

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

[LR528]

The Committee on Transportation and Telecommunications met at 1:30 p.m. on Tuesday, October 7, 2014, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR528. Senators present: Annette Dubas, Chairperson; Lydia Brasch; and Dan Watermeier. Senators absent: Jim Smith, Vice Chairperson; Galen Hadley; Charlie Janssen; Beau McCoy; and John Murante.

SENATOR DUBAS: (Recorder malfunction)...and we are here this afternoon for LR528 to discuss county bridges. I'm going to take care of a few housekeeping things here first before we get started. First, I'll start off with introductions of senators and staff who are here. To my far left we have Senator Lydia Brasch from Bancroft. To my immediate left is Anne Hajek. She is the committee clerk. It's her job to make sure we get an accurate recording and transcription of this hearing for the record. To my immediate right is Anna Eickholt. She is my research assistant. And to my far right is Senator Dan Watermeier from Syracuse. We also have the fortune of having a page help us with the hearing today. His name is Alex Mallory. He's a senior at UNL majoring in political science and history. We really do appreciate our pages. They help us just make sure that the hearing keeps moving forward in an orderly fashion. When you come forward and have your sign-in sheet, he'll collect that from you. If you have copies you want to distribute to the committee, he'll make sure that those copies are distributed. And any other assistance, he is here, so thank you very much, Alex. I mentioned sign-in sheets by the table...on the table by the door as you came in. What color are the sign-in sheets?

[LR528]

ANNE HAJEK: They're pink. [LR528]

SENATOR DUBAS: There are pink sign-in sheets. If you plan on coming forward to testify, if you would fill out that sheet and then bring it with you when you come forward. That's to help us again make sure we have an accurate record, accurate spelling and

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

what have you. Then there's a white sheet back by the door if you just want to sign in for the record that you were here today, not that you're going to come forward and testify but just want to be a part of the record. You can sign that sign-in sheet. When you do come forward, we'd ask that you state and then spell your name. Again, accuracy for the record, should there be any questions it helps us follow up if we need to get a hold of you. So just state and spell your name. These microphones are more for transcribing than they are for amplifying, and so just by our nature we always want to kind of mess with the microphones, but they're very sensitive. So any time you're moving them around or anything like that, it makes it a little bit harder on our transcriber because they pick up every little bit of noise. So if you can resist that urge to adjust the microphone, they really don't need adjusting, so just kind of a forewarning for you there. Would ask that you either shut off your phone or silence your phone. Again, those things interfere with our recording equipment as well as the hearing itself. So if you could silence or shut off your phones or take any conversations out into the hallway, we would really appreciate that. Did I miss anything? I think that's taken care of everything. You know, I guess I'll just give you a little background about interim hearings. They're a lot less formal than the normal hearings that we have during the legislative session. Interim hearings are an opportunity for senators or committees to gather information. We aren't talking about any specific piece of legislation when you come forward today. The resolution is to take a look at funding for county bridges, and so you can bring that information forward to us. It gives us a chance to ask questions. But again, we aren't taking a pro/con approach towards this. So we always look for the first person who's brave enough to get up and break the ice and come forward and testify, and I promise you it's not an interrogation. We really appreciate all of you who take the time and come forward and share your information with us. As I said, we may have questions for you. If not, then you're off scot-free. But normally, we'll have a few follow-up questions for you, again, building a record and gathering information for future legislators to use should there be legislation dealing with this particular topic. So with that, as I said, we always look for that first brave person who's willing to come forward and begin the hearing process. We don't even have to wait. Come on forward. Welcome. [LR528]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

STEVE MIKA: Thank you. My name is Steve Mika, M-i-k-a, and I'm the highway superintendent for Saunders County. Just to give you a little history, Saunders County has the most bridges of any county in the state, with over 400 bridges of 20-foot length or longer. We also have a large number of bridges that are 20-foot and less, close to 200 of those. At one point in time, back in '08, shortly after that they came out with new regulations for the bridge inspections and we had over 100 bridges closed due to the inspections. And since then, we either replaced or repaired these bridges to open them up to traffic, but we still have several, over around 19 on main county roads and about another dozen on minimum maintenance roads that are still closed that we need to get opened up. You know, average cost of these bridges are \$300,000-\$350,000 apiece, and all...most of these bridges in the past that we've replaced or repaired, the majority of it is by local funds. We also have several bridges that are below the sufficiency rating and are in place to be replaced. We have quite a situation in Saunders County. Like I said, with the most bridges, it's...I guess it's quite an undertaking to try to repair and replace these bridges with local budgets. We're just looking for assistance somehow or another. I know there's several counties in the same boat as I am. Us being in, you know, heavily agriculture, getting around these roads for harvest or planting, that's a real challenge. And trying to keep these bridges open, even the ones that are open are low tonnage and need to be replaced or upgraded somehow or another to accommodate the farm equipment. It's part of our economy that we get these roads and bridges replaced so we can have the agricultural community that we do have. So I guess that's my comments. [LR528]

SENATOR DUBAS: Very good. Thank you, Mr. Meekah (phonetically). Is that correct? [LR528]

STEVE MIKA: Yes. [LR528]

SENATOR DUBAS: Thank you. We appreciate you coming forward. Are there

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

questions? I would have a couple for you. Okay, so you said that you had 100 bridges that you actually closed. Is that correct? [LR528]

STEVE MIKA: Yes, over 100. [LR528]

SENATOR DUBAS: Over 100. And you have most of those back open now? [LR528]

STEVE MIKA: Yes. [LR528]

SENATOR DUBAS: There are still some that are closed? [LR528]

STEVE MIKA: When I say opened, they were repaired to a point that we could open them. You know, usually it's still a low tonnage, still on the clock as far as an older bridge, at some point in time will have to be addressed to be replaced again, but trying to get these roads open just to traffic and not so much the heavy farm equipment. But, yes. [LR528]

SENATOR DUBAS: Of those bridges that were closed, did you replace any of them with... [LR528]

STEVE MIKA: Yes, we did. [LR528]

SENATOR DUBAS: ...culverts or box culverts or anything like that? [LR528]

STEVE MIKA: Yes, we did. [LR528]

SENATOR DUBAS: Okay. [LR528]

STEVE MIKA: We've tried everything we can do as far as the standards will allow us. If we can get a box culvert in there or corrugated metal pipes in lieu of a bridge, we've

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

done that. [LR528]

SENATOR DUBAS: Were these bridges that were closed, were they both the over 20-foot and under 20-foot bridges or... [LR528]

STEVE MIKA: Just the over 20. [LR528]

SENATOR DUBAS: Just the over, okay. And so I'm going to assume that you probably heard from some of the residents who were (laugh)... [LR528]

STEVE MIKA: (Laugh) Yes, I think I've heard from everyone. [LR528]

SENATOR DUBAS: How long of a time frame were some of these bridges closed where they absolutely were not able to be used? [LR528]

STEVE MIKA: There are some that are still closed since then. You know, we had a priority list. We kind of figured out, you know, which ones need the most attention the soonest and we started with those. But, you know, there are some that are still closed since '08. You know we're getting down to that point where we repaired everything we possibly could, replaced everything we possibly could, and now the bridges that are left are...we cannot repair them. They have to be replaced and it's all about the money now. [LR528]

SENATOR DUBAS: It seems to always come down to the money, doesn't it? [LR528]

