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Transportation and Telecommunications Committee  
October 06, 2015

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[LR317]

The Committee on Transportation and Telecommunications met at 9:30 a.m. on Tuesday, October 6, 2015, in the Lied Scottsbluff Public Library, Scottsbluff, Nebraska, for the purpose of conducting a public hearing on LR317. Senators present: Jim Smith, Chairperson; Lydia Brasch, Vice Chairperson; Al Davis; and Curt Friesen. Senators absent: Tommy Garrett; Beau McCoy; John Murante; and Les Seiler.

SENATOR SMITH: Well, good morning everyone. And yesterday we had a great hearing on LR318 and LR313. The room was full and a lot of great discussion. And, in fact, you know, I think there was a couple of people that testified that touched on the topic of today. We have a much smaller turnout today, but it's still a very important issue between the counties and the agricultural industry. Because, you know, we're striving to try to find that right balance between protecting our road systems in Nebraska, but also making certain that we don't create any undue burdens on our agricultural industry, because we are an agricultural state. So this is a very important issue. Yesterday we had the fortune of having the mayors of Gering and Scottsbluff here to make some introductory remarks. And again, it's great to be in Scottsbluff, and I look forward to hearing from you today. Just a real quick introduction again... we've met already. I'm Jim Smith; I'm Chair of the Transportation and Telecommunications Committee. I represent the 14th District in Sarpy County. And legal staff today...we have with us Mike Hybl. And then, at the far end of the table, is Paul Henderson, and Paul is from Scottsbluff. So it's a trip home for him to see his family. And Paul will be taking any green sheets that you have. As you come forward to testify, Paul will take care of that for you. Obviously, with the number of people here today, we don't have...we're not going to use the time limit. And we want to have just a good thorough conversation on this issue. I would like to have my two colleagues that are with me today introduce themselves.

SENATOR BRASCH: I'm Senator Lydia Brasch. I represent Legislative District 16; that is Cuming County, Burt County, and Washington County. Washington and Burt are the eastern edge of the state, so my drive here was almost flying straight east to west. And it was a beautiful drive on a Sunday. And I appreciate the hospitality. And I'm also the Vice Chair of the committee.

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SENATOR DAVIS: Al Davis, District 43, just north of here. I represent 13 counties from Keya Paha County to Dawes County on the west and almost down to North Platte...Logan County there. So...and McPherson...everything in-between.

SENATOR SMITH: Yesterday, we had Senator Curt Friesen with us. Senator Friesen had to head back home for harvesting, and so he had to head out last night. And then, of course, Senator Stinner joined us yesterday, and we appreciate him and his welcoming us to his district. So we appreciate his hospitality. Unfortunately, Senator Stinner can't be with us today. So with that, we're going to open it up to testimony on LR317, which is an interim study to review the Nebraska rules of the road and provisions which establish maximum weight limits.

JESSICA KOLTERMAN: Thanks for having us this morning. [LR317]

SENATOR SMITH: You're welcome. [LR317]

JESSICA KOLTERMAN: For the record, my name is Jessica Kolterman, J-e-s-s-i-c-a K-o-l-t-e-r-m-a-n. director of state governmental relations for Nebraska Farm Bureau Federation. And, again, we appreciate you being here on this side of the state. I know I enjoy driving across to visit, so I'm glad some of our eastern people could do that, as well. I didn't prepare a lot of remarks today, because I thought we might have a couple members who could share with you a little more accurately than I could what it's like to haul product to market here in Nebraska. But I did want to say that we've been hearing consistently over the last, probably, two to three years an increased problem with people getting pulled over and ticketed for weights that they believe are either right on the edge or even within the limits. As you know, we have people that farm all across the state, but on the borders of neighboring states. And there's been challenges with that consistency, because the rules are not consistent throughout. We feel...our members have expressed to us that they feel that there's almost a predatory nature to some of the ticketing where people will lie in wait for them get off a field to ticket them. And so those are just some of the concerns that have been brought forth by our members. The other challenge that I'm not the expert to talk to you about, but I know you're going to hear from people in some of your other hearings in other parts of the state about it, but the gist of it is this: When we are having members who are purchasing new equipment, some of that equipment, without any load on it at

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all, is almost to or even over the weight limits that are in place today. And, you know, as we know, our members are trying to run efficient, effective farming operations. And, in some cases, that requires new equipment. Now if the equipment that they're buying for their operations, to improve their operations, is not usable without getting a ticket, we have a problem. And so we would encourage the committee to look at some of that. And I know that we'll have some people with some more specific details about that at some of the hearings in the other parts of the state, as you continue this LR318 hearing, so...or LR317. So I'd be happy to entertain any questions. But I'm probably not going to be able to provide you a lot of details about moving product to market, because I personally have not done it. But I know there's some people here who probably can. [LR317]

