

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee July 28, 2020
Rough Draft

FRIESEN: OK. Welcome to this afternoon's interim hearing of the Transportation and Telecommunications Committee. I'm Curt Friesen from Henderson. I'm Chairperson of committee and I represent District 34. The other committee members can re-- introduce themselves, starting with Senator Hughes over there.

HUGHES: Senator Dan Hughes, District 44: ten counties in southwest Nebraska.

GEIST: Suzanne. Geist, District 25: the east side of Lincoln in Lancaster County.

CAVANAUGH: Senator Machaela Cavanaugh, District 6: west-central Omaha, Douglas County.

BOSTELMAN: Bruce Bostelman, District 23: Saunders, Butler, and Colfax Counties.

FRIESEN: We are missing a few senators, and they may come in as the, as the meeting goes on. So I would ask you to silence your cell phones. We'll be listing things in order that are posted. I don't know if any of the other stuff is pertinent today. So this will be our first person. Welcome, Lisa-- Lisa Kramer.

LISA KRAMER: Yes.

FRIESEN: Welcome to the committee. We have, I think, there's a few, a few short on senators, but we're ready to get started. And if you want to just take a few minutes to tell us a little bit about yourself and, and about the position that you hold.

LISA KRAMER: OK. Thank you very much. My name is Lisa Kramer. I am a sitting county board member in Washington County. I am serving my second term in that capacity. I was confirmed to the Board of Public Roads in 2015, due to a vacancy initially, and then reconfirmed for a, a subsequent full term. I'm trained as a physical therapist. I have a master's degree in physical therapy. I also have a background in law enforcement. I do not have any engineering background, which is part of why I believe I bring value to this Board of Public Roads, because I bring a differing background and viewpoint, but also can utilize some of the skill set from my experience with physical therapy and communication and analytics to determine whether or not any relaxations that we are reviewing would benefit from being allowed,

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when balancing the safety issues and concerns along with the financial cost and impact to the state, the county, the local municipalities, etcetera.

FRIESEN: Thank you very much for that. And if-- I'll see if any of the committee members want to ask any questions. Seeing none--

TIP O'NEILL: Senator Bostelman.

FRIESEN: Senator Bostelman.

BOSTELMAN: Yes. Thank you, Chairman Friesen. Ms. Kramer, can you tell me a little bit more about your activities on the board? Is there a certain area? I know you talked about-- talked about it a little bit, but is there, a specific function on the board that you, that you fill?

LISA KRAMER: So there is a subcommittee that has met with regard to recommendations for changes in, in some of the guidelines that we utilize. I was not on that committee because, when I came on the board, it was after that committee had started to be formed. That's the only subcommittee that I am aware of. So my function has simply been at the board meetings where relaxations are approved or denied, and when we have received, in the past, the reports from all of our engineering and roads departments.

BOSTELMAN: OK, thank you.

FRIESEN: Thank you, Senator Bostelman.

LISA KRAMER: Yes, sir. Thank you.

FRIESEN: Any other questions from the committee? Seeing none, thank you very much for joining the call. And with that, we'll close the hearing on Lisa Kramer.

LISA KRAMER: Thank you, Senator Friesen and senators of the committee. I appreciate your opportunity today.

FRIESEN: Thank you. Next, Roger Figard. I think we've met before. I should remember, but--

ROGER FIGARD: My name is Roger Figard, R-o-g-e-r F-i-g-a-r-d, and I really appreciate the opportunity to be here today. I appreciate and I thank the governor for the opportunity to continue to serve. I've been

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on the Board of Public Roads since 2008. I serve in that capacity as the municipal representative for cities over 50,000. One of the nice things, I think, about the committee is there is really equal representation all across the state between state individuals: three from counties, three from the municipalities, as well as several lay people. So I think it's a very diverse group and rep-- well represents the entire state. I've had the privilege of serving as the chair of the board since 2010. And in that time frame, I think the board clearly has continued to project what was the mission and the goal of the legislature in the late '60s and early '70s, that being having a system of transportation that is safe and uniform and not just the state highways, but also county roads and municipal streets. In that time frame, early as I came on the board, we promulgated new rules for remote residential roads that really helped some of the far west counties that had roads that went to just one or two ranches. In the last five years, the board has promulgated new rules for 3R standards that allow cities and counties to do much more in the way of maintenance, asset management, and extending the life of roadways without always bringing them up to the more costly, new and reconstructed standards. That has gone a long ways, I think, in making the limited dollars that we have go farther. Last year, the Legislature passed LB82, which is a new law that-- across the country, there aren't enough dollars to do everything we want to do. There aren't enough dollars in Nebraska to bring every road up to a new and reconstructed standard. But we have hundreds of miles of roadways across the state and in cities and counties that are functioning safely. They're uniform, and they're meeting the intent, I believe, of the Legislature. LB82 provided three new concepts that the board administratively could work on with the state, the cities, and counties. And that was: a practical design; asset preservation; and context-sensitive design. And we've just really started with our committee of pulling together what do those kind of things mean. We've had several meetings with NDOT. They brought forward the potential of doing the Super 2 highways, the 2 + 2 highways, perhaps relaxation across the state on some bridge widths to make the money go farther. So that subcommittee is just now getting started. But there will be some things that we can continue to do what I call the Nebraska way. It's practical, it makes sense, it makes our dollars go farther. And while I've lived in Lincoln since 1972 and served the city of Lincoln, I grew up on a ranch south of Thedford, on the Dismal River. I have a great deal of appreciation of two-lane dirt roads and gravel roads. So anyway, I certainly would answer any questions. I thank you for the