STEVE MIKA: Yes. [LR528]

SENATOR DUBAS: How far did people have to go to compensate for bridges that were closed? [LR528]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

STEVE MIKA: Well, if there was a bridge closed and you could drive clear around the section, you know, you're looking at four miles there, and that's the shortest. A lot of times it's worse than that. Some people go 12, 10, you know, 10 miles out of their way to get around to the other side. And even...so it depends on what they're trying to get to the other side with. There might be an open road but a low-tonnage bridge that prohibits them from going that direction, so they may even have to go further. I know it's changed a lot of farming operations where the way they get equipment around to one way or another, so. [LR528]

SENATOR DUBAS: How about school bus routes? [LR528]

STEVE MIKA: That's been affected too. That was one of the priorities we wanted to look at, mail routes, school bus routes, make sure those are...had priority to open up first or figure out a way to redo the mail and bus routes to keep those running. And that's another aspect of it. The schools and the post office are saying they're spending extra fuel doing their job due to having to drive around. And that's an unexpected cost to them. [LR528]

SENATOR DUBAS: Any other questions? Senator Brasch. [LR528]

SENATOR BRASCH: Thank you, Madam Chairman. And thank you, Mr. Mika, again for coming forward to testify. When we looked at bridges in Cuming County and even if I look at bridges in Washington County, a lot of times the geography, the river has changed and shifted...and the maintenance. And is it the age of the bridges or is it that the water keeps cutting more of the banks? [LR528]

STEVE MIKA: I think it's the, you know, the creeks aren't getting any narrower or shallower. They're going deeper and wider. I mean if you have a 100-foot bridge in place that needs to be replaced, I bet you the hydraulics probably dictate you have to put a 150-foot bridge in, depending. You know, yeah, that's another concern and

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

that's...seems like with the summer we've had, we've really seen a lot of that, especially.  
So, yes, that is correct. [LR528]

SENATOR BRASCH: Yeah. And that has come to my attention. So do we need to get  
some...I don't know who does that work, a geographer or...you know, the bank work,  
whether it's... [LR528]

STEVE MIKE: Uh-huh. [LR528]

SENATOR BRASCH: ...you know, whether it's riprap or whatever the...you know, the  
maintenance? [LR528]

STEVE MIKA: That's part of the equation. I'm not sure who we talk to, but there's plenty  
of engineers around. [LR528]

SENATOR BRASCH: Because otherwise we'll just keep needing to... [LR528]

STEVE MIKA: Correct. [LR528]

SENATOR BRASCH: ...expand these bridges that... [LR528]

STEVE MIKA: Right. [LR528]

SENATOR BRASCH: ...perhaps at one point they were less than 20 feet. [LR528]

STEVE MIKA: Right. [LR528]

SENATOR BRASCH: Correct? [LR528]

STEVE MIKA: Yes. [LR528]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

SENATOR BRASCH: Okay. All right. And how many bridges do you work on each year basically? Do you have an annual budget for that or... [LR528]

STEVE MIKA: We have a budget. Mainly it depends on what the type of bridge it is. But you know, we try to at least, you know, this year I was looking at maybe \$2.5 million towards bridges and roads. That's specially allotted just due to the urgency that we have here. We have a lot of bridges that we try to get fixed. But like I say, in the same I guess vein, there's bridges that are everyday...you know, we inspect them once a year and every other year sometimes. Well, those bridges deteriorate to the point where they (inaudible). You got to close it and replace it. So I don't know that we'll ever catch up at this rate. [LR528]

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

SENATOR DUBAS: Any other questions? I would have another one to follow up for you. We've asked this at other hearings as well. Outside of the obvious, financial resources are a challenge. Are there other things that make it difficult for you to replace bridges and do you have some ideas of what we could bring forward as solutions to your problems? [LR528]

STEVE MIKA: Well, I don't know if there's ways of making it a lot easier or to speed the process up, but I don't know that that's something we can do. A lot of it has to do with the environmental aspect of it, different permitting you need and stuff like that. But I think that that could be addressed, but I don't know that...I'd have to sit down and write a long list. (Laugh) [LR528]

SENATOR DUBAS: Okay. Do you know how much money you receive through the buyback? [LR528]



Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

STEVE MIKA: I believe we get around \$400,000 for a bridge and about \$200,000 for pavement. [LR528]

SENATOR DUBAS: Okay. Any other questions? Thank you again for coming. We really appreciate it. [LR528]

STEVE MIKA: Thank you. [LR528]

SENATOR DUBAS: Next testifier. [LR528]

SENATOR WATERMEIER: Madam Chair. [LR528]

SENATOR DUBAS: Yes. [LR528]

SENATOR WATERMEIER: I'd just like to point out that three of the seven members here today are from agricultural backgrounds. We've all parked our combines here today to be here. (Laughter) So we ought to make fellow members aware of that today. It's kind of ironic. [LR528]

SENATOR DUBAS: That is true. That is true being harvest is in... [LR528]

SENATOR WATERMEIER: Maybe we're the only ones worried about bridges. [LR528]

SENATOR DUBAS: Being harvest is in full swing and I'm hoping that they're crossing the bridge that I was worried about at home all right. [LR528]

SENATOR WATERMEIER: Yeah. [LR528]

SENATOR DUBAS: Welcome. [LR528]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

JAY REMPE: Good afternoon, Senator Dubas and members of the committee. My name is Jay Rempe, J-a-y R-e-m-p-e. I am vice president of governmental relations for Nebraska Farm Bureau here today on behalf of our organization to say a few words. And I will start off. I tried to convince a couple of our members to come in and talk about this a little bit that have firsthand experience with this and describe their situation, but there's something about bean harvest going on right now. So my applause to the senators that are here. Nebraska Farm Bureau has always been very, very interested in our state's highway, road, and bridge infrastructure, and it's because a good infrastructure transportation system is vital to Nebraska agriculture and our ability to get our crops out to the markets and get inputs in back onto the farm. And as we look at the global competition and the increasing competition out there, it's just more and more vital that we continue to invest in that infrastructure. And one of the things that I wanted to share with the committee, we just last year were visiting with one of the seed companies that have quite a presence in the state and we were talking about some of the research they're doing on new technologies related to seeds and one of them commented that, given the increased productivity that we're going to see in the next...in the coming years on agriculture, one of their concerns was are we going to have the infrastructure that's there in order to transport our commodities and get our inputs into the farms, and that was a concern for them. And county bridges fall right into that. We continue to hear stories from our members about the condition of the bridges and those that have been closed, those that the weight limits have been reduced. As you know, the farm equipment are getting bigger, wider, heavier; more and more trucks are running on those roads. Farmers have invested in trucks. We have a lot more grain moving because of our ethanol industry and others by trucks, and those county bridges come more and more into play. And we've had stories, I've heard anecdotally several times, about farmers who had to make extra long trips to get to their fields or part of their operations and talking, as the gentleman said earlier, 10, 15, maybe sometimes 20 miles or so out of their way to get to their places. So I'm here before you today saying that we're vitally interested in this topic. It's something that we've always supported increased roads funding in the past at the state level, partly because there was an

