believe you spelled your name for us, so if you could spell it for the record. [LR528]

TIMOTHY W. NELSEN: Certainly, it's Nelsen, N-e-l-s-e-n. [LR528]

SENATOR DUBAS: Thank you. Are there questions from the committee? [LR528]

TIMOTHY W. NELSEN: Thank you very much. [LR528]

SENATOR DUBAS: Well, I would have...I'm not going to let you get away. Would you explain for the committee's benefit the difference between the bridges that are 20 feet and under and 20 feet and over and how does funding impacted for those smaller, so to speak, bridges versus the larger ones? [LR528]

TIMOTHY W. NELSEN: I'll let Mark Mainelli talk about some of that. But the gist of it is that the state counts bridges at 22 feet and over. But we have a lot of bridges that are less than 22 feet. Those aren't eligible for..they are eligible for state oversight, the inspections fall under that, but the state doesn't count them. So when we talked about

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the large number of 40,000 to 60,000 bridges, the State Department of Roads said--no, no, no, there's not near that many. And that's true if you're counting 22 foot and over. But we're counting actual bridges no matter what the length of that bridge is. If it's a bridge that we have to maintain, inspect, and rebuild, we call that a bridge. [LR528]

SENATOR DUBAS: Any other questions? [LR528]

TIMOTHY W. NELSEN: Thank you very much. [LR528]

SENATOR DUBAS: Appreciate your time. Thank you. Next testifier, please. Welcome. [LR528]

PAMELA L. DINGMAN: (Exhibit 1) Thank you. I'm Pam Dingman, Lancaster County Engineer. My last name is spelled D-i-n-g-m-a-n. Our office is at 444 Cherrycreek, Lincoln, Nebraska. I'm here today to talk to you about Lancaster County bridges. And I did supply you some pictures, because being an engineer I do know that sometimes we get a little dry and sometimes we may supply too much data that doesn't necessarily reference back to anything that you can tie to. Became Lancaster County Engineer on December 14, 2013, an appointment to fill out the prior engineer's term. It was at that point that became painfully aware of the status of our county's bridges. We, similar to Otoe County, have 297 bridges and culverts over 20 feet. Thirty-four of these bridges were built prior to 1950. Eighty are older than 50 years which is the life span of a bridge. In fact, the bridge shown to you on the bottom of the third page that I gave you is our oldest bridge in service in Lancaster County built in 1919. It's actually still in pretty good shape. But not all of our bridges are. My favorite bridge is C-91 on Raymond Road at approximately Northwest 1st Street. This particular bridge was built in 1933. It has been on Lancaster County's one-in-six roadway plan since 1998. This particular bridge overtops several times a year. And, in fact, we believe it overtops somewhere in the range of a two-year and a five-year storm. It overtops so often that when rain is forecast, I actually have the crews go out and drop barricades so that when the sheriff

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reports to me that water is over the road, the barricades can simply be pulled up on the road and the bridge closed. If you turn to the next page of your presentation, you can actually see the Mother's Day storm in our county and the water the morning after over this stretch of road covering nearly 200 feet, approximately a foot and a half deep. In fact, as you look at the picture, you can see that the water is nearly over the top of the guardrail. This is a road that has an average daily traffic count of nearly 1,400 cars a day. You can also see pictures of the rail and pictures of the debris that we clean up from this particular bridge after every storm. Why is this significant? I think what we haven't talked about so far at the hearing is how this damages commerce; how this damages the travel of our public, and the danger of this particular road when water is over it. Now this particular road, while I've been in office, we have not had anyone drive across it with water on it. However, during the same Mother's Day storm, at one location in the city of Lincoln, we did have someone drive through the water and it turned into a rescue situation during the Mother's Day storm. On the next page is a more precarious bridge, somewhat less traveled, in eastern Lancaster County on 176th Street. This particular bridge was installed on 176th Street in 1968. Yet when you look at it, it is easy to tell that it dates prior to there. According to our records, this bridge may have been purchased from the Department of Roads in 1932, installed in Emerald, and then relocated in 1968 to its current location. So when I talk about bridges and their age and the life span being approximately 50 years, here we're looking at a bridge that predates 1932. In fact, as an engineer it has an even more interesting history than that. It's actually a dirt deck truss bridge. So recently when our motor grader caught the edge of this dirt deck bridge and ripped a piece of the decking out, we had quite an issue because we needed to find steel that hadn't been fabricated in nearly a hundred years to replace the bottom of this bridge. And in fact, we were able to find the steel in Kentucky. But after it was shipped to us, we discovered that not like today's standards where we bevel the edges of our steel so that it's easier to handle and easier to install, this steel had a very sharp edge. And in fact, we cut an employee as they took it off of the truck and another employee was cut welding it to the bridge. And again, we have to look at this bridge and we have to say--what is the damage? What is the damage to

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closing a bridge like this? When my colleague at Otoe County talks about closing 25 bridges, what is the cost to commerce of having those roads closed? This particular bridge (inaudible) we were able to fix. I don't know how much longer we'll be able to fix it and I don't know how much longer it will be feasible to fix and repair bridges that are a hundred years old. In Lancaster County, with the new buy-back program, we received \$80,000 last year for bridges. This year we'll receive approximately \$84,000. Lancaster County is also facing a bit of a budget crisis with unfunded mandates. My budget at County Engineering was cut, therefore there will be no bridges built. Why is this significant? Well, because if we were on a standard rotation of replacing our 297 bridges during their life span, we would replace approximately six a year. For the last 25 years, we replaced approximately three a year; for the last two, we've replaced none. It's interesting, because if you look at the total history of Lancaster County and the number of bridges we built a year, the only years that we didn't build bridges were during the wars. So I think that we need to take a serious look at the bridge program overall. I'm very new...I'm very new to the office, but I'm very concerned about the direction in which this is going, and I don't think it requires a long time in office to see that we are in a crisis state with our bridges and our infrastructure. Thank you for your time. [LR528]

SENATOR DUBAS: Thank you very much. Are there questions? Senator Watermeier. [LR528]

SENATOR WATERMEIER: Yes, thank you, Chairman. I've heard the term before, but I forgot it. The one-in-six roadway plan? [LR528]