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opportunity to continue to serve. I think that the Board of Public Roads continues to serve Nebraska well, and represent the mission of the Legislature on the transportation system. So I'd answer any questions you might have.

FRIESEN: Thank you, Mr. Figard. And thanks for Senator Albrecht and Senator DeBoer for joining us. Questions? Senator Geist.

GEIST: Thank you for being here. And I looked at your application and your resumé, and you obviously have a wide breadth of experience. So I'm curious, with all you've done, is there a single thing you can point to that you found to be the most rewarding?

ROGER FIGARD: On the board of public roads or--

GEIST: Yes.

ROGER FIGARD: --as an engineer?

GEIST: On the board, on the board.

ROGER FIGARD: On the board, I think was finding a way to bring forward the 3R standards for cities and counties. The DOT had 3R standards, you know, 10 or 15 years ago. And I, I couldn't understand why those weren't brought forward. And it just allows us to let cities and counties continue to take care of what they have, asset management. The other thing, I think, that I find most rewarding, also, being on the board, is, I think-- one of my skills and abilities is getting people together and trying to sort out what are the issues, what are the priorities, and how do we get a solution. Working with Nebraska Association of County Officials, working with Nebraska's leading municipalities, as well as the state, I think we've pulled people together and made good decisions together. And with LB82, we have the opportunity to create a whole new set of policies and practices. But first, they need to be safe and they need to be uniform. But I think we can continue to make our dollars go farther.

GEIST: OK. Thank you.

ROGER FIGARD: You bet.

FRIESEN: Thank you, Senator Geist. Any other question? Senator Bostelman.

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BOSTELMAN: Thank you for being here. On a more county township level, how much does the, the board-- how much do you look at gravel roads, township roads, county roads, oversight on that?

ROGER FIGARD: Well, we had-- one of the things that we tried to do, also, over the last couple of years and with LB82, is recognize that, since 1970, most governments now produce a budget. They have their own One and Six Highway Program [SIC]. I don't think it's necessarily the board's job to tell each set of county commissioners which roads are the most important to do. We-- they have a public hearing and they try to do that. But every road needs to meet a minimum standard and, if they don't, those roads are supposed to be brought into the board to review on whether or not to grant a relaxation. The board has the authority from the Legislature to go out and review and inspect and look at some things. We try not to do that; we don't want to be intrusive. If we get complaints, we go and inspect to see if somebody has done what they need to do. I think the board tries to weigh in on: Is the county spending their money where they ought to spend their money?

BOSTELMAN: [INAUDIBLE]-- after last year's flooding, we had a lot of issues with, with frost boils, with warped roads washed out, with rebuilding roads. And a lot of it, I think, was driven by federal guidelines. But there's a lot of issues there, especially on our county roads, on how those [INAUDIBLE] had to be reconstructed and built back to historical standards and stuff. There's nothing that your board really does-- that's more federal driven [INAUDIBLE]?

ROGER FIGARD: More federal. And I think, in that case, when they were applying for FEMA reimbursements--

BOSTELMAN: Right.

ROGER FIGARD: --they had to meet the FEMA rules. The few that came in, as we try to say, it makes sense to restore this, the standard and not waste money. But a lot of that, again, like you say, if it was federal money, they had to meet those federal standards. That's the way it is.

BOSTELMAN: That's fine.

ROGER FIGARD: Yeah.

BOSTELMAN: Thank you.

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ROGER FIGARD: Yeah.

BOSTELMAN: I appreciate it. Thank you.

FRIESEN: Thank you, Senator Bostelman. Any other questions from the committee? Seeing none, thank you for coming in and--

ROGER FIGARD: Thank you.