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

expectation that some of those dollars would get back to the counties and help with some of these kinds of issues. So we're very interested in participating in the discussion. I don't have any good answers for you today. We are having a series of meetings here in the next couple months where we'll be talking about some of these issues and this is one of the topics we're going to bring up with our members and talk about this issue and if they have any ideas or suggestions on ways to address it. So from our perspective, it's one of critical importance and economic importance to not only farmers and ranchers but the state as a whole because of the role that agriculture plays in the state. And it's an issue that needs to be addressed. [LR528]

SENATOR DUBAS: Thank you, Mr. Rempe. Questions? Senator Watermeier. [LR528]

SENATOR WATERMEIER: No. [LR528]

SENATOR DUBAS: Oh, okay. I would have a couple for you. We also know that property taxes are a big concern for everybody across the state but in rural Nebraska as well. How do you believe your members would react if there's no additional dollars that come from the state? If we don't find any other ways to help fund this infrastructure, basically the counties' only recourse is through property tax. [LR528]

JAY REMPE: Uh-huh. [LR528]

SENATOR DUBAS: What kind of reaction would...do you feel you'd get from your members about that? [LR528]

JAY REMPE: It would be a bit mixed in this regard. Anecdotally I'll share with you, we had a board meeting a couple weeks ago and the question was asked, how big an issue is property taxes right now in your areas on a scale of one to ten, ten being the highest? And two or three board members piped up right away saying 10, 12, some went higher. So it is a very big issue there and so they would be very, very concerned on...if that's

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

the way we try to finance and fund these projects because of their level of concern on property taxes. And in their minds, there's a state role to play here. I say it would be mixed in this sense. I think they recognize the role that local governments have to pay in investing in this, and they'd be willing to do that. But I think there's an expectation of some state help and assistance there as well. [LR528]

SENATOR DUBAS: Let's kind of pick up on the state's role. I mean these are essentially county bridges or local bridges. So why should the state...why should it matter to the state if these bridges are intact or not? [LR528]

JAY REMPE: Uh-huh. I think from a state economic standpoint and the role that agriculture plays in this state as the largest industry, it would behoove the state to invest wisely in local infrastructure to help that industry thrive and be competitive in a global marketplace, because we're going to have to build off that industry for our economic future. So I think it's a critical role for the state to play. [LR528]

SENATOR DUBAS: You said you were going to be having meetings into the near future and this would be a part of the discussion. Do you think you'll be talking about what some other alternatives for funding could be or should be? [LR528]

JAY REMPE: Yeah, we're going to throw out some ideas and alternatives and just get some reactions on some things, yeah. [LR528]

SENATOR DUBAS: That's...I'm glad to hear that. That's...I mean we really need to be looking at every possible alternative and every idea, whether it's just outright dollars that come in to play or other ways we can do business that can help save dollars and free up some dollars. So I'll be anxious to hear... [LR528]

JAY REMPE: Uh-huh. Yeah. [LR528]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

SENATOR DUBAS: ...what your ideas are coming forward. Any other questions? Thank you. [LR528]

JAY REMPE: Okay. Thank you. [LR528]

SENATOR DUBAS: Appreciate your testimony today. Next testifier. Welcome. [LR528]

LARRY DIX: (Exhibit 1) Good afternoon, Senator Dubas, members of the committee. My name is Larry Dix, L-a-r-r-y D-i-x, and I'm executive director of the Nebraska Association of County Officials. First of all, I want to thank the senators who accompanied us on the tours. I think we all had an opportunity to see some things under our roadways that we didn't necessarily want to see, that we didn't maybe think was there or we didn't think they were quite that bad, but it was good to see them. It was good to see them firsthand. And I'm very happy that we had a number of highway superintendents and county board members come forward and share some ideas with you. I also want to thank the Farm Bureau. Earlier this year I had an opportunity to go to their conference and speak to them about bridges, and we had a good, very, very good dialogue. And when we look at it, this is one of those things where we realize from a county government perspective that it's vital that we do our job to keep these roads open, these bridges open as much as we can because of the agricultural industry in the state of Nebraska and how much all of us depend on it. And so we're very, very much in tune to what those folks are saying, and we're certainly working with them to try to come up with some ideas. So we heard some good testimony at a number of the locations and a couple of the things, when I heard them, I jotted some notes down and I think I just want to make sure that the record reflects some things accurately. I think at one of the hearings I think we had heard that counties are limited to a 5 percent increase on their expenditures, but that is not accurate. We're under the spending lid just like everyone else. And so counties can increase their expenditures by 2.5 percent, and then if you have a supermajority vote of the board, 75 percent of the board, you can go up another 1 percent. So that would be a 3.5 percent total that we could increase each

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

and every year. And we're sort of in a little bit of a box when you start to think about that. You know, Steve from Saunders County was here and said, well, you know, we got about \$2.9 million that we spend on bridges. Well, if you say, well, I'm going to increase that by the maximum, 3.5 percent, I'm not going to get too far, especially when I've got to replace a bridge that costs \$350,000. On the other side, county boards have the exact same pressure that you as state senators have in saying you've got to do something about property tax; you've got to answer that solution. And if we take Saunders County, and I don't have the figures but I think I'm probably pretty close, Saunders County has a significant amount of value, probably around \$3 billion of value. And when the county boards meet, they struggle when somebody says, well, that's fine, just, you know, you can't raise our property tax but if you have to, have to. And they're trying to raise it a fraction of a penny. But to put it in perspective, if you have \$3 billion and you raise it a penny, you get \$300,000. Now if Saunders County, if they were to take all their bridges and say, okay, we're going to fix all of our bridges, now who knows what that number will be? I think at some of the other hearings we had heard if you were to take all of them across the state we'd be talking in the billions, not the millions. But if Saunders County realistically said, you know, we've got ten bridges and they're all \$300,000 bridges, the county board votes to increase the tax rate 10 cents, we would immediately have recall petitions out. And so that's the reality of it. It's a bigger number. And as our infrastructure ages, it becomes harder and harder and we just try to fix what we can. But I got to tell you, it's a point of diminishing returns. I've had a lot of the press contact me throughout this summer about bridges and asked very good questions, and I appreciate, you know, really the press. They've done a good job in covering this. One of the questions was, well, why don't you just put it on the schedule and replace a bridge a year and then you wouldn't have all the 50-year-old bridges? I said, no, we'd have a bunch of 200-year-old bridges, because if we were on that schedule, eventually that's where we would be. And so just by doing that, we can't get there. So that leads us into a couple of other areas. Some people may want to go there; some people may not. Again, we're in an interim hearing. We're just throwing out some ideas. But one of the things that from time to time people talk about bonding and what can we do with bonding; what