PAMELA L. DINGMAN: The one-in-six roadway plan is the plan that we lay out, so it's what we're going to commit to building next year. So that's the one. And then the six is years two, three, four, five; it's basically the five years after the next year. We're required to submit those plans to the state and have a public hearing on all of them. [LR528]

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SENATOR WATERMEIER: Oh, is that right? Okay. [LR528]

PAMELA L. DINGMAN: Other questions? [LR528]

SENATOR DUBAS: Senator Brasch. [LR528]

SENATOR BRASCH: Thank you, Madam Chairman. And thank you for your testimony here today, Ms. Dingman. And in District 16, I attended a town hall meeting about a bridge in...by Herman, Nebraska. And the community there was very concerned with the lack of excavation work...they were satisfied with the bridge, but they were saying that flooding was caused by debris, unkept trees, is excavation kept and maintained in Lancaster County or by the state or whose responsibility and could that be one of the factors on some of the flooding? I understand the bridges are old and need repair, but when you're showing me these pictures with all of the sticks and limbs and...where is all that coming from? Probably up north. [LR528]

PAMELA L. DINGMAN: Right. So, well, it is. What happens is, as the road...as the creeks flood, a lot of times they get into the cornstalks. And with the Mother's Day storm, which is where you see the one photo of bridge C-91, of course it was Mother's Day so the fields all had cornstalks in it. And I have to say that I was a bit surprised at how truly heavy cornstalks are once they're wet and mud packed. Right? And so we do go out after the storms and we dig all of the cornstalks out, all the dead trees out. But it's just part of the natural process. Recently, on one of my truss bridges in northern Lancaster County on Salt Creek Road, we actually had an entire cottonwood with its root ball stuck up on the truss bridge during some of the flash flooding that we experienced from Saunders County. So it's part of the natural progression and it does require constant maintenance. It's a bit scary to stand and watch some of these flood waters, the flash flood in particular. What was dramatic about it, I think, was seeing these large trees float down the drainageway and then hit the bridge and kind of clunk

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around for a little while and shoot back through the other side. In particular, the bridge that I had an eye on that night was a 1942 truss bridge. And you know it makes you wonder how many more...how many more hits it can take. [LR528]

SENATOR BRASCH: Very good. That's...just curious on the maintenance, if that was an issue on the excavation. [LR528]

PAMELA L. DINGMAN: It is an issue. We did track it with the Mother's Day storm; mainly because, again, I'm the new person in the office. I tracked it to...in case we got to a FEMA point of funding. In this particular case, it was about \$350,000 of maintenance that it took to clean up from that one storm. Of course, that's not a funded event. It takes away from our general maintenance of roads and other structures, but whenever we do have an emergency, we do focus on getting all those structures clean and, quite frankly, reinspected to make sure they're still safe. [LR528]

SENATOR BRASCH: Very good. I have no other questions. Thank you. [LR528]

PAMELA L. DINGMAN: Thank you. [LR528]

SENATOR DUBAS: Senator Smith. [LR528]

SENATOR SMITH: Thank you, Senator Dubas. So I am going back to what Senator Dubas was asking. Are the floods increasing in their...in the volume of water that's coming through there because of greater development upstream? Is there a greater amount of water coming through there now? [LR528]

PAMELA L. DINGMAN: Well, in the case of Lancaster County, and in particular the bridge, C-91, on Raymond Road and Northwest 1st Street, that is a very rural area. So the bridges that I have jurisdiction on are all outside of the city of Lincoln limits and I don't have any that are particularly impacted by upstream development at this time.

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SENATOR SMITH: Okay. So the volume is pretty much the same that we've seen for a number of years. [LR528]

PAMELA L. DINGMAN: That's correct. [LR528]

SENATOR SMITH: Okay. Thanks. [LR528]

SENATOR DUBAS: Any other questions? I would have a couple for you. And I appreciate you coming down and the pictures, the visuals really do help make your case and make your point. Now you talked about your one-in-six-year plan, but yet you said in the last several years there have been absolutely no bridges constructed. So do you just kind of keep resubmitting the same plan? What is it that you're doing to...? [LR528]

PAMELA L. DINGMAN: Well, what we do, somewhat like my colleague explained from Otoe County, is we have a few projects that are on the shelf and we kind of hope. It's like winning the lottery, we hope that there's somehow money made available. We do turn those projects in on that one-in-six as a standby project so that if money did become available that we could go ahead and direct those funds to those projects. But in particular, I mean I think that's what makes bridge C-91 so intriguing is that it has either been in the one-year plan or the standby plan since 1998 and we've still never found funds to build it. In fact, when it was originally estimated, it was estimated at around \$700,000 with the requirements...\$700,000 cost in 1998. With the requirements that we now have with FEMA and the EPA and the Army Corps of Engineers and, of course, this is an endangered tiger beetle habitat, we estimate that this bridge will now cost around \$1.2 million. [LR528]

SENATOR DUBAS: You talk about how much you've received over the last couple of years in buy-back. And so what are you doing with that...those dollars? I mean, certainly

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\$84,000, when you just talked about a million dollars, kind of a gap there. So what are you doing with those dollars? [LR528]

PAMELA L. DINGMAN: What we're doing with those dollars is we're putting them in a sinking fund, savings account, so to speak. And when we get enough money that we can afford to build a structure, we will build a structure. [LR528]

SENATOR DUBAS: Do you have any bridges that you have closed? [LR528]

PAMELA L. DINGMAN: As of this date, I do not have any bridges that I have closed. We did repair the bridge, that you see the photos of, last week. So prior to that it had been closed for several weeks. [LR528]

SENATOR DUBAS: I'm going to make an assumption here, and that's always a dangerous thing to do, but looking at the population base in eastern Nebraska versus as you continue to go west, especially in the rural areas, you know, we don't have quite the population base that you do here in the eastern part of the state. In rural Lancaster County, are you still dealing with a pretty good population base or are you dealing with more bigger farms and so there's not quite the people living out in the country? [LR528]

PAMELA L. DINGMAN: I don't really know the answer to your question, mainly because, and I'll apologize, it's not truly within the engineering parameters that I would generally think, so I'll humbly apologize for answering your question with a bit of a different answer. So what we do in order to focus our improvement dollars is we keep track of what we call the ADT, average daily traffic count. So we count traffic of this exceptionally nerdy map that if you have bifocals or a magnifying glass you can see, and we look at those counts in order to focus our dollars where they make the most sense. [LR528]