SENATOR SMITH: Thank you, Ms. Kolterman. Now the equipment you're mentioning that is nearly over the weight limit as manufactured...the newer equipment, the primary intent of that equipment is to be in the lots and in the fields. Is that correct? [LR317]

JESSICA KOLTERMAN: Yes, yes. So... [LR317]

SENATOR SMITH: But the problem is that it transported that short distance. [LR317]

JESSICA KOLTERMAN: Right, there's...obviously if you have one field and you have to get to another field, you're going to have to go out on a road to do so. [LR317]

SENATOR SMITH: Um-hum. [LR317]

JESSICA KOLTERMAN: So they're not hauling long haul. I mean, we're talking sometimes quarter of a mile or a couple miles, at best. And generally, they're oftentimes country roads. And that's always been another thing that we've heard, as our members have never, in the past, had these challenges on the country roads. But now they're finding they're getting a lot of tickets on the country roads. And so we're not talking about heavy highway; we're talking about County Road C or wherever that is. [LR317]

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SENATOR SMITH: So your members are saying even to have the relief in those short distances would be very helpful for them. [LR317]

JESSICA KOLTERMAN: Yes, yes. I have an example of a member who had a manure spreader with no manure on it, driving it to go from, you know, the home place to go pick up the manure over at the pig barn. He gets pulled over without the manure and gets ticketed. [LR317]

SENATOR SMITH: Do you know how that type of equipment is permitted, the location that it's permitted? [LR317]

JESSICA KOLTERMAN: I don't know that myself, but I can find that out for you and get you that information. [LR317]

SENATOR SMITH: Okay, thank you. Senator Brasch. [LR317]

SENATOR BRASCH: Thank you, Chairman Smith, and thank you, Jessica, for your testimony today. Your testimony included that other states treat their ag equipment weights differently. Is there a state with legislation that you think we should be looking at specifically? [LR317]

JESSICA KOLTERMAN: We actually reached out to our counterparts, and I have a list that I know we're planning on sharing with you at another hearing, when you're on the eastern side. My counterpart, Lavon Heidemann, is an actual farmer. So he's going to be talking to you a little bit about that. But we have reached out to other states, and there's some pretty...I think there's some pretty good models we can look at from around the country. And we'll get you some more specifics on that. But yeah, there are examples. [LR317]

SENATOR BRASCH: There are, very good. I don't have any other questions. Thank you. [LR317]

JESSICA KOLTERMAN: Thanks. [LR317]

SENATOR SMITH: Nothing more, thank you, Ms. Kolterman. [LR317]

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JESSICA KOLTERMAN: All right, thanks for having me. [LR317]

SENATOR SMITH: Thank you for hanging around today and testifying. [LR317]

JESSICA KOLTERMAN: Absolutely. [LR317]

\_\_\_\_\_: (Inaudible). [LR317]

JESSICA KOLTERMAN: I'll get you green sheets. [LR317]

\_\_\_\_\_: I'll get it. [LR317]

ROBERT BUSCH: I'm Robert Busch from Mitchell, R-o-b-e-r-t B-u-s-c-h. I am a retired farmer, Scottsbluff County Farm Bureau, past president of the Nebraska Sugar Beet Growers Association, and also a retired corporate Western Sugar board member. Been around the block a couple times. I have witnessed, over the years, progression of equipment. Went from single-axle trucks to the very first tag axles that came on trucks to haul beets, basically, and started with rehaul. When we used to haul, we had a lot of outlying beet piles. Farmers hauled those, and they put tags under them so they could get up to 13/14 ton. And the problem with those trucks, they didn't have the brakes that fit the weight. But anyhow, time has moved on. Now we're semis pretty much, I guess 70 percent semis. And I'm a digger operator. I load two semis and three twin screws. And last year, one ticket, overweight \$180 worth, and then another was a warning on a twin screw. And to keep a truck legal...and you would have to sit in the tractor, and I got four buttons that I operate. Four miles an hour, I got a truck beside me that's got to drive straight. And to load that truck legally,...and things happen, just wham, wham, just quickly. Just at the blink of an eye, you got a hump over the rear tandems. And the minute a DOT guy sees that, he'll pull you over. You know, those things happen. And most times the weights are just right on the edge of being legal. And even though my son has overweight permits, but that doesn't take axle into consideration; it's a gross volume. So I do feel...and you know, they've met with DOT and what have you, and there needs to be some common sense. But, on the other hand, I frown upon farmers who are sloppy and overload trucks and maybe get too close, or whatever, and spill beets on the way to town...and/or corn, doesn't make any difference. And so I don't approve of that at