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

can the counties, you know, do in that fashion? I think we heard in Otoe County that they have taken that to a vote of the people. They've packaged some bridges together. But there...it's limited. I mean you're always going to have to get a vote of the people. It's interesting when you look at the bonding statutes in the state. There's...we have some that talk about interstate bridges of what we can do with bonding, and we talk about bridges when we go from Nebraska to other states. There's some statutes on there. Then there's one statute and it's called boundary bridges and maybe some of the folks from Department of Roads know what qualifies as a boundary. But I found it interesting. It's a statute that was written in 1895, hasn't been updated since then. It really states county, township, precinct, city, or village may issue bonds to construct a highway bridge across any boundary river of the state. Now depending on probably who knows what the definition of a boundary river is but something we maybe want to look at, try to figure out what it is. Back at that point in time, they could take it to a vote of the people and they could bond up to 3.5 percent of the taxable value of the county. Now in this day and age, that becomes a pretty significant number. Otoe County I think could probably put together a bond issue, if they could get it past the people, \$65 million because property values have gone up since 1895 to where this becomes sort of a significant number. So probably an area that needs to be looked at a little bit is, one, we have to make a decision, is bonding what we want to do? Do we want to give the local governments more authority, a tool in their toolbox, for bonding? Do we want to make it easier? Do we always want to take it to a vote of the people? Do we want to set a threshold at which a county could bond without a vote of the people? I'm not advocating pro or con for any of those. I'm just throwing out ideas that maybe the committee should look at, should take a look at in the future. But that's an area that we need to look at. We also heard at all the hearings how many bridges we have under 20 feet. And when I talk to Department of Roads, I know their guideline is 20 feet or greater, it goes on their list; 20 feet or less doesn't show up on the list. So if you have the bridge that's 18 feet, doesn't show up on the list. But I would venture to guess the ag community, if the 18-foot bridge went down, they wouldn't feel any better that it was an 18-foot bridge or a 20-foot bridge and it was on the Department of Roads' list of bridges. So we've got to

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

take that into reality. That is a situation when you go out and travel the counties you'll see some of those bridges that are 10-foot wide and you think, yeah, I feel pretty confident riding my bike across it but maybe not taking my car across it. And a lot of those are the 20 foot or less. So that may be another area that we have to look into and say, is there something that we need to look at those? Do we need to keep track of those in a better fashion? I'm not saying we probably need to keep track of the culverts, because for the most part that's going to create a little bit dip in the road if it collapses, but the 18-foot bridge goes down, it closes the road, so another area that I think we ought to look at. I think we've done a good job working with schools and we've heard that at a number of the hearings. We've worked with schools to make sure the major bus routes are open. We did hear on one occasion where the school bus could only go so far and the kids had to walk across the bridge, which is getting to be unacceptable. And so those are some areas that I think we all need to participate in. Now it comes down to how do we solve it and, Senator Dubas, you had mentioned before it always comes back to money, and it truly always does come back to money. And I'm not so sure that I have the answers on how to solve it either. Thoughts are, you know, a number of years the state eliminated state aid to cities and counties. If there was a program to bring back state aid, maybe it could be targeted, a little bit more targeted towards infrastructure needs. Maybe you could focus it in that area. That money may be leveraged possibly to bond, if that's something the Legislature wanted to see. So those are all items, because I don't think anybody wants to go down the road and just say, hey, let's take all these expenditures outside the...all the limits and just start raising property taxes. I think we're all in trouble if we do that. But we've got to come up with some ideas or otherwise we're sort of all in trouble because we're going to become a state that can't get their product to market, and we truly...the state relies on that agricultural marketplace. So the partnership between the agricultural groups and the counties and the cities, we'll just have to strengthen it and figure out a way. So with that, I'd be happy to try to answer any questions anybody has. [LR528]

SENATOR DUBAS: Thank you, Mr. Dix. Questions? I would have a couple for you. You



Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

mentioned in your handout...oh, I guess this comes from Cuming County... [LR528]

LARRY DIX: Yeah, I forgot to mention that. [LR528]

SENATOR DUBAS: ...but it was also brought up at other hearings, too, about letting the county have more control over bridge projects. [LR528]

LARRY DIX: Yeah. [LR528]

SENATOR DUBAS: Is this something that needs to be addressed legislatively? What is it that we want...what is it that counties would like to have as far as more control over projects? [LR528]

LARRY DIX: You know, we've sort of gone back and forth over that, and the federal government may have a little bit of sort of skin in the game as to how much control we can have if it's tied to federal aid dollars. Certainly when we look at some of the things that have passed recently where we had the buyback program where money flowed to the counties, and it sort of broke the tie between the federal dollars, and so counties would get 80 cents on a dollar. One of the things I think we can look at, and I know probably folks all the way from the Governor's Office down to the Department of Roads will start throwing things pretty soon, but the 80/20 split is a little bit steep compared to what we see in other states. We see other states that are able to manage a similar program for much less than 20 cents on the dollar. So if we were to be able to go down that path, certainly there would be more revenue at the local level. That would help in allowing the local folks to have control of it. In recent years there was a responsible charge program that was put into place and it's sort of come full circle, much to the disdain of a lot of people, because there was a significant amount of money that was spent by local governments. And responsible charge was a program where each county had somebody to determine, educate someone so they would be the responsible charge for a program, such as replacing a bridge. So the counties went through a

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

process educating someone in each and every county, bringing them up to speed, continuing education requirements. And a year or so ago Department of Roads said, you know, I think we can do the responsible charge probably more efficiently and better than the counties and so they said, you know, we're going to take over some of that responsibility. So now we've got some counties that have expended some money out of their budgets that typically would have gone to Roads, building to educate people, and now we're seeing the state saying, no, I think we can handle that. Now I'm not saying that's necessarily good or bad. I'm just saying when we enact those programs, we've got to do a better job as a state figuring out does the state want to do it or does the state not want to do it. And are they not going to want to do it in 2 years or are they not going to want to do it in 15 or 20 years, because, unfortunately, there was significant amount of money spent and at the end of the day it didn't go to our roads. So not that we don't have people who are more educated in the process, which we do, which that's always good, but it's things like that that become a little bit frustrating at the local level of the shifting back and forth of responsibilities. [LR528]

SENATOR DUBAS: In past hearings also there's been mention of federal aid bridges. What constitutes a federal aid bridge? [LR528]

LARRY DIX: I'm going to probably defer that one. I think Mark is probably going to come up afterwards and maybe even someone from Department of Roads, because they're more in tune to how that federal aid money flows down. And I want to make sure, as we're creating the record, I want to make sure to get it right. So I think that's probably something for Department of Roads to define. [LR528]

SENATOR DUBAS: Very good. I appreciate that. And that's why I asked the question. I think it's important we have that in the record... [LR528]

LARRY DIX: Yes. [LR528]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

SENATOR DUBAS: ...so people understand the different terms we're talking about. Any other questions? Thank you very much. [LR528]

LARRY DIX: Great. Thank you. [LR528]

SENATOR DUBAS: Next testifier. Welcome. [LR528]

MARK MAINELLI: (Exhibit 2) Hello. Mark Mainelli, M-a-i-n-e-l-l-i. I figured nobody else would get up and follow Mr. Dix because he did such an excellent job. So did all the other speakers. Before I get started, I'd like to thank the senators. I've had an opportunity to spend time with you on the tours and the other hearings, and I've been doing this since the mid-'80s and I would just like to say thank you for listening and coming out and looking at what we've been fighting for a long, long, long time, so. And I'll be more than happy to answer questions. I've got a few things I want to talk about. I'm going to cut some of it out because you've heard it already. And then there's a handout you have and I want to spend most of my time on that. But first of all is the need. Obviously, there's a need. I ran some quick numbers. I heard \$2 billion pop up a couple of times at the hearings and then today. If you look at the county bridges and the sufficiency ratings of county bridges of 50 or 55 percent or less, 50 percent is when the eligibility of federal funds became an option. At 55 percent there's 3,500 bridges that fall in that category. If the average cost is \$350,000, which is what we find, you got \$1.2 billion. The "less than 20" bridges that we've talked about, there's been numbers in the newspaper, 40,000 to 60,000, of which a lot of those are culverts. But for simplicity's sake, say there's 20,000 that are actually bridges, 18, 16. You heard Steve from...Mika today talk about 200 in his county. Custer County has 400. We heard Pawnee County say they had over 100. So 20,000 of these smaller bridges, and those typically we can put culverts in, metal culverts. It's about \$25,000 with our own labor. You run that out, that's about half a billion dollars. So that puts us to about \$1.7 billion in need. Plus engineering and overhead, that gets you to about that \$2 billion number. If you try to accomplish this over a 20-year period, that's \$100 million a year, so that kind of tells us