SENATOR DUBAS: That would make sense, absolutely. [LR528]

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PAMELA L. DINGMAN: And it doesn't always go to daily traffic counts. I'll say we have one bridge that has a daily traffic count of three, but yet it's a very important bridge because one of the village's well fields are on the other side of this bridge. So it's important that the village have easy access to their well. [LR528]

SENATOR DUBAS: Have you been contacted by any school districts with concerns about bridges or that bridges have caused a problem for them sending school buses out and about? [LR528]

PAMELA L. DINGMAN: I do know that we have had some problems with school buses and bridges. I have not currently been contacted or notified of any...I do expect that I will hear from the school districts during my public hearing on October 28 on the one-in-six plan. [LR528]

SENATOR DUBAS: Commissioner Nelsen had some suggestions with things that could be...if it didn't completely solve the problem would begin to help address some of the things. Would you agree with those ideas that he put forward and would you have any others of your own? [LR528]

PAMELA L. DINGMAN: You know, he put forward some really good ideas. I like the idea of the soft match. I think it's awesome that he had the four projects ready and waiting so that when there was some additional state dollars available that he could use those. But in particular, what we need is a different funding structure. We need something that either matches our funds or puts the program back to what it was two years ago before we went straight to buy-back. Our county, in particular, typically if you looked at the numbers had received somewhere between \$500 and \$1 million just for bridges. And typically had received another million dollars for roads. And so we went from those numbers to the \$80,000 a year range on bridges and about \$250,000 a year for roads. So it was substantial. The way these numbers were calculated was a

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substantial reduction in funding for our county roads. [LR528]

SENATOR DUBAS: Do you have any projects that would be, so to speak, shovel ready so if some money would materialize, so to speak, you would be ready to go? [LR528]

PAMELA L. DINGMAN: Well, I'll tell you honestly, when I hear the word "shovel ready" as an engineer, I kind of cringe a little bit. And I think that even President Obama has said that he underestimated the definition of "shovel ready" for projects. We do have several projects that the design is ready. We probably have to look a little bit at the permitting. You can go and get your Corps of Engineers permits. They do have an expiration on them to when you have to start over and go back through the process. That's also been part of the difficult point and I'm sure that Mr. Mainelli can comment a little further about that either after my presentation or a future date. You know, we have to do environmental assessments on these projects and you typically...as they get in NDOR system, they take about five years from the start to the finish to get through the system. The environmental assessments are typically only good for three years. So we look...just getting through the system, we have to redo our environmental assessment. They do take awhile to get through the Corps and through all the entities depending on what type of project it is and what the environmental concerns are. [LR528]

SENATOR DUBAS: Thank you. Any other questions? Thank you, again, for sharing your information with us today. [LR528]

PAMELA L. DINGMAN: Thank you. [LR528]

SENATOR DUBAS: Next testifier. Welcome. [LR528]

DENNIS VODICKA: Welcome. Thank you for having this committee so we can talk about the issues. My name is Dennis Vodicka. [LR528]

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SENATOR DUBAS: Could I have you spell that, please. [LR528]

DENNIS VODICKA: Okay. V-o-d-i-c-k-a. [LR528]

SENATOR DUBAS: Thank you. [LR528]

DENNIS VODICKA: And I used to work for the state bridge office for 32 years. I've got 42 years in engineering profession. And my problem is, what is causing these bridges to cost so much. Why are they so expensive? Back in 1994...I did provide documents to your...in 1994, I developed a bridge system which I call compression theory with compression splice for steel-girder bridges. And it was designed mainly for counties, as well as it could be on secondary roads. Now, what's unique about this design is predesigned-prefabbed which means that all you need to do is the hydraulic study and your survey and you can place the bridge in place. As a matter of fact, the railroad uses predesigned-prefabbed box culverts so that they can build them in eight hours. Well, in the state of Nebraska under the engineering, they do not want predesigned-prefabbed products; they want custom designed-custom built. A custom design box culvert takes 30 days to 90 days to build. And there's only about ten contractors in the state that's qualified to build these bridges...build these box culverts and (inaudible) those bridges. And as well as the predesigned...I mean, the custom built...custom designed-custom built bridges they are...there's only about five contractors allowed to bid on these bridges which means you don't have competition. And they take anywhere from eight months to two years to build. And with my design, I have a bridge that it would take a local contractor...county contractor anywhere from seven to ten days to build. And it meets all federal EPA requirements. But it's a unique design. And based on that...I'm kind of frustrated here. [LR528]

SENATOR DUBAS: Take your time. [LR528]

DENNIS VODICKA: All right. Let me just kind of read some of this stuff here. I sent

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some documents to all 93 counties and they did not respond to me. And let me just kind of read this material. It has some dealing with cost and I'm trying to figure out...let's see if we can't reduce what we're spending instead of always having to buy the Rolls-Royce and the Mercedes-Benz, let's see if we can't buy a Chevy or a Ford. And that's what my philosophy is here. Okay, I'll just start with the first document. Here it says I needed the county commissioners' help to petition the state Legislature to Board of Engineers and Architects of which I'm going to call them the Nebraska engineering profession, basically, they have blacklisted me. It hasn't prevented me from ever getting license in the state of Nebraska, even though I designed the Columbus Arch Bridge, the Valentine Bridge over 20 by Valentine, the 480 remodeling of downtown 480 bridge. But they don't recognize that. Okay. Let's see, I'm going to kind of repeat myself because I'm trying to get my...I have over 42 years in engineering profession, three years as a leader of a design squad in Europe for the United States Army Corps of Engineers in Germany. And there I designed the first quarter-mile racetrack for the American and German people because we would not...had to do any...it was at that time, gas was not a problem and morale between the Germans and the Americans needed to be uplifted so we basically took a hill and cut it in half and put the pedestrians up on top and made a nice quarter-mile racetrack where they would be safe. And I designed it so that 55 miles an hour is all the faster you go, otherwise it would go into the bank. Okay. And then I have 32 years as a structural bridge engineer and bridge inspector for the Nebraska Department of Roads. And the last six years I was a bridge inspector and maintenance. And, basically, trying to fix an old bridge that...make it last another five, ten years until we get proper finances to replace it. Okay. So about the way the engineering system is set up here in Nebraska, they do not have to compete for design. They are, basically...don't have to compete. And when a county has a design project, they don't have to...they can...they hire a consultant for five to ten years on a yearly contract and then they're paid that yearly, as well as when they have to do an actual design and get paid again. And I'm saying, that shouldn't be...you know, when you're paying \$50,000 for a design for a county on a county structure, bridges...state bridges go a little higher than that. Okay. Now, I learned structural engineering through Nebraska apprenticeship