FRIESEN: [INAUDIBLE].

ROGER FIGARD: Hope you're all well and stay safe. Thank you.

FRIESEN: We are, we are well. Next, we have a-- we'll close a hearing on Roger Figard and open the hearing on John Krager. Is he on the phone or he's here?

JOHN KRAGER: Good afternoon, everyone.

FRIESEN: Welcome to the committee. I'm Curt Friesen, the Chair. Why don't you take a few minutes to just tell us a little bit about yourself and, and about the position that you have.

JOHN KRAGER: I'm John Krager, K-r-a-g-e-r. I have been on the board since about 2014. I filled a vacancy about halfway through one of four terms. So this would be my second full term. I am a registered civil engineer. I work in Omaha, Nebraska, at a small engineering firm, and-- I'm getting a lot of feedback, so I apologize. And so I have worked on roads for-- storm sewer, sanitary sewer type systems for the last 30 years.

FRIESEN: OK. Thank you very much. Are there any questions from the committee? Senator Albrecht.

ALBRECHT: Hello, and thank you for being here on the phone with us. I have a quick question. When, when you do have your meetings, what type of concerns or problems come to you from the public?

JOHN KRAGER: Can you say that one more time? I'm getting a lot of feedback, and so I-- it's hard for me to hear--

ALBRECHT: Are you on a--

JOHN KRAGER: --what you are asking.

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ALBRECHT: Are you on a speakerphone?

JOHN KRAGER: No, I'm on my cell phone.

ALBRECHT: OK, 'cause it's kind of tough for us to hear you, too. My question is, when you have a meeting, do you-- what type of complaints come from the general public?

JOHN KRAGER: You know, we haven't had that many complaints from the general public at our meetings. Our meetings are to review mostly relaxations requests across the state of Nebraska from county and city officials.

ALBRECHT: So you get them more from the city and the county, not the actual public?

JOHN KRAGER: Correct.

ALBRECHT: OK. And what, and what kind of concerns would those be again?

JOHN KRAGER: Oh, the concerns that we get are requests for relaxation from the board standards.

ALBRECHT: OK. Do you ever have any concerns on railways?

JOHN KRAGER: No, we don't. We don't cover railways.

ALBRECHT: OK. Thank you.

FRIESEN: Thank you, Senator Albrecht.

JOHN KRAGER: Thank you.

FRIESEN: Senator DeBoer.

DeBOER: Yes, I was wondering if you could explain what the process the-- the board goes through for determining whether or not to grant a relaxation request. In other words, what standards do you apply? And how do you determine what are the correct standards for applying, to determine whether or not there should be a granting of the relaxation request?

JOHN KRAGER: Well, that process that we have gone through is, we're provided a relaxation request from that like you said, a county or

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city. Within that relaxation request, they actually say what relaxation they are asking relaxation on. We review that against the Title 428 standards that were just recently created on that roadway type. The member that has made that request for relaxation normally, would-- we would review that relaxation, a member of that county or city would come to the actual board, make a presentation, and then from that presentation and from the information we're provided, we review it and vote on whether do we-- to allow the relaxation or not.

DeBOER: When, when you make your decision about whether to vote for the-- for allowing the relaxation, what, what is the standard that you use to evaluate each situation? I said-- I think you said that you refer back to the most recently published standards. Do you just sort of-- if it fits with the most recently published standards, you'll grant it? Or if not, then you won't? Or is there some other means that you use for evaluating them? I'm just trying to understand your process when you get these kinds of requests.

JOHN KRAGER: So when you-- they make a request for a relaxation for the 428 Standards-- road classifications. So we review the road classifications. I'm just trying to think of your question and if I'm responding correctly here. We review the relaxation request against the, against our [INAUDIBLE] standards and make a decision, based on existing conditions, accidents. Sometimes we review them, depending on the actual costs, the additional costs that might be required to meet the standards-- just a couple, just some of the things we review to make our decisions.

DeBOER: All right, thank you.

FRIESEN: Thank you, Senator DeBoer. Any other questions from the committee? Seeing none, thank you, Mr. Krager, for joining us. Appreciate you taking time to call in and, and tell us a little bit about yourself. So thank you very much. That will close the hearing on John Krager. Next we will open the hearing on Steve-- Steven Rames. Welcome, Mr. Rames. No? Waiting a little bit? Thought they were just in a long holding pattern. And this is the only new appointee.

ALBRECHT: He's from my neck of the woods.

FRIESEN: I know.

ALBRECHT: [INAUDIBLE].

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FRIESEN: Welcome, Mr. Rames.