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all. But I do feel that our DOT and the State Patrol needs to have a little common sense. Jessica alluded to the equipment. And there again, Mr. Erdman here can attest to this...he's been around a day or two. We've watched this equipment grow. And my stars, you take a 9670 John Deere, throw a twelve-row corn head on it; I have no idea what they weigh. They're dualled up, of course, But those things are heavy. And my son runs a 2366 International with an eight-row Drago on it...Dragos are pretty heavy. We don't have access to a scale unless we go to town, which we're not going to do. But that's something that has evolved in agriculture, is this equipment, that it's gotten larger. And the infrastructure, basically, hasn't kept up. And the biggest issue, of course, is bridges. Of course we...you know, my neighbors cross a bridge, a ten-ton bridge, but they still cross it. You got to cross it or you're going to drive four miles, six miles out of your way. And then, you know, that piece of equipment is on the road that much longer...makes more of a safety factor. So that part of overweight with equipment is probably going to be the most difficult issue that the Transportation Committee is going to have to legislate this. To me, in my opinion, it's going to be virtually impossible, because you cannot legislate how large these manufacturers are going to make this equipment. You can't do that. And then farmers, of course, some guys...my goodness gracious...a farmer at 5,000/6,000 acres, and they got to have large equipment to cover the ground. And so that is really difficult. Grain carts is another issue. I never in my life dreamed that I'd ever see a 1,200/1,300 bushel grain cart, never. And, you know, they're very heavy, but they're not on the road. They're not on the road, not loaded. And so if they do go down the highway, they're empty. And so...and there again, the farmer has to use common sense, common sense. And so...it's a...I've been working on overweight issues for...1989, I guess, is when I cranked up on some of this stuff. And it's a major issue. And now, all of a sudden, equipment comes into the picture. And Jessica alludes to the manure spreaders. We got the same thing, you know, hauling out of these feedlots, you know. There's some pretty good-size spreaders. I got a neighbor that does a custom...he's a farmer, does custom hauling, triple-axled. And he's had overweight tickets that he put his triples under him. And then when you get a triple-axle truck, get it in the field, they're tough. Oh, they're tough to handle, because you got to push her in front of the, you know, drivers. And, oh my, that's tough. So...but this is the situation, that you throw the politics out the window, and then you bring the common sense in. And let common sense prevail. That's what you do. And then the lack of understanding...and I recognize when you're in committee you talk amongst yourselves. So you get a real good feel of what's happening. But when it hits that floor, all of a sudden there's people

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out there that don't understand. And under no circumstances are they going to vote, you know, for some latitude, if I may use the term, for a little more, not so-called overweight permits, but a little more latitude in the law. And the message would be sent from the Governor to the DOT to (inaudible) use some common sense, folks, so... And I don't envy your position at all. And, as time evolves, it's going to get worse. This issue is going to get worse. And then another issue, and I wish my friend from Lyman was here today. He hauls sugar beets off his farm in Lyman, Nebraska, two miles from the Wyoming border, and hauls them up to Torrington, the sugar factory up there. And so he has to deal with the Wyoming Highway Patrol. Wyoming does not have a DOT; they got Wyoming Highway Patrol. And their port is west of Torrington. And so Jessica is correct that we do need to work closer with our bordering states. That is a fact of life. We're all ag states, so anyway... Mr. Chairman, I'm going to stop. And I enjoy this ditch bank talk, so... [LR317]

SENATOR SMITH: Mr. Busch, appreciate your testimony. And you know, I think you're right, and that is, common sense needs to prevail. But it's a...what does that mean in terms of a possible solution that you can see us coming to? And the larger concern, I think, that has been mentioned, are the bridges. [LR317]

ROBERT BUSCH: Yes, indeed. [LR317]

SENATOR SMITH: So you could, for short hauls, you could reduce your speed. You can make allowances for adjacent properties or nearby properties. But whenever you have these overweight limits going over bridges that are in bad repair, I mean that's a real problem. [LR317]

ROBERT BUSCH: It is. One of the problems with bridges...and I live three quarters of a mile from a very contentious bridge. And just this morning, Scotts Bluff County Road Department is out building a lift on County Road 13. We exit off of my place, and I need a buildup about eight to ten inches. Well, the maintainer operator calls the drivers and tells them, he said, we're going to be doing this underneath the power poles. And he said, you'll probably have to go around; you can't cross the bridge. So they had to drive an additional five miles. And I told him, I said, drive the bridge; that's fine, if they keep it up and they got good stringers under it and good planking. But there has been a total "lax" in keeping bridges up. In a lot of cases, you don't have to replace