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program. I have an associate degree with honors from Milford. I have a certificate of training from a construction management engineering school as a military corps of engineers where I graduated fifth in a class of 32. But again, here the engineering profession has made it so I...that doesn't qualify. All right here...back in '94 I developed a design concept which I called compression theory with compression splice; in layman terms, it uses compression splice which the Chinese developed 5,000 years ago. And then the arch design and the keystone which the Romans and Greeks developed 3,000 years ago, but I use modern material--steel and concrete. And that really gives you a lot of strength. And after two years of working on one-inch scaled models, I perfected all my formulas and my...stresses and got a design that would be presentable. And in '96 I presented this bridge to the Nebraska engineer and assistant engineer, Lyman Freemon and Moe Jamshidi, and this is where all my trouble started. Mr. Freemon and Mr. Jamshidi called me a dummy in front of my peers. And they said: "There is no way anyone could create a design theory without a four-year degree." And I just remember the Wright brothers who created air flight, they did not have a four-year degree. And if you go back to history, the Romans and Greeks and the Egyptians and the Chinese whose structures are still standing today, 3,000 years...4,000 years. Oh, they didn't have a four-year degree, but they had the knowledge and they were recognized there. The modern four-year degree engineer with their structures will only last about 55 years and then has to be replaced within ten years with a new deck or so. But what I found out on this new LRD code that the state, back in 2005...2004, when they officially initiated this code and abolished any using the low-factor design or working stress which is one of those things. If it wasn't broken, so why fix it; they created a new design code. And now all the new bridges, if you look, before they're even open the deck is forming cracks before it's even open. And the professor that created the LRD code he was like a kid in a candy store; he found this one little treat that the working engineer back in the '70s put in there. It didn't require...it didn't pertain to the stresses of the (inaudible), it pertained to the deflection of the girder as the deck is being poured so that the deck is stiffer so that when the concrete is poured and the paving machine is over here, the girder doesn't rock and creates these hairline cracks in the bridge. Now this concrete is a composite of

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the girder. You got to have the concrete and the girder to act as one, that's the way the design is. But now if you've got a cracked deck, your bridge is no longer being working as functionally as it should be. It's now just got partial continuity and it's just not working just off the girder. And, of course, the state uses epoxy and if you ever seen epoxy reinforcement being handled in the field, they got this crane and this chop and it's just like the...the bars (inaudible) well that epoxy is very brittle and it makes cracks. And so it's a false security blanket. We use epoxy. But if you have...now that we use liquid salt to salt our roads, well, that salt can get into that erosion and inside that plastic container and erode the three bars. I've seen that when I inspected bridges and I just say, what a waste of money. But that's the way the feds wants it. And that's a lot of extra money there too. I got off on a tangent here, excuse me. Okay. Well, now that Mr. Freemon turned down my design, I was able to patent it. And in '94...in 1999 I received a patent on this design. And I tried to get Dr. Azizinamini, at that time was the university engineer, and I got a couple of contractors and at that time Lincoln Steel and I was trying to get with Cass County just to create a coalition to experiment with my bridge. But the consultant for Cass County filed a complaint with the board of engineers and charged me with practicing engineering without a license, even though I just finished designing the longest and tallest span bridge in the state of Nebraska south of Valentine. So that kind of went away, but it gave me a thought that, you know, I got to be careful what I do here because...let's see here... Okay, then after that...disbarred, the Board of Engineers and Architects (inaudible) all the engineer decide to change...do away with the apprenticeship and the grandfather clause which I would have qualified to get licensed. And last year, I applied for a license under my 42 years' experience and I was turned down because they don't recognize my experience; they don't recognize my military school, and I don't have a four-year degree, even though I went to a military school which was eight hours a day for six months, five days a week. And their...it was very intense, you know. A person goes to the university they go six day...six hours a day a week for four years, well, this was eight hours. We'd have a design project. We learned asphalt mix, concrete mix, quarry design. We even had to design a timber bridge. And after we designed it, we had to build it and then each one of us had to take

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a vehicle and drive across so that we could prove to us that these formulas would work. And this got on and on and there are several times I tried to pursue this here and I was quietly told back off if I wanted to stay working for the state. Okay. In 2008, I was attending a concrete course with Dr. Tadros and I presented my design to Dr. Tadros and how the Nebraska engineering profession has treated me and he was not happy (inaudible). He said, any creative design should be tested. You shouldn't just say...because this kid who, you know, God gave me this brain, I can't help it, to do design work shouldn't be penalized. And so he gave me the opportunity in 2009 to test my girder theory at the university at Omaha. So I had to borrow \$30,000. I'm still in debt to pay for that testing. But the test results were fabulous. I was able to put a 80,000-pound axle overload...40,000 is the legal. I was (inaudible) with a six-inch deflection and the girder bounced back with no fatigue stress at all. That was that compression splice that the Chinese developed 5,000 years ago. And with the 40,000-pound axle, I had only a half inch deflection. And so what this test result showed that I was able to...my bridge is actually able to see an oversized load. So like at harvesttime when the farmer has those two-wheeled trailers, my bridge can take...can handle that...that design with a two-inch deflection, but it will bounce back up. But I also went further; I could make my keystone section on my bridge beefed up that I could make 50 the legal load without bridge replacement. And that's another thing we have to look at. Is if we put a product...build a product, how long is this going to last? I know the LRFD bridges aren't going to last...they say it's 75 years, but when you got deck cracking before it's even open for traffic, you're probably going to look at 20 years before you're going to have to do some deck repair. And basically, that's kind of my conclusion here that...you can read my credentials and the letter I give Senator Dan Watermeier. I'd help your committee figure out a way how we can neutralize this high cost, you know, when you can have predesigned-prefabbed bridge and you can build it in seven to ten days and you can use a local contractor, all has to do is borrow...rent a crane. There is no pile footing because my...the way the Chinese did it, it's a spread footing and it's a lateral force instead of a vertical force. When you have a vertical force, you got a lot more forces so you have to have a deep foundation, but when you have a