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

what the need there is. What I want to concentrate a little bit on today is the cost of these structures and what's the cause of the cost of these structures, and it's been alluded to a little bit today. Width, width is a big cost. Why do we have to have 28-, 30-foot-wide bridges? Well, our equipment is the problem, or the advantage. It's an advantage to our commerce and to our farmers, but to get those...that equipment across with a safe rail, I end up with a clear roadway. Low-volume roads of 50 average daily traffic the way it stands right now, we can go down to 20-foot wide. Desired is 24-foot wide. Most counties have resolutions that they won't build anything less than 28-foot wide strictly because of the dual widths of most of the larger equipment. And we're finding that even that is somewhat suspect in some counties as far as size. So width is a big cost factor. When we were in West Point, a discussion broke out about design loading and HL93 versus HS20 and the other live loading criteria. I went back to our records and we let a lot of structures with our company. And what we found was the cost differential between the old design load of HS20 to the HL93, which is the current live load standard on box culverts, those are concrete box culverts which is one of our biggest arsenals in our toolbox, is about a 20 percent increase in cost. Typical box culvert, just for the box culvert itself, is about \$130,000, so we saw about a \$20,000 to \$25,000 increase in each one of those due to that additional live load. Bridges, it's not quite as bad. Short-span bridges, it's about a 5 percent increase. Longer bridges, the substructures do become more expensive; but on average I'd say you're from 5 on the small ones, maybe 10 percent increase on the larger ones. So from the actual bridge, the impact was not as bad as everybody feared. So the design live loading, obviously we can't put bridges out there that can just handle wagons, although the ones that we're driving on were designed for wagons. And luckily, they were conservative, otherwise they'd all be closed. The third is the environmental constraints that our bridges have to have. You got to get over the hole. The creek is a hole; we've got to span the hole. But when you span the hole, you got to span it with the bridge and the road as a system to where we're not adversely impacting the upstream or downstream landowner. It's a constitutional right not to have a taking for the advantage of everybody else without being compensated. What does that mean? If I put in too small of a structure and I pond

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

water on somebody, that's a taking, I should take right of way, ponding easement or right of way. Generally, we try not to do that because it adversely impacts particularly beans. And when we rotate beans, beans can't handle to be under water for seven days at a time while everything drains out. So we have to span the channel, plus we have to have a big enough structure to allow the floodwaters to pass through our right of way as it passes naturally. So generally what we try to do is put a big enough structure in there that we don't adversely impact the upstream or downstream landowner, which is in statute. One of the biggest problems we have is, and I handed out this, and you may have seen some of this before, but this is a presentation that talks about degradation in the eastern part of Nebraska. Degradation is the result of straightening of streams from the Missouri River all through the farm community over the last 100 years, and what it's created is a deepening of our channels. Some of the bridges that you went and saw, like in Otoe County, we are literally on bedrock and the river can't drop any more, so now it's widening out. So where we may have had a 70-foot bridge before, now we have a 300-foot bridge, so without cause by the county. Question came out earlier: Why is this not a county problem? I'll span that original channel, but the counties that we work for did not cause the degradation problem; other programs did, often were federal programs that did this to the environment. Now that 66-foot passageway that I have to cross this hole, we now have to span that. We not only have to span that hole, but I also have to do it and not adversely impact the upstream or downstream landowner, and anticipate for the life cycle of this next bridge, which is 100 years, what's that channel going to look like 100 years from now. So all that engineering and all that thought and all that money goes into these structures, and it's at not cause to these...it wasn't caused by the counties. The design loading and the width, that's our community, that's the way things are going. But the environmental disaster that's happening, that's demonstrated in this, is real and it's costing us as Nebraskans a lot of money. Now I'm not going to go through every page; but as you go in here, we did a case study in Cuming County of which we drove by during the tour and it was raining so we didn't stop by. In one square mile, with the number of bridges and the "headcuts" that were going through that mile and the solutions that we've come up with, we had 200 to 300...or \$2

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

million to \$3 million in structures and agricultural land loss and we had 930 tons of soil loss in that one square mile. None of that was caused by the county roads department, but we have to deal with that at every crossing. So in that one square mile, to provide access to that area, the county roads department will expend about \$3 million just to span those holes because of that degradation, and that's caused by straightening of those streams. The rest of the handout that you have has a discussion and some pictures of solutions to this problem. Keep in mind, if the main river drops 5-10 feet, all the tributaries and side drainages that come into that waterway are going to want to do the same thing. So farm fields, small, minor tributaries that come in, they're also going to want to drop. Loss of farmland: Every foot of drop of a channel, that's 4 foot of ag land. Iowa has a...the same problem in Iowa. It's kind of unique to our part of the country. They started what's called the Hungry Canyons coalition (sic) and I've got some information about their group, and they were formed in 1992, 23 counties in western Iowa. And they got a cost-benefit analysis of the drop structures that stopped the degradation over there, that they got, by their numbers, a \$4.20 per \$1 return by protection of it. Now they're coming to the end of their program. And they used to get federal earmarks, which we all know are things of the past, but they also get state funding. And they formed a nonprofit organization of counties that got together and decided where to build these structures, and there's a map in there that shows all the drop structures that they had done. Now they did that to protect ag land, they did that to protect the environment, they did that to protect the utilities that cross the creeks, they did it to protect the county and state infrastructure. And one of the things that I'm proposing is that we look really hard at not only looking at the cost but not letting this devastation continue because our costs are going to continue to rise, versus if we stop this cancer in the middle of it. So part of the solution has to be that we've got to pull these counties together. We've got 40 counties that signed resolutions to form this type of organization. We presented those to Congress in Washington trying to get some federal funds through the last highway bill, but we're a small fish in a big pond. Because Nebraska, Iowa, a little bit of Missouri have the soils that allow this to happen, they didn't want to write something in there because it looked like an earmark. So as you go

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

through and you look at the...a perfect example of a failure is the very last picture I have. That's a Colfax County bridge. A 4-foot "headcut" went through in the 2010 disasters and we lost a truss. That bridge replacement right there was 280 feet.