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a bridge with a bridge. I'm talking about timbers, wood or steel or concrete. In some cases, I would guess maybe 50 percent, you pull the bridge out, you schlep out the ditch, whatever, and throw a tinhorn in it. And a tinhorn allows God only knows what. Put it in correctly, and dry piling on either side of it so it don't slough off. And for about a third of the cost, you're done. And I've witnessed that, too. I've got it right in my neighborhood. And so...I'm looking for a word here. This bridge I'm talking about really should be a box structure, and it should have been put in a long time ago. And, unfortunately,...and I'm on a ditch board...you know, we pay O and M charges. But this bridge, in particular, and it takes a lot of floodwaters,...oh mercy, does it take floodwaters. It's cabled down so it don't float away. But this bridge should be a box structure. Every box structure they put in, they go in for life, so. But you're right; the bridges are a major issue. And funding...I feel, and I get upset when I hear my county people tell me that the only place we got to get money is in property tax. That's nonsense. There are grants out there. Just take the time to look; get you some help. And so we need to be more aggressive with bridges. In this county, and don't quote me on this number that I have here,...it's 3 or 4 numbers...we got about 280 bridges in this county. And it's because of our irrigation. We got a lot of bridges. And so some they've kept up and some they haven't. And mostly they haven't, so. Okay. Any other? [LR317]

SENATOR SMITH: Let's see if we have any other questions. I don't see any. [LR317]

ROBERT BUSCH: Thank you. [LR317]

SENATOR SMITH: Thank you for being here today. [LR317]

ROBERT BUSCH: I wasn't figuring on doing this. [LR317]

SENATOR SMITH: No, we appreciate your perspective, really do. [LR317]

ROBERT BUSCH: Thank you. [LR317]

SENATOR SMITH: Mr. Erdman? [LR317]



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STEVE ERDMAN: Good morning. My name is Steve Erdman, S-t-e-v-e E-r-d-m-a-n, Morrill County Commissioner. I come this morning...it was interesting listening to Mr. Busch's comments, and I'll interpret the "schlep" meaning is...that's his German translation for dig out the ditch. And I appreciate that, Bob (laughter); I understood that. But this morning, as you deal with this issue of overweight for the equipment and whatever else is transported down our county roads and the state roads, the issue that Mr. Busch brought up about common sense, I'll relate a story about when I was hauling sugar beets one day. I got stopped, and the DOT weighed my truck, and I was close to being overloaded. And the person who was doing the weighing said, if you want to continue down the county road and go to the factory back the county road, you can load as heavy as you want. That's not the comment that I would like to hear as a county commissioner. I don't think that's appropriate either. So it's difficult for you people in the Legislature to legislate common sense. I have tried that; I introduced a bill to help alleviate some of the snowplowing when they shouldn't. It never got out of committee a couple years ago. But the point is, the road department has, in the past, tried to pick up things on the state highways that went through little communities that I am county commissioner of. And they want to pick up...there's a little sign that says "Chicken-fried Steak for Dinner" or a flag that says "Ammo for Sale," or whatever it might be...a pop machine or something. And when Jon Bruning was the Attorney General, I had contact with him about that. And Jon's opinion was, there's the law and then there's the common-sense interpretation of the law. And I think that's what Mr. Busch was alluding to. I think the Department...the DOT people could have more common sense and to use that common sense, and it doesn't take legislation to accomplish that. I think the person that they have now directed to do the Department of Roads, I think, I visit with him. I think he has some sense. He wants to make some adjustments, and I think that's part of where we start. And I would say common sense is applied this way, is you're the Department of Roads person...or the DOT person. And you think to yourself, if I were that farmer, how would I like to be treated? And if they treat that farmer how they would like to be treated, they'll get along a lot better, and things will go a lot smoother. As far as legislating the size of these big pieces of equipment, and I understand what Bob is saying...I'm old enough to know when we started farming that we could haul that piece of equipment on the back of a little small truck and not be overloaded, but now it's a lot different deal. And so we have to have, as Senator Smith and I talked earlier, perhaps you have to ease up some of those regulations during certain times of the year. The most difficult time will be spring when the frost is coming out of the ground. That's most detrimental to these