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lateral force, basically, you're putting here...you're supporting the whole bridge in a longitudinal. And my bridge also, because it's an internal arch, if there is any settlement, it actually increases the arch which increases the strength of the bridge. So we need to do a real investigation of finding out why the cost is so high. Why is the engineering professional exempt from the bidding process? And this bidding should be allowed. The way it is now, I can't...even if I was licensed, I could not submit my design on the letting table. I'd have to find a contractor who would have to get permission from the state to value engineer to put it on the bidding table. So, you know, it's like...where's the competition, you know? A bridge that could be built in ten days versus a bridge that built in eight months to two years. You know, there's a heck of a cost. And then what's nice with my bridge since it's prefabbed, I don't have to have a big environmental eyesore. If you went to every bridge site, you always see about two blocks of...which is called...where the contractor storage area and that, and that usually takes...will stay there for five years before nature takes it over and restores it back to original state. And then also I don't like weathering steel because as a bridge inspector, it can hide cracks. If you don't catch that crack right away, say...since we inspect bridges every two years, say after you inspect it it created a crack, the rust can bleed over it and you won't know that you have a crack. [LR528]

SENATOR DUBAS: Well, thank you, Mr. Vodicka, for sharing all of your information and your expertise. Are there questions from the committee? Seeing none, we really appreciate the information you brought forward to us. [LR528]

DENNIS VODICKA: Okay, thank you. [LR528]

SENATOR DUBAS: Thank you so much. Next testifier. Anyone else? [LR528]

BRUCE FILIPI: I didn't fill out a pink paper, I'll fill it out when I get done. I'm Bruce Filipi with Saline County, highway superintendent, F-i-l-i-p-i. Here in Saline County we have roughly 246 bridges over what they call 20 foot, and we have another, probably, 450

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that are under 20 foot. Right now we allow about...on the big ones, over 30 percent of them deficient. And I guess I like the ideas of coming up with other funding. We're getting behind the eightball as far as trying to stay ahead of them. From time to time we can't keep up replaces so we do have to close one off. We try to come up with the funds and open them up. We've also went to the idea of...once in awhile we have to close a bridge. We don't get very good rapport from the public when you start doing that...when you make them go an extra four, five, ten miles around. I guess one of the things when you're asking for ideas and stuff like that, years ago or up to just this last year or two years ago, they used to have an HS20 design and we went with that for a long time and then the federal highway and the state adopted the HL93. Well, when we did the HS20, we built some of our own county bridges, we contract them out also, and it probably cost another...on a 93-foot deck-style bridge, it cost an extra \$50,000 to \$75,000 to go from the HS20 to the HL93. Due to the extra thickness of the slabs and stuff like that, the state did offer some relaxation for a while on some bridges. If you had the plans ready made, you get relaxation. I went to the relaxation board this spring trying to get a relaxation from an HL93 to an HS20 which this bridge was just two miles down the road from an old HS20 bridge that was built 15 years ago, and was denied because of the federal guidelines. I know the HL93 is a lot bigger, heavier bridge. If you have probably 1,500...2,000 cars a day that's one thing, when you have 25 to 50 cars a day that's another thing. I got 19...I don't know how many bridges I got, the HS20 design, built over the last 15-20 years and they're holding up good. So I guess that is another idea to me where a guy could possibly save a little bit money. Between the bridge funds that we get for the buyout and the road funds, we get about \$245,000 a year. So roughly in about every 30 years, I got our county board convinced, we're going to rathole that money and about every three years, hopefully, we can build a big bridge. We got the Blue; we got Turkey Creek, we got Swan Creek, we got Johnson all running through Saline County. So we're going to utilize that money for a bridge, hopefully, every three years. But I guess I'm in support of...if we can come up with some other funds or some way to get some funds to the county, we definitely need it. [LR528]

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SENATOR DUBAS: Good. Thank you, Mr. Filipi. Questions? I would have a couple for you. When you talked about this HS20 versus the HL93 and the HL93 is more (inaudible) than federal requirements? [LR528]

BRUCE FILIPI: Yes, that come through the federal, yep. [LR528]

SENATOR DUBAS: Are the federal requirements kind of a one-size-fits-all approach or are they taking traffic counts and things like that into consideration? [LR528]

BRUCE FILIPI: No, that is...no, that is not in consideration. It's one-size...right. [LR528]

SENATOR DUBAS: So that's...so if you've got a bridge that's got an extremely high volume of traffic, you're going to build the same kind of a bridge for a low volume of traffic. [LR528]

BRUCE FILIPI: Correct. Correct. [LR528]

SENATOR DUBAS: Okay. And then other bridges that you have under your supervision, how many of those...or is there any consideration of going from a bridge to a box culvert or a...or is that an option? [LR528]

BRUCE FILIPI: Yes, there's...that's a real good option. We try to build one of county forces per year. Then we change; we have two or three other ones that we go from a bridge to a box culvert and utilize that money. One, it's a little cheaper than a bridge; two, the maintenance is a lot less. But, yes, that's an option. [LR528]

SENATOR DUBAS: What's the life span of a culvert versus a bridge? [LR528]

BRUCE FILIPI: That I really don't have the answer for. [LR528]

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SENATOR DUBAS: Okay. [LR528]

BRUCE FILIPI: There's a lot less maintenance. [LR528]

SENATOR DUBAS: All right. Any other questions? Senator Smith. [LR528]

SENATOR SMITH: Between the culvert and the bridge, is it restricted to a certain length or size of the bridge that you can have that choice? [LR528]

BRUCE FILIPI: Yes, it is. It depends on the volume of water coming through, how much you want to span out, because the box you can only go so far, where a bridge you can span out a lot further. Wherever we can utilize a box culvert, if we can fit it in there, the thought to hold the volume of road to meet the Corps of Engineers so we don't have backwater and stuff like that, that's what we do. [LR528]

SENATOR DUBAS: Any other questions? Thank you very much for your information. [LR528]

BRUCE FILIPI: Thank you. [LR528]