Planning process: I want to make clear that everybody understands because I've been reading comments on the blogs and, you know, people that read the articles and they say, oh, those guys in the country, they can fix their own stuff. They don't know what they're doing. Well, let me tell you, we spend a lot of time in the counties working with the elected officials, the farmers, the organizations, the county highway superintendents, other engineers to do long-term strategic planning in these counties on their infrastructure. There are road closures. Not everybody anymore expects to have a bridge. They want a bridge, but we look at developing an arterial system and then a collector system, and then go to the local system on all these. A lot of time and effort is put together in prioritizing these bridges and implementing those priority lists so that they're not just sitting at the bar and Billy Bob needs a bridge so we better do Billy Bob's bridge. Those days are over. What we have is we have a long-term plan, a strategic plan in most large counties that have big issues, and we're following them. Budgets obviously are a big deal. Counties have been somewhat blessed with valuation increases in the last few years. What we're hearing now is the fears of devaluation because obviously the market is dropping down. And we've got money. I know Steve talked about his bridge program, which is very aggressive and I commend his board because ten years ago it was a different story in that county, so they've come a long way. But if ag prices go from \$10,000, \$12,000 an acre down to \$4,000 an acre, like it did in the '80s, we're going to be devastated because all these programs will have to come to a stop.

Permitting: You had asked a question about what can we do to streamline. Permitting is a planning process. When it's state funds or local funds, we get the same permits that you get for federal aid. You just don't have all the oversight from the different federal agencies that the Department of Roads generally has to deal with because they have to go back to Washington and say, yes, they've followed these protocols. We get Corps permits. We get flood plain permits. We get right of way. We follow Fish and Wildlife, Game and Parks. And it's a matter of planning. So as you go

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

through that planning, you apply for your permits, you learn what information they want to get, you get it to them, you avoid the wetlands if they want them avoided. The advantage that counties have is that they're not building 5-mile stretches of highway like the Roads Department is. We're building spot jobs. They're usually 800-feet long and we span the problem. So permitting is usually something that if you plan for it, we can move it forward. Ninety-nine percent of the time, the issue is funds, which is what you've heard. And with that, I'll take any questions that you might have. [LR528]

SENATOR DUBAS: Very good. Thank you, Mr. Mainelli. Questions? Senator Brasch. [LR528]

SENATOR BRASCH: Thank you, Madam Chairman. And good to see you again and thank you for your continuous testimony through the counties. I'm curious on degradation. How is that different than erosion? What's the...when I see these bridges, I believe a huge part of the problem is erosion, especially some of the bridges that were built in the '70s that we saw in Cuming County compared to bridges built in the 1900s or, you know, early on. But explain the difference, what degradation when you're... [LR528]

MARK MAINELLI: Degradation is a function of straightening, the straightening and increasing the slope in a channel and then it erodes or degrades the stream. The erosion is then a result of what happens on the side friction because now I have vertical banks, what you saw, 20-, 30-foot vertical banks. And then water cascades over where there used to be a nice flat slope, draft slope, it now pours over the side of that and then causing the erosion. Erosion is displaced soil. So typically when we design things, you could drive down the highway and Department of Roads has an excellent program on erosion control, so you see seeding immediately, cover crop; you see silt fence; you see matting to prevent erosion and we stop it before it starts. So erosion, degradation is erosion and it's...they are not one in the same but the degradation would allow additional erosion. Now the '70s and '80s, I'm glad you caught up on that, Senator,



Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

because in the '70s and '80s what was a real popular thing back then was is they had these little package deals. These firms would go around that would sell these little package bridges and they did no engineering. They didn't look downstream; they didn't look upstream. They went in there and they just started popping bridges in. A lot of things have changed. Statutes have changed. The rules of the Board of Classifications has changed. Department of Roads is more vigilant. The state bridge engineer comes out and educates the county on what the requirements are. The Corps of Engineers tries to do a better job educating everybody. So in the '70s and '80s what happened, what you were seeing were bridges that were probably too short at the time and then had 4- or 5-, maybe 10-foot of degradation come through. And we have bridges that literally are in the infancy of its life span, structurally have no problem, but they're a third of what they should be for length. And that's what they have in Cuming County. [LR528]

SENATOR BRASCH: And that is concerning to see the bridges that were just in recent history built, the expenses paid. And when bridges are built moving forward, you know, is there a hydrologist involved? You know, is the planning...are we smarter now than we were in the '70s and '80s when it comes to bridge construction or...? And then when you use the "spot," that we're doing spot jobs, and should we be doing 5 miles of work with the hydrologist, keeping in mind that the channels are cut 3 inches a year for the next 20 years? [LR528]

MARK MAINELLI: Sure. [LR528]

SENATOR BRASCH: You know, is there a science? [LR528]

MARK MAINELLI: It's an excellent question. And actually Brian Dunnigan's group with the NRCS or the DNR studies and updates their studies on the major degradation in the state. It's documented. But there's no funds that are available because it goes through the NRDs. And if the NRDs...if you approach an NRD, they'll do a project for you as a specific project, but there's no programs out there. So Wayne County just yesterday

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

contacted us because we have a river up there that runs just south of Wayne that has a horrible degradation problem from the Logan straightening. They took the Logan Creek and straightened it into the Logan Dredge, and it's just dropping to China. So all the tributaries coming into that is...it's "headcutting" back. So about 20 years ago we made the decision to work at the top of the basin, the top of the hill and work our way down to replace those structures. And then when we got to the bottom of the hill and getting more expensive then we'd deal with it. Well, there's one particular channel up there, it's called Coon Creek, and Coon Creek we're getting to the bottom it. So what the commissioners decided is we're surveying the channel bottom so that we have a graph that shows all of those "headcuts." And we have met with the NRD to request that they help the farmers to stop the "headcutting" in the middle of those fields. Of course, we'll see how that goes. Otherwise, I have to wait till it comes up to my very first structure, which is a box culvert. If I don't do anything, it goes right under the box culvert and the box culvert fails, goes to the next one. So they are doing the studies. Cuming County has surveyed quite a few of their streams to document where those problems are. If...you talk about a hydrologist. That's a civil engineering occupation. And if a bridge is done properly, the preliminary engineering is done, how to do it is documented. I can't say that everybody out there that puts a bridge in is following that protocol. The protocol is there. The design code, the Board of Classification clearly says that you follow AASHTO. AASHTO says this is what you do: A, B, C, D. Now is every county going out there and doing that? Keep in mind, the engineer you got to pay and there's a lot of years, some like in the mid-'80s, people would accuse me of getting paid by the foot: Why you putting these big bridges in here; you must be getting paid by the foot. Because we saw the problem, we try to deal with the problem; and then you get a salesman coming in going, you don't need that, let's just go 5 feet longer than what's there. Well, those are the ones you saw. So the statutes are there. A lot of the counties have been educated because now they're dealing with it so it's a little easier now than it was 30 years ago. So the engineering is there. I don't know if I've answered the question or not. [LR528]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

SENATOR BRASCH: Very good. You answered my questions... [LR528]

MARK MAINELLI: Okay. [LR528]

SENATOR BRASCH: ...very thoroughly. Thank you. [LR528]

MARK MAINELLI: Thank you. [LR528]

SENATOR BRASCH: I have no other questions. [LR528]

SENATOR DUBAS: Other questions? I would ask you the question that I asked Mr. Dix about what...how do you define a federal aid bridge. [LR528]

MARK MAINELLI: Okay. [LR528]

SENATOR DUBAS: What makes that? [LR528]