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roads. I would assume that speed and weight are the deteriorating factor to roads. And most of this farm equipment that's pulled behind a tractor is not going to exceed 20/22/23 miles an hour, so we're not talking about a speed problem. But we're talking about a common-sense issue. Let us go down the road and let us do our work, because, you see, you're not foreign to this, but agriculture is paying the majority of the bill. And so when they're paying, they ought to be able to be as efficient as they possibly can. And so I don't want us to be part of the problem; I'd like to see us be part of the solution. And it's difficult sometimes to relate to your counterparts in the Legislature about what agriculture does and how they do things, without them firsthand knowing about it. And I appreciate you coming all the way out here to Scottsbluff to see what agriculture is all about, because this is a totally different scenario to what you see even back east of Kearney. And so there is a big part of the state out west of North Platte. Senator Davis can attest to that. But, you know, so I think, as you go forward, it's going to behoove you people to try to figure out a common-sense approach that works for everyone. And, as a county commissioner, our roads were built a hundred years ago; a lot of them were built a hundred years ago. They weren't constructed in such a way with a base to hold the kind of loads that we have now. And so we spend a lot of time repairing roads after harvest because of the damage that is done there. And so we have issues that we have to deal with, but one of the biggest things that I see, as a county commissioner, that is a...it's a negative for me and our county and our taxpayers, is the unfunded mandates that the state puts on us. And so what I would ask, if you make some decisions about improving bridges or whatever it might be, if you're forcing us to do that, we ask that you support that with funds, as well, because we don't need any other unfunded mandates. We already spend about 50 percent of what we collect as a county, perhaps more than that, doing things for the state that we don't get reimbursed for. And so, consequently, we ask that, whatever you do, don't put another unfunded mandate on us to fix these roads. Try to help us to do that. And I would assume that the new director of the Department of Roads is probably looking at some efficiencies there, to try to make that more efficient and have some cost cuttings there. We continually talk about the symptom of too much taxes, and we never talk about the cause. The cause is too much spending. And we never want to make cuts in things that we spend money for, but there's a lot of efficiencies in the State Road Department (sic) that could be had, and I believe that's something that you'll have to look forward to, or look at, going forward. So those are my comments. Any questions? [LR317]

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SENATOR SMITH: Yeah. Thanks for being here today. So I like your perspective, because you've been a farmer, you've been a county commissioner, so you understand the need to protect the roads. And yet we need to make some common-sense decisions to make those agriculture allowances. [LR317]

STEVE ERDMAN: Right. [LR317]

SENATOR SMITH: And I think there's some common-sense solutions out there, and you mentioned a few of those. But it's hard for me get around the issue of the bridges, because if we have bridges that are in really bad repair, we know that we need to get those repaired. [LR317]

STEVE ERDMAN: Right. [LR317]

SENATOR SMITH: And we need to, you know, we're trying to find ways of funding that. But until such time as we can make those repairs, how do you make allowances around those bridges? I mean, do we just say, hey, look; we make an allowance on the roadway at a certain speed, but when it comes to the bridge, no allowance on the bridge? Is that what we have to do? [LR317]

STEVE ERDMAN: Well, you know, as Mr. Busch testified, there are bridges you need to cross to get to certain places. But in our county, we've tried to make those adjustments as we go, tried to improve that structure so they can get across those. We have some people that have to go around. And those people,...you know, the farmer is smart enough to understand that bridge is a 10-ton bridge and I got a 20-ton load...I'm going to go around. There's some common sense on their side, too. And we don't have a lot of people using excess weight on those bridges that they know they're not...will not withstand what they have. And so there has to be some common sense on their side, because we can't replace every bridge to withstand a 30-ton load. I mean, there's some of those bridges that are just fine, the structure is fine, but they're a 10-ton bridge. So I think some of that common sense has to apply on our side, too. It's not just on the DOT side. [LR317]

SENATOR SMITH: That's right. [LR317]

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STEVE ERDMAN: We have to make that decision. [LR317]

SENATOR SMITH: That's correct. And then, this varies a little bit, but on the topic of bridges and being a county commissioner, you know, some counties have a lot of bridges that need replacement. [LR317]

STEVE ERDMAN: Um-hum. [LR317]

SENATOR SMITH: Some counties have a few bridges that need replacement. Some counties have fewer bridges than other counties. And each county kind of works independent. How do we get the counties to bundle their resources and to prioritize across county lines to address the most critical bridges first? And last session, we had some discussion in LB609, which would have created a bank to try to pool resources to address bridges across county borders. Any thoughts on that, how we'd do that? [LR317]

STEVE ERDMAN: You know, Mr. Busch alluded to that. They might have 280 bridges in Scotts Bluff County. I think that's the number I heard, Bob. But our county is similar to his; almost every bridge we have is over an irrigation structure...is a ditch or a canal. And we have a relationship with those irrigation districts that we split that 50/50. And some of those bridges, depending on where it's at, it's sometimes...it's 25 percent...we pay 25 and they pay 75. And sometimes we furnish the labor and they furnish the pipe or the structure. So our bridges are, generally speaking, are irrigated-related bridges. And so we have some help in that regard. There are a lot of counties that don't have that irrigation, and I'm sure, in Senator Davis' district, there are several counties that don't have that. And I don't know how those counties deal with their structures there. But our county is fortunate enough to have irrigation, and we work with those irrigation districts quite well. And that's how we do it there in our county. [LR317]