SENATOR DUBAS: Appreciate it. Next testifier. [LR528]

CHRIS RAUNER: My name is Chris Rauner, R-a-u-n-e-r. I'm the Pawnee County Highway Superintendent. I'm pretty new at the whole thing. I've been there for four years. And in that short time, I've seen a big problem. Our county has 164 of the over-20-sized structures. And right at a hundred of the 20 and under. Out of all those, I've been given roughly \$350,000 out of our budget to deal with those bridge problems. And if you add that with our buyout money, it's around \$160,000. That's combining the bridge and the surface which is what we use it for is bridge. Those are the two funds that I have to fix my bridges. We're a really small county, very low population, high

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agriculture. And of all those bridges, I've got 20 that are a fracture critical structure which is just a type of bridge that's got a critical component that if it goes down, the whole bridge can be closed. I've got 95 that are...have a load posting, a weight limit sign with them. And 72 that are scour critical which is the degradation of the streams and everything is washing out. And of those, 14 have all three of those criteria. And it's...given that half a million dollars I get per year, it's going to take me a long time to deal with all these problems. And it's only taken me four years to figure that out. And I need some way to help me out because I do plan on being there for a while and I don't know if that's going to work. We do have to close, just like everybody, we have to close bridges and we just don't have the funds to replace them and leads to a lot of problems. We have a few that if they're closed, people have no way around. And we will have to come up with something quick on those situations. So I just kind of wanted to add my story to the testimony here. [LR528]

SENATOR DUBAS: Thank you, Mr. Rauner. Are there questions? Have you closed any bridges to date? [LR528]

CHRIS RAUNER: Since I've been there, I think we've only had to close one. But we've got a bunch of them that are the verge and I'm not looking forward to that day. [LR528]

SENATOR DUBAS: Thank you. Thank you, we appreciate you sharing your information. [LR528]

CHRIS RAUNER: Thanks. [LR528]

SENATOR DUBAS: Next testifier. Please come forward. Welcome. [LR528]

STEVEN LADE: Thank you. I'm Steven, S-t-e-v-e-n, Lade, L-a-d-e, Otoe County Commissioner, District 5. Commissioner Nelsen has basically touched everything that I can say about getting the money and stuff. I'll try to...had some ideas on prevention.

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How are we going to keep these bridges once we spend the money on it and which we desperately need? And most of my comments are on erosion and we're losing tons and tons of soil. And back in the '50s and '60s, there was NRD ponds put in. And this really slowed down the volume of water, therefore our ditches weren't being cut and the bridges could stand a lot longer. Well, these are all filling up and I don't know if Transportation Department (inaudible) something they could work with them. Maybe they can get funding to help clean these ponds out and put in more types of structures for erosion to prevent it, because we're spending, like you say, lots of money on bridges. Well, if we can't make them last, we need...there's other things than that. And that's why all these trees are falling in and going in, but which is part of nature, but it sure prevents a lot of it. So I just basically want to comment that to me we need to work with other departments to maintain these bridges and culverts. So that's all I wanted to say. [LR528]

SENATOR DUBAS: Any questions? I appreciate you bringing the NRDs up. [LR528]

STEVEN LADE: Thank you. [LR528]

SENATOR DUBAS: Hang on one second. I'm going to ask you something here. [LR528]

STEVEN LADE: Okay, sure. [LR528]

SENATOR DUBAS: I appreciate you bringing the NRDs up because it was a question I wanted to ask and I'd kind of forgotten. But have you...you said in the past there's been some things that they've done that helped with the erosion. Are you doing any kind of partnering with the NRDs now when you're looking at building or replacing bridges? [LR528]

STEVEN LADE: I think Mark Mainelli would answer that best, but we check on what kind of...I know they check on how much water up above can be stopped so we know if

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we can handle so much water at a time. And I can't tell you a lot about it. I haven't looked into it. I just know...I see all these ponds, some of them are getting cleaned and some aren't because they used to have 20-25 feet of water. Now a lot of them maybe have four or five. So they're not helping hold up the flow. It's a big gush and that's why we're getting all the erosion to my opinion. If...what we need to look into the help to maintain our roads and bridges. [LR528]

SENATOR DUBAS: I appreciate that. Any other questions? Thank you. [LR528]

STEVEN LADE: Thank you. [LR528]

SENATOR DUBAS: Any other testifiers? Anyone else? I knew if I waited just one more time. [LR528]

SCOTT HUPPERT: I never filled out a sheet. [LR528]

SENATOR DUBAS: That's okay, we won't prevent you from testifying. [LR528]

SCOTT HUPPERT: I'm Scott Huppert. I'm the highway superintendent... [LR528]

SENATOR DUBAS: Would you spell your name, please. [LR528]

SCOTT HUPPERT: H-u-p-p-e-r-t. I'm the county highway superintendent down at Richardson County. As you know where Richardson County is, everything flows that way. (Laughter) My problem is erosion, erosion, erosion. I got about 244 that are over the 20 feet, and I've got another 200 that are under. My problem...I don't have enough money. I mean, my budget ain't even...they talk about soft match, but you got to have a big county to keep matching that soft match to build bridges. I don't even have money to build bridges. I'm getting the buyback, about \$80,000 from the feds...from the state. I have to pocket that to even build. I've got...due though, I've done federal...I got two

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bridges on the federal. But I got...I close more bridges in, you know, in a year than I can build. I keep putting the weights down and I got problems from school buses; lobbyist with Jon Habben, he's called me with the school says we got more miles going around turning buses around. I don't know what the answer is, but something's got to be done. I got farmers now that are...they have to go over the bridges. I got some that are going eight, nine, ten miles around to farm and they're right across the creek, they can't cross it. They have been crossing it; they tell me. I go, how did you cross it? Well, I just cross it; I take the chance. It's just tearing that bridge down and keep tearing it down. I can't monitor every bridge. So they start tearing them up by running across these heavier equipment around. I've got farmers that are...I mean, just getting so big that they cross them. They have to cross them. I mean, it's getting crazy out there. We need to do something. I don't know what the answer is. In my office, I get more farmers coming and screaming and yelling at me of why can't we do something about these bridges? Our infrastructure is going way down. So that's all I had to say. [LR528]

SENATOR DUBAS: Well, thank you. Are there questions? Senator Watermeier.
[LR528]