MARK MAINELLI: A federal aid bridge, and of course the program has changed quite a bit, but when we would refer to a federal aid bridge, that would be a bridge that was eligible for federal aid funds and would be programmed through the Roads Department for a federal aid project. And there was two categories...actually, there was three, two commonly used. One was a bridge replacement off system, so that's these local roads. There was, depending on the highway bill, there were certain funds that had to be spent on off-system bridges. And then there was on-system bridges. Those are the arterial routes, the main paved roads in a lot of counties are the main roads. If you got one of those two bridges replaced, they would be considered a federal aid bridge. Now there are federal aid highway bridges that are on the federal aid highway...Mark...National Highway System. Thank you, Mark Traynowicz, the state bridge engineer. Those are on the...those are still kind of set aside, but that's on the National Highway System. The counties don't have very many of those. So usually when people would throw out, if

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

you're talking to a highway superintendent and they talk about a federal aid bridge, those are bridges that they got into the system and then there was consultants like myself that would take it through the system, pre the RC. So we would do it all the way through to the end in conjunction with the Roads Department to get it to a letting. And then it would go to letting and then we'd take it through construction and that's the funds that they bought out. There is some funds they keep back that the Roads Department held back for special cases that they spend that money on. They decide where those funds go. They didn't want to leave everybody high and dry if all of a sudden there was a critical bridge and they had no funds. [LR528]

SENATOR DUBAS: So there's very few federal aid bridges out in the county right now active? [LR528]

MARK MAINELLI: There, from the federal aid program, there are very few left. We're just kind of dwindling through the end of the program. [LR528]

SENATOR DUBAS: Okay. Any other questions? Thank you very much. [LR528]

MARK MAINELLI: Thank you. [LR528]

SENATOR DUBAS: Appreciate your information. Welcome. Nice to see you. [LR528]

STEVE RIEHLE: Hi, Senator Dubas, you too. Senator Dubas, members of the committee, my name is Steve Riehle, R-i-e-h-l-e. I'm the Hall County Engineer for Hall County, Nebraska. Also, as somebody mentioned earlier, Larry did I believe, I am the responsible charge individual for federal aid projects. We've got one last federal aid bridge we'll be building, and I say last federal aid bridge because the system has changed significantly. With the buyback or the Federal Funds Purchase Program, we get approximately \$40,000 a year for federal aid purchase fund program dollars that we can use to replace bridges. What we end up doing with that is paying for a portion of a

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

project, whether it's a culvert project or a bridge project, with those bridge dollars. But I say last federal aid bridge because a portion of the monies that were allocated through the federal funds program for off-system bridges are still being used for significant bridges, and so there still are some counties that can qualify for significant bridges. I believe it's about \$2 million a year. And if you think round numbers of at least a half a million dollars, that's building four bridges a year. So the counties will get four federal aid bridges per year and there's a ranking system for that or a selection criteria based on how far do you have to drive out of the way, what's the condition of the bridge, a few other factors like that, that are applied to that. But Hall County over the years, my predecessors I think have done a pretty good job of taking care of bridges. We don't have the degradation problem that the "east coast" of Nebraska has because it's flat in Hall County. It's kind of nice to have that. Degradation to me is if I jump off a bridge into the channel and it's 10-foot deep this year, next year it's 20-foot deep because that channel degrades down and it gets deeper. And that's where it's hard, as Mark said, to span that bridge because it was 10-foot last year and now it's 20-foot deep. It doesn't happen that fast, but it happens. But my predecessors have taken pretty good care of the bridges, and the way they've done that I think is by being creative. And we continue to do some of those things, we continue to do the projects where we'll replace a bridge, which is expensive, with culverts, which is less expensive. Sometimes they have a shorter life because it's a corrugated metal culvert and those don't have that same 100-year life that a bridge does, but it is less expensive and gets the road open for us. Also tried innovations working with the Department of Roads on construction methods of bridges. But largely, how Hall County did it in the past and got caught up is through promoting bridges, trying to get as many federal aid bridges as we could, having our own bridge crew to build bridges, and then borrowing or stealing from the resurfacing budget. Over the years Hall County has got roads now that some of the roads that we resurfaced are 18 years old. We started a project the other day on a road that was 30 years old. Paved the road 30 years ago with federal aid monies for surface transportation program and paved that road, and we haven't touched it in 30 years other than patching it, and we're finally resurfacing that road. So what we've done is we've

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

taken a budget and concentrated on bridges, which is important to me as an engineer. It's a safety perspective. Larry Dix talked about a hole, if you got a culvert that falls in, it's just a hole in the county road. But if a bridge collapses, that's a significant safety problem. So Hall County has done, I think, a pretty good job taking care of those bridges, but it's not just the numbers of bridges. Steve has got over 400 bridges. We've got just over 180 bridges. It's flatter in Hall County. We'll probably be able to get by with more culverts as well. But we've got half of the battle to tackle as he does, but he gets significantly more Federal Funds Purchase Program. And I think some of that is because of the number of bridges. We have under 180; he has over 400. Some of it's also because we spent a bunch of money of our own and also federal aid to replace bridges. But we fell behind on our resurfacing. So what I caution the committee to remember is it's not just numbers of bridges. For us, it's our whole budget because our budget is a balance of operating costs, of equipment purchases, of structures, structure improvements for bridges and culverts, and then road resurfacing. And we've borrowed or stolen from our resurfacing program in the past. We're spending about a half a million dollars a year. Every once in a while we have a good year and we're able to get a million dollars. Cost me \$900,000 one year for resurfacing, and we need about \$3 million a year just to keep up with our roads. That's why Hall County started taking some roads and "depaving" them. The farmers and people who take products to market got used to having a paved road. We "depaved" that road because it was cheaper to maintain as a gravel road for us because we couldn't take care of it from an asphalt perspective. So we've borrowed from that to increase that. And to put that in perspective so that the committee understands that, if we increased our approximately \$4 million to \$4.5 million budget, if we increased it by doing \$3 million worth of asphalt resurfacing, that's about six times...no, a three times increase in our property tax asking for the county highway department just to keep up. And that's not with a fancy calculated program, but it's saying that we need to do something on our asphalt roads every 10 or 11 years, and we're doing it every 18 to 30 years. And we need \$3 million a year; we currently get from property tax approximately \$1.5 million to \$1.8 million a year. The last thing I want to mention is about bridge widths. Larry talked about it and so did Mark.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

Hall County has done the same thing. On a county bridge, it's not just traffic count that drives us to make wide bridges. That is part of the equation. If you have a paved road, chances are you meet somebody...might meet somebody on that bridge, whether it's a bridge over the Missouri River, the Platte River, or the Wood River. If it's a paved road, you're going to drive on your side of the road. If it's a gravel road, you're going to drive down the middle. So that's where a lot of counties have said, hey, I can do a bridge less than 28-foot wide because it's a gravel road. How often do you meet a truck or another vehicle on a bridge? You usually adjust your speed back or speed up a little bit so you don't meet them on the bridge. That solves the vehicle problem but it doesn't solve the problem with the heavy equipment or the farmers' equipment that needs to get across that. So we build our bridges at 30-foot wide because we need to accommodate all that ag equipment and we've had trouble with that. So that's the standard that we've imposed on ourselves since it's a demand from our users and we think it makes sense. I don't have a magic idea on how to fix it. I don't know if bonding is the solution. I do know that a lot of it is numbers based, and it's not just the numbers you see, because we borrowed from our resurfacing program. And thank the committee for looking at this. I think bridges are very important to our counties. [LR528]

SENATOR DUBAS: Thank you very much, Mr. Riehle. Questions? So just to kind of restate what you said, you kind of moved towards making bridges your priority at the expense of your resurfacing projects. What you're saying is you can't do both. You either have to pick bridges or you pick resurfacing. But even though they do go together, you can't fund them at the same time. [LR528]