SENATOR SMITH: Yeah. Not holding you to any of this, but I'm just trying to get some of the idea that could be out there. Could there be any gains from giving the Department of Roads a different level of jurisdiction over some of these bridges to help prioritize across county lines? [LR317]

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STEVE ERDMAN: You mean in efficiencies or economically? [LR317]

SENATOR SMITH: Oversight of repairs, you know, rather than individual counties having that responsibility... [LR317]

STEVE ERDMAN: No, no. [LR317]

SENATOR SMITH: ...having a different organization. [LR317]

STEVE ERDMAN: I guess I welcome the oversight of the repairs, as long as there's no unfunded mandates that are coming down... [LR317]

SENATOR SMITH: Yeah. [LR317]

STEVE ERDMAN: ...that's saying you got to do this, because, like Mr. Busch said, and so we need a culvert. A culvert would work, and they say, no, no. You're going to have a structure. You're going to have a bridge. That's the issue that we need to deal with is that if they want to make us do something that is absolutely not necessary, then I would not welcome that oversight. [LR317]

SENATOR SMITH: So avoid unfunded mandates, right? [LR317]

STEVE ERDMAN: Yeah. [LR317]

SENATOR SMITH: Don't take away local control of resources. [LR317]

STEVE ERDMAN: Right, right. [LR317]

SENATOR SMITH: But beyond that, any help that the state could provide, you'd welcome it. [LR317]

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STEVE ERDMAN: Yeah, yeah. But I think we would work together, and I don't think we've done a very good job. We haven't done a very good job of that over the time that I've been a county commissioner. And I think there's some improvement could be done there. And hopefully, looking forward, I've met the new person on the Department of Roads, and he seems to be a intelligent person who has some common sense. And I think he's negotiable, and I think they can work with him. [LR317]

SENATOR SMITH: Yeah. Okay, great. Thank you. [LR317]

\_\_\_\_\_: You talking about Doug (phonetic)? [LR317]

STEVE ERDMAN: Pardon me? [LR317]

\_\_\_\_\_: You talking about Doug (phonetic)? [LR317]

STEVE ERDMAN: No. [LR317]

\_\_\_\_\_: Okay. [LR317]

STEVE ERDMAN: Yeah, yeah. Blane (phonetic), yeah. [LR317]

SENATOR SMITH: Senator Brasch has a question. Then Senator Davis. [LR317]

SENATOR BRASCH: Thank you, Chairman Smith. And thank you, Mr. Erdman, for your testimony. Are you related to Phil Erdman? [LR317]

STEVE ERDMAN: He's my son. [LR317]

SENATOR BRASCH: That's what I was kind of thinking. So you have a very strong knowledge of legislation, the Legislature, and also the federal level and all of the entities and pass-throughs that... [LR317]

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STEVE ERDMAN: I'm familiar with it, yes. [LR317]

SENATOR BRASCH: Yes, you are. So...and I do appreciate that knowledge there. [LR317]

STEVE ERDMAN: Thank you. [LR317]

SENATOR BRASCH: What I'm not familiar with here is the bridges out in Cuming County and the eastern part of the state. From looking at them physically, there's a lot of erosion problems, the embankments, and the bridge itself. [LR317]

STEVE ERDMAN: Um-hum. [LR317]

SENATOR BRASCH: Part of the problem is the bridge was a certain width, but erosion and the rivers...and you're saying...now these are not erosion problems, but irrigation related? [LR317]

STEVE ERDMAN: Well, these...excuse me...these structures we have generally cross a canal that either delivers irrigation water (inaudible) cropland. [LR317]

SENATOR BRASCH: Okay. [LR317]

STEVE ERDMAN: Or it is a drain that drains water away from irrigation. [LR317]

SENATOR BRASCH: Are they man-made canals? [LR317]

STEVE ERDMAN: Yeah, yeah...the majority of them. We have a few creeks. We have a couple of creeks, and we have some rivers. But our rivers are all...the rivers only cross by the state highway. We don't have any county highways crossing county roads, crossing the river. But we have a few creeks that would cross, and we have those bridges that we deal with. But basically, we're in pretty good shape in Morrill County on bridges. [LR317]

SENATOR BRASCH: Okay. [LR317]