SENATOR WATERMEIER: I guess I'll just...I'll just input...I appreciate your input here today, Scott, too. But for the ones in the room here, I just want to make it public that I think you're being very well represented in Lincoln from Larry. He's doing a good job. And I think what we need to do is involve the media more like we have, and Senator Dubas did a really good job of setting up these two meetings in the last couple of weeks. And we're getting there. But I just want to reassure you guys that at the county level, I do think you're being supported and represented very well to Mr. Dix. But I understand very well your problem. And like you said, the water flows to you and you get the Nemaha and all these creeks getting bigger as you go down. [LR528]

SCOTT HUPPERT: I'm building bridges, I'm trying to expand and (inaudible) jump spans on bridges and it just keep...then the weight keeps going down. I just can't keep

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up with them. To me I think you need to...we're not dumb down in the counties, we got some smart employees. We know where the money needs to go. Why can't we get a lot more hand on on the money? You know, the state has it. Why can't the counties...to me I think they need to give it to the counties. We know where it needs to be. The state...just like, okay, we mandated here to you and you don't...you know, they don't...okay, you got to fill out all the paperwork and if it's shovel ready. Well, it may set there and it may set there and may set there. I've had bridges on there for years. You know, have never been...and then they say, well, then and now it's...are you ready? No, because of the new standards. So you got to change them all. That costs the county money to change that every time...to keep up with it. You know, I think it needs to be...the county needs to have more hands with the money; we know where it needs to be. You know, put us in the place where it needs to be. So that's all I have to say.

[LR528]

SENATOR DUBAS: Any other questions? I would ask you a similar question about the culverts versus the bridges. Are you doing any of that kind of work? [LR528]

SCOTT HUPPERT: Yes, I am. I'm trying to...the problem with the culvert is I...I've got debris, a lot of debris. You can't use a culvert where there is a lot of debris. I mean, I have, I've justified already since I've been in office probably five of them. So I'm trying to work it in. But as a budgetwise, it's tough. [LR528]

SENATOR DUBAS: Timewise, if you're going to do a culvert versus you're going to do a bridge, what kind of time goes into planning and...before you...from start to finish?

[LR528]

SCOTT HUPPERT: About the same. [LR528]

SENATOR DUBAS: About the same amount of time? [LR528]

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SCOTT HUPPERT: I mean, you got about the same amount of time. [LR528]

SENATOR DUBAS: Okay. [LR528]

SCOTT HUPPERT: I mean, maybe not as much in a culvert as you would bridge. Depends on how big it is, you know. [LR528]

SENATOR DUBAS: But you'll have less cost? Again, depending on size, I suppose. [LR528]

SCOTT HUPPERT: It depends upon what size. Like mine, I have to go so deep. You know, 22 feet deep, you know, you got a big culvert, then you got to go wider and stuff...(inaudible) more concrete. We have a problem out there, something has to...I mean, like I say, I got guys who go ten miles around; buses that are turning around and having to go...because they can't cross anything under seven ton. I got a lot of them that are seven ton. [LR528]

SENATOR DUBAS: We really appreciate you sharing your experiences with us. [LR528]

SCOTT HUPPERT: You bet. [LR528]

SENATOR DUBAS: Thank you. Anyone else? Anyone else? If there is no one else, I want to...oh. [LR528]

MARK MAINELLI: Mark Mainelli, M-a-i-n-e-l-l-i. I'm president of Mainelli, Wagner and Associates. We're a civil engineering firm in Lincoln. We do a lot of work in these counties. I do intend to do a formal presentation at your Lincoln hearing. I wasn't prepared to do it today, but since they keep throwing my name out, I figured I'd answer some of the questions that may be looming from the testimony. So I'll answer any of

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your questions and then, of course, I'll give a formal presentation down the road. A couple of things that I'd like to discuss. The 20-foot span, what's important is, is that's the span; that's from the center of support to the center of support. Mr. Nelsen said 22-foot; he's talking end of floor to end of floor which would be 22 foot, which is a 20-foot span. So in case there was any confusion with that. The soft-match program keeps coming up. I want to explain that a little bit. When the federal aid system...federal highway bill money came to the state and the state would decide how much money would be allocated toward county bridges, so much would go to the state system. If a county took eligible bridge, a bridge with a sufficiency rating of less than 50 on a rating of zero to 99, and it was structurally deficient or function obsolete--too narrow or posted for load rating, it would be eligible. They could apply for eligibility and they were given a packet of what you had to follow: state, local laws, permitted, build it to the width of the Board of Classifications and Standards, which is the rules that we have to follow at the county. And then you would get 80 percent of your cost in a credit which sits in a pot...it's kept track of at the Roads Department. When you did a federal aid job, instead of writing a check, they would go over here and say--you have a credit and they would use that credit so your federal aid work would eventually...it would be paid for by doing like work. The intent of the program was to encourage counties to replace as many of the smaller structures that they can the way they should be doing it--the right length for hydraulic purposes, ponding water, making sure it's long enough for degradation, which I'll touch on here in a second. Follow the land rights which is a constitutional right to be compensated for takings. Make sure that the structure capacity is done per the Board of Classifications and Standards. Then you get that credit; that credit will be used for your federal aid. The reason that program is gone is because there's no true federal aid. Now, our credits are still there. They use those credits for fracture critical bridges which are too good of bridges and trusses and the state oversees the inspection of those because they're somewhat complicated. The counties that have soft-match credit pays their share of that on the state system. If there's any matching funds and any...for instance, there are some other programs out there. There are some signing programs and some other programs that they do that they can use that pot. Now you can't add to