STEVE RIEHLE: That is correct. And what we've done is we decided to borrow from our resurfacing so we could keep up with our bridges, which is a safety concern. [LR528]

SENATOR DUBAS: Would you have any idea comparisonwise the number of resurfaced roads you have in Hall County versus some of the other rural counties?  
[LR528]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

STEVE RIEHLE: I've done some work on that and I'm not completely familiar with the numbers, but I've seen some that were surprising in how many miles some other counties had compared to us. Then I've also seen the opposite. So I've seen it go both ways where some counties have had a lot of paved roads based on population, registered vehicles, land size, things like that. Then I've also seen it where it goes the other way. So I didn't reach a conclusion that says they were higher or lower. [LR528]

SENATOR DUBAS: So it probably does depend on where those population centers are at and where people are located. [LR528]

STEVE RIEHLE: I think it does. [LR528]

SENATOR DUBAS: Thank you. Any other questions? Really do appreciate you coming today. Thank you so much. [LR528]

STEVE RIEHLE: Thank you. [LR528]

SENATOR DUBAS: Welcome. [LR528]

PAM DINGMAN: (Exhibit 3) Thank you. Pam Dingman, Lancaster County Engineer. My last name is spelled D-i-n-g-m-a-n. When I spoke to you last week, you asked me the question, had Lancaster County ever had an issue with a school bus? And I wanted to return to you this week having researched, because the answer is yes, yes, we have. On October 17 of last year, we did have a bus that did drop a wheel through one of these, it was a wood-deck bridge, and had to be removed with a wrecker from the bridge. It was fortunate that only the bus driver was on the bridge, not the children. But I did want to come back and tell you that we have had concerns with school buses on some of our rural roads. While you asked the Hall County Engineer a couple questions about pavement, I'll say that we also try to balance our need for repairing the bridges



Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

with our need for resurfacing the roads. After I took office, we inspected all of our paved miles of roads. In Lancaster County, we have approximately 272 linear miles of asphalt pavement. As of this moment in time, and I say this moment in time because it's before the winter when we experience a lot of additional cracking and "potholing." As of this moment in time, approximately 80 miles need to be resurfaced. We only have the budget to resurface 10 miles a year; and remember, as I stated last week, we have no budget for bridges currently. I want to thank you for looking into this issue. I also passed out to you today an article on roadway and the Highway Trust Fund and how it finances bridges and roads. And it gives a little breakdown. The Highway Trust Fund, as many people in the audience could tell you, was created by President Kennedy on February 28, 1961. This particular article compares the 1961 gas tax and what was attributed on a federal level and, of course, trickled down to all of us locally, compares 1961 dollars to February of 2014 dollars. And I think it's interesting to note that what we're currently contributing today would be 2 cents in 1961 dollars, and in 1961 we contributed 4 cents to every gallon of gas. Now I'm not saying that I support a gas tax, but what I'm saying is this is a problem that we all need to work on together. I know that many people talked about problems with Department of Roads and the difficulty of some of the federal programs and the difficulty of the coordination with Department of Roads. But what I would like to suggest is that we all work together as a team to solve this, what is a national problem. Thank you. [LR528]

SENATOR DUBAS: Thank you. Are there questions? Appreciate you bringing us that additional information. Thank you so much. [LR528]

PAM DINGMAN: Thank you. [LR528]

SENATOR DUBAS: Further testimony? Anyone else? Welcome. [LR528]

ANDY CUNNINGHAM: (Exhibit 4) Greetings. Yes, I'm Andrew or Andy Cunningham from the Department of Roads. And, Madam Chairman, you wanted me to address a

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

question on the record that you posed to me this morning which was relating to our staffing at the Department of Roads and how we had...whether we had increased our staff in the period of the stimulus, the federal American Recovery and Reinvestment Act, and whether we had...whether that had tapered off since or not. Is that essentially was your question? [LR528]

SENATOR DUBAS: Correct. Correct. [LR528]

ANDY CUNNINGHAM: And I've got...I gave you a chart. I have one copy here which I'll leave afterward. It's a color bar graph that, unfortunately, will not copy well black and white. So I can get you additional color copies. But we did indeed have a 1 percent increase in our full-time equivalents at the Department of Roads in the fiscal 2009 and fiscal 2010 year period. I think if you add the two together, you get 1.2 percent increase. But our FTEs have gone down since then and actually we're now below where we were in fiscal 2008. So we've gone down from...in fiscal 2010 it would have been 2,157 FTE and we're now, for fiscal 2014, our high point was 2,098 FTE. So that's part of the answer to that question. The other part is that we did have a local projects division to...as part of the process of rolling out that extra federal aid program under the stimulus. But a year and a half ago, in the wake of, you know, after that, we took that division and made it a section in another division and we've also reassigned several of the employees there. So we have not maintained that staffing for the local projects at what it was during the stimulus, and at the same time it was also the period where the federal aid program was being reinterpreted to have many more requirements than had been the case before. So I hope that's answered the question and I'm, as I said, I'm glad to leave this copy here and I'll get extra color copies for the rest of the committee. [LR528]

SENATOR DUBAS: Very good. Appreciate that. Are there questions? I would just kind of follow up on the full-time equivalent. Is that all of the staff at NDOR? [LR528]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

ANDY CUNNINGHAM: That's all the staff. And of course, a large portion of that are maintenance staff around the state... [LR528]

SENATOR DUBAS: Okay. [LR528]

ANDY CUNNINGHAM: ...in the various districts. [LR528]

SENATOR DUBAS: So... [LR528]

ANDY CUNNINGHAM: It's not just the headquarters, no. [LR528]

SENATOR DUBAS: Okay. [LR528]

ANDY CUNNINGHAM: But it did show that blip in that period that you were asking about, that 1 percent blip. [LR528]

SENATOR DUBAS: And when you said that the workers from the local projects division, they were just reassigned. What kind of workers were in that, in that local projects division? [LR528]

ANDY CUNNINGHAM: I'll have to get back to you with that, but they were...some were engineers, some were technicians, mostly I think were technicians that worked with various aspects of working with counties and municipalities on delivering local...what we call local public agency projects. [LR528]

SENATOR DUBAS: Okay. Any other questions? Thank you for providing this information. We appreciate it. [LR528]

ANDY CUNNINGHAM: You're welcome. [LR528]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Transportation and Telecommunications Committee  
October 07, 2014

---

SENATOR DUBAS: (See also Exhibits 5 and 6) Any other testifiers? Anyone else? Well, again, we do appreciate those of you who took the time out of your busy schedules today to come down and share your information with us. This is the final hearing on this particular resolution and so now we will compile and actually have a report ready to submit to the full Legislature. And it's my intention to make sure that this is not just another one of those interim study reports that gets put up on the shelf or not really looked at. I really want this to be information that will be used in the next legislative session. It's quite obvious that this is a very serious problem that's kind of reached its point of no return. And we really need to come up with some very legitimate and some very serious solutions to this ongoing problem. And so your testimony and the ideas and the things you put forward will definitely help us put that report together and hopefully come up with some solutions. So thank you again to everybody who helped us with the tours and the hearings, and participating in the hearings as well. Thank you. [LR528]