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STEVE ERDMAN: And, because we have a good relationship with our water districts, and it's working for us. And we just replaced a couple this last year. [LR317]

SENATOR BRASCH: It's basically updating to fit the needs of... [LR317]

STEVE ERDMAN: Yeah, yeah. And where possible, we remove a bridge and put in a culvert or a box structure. [LR317]

SENATOR BRASCH: Um-hum. [LR317]

STEVE ERDMAN: And that is far more efficient, and it lasts a lot longer. [LR317]

SENATOR BRASCH: And I believe that is currently, even with the Department of Roads, it seems to be box culverts are the next bridge that people are attempting to install. [LR317]

STEVE ERDMAN: Um-hum. Yeah, yeah. Yeah, so it is an issue; it's an issue. Some counties, probably in Senator Davis' district, probably don't even have a bridge...not one. Maybe Thomas County...or some of those counties probably don't even have a bridge, you know. So when you have, when you try to say we're going to have this one program that's going to fit all counties, then you got to look at this county...don't have any bridges. So, you know, it's a hard thing to do. [LR317]

SENATOR BRASCH: Um-hum. [LR317]

STEVE ERDMAN: Senator Davis? [LR317]

SENATOR DAVIS: A couple questions, Steve. And the first one is sort of a question about farming and where we are today. So when our...a lot of our farming country was laid out, we had 160-acre parcels, and we had all these roads that were put in for that type of population base. [LR317]

STEVE ERDMAN: Yes. [LR317]



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SENATOR DAVIS: Are we addressing that in terms of decommissioning these unused roads, or are we still keeping all those up? [LR317]

STEVE ERDMAN: Well, we have, since I've been there ten years, we've never decommissioned a road. But prior to that, we did a couple. One of them was right past my farm, and the road was seldom traveled. And what really brought that to a conclusion was the ditch company was burning weeds in the irrigation canal, and it was a wooden structure, and it burned the bridge down. And so, instead of restructuring the bridge and redoing it,...and it was the correct thing to do, and I signed the petition to let them do it. And then the land went back, half on each side, went back to the landowner on each side. So we do that whenever it's necessary, but it doesn't happen very often. But you're exactly right. When we started, you know, with all those, all those section lines had a road on it. And sometimes, maybe, these aren't needed. [LR317]

SENATOR DAVIS: Can you tell us what percentage of your budget, at the county commissioner, is spent on roads? Any idea? [LR317]

STEVE ERDMAN: Oh, I'd have to look exactly, Senator, but it's probably a significant number, 30/40 percent, maybe more. We get some state aid, highway funding and things, and so that comes into it, too. But I'd have to go back and look at it. But it's a significant number. And we, in our county, in this year, had a significant flooding damage in the northeastern part, more severe than we've had at any other time. And the longevity of it was the worst part. It lasted about 3 months, because the groundwater is real close to the surface, and when it rained, they had about 30 inches up there this year. And when it rained, then the groundwater came to the surface and ran down the road and washed the road. We had a 4-foot and a 3-foot culvert beside each other, and it wasn't enough to handle the water. That's how much water there was. And so we sustained significant damage in the northeastern part of our county. So that road...we're going to have to rebuild the whole road and raise it up. We're going to spend \$500,000, \$600,000 just on that road. [LR317]

SENATOR DAVIS: So is that Sandhill country, pretty much? [LR317]

STEVE ERDMAN: Um-hum, it is. [LR317]

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SENATOR DAVIS: Of course, the water is still standing at Antioch, you know, from that.  
[LR317]

STEVE ERDMAN: Yeah. [LR317]

SENATOR DAVIS: I've never seen water there this time of year my entire life. [LR317]

STEVE ERDMAN: Yeah. We had a little lake up there, Senator, that was 28, 30 acres. And when I was there on Memorial Day it was 640. And last week I checked; it's still 480. And it was...they said once they'd begin to pump the pivots up there, once they start irrigating, it will go down. And it did; it went down about 160 acres. But it's a significant problem. So we have some issues that we're dealing with, but we're going to try to elevate those roads and put in bigger pipes and try to do some things that would help us the next time it happens. [LR317]

SENATOR DAVIS: So you talk, and I understand where you're coming from with the DOT, you know. And I'm not trying to defend what they're doing. I'm sure they would say, well, if we start ignoring this level of overweightness, everybody is going to do it. [LR317]

STEVE ERDMAN: Um-hum. I understand. [LR317]

SENATOR DAVIS: When we were in Grand Island, we heard a...I think it was a commissioner there talking, or maybe there was a commissioner talking about it, a part of a county road that was an oil road. Manure spreaders went up and down it, and it was \$50,000 essentially thrown away, you know. So we need some regulation. [LR317]