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it anymore because it doesn't make sense because there's no federal aid directly going to those counties. But the concept was, you follow these rules--state, local rules, including the Board of Classifications and Standards which is with design loading. You heard about HS20, HL93, which we could sit here all day long and discuss. That was a mandate from the Federal Highway Administration and the state adopted it which then we have to follow at the local level, as well as Department of Roads. So to be in compliance with federal highway, and I'm sure eventually through these hearings, one of the Department of Roads people will be available to answer your questions about that. And then we comply with those. So that's what the soft-match credit was. But the beauty of that was is counties were compelled to go out and spend their own money because they saw a little bit coming back. Now there's a state-aid bridge fund that's out there and that's up to a 50 percent match. So what's happening with those funds, and I'll let the state answer for that because they're in charge of it, but the Board of Classifications has to approve the use of those funds. And that funding has been around for a long, long time. And the Roads Department will approve a state-aid project up to 50 percent cost share; Board of Classifications then graces and that would go. Right now those funds are being used for that cost match on what few federal-aid jobs are left. And of course that's a limited fund. Federal-aid projects, we heard about how that came to a screeching halt several years ago. One of the biggest problems is the federal mandates put on the Department of Roads as far as the NEPA requirement, all the environmental requirements in there. So, of course, those then got passed down to the county. Mendez came; Ben Nelson got Director Mendez to come here; Transportation had a transportation hearing, everybody was there to name their frustration. And of course nothing...(inaudible) that's where the buyout came from because the counties realized we weren't going to get anywhere. So the state (inaudible) the buyout and at least the counties are getting something versus the federal aid projects that they used to have. Obviously, the Nebraska Department of Roads knows how to build highways. We got dollars per mile and number two in the nation and last year number one so there's no question that our Roads Department knows how to build a highway. One of the analogies I like to use is--my daughter is in the East Coast

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going to school right now and I go visit her and the roads there are just dramatically different. If I brought an engineer from the East Coast to Nebraska and said design me a highway, our highways wouldn't look like they do. Just like if I take a road...highway engineer and I come to a county road, like most of you saw the other day, and said, here, design me one, it's going to look more like a highway than it will a county road. Now we still have standards to follow, but those are set in stone with the Board of Classifications and Standards. Now we are in the process of redoing some of those standards and there will be hearings in the fall and they will be coming out for legislative approval and then the Governor's approval. And some of these changes that we're asking for, hopefully, will make it to that cut. A lot of questions about closing bridges, and I'll talk this more in my testimony. A lot of bridges that we close are condition rated and then we scab it together and we open it back up, but they may be three tons. That's a pickup truck, a small pickup truck. An F-250 with a few bags of grain in the back in reality are overloading that truck. It's a 5-ton truck. So when you ask some of these counties, are you closing bridges? Well, they may be closing them and just barely getting them back open again. But they can't be used, they're not usable by anybody. Should they be opened? We've developed a 13-point criteria that we utilize to prioritize bridges to help counties to decide whether or not these bridges need to be open and if they should, in what order. So a lot of counties are doing a lot of serious planning to decide which ones are done. So it's not just a henpecked deal or a commissioner that says, well, I live on that road. Those days are long gone. And take it from somebody who's been doing this for 30 years, there's a lot of planning that's gone in. Lancaster County Engineer Pam Dingman said that they have a one in six. Well, those one-in-six hearings used to be unattended. Now we advertise and we have multiple hearings and we invited people to come in. This particular county, Otoe County, goes to the state...to their fair; has booths and invites comment even on their infrastructure input. So more and more effort is being done on the planning the use of what dollars they do have. The cost of replacements--we got three things that are killing us. You got a hundred-year-old bridge, 80-year-old bridge, and we have this degradation that's occurring. If you went out in the field, you saw it. Because of the straightening of the streams in eastern

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Nebraska and the types of soil we have, our channels have dropped. Chris Rauner from Pawnee County, Scott from Richardson County, there's a Nemaha County Commissioner sitting behind me and Pawnee County, we can show you bedrock where these channels have dropped all the way to bedrock and now they're widening out. You look at these old bridges and there's a little (inaudible) or a single span in the middle of this and there's all these jump spans. What it would have taken to replace these bridges 80 years ago pales in comparison in length because of that degradation. And it's an environmental disaster because it's not only making it difficult in the 66-foot right-of-way that we have on the county system, but it's impacting our utilities, our buried utilities, our ag land, the soil that sloughs in the channels is a pollutant into the water. Somebody asked about the NRDs. We've been working with the NRDs trying to form what we call the Hungry Canyons Coalition which is a coalition that was done in Iowa, and we've been working with several trying to bring it together to figure out how to stop the degradation in its track. Those are the waterfalls and...that we saw out in the field so it won't go up any further. Every foot a drop a channel has you got four foot of bridge length; you got four foot of ag land lost and you have tons and tons and tons of soil that pollutes our waterways. The width of our bridges, a lot of these bridges are 16 feet wide. Well, you can't get anything 16 feet wide; 28 feet wide was the standard in a lot of counties. This county has a resolution, even though state standard says you can go as low as 20 on a low-volume road, they passed a resolution years ago that it would be 28 so they wouldn't get run out of the county because you couldn't get anything across. Where's the magic of 28? Well, I also worked in the bridge department many years ago and we walked out to an implement dealer and took our tape out and measured the majority of the corn heads at the time and most of them would pass 28 feet and so would the planters. Well, if you don't have a folding-up planter right now, you're taking your head off and your trailer and your other implements. So the board of...and that's a state standard. So the state standard on low volume, which is 50 or less, is desired 24 foot wide required 20. That proposed right now is changed. They're proposing, "they" being the committee for doing this, not the Roads Department, to go to 24-foot minimum. Many counties exceed that just because of the equipment. And the last is the

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loading requirements that we have now versus when I got started. When I started it was actually what they call "H15." And what these acronyms are for the type of truck and how heavy they are. And then the "HS" was a longer truck and like an 18-wheeler. And now you have HL93 which is a whole new design concept, none of which are bad or wrong. It's just loads are getting bigger. You go to Kansas, they got triple trailers back there and they're looking at overloading their structures even more. And I think that the testimony at the time that they raised everything to HL93, they assume now these loads that you're going to have on the highways and I'm going to have on the highways has got to get there. And they get there from our county roads. So those are the three components. I'll answer any questions you have, if you have any. [LR528]

SENATOR DUBAS: Thank you, Mr. Mainelli. Are there questions? Seeing none, thank you for coming forward. Anyone else? Well, with that I thank everyone for coming today. We will be up in Senator Brasch's district tomorrow at West Point, tomorrow morning and then next week, October 7 we will be in Lincoln for the final hearings. So we really do appreciate you taking the time to come and share your insight and experience with us. There will be a report that will be compiled at the close of these interim hearings and hopefully it will be something that will be of benefit and use for the future Legislature. So thank you again for coming and that will close our hearing for today. [LR528]