STEVE ERDMAN: Um-hum. [LR317]

SENATOR DAVIS: Of course...and then another thing I was going say is, I think a lot of counties think that the state is imposing regulations on them, while a lot of those regulations all come down from the federal government to the state. [LR317]

STEVE ERDMAN: Got that. [LR317]

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SENATOR DAVIS: And whether we would like to or not, if you receive county funding from the state to help with your roads, then you have to meet the same federal standards that everybody else does. That's a big problem. But I guess I just wonder if the counties ought to try to look at a long-range plan for 30 years from today, where they want to be in terms of, do we need all these extraneous roads which require a lot of maintenance and really aren't used very often. [LR317]

STEVE ERDMAN: Um-hum, um-hum. I agree with that, and it makes sense. We've designated some of those minimum maintenance roads, and those people travel those sparsely, sparsely traveled roads, and we do some of that. And they don't get near the maintenance that the other roads do, and people understand that. We don't get hardly any complaints. I've never had a call about someone fixing or needed to grade a minimum maintenance road, you know. So they understand what it is. [LR317]

SENATOR DAVIS: Well, you know the way it is in Cherry County. If there aren't three people that live on a road, three families, you have to keep it up yourself. [LR317]

STEVE ERDMAN: Yeah, yeah. That's a good program. We don't have a lot of that in our county. Up in the northeastern part we do, where the flooding was the worst, but... [LR317]

SENATOR DAVIS: Right. [LR317]

STEVE ERDMAN: But it's been a challenge up there. And those people, ranch people up there,...huge ranches, large ranches...pay a lot of taxes, and I hear about that. I pay a lot of taxes, and this is the kind of road I have, you know. [LR317]

SENATOR DAVIS: Believe me, I say the same thing to my Cherry County commissioners. [LR317]

STEVE ERDMAN: (Inaudible). [LR317]

SENATOR DAVIS: That is the way it is. [LR317]

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STEVE ERDMAN: So that's the way it is. I understand that. But we try to work with them. And when I was up there Memorial Day, I went up just to meet with them, six or eight of them that could get over to that one ranch. And I told them what our plan was and what we're going to try to do. And they appreciated the fact that at least we came to listen. And it was a good sign when I got out of the pickup, I said, I'm from the government; I'm here to help, and they laughed. So I knew I was probably not going to get tarred and feathered. But their issues are significant, and it's their livelihood. That road is their livelihood. And so we needed to make sure that we can get them in and out of there when they need to get in and out. [LR317]

SENATOR DAVIS: So recognizing the fact that a lot of the roads were built in a day when we didn't have this heavy equipment, do we have the technology available to build a road that can withstand these massive pieces of equipment? [LR317]

STEVE ERDMAN: Yeah, I believe we have the technology. Do we have the funds? The technology is there. We've built a couple of roads since I've been commissioner. We abandoned some roads and built a road in a more efficient way across the other side of the tracks, so you didn't have to cross the tracks twice. And that road, it's been there five/six years now, and it's very well constructed...good base, holds up to the traffic, and it gets a lot of heavy truck traffic. And it's holding up quite well, because they built it correctly. So the technology is there; the knowledge is there. It's the financing, the financial part. [LR317]

SENATOR DAVIS: So have you tried to encourage farmers to use that particular road rather than another road that might be less... [LR317]

STEVE ERDMAN: It comes from the western part of the county there, and there's not a lot of...there's four/five farmers live out there. And they use that; it's the most efficient way to get to town. I think everyone who's in that area has an opportunity to use it does use it, because before they had to cross the tracks twice. That was dangerous; there was no arms. And secondly, when we cross the tracks, and it went into the lower ground, and it made that road hard to control because it was always seepy there. So we built on the north side of the tracks where the ground is more solid. And they appreciated it; it's working quite well. [LR317]

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SENATOR DAVIS: Thank you. [LR317]

STEVE ERDMAN: Thank you. [LR317]

SENATOR SMITH: No further questions. Thank you, Mr. Erdman. [LR317]

STEVE ERDMAN: Thank you. Thanks for coming out. [LR317]

SENATOR SMITH: You bet. [LR317]

STEVE ERDMAN: Oh, one other thing I might say. Jessica told me that Illinois and Missouri have some regulations that they use on farm equipment that we might have...might have value for us. So that... [LR317]

SENATOR SMITH: We'll take a look at them. [LR317]

STEVE ERDMAN: Right, thank you. [LR317]

SENATOR SMITH: Thank you. Any further testimony? I see none. So that concludes the hearings on LR317. And again, thank you for being here today. [LR317]