STEVE RAMES: Yes, this is Steve Rames.

FRIESEN: Rames. Welcome, Mr. Rames. I'm Curt Friesen, Chairman of the committee. If you would, just take a few minutes and tell us about yourself and the position that you're looking to take here. And, and then we may have some questions from the committee members.

STEVE RAMES: OK. Appreciate the opportunity to, to visit today. Unfortunately, I was not able to make it in person. Excuse me here. My-- I have applied for a position on the Board of Public Roads Classifications and Standards, and I was encouraged to do so by, by several colleagues that I work with in the industry. My background: I've been working in the transportation design-- pavement design-- for about 35 years now. I started with the Department of Transportation up in South Dakota, did some consulting out in California in the San Francisco area, came back to the Midwest, and continued consulting for about another 15 years. And over the past five years now, found myself in Nebraska and as a consultant. And then about three years ago, came over to the city of Norfolk as a consultant and was encouraged to apply for their city engineering and public works position, which I did. And I've been engaged here in Norfolk since August of 2017. Again, my background professionally is, is transportation pavement design, and that's where my education lies, as well. I do have a master's in, in pavement design and transportation engineering. So it's, you know, I think I bring a lot of experience to the table. It's truly an honor to be sitting here today and visiting with the Transportation Committee. And I think with that, I'll turn it over to any questions.

FRIESEN: Thank you, Mr. Rames. You have quite an impressive resume, yes. And welcome back, welcome to Nebraska 'cause we need more good people to move here. Any questions from the committee members? Senator Albrecht.

ALBRECHT: Certainly not any questions, but thank you for stepping forward. This is Senator Joni Albrecht, and we're excited to have you in northeast Nebraska. And I appreciate your enthusiasm to, to jump onto this board. Thank you.

STEVE RAMES: Thank you, Senator.

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FRIESEN: Thank you, Senator Albrecht. Any other questions from the committee? Senator DeBoer.

DeBOER: Thank you so much for, first of all, putting your name in the hat and, and being willing to serve on, on this board. I was wondering if you could sort of walk through the process. One of the things we've heard about with some of the other appointments, when we've been discussing this today, is that when there's going to be a variance that someone's going to ask for-- I can't remember the word they just used-- but they're going to ask for a--

GEIST: Relaxation.

DeBOER: --a relaxation--thank you, Senator Geist-- a relaxation. What would be your process for evaluating whether that would be appropriate in that situation?

STEVE RAMES: The general way,- we would look at the safety, the safety aspect and a safety history, accident history related to that section of design. And then we would also work out an economic impact of that design. You're really weighing the two. Is the, is the cost so prohibitive that it overweighs not fixing a potential safety or, or risk to public injury? I think those are the two things we're looking at.

DeBOER: Thank you; that's helpful.

FRIESEN: Thank you, Senator DeBoer. Any other questions from the committee? Seeing none, thank you, Mr. Rames, for joining us.

STEVE RAMES: I, I would like to make one comment here before you wrap up. Since I'm not able to attend today in person and I am new to the board. I have scheduled myself to be at the Capitol next Monday from 8:30 to 1:00-ish. If there is an opportunity there to meet with any of the committee members-- and certainly Chairman-- I'd be, I'd be glad to do that.

FRIESEN: I would be glad to visit with you. It would be nice to meet you.

STEVE RAMES: OK. Thank you.

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FRIESEN: Thank you, Mr. Rames. With that, we will close the hearing on Steven Rames. Welcome, Mr. Tagge.

DAROLD TAGGE: Hello.

FRIESEN: Hello. This is, this is Chairman Friesen.

DAROLD TAGGE: Hello?

FRIESEN: Welcome to the Transportation Committee. We'll take a few minutes to tell us a little bit about yourself and about the position that you hold and, and some important issues that you've worked on. And then maybe when you're done, some of the committee members might ask some questions.

DAROLD TAGGE: Well, first of all, I was-- I've been on the board for about 25 years. I was in business for 34 years prior, and I retired in 2008. I was a member of the professional [INAUDIBLE] for 15 years, and I've been pretty active, been highway superintendent, city of Lexington, and--

FRIESEN: You're kind of--

DAROLD TAGGE: I happen to have that [INAUDIBLE]--

FRIESEN: --you're kind of breaking up.

DAROLD TAGGE: --right now, but [INAUDIBLE].

FRIESEN: Mr. Tagge, your phone connection t is not very good. Is there anything you can do to make it better?

DAROLD TAGGE: [LAUGHTER].

FRIESEN: There you sound better.

DAROLD TAGGE: Yeah, there you go.

FRIESEN: Seems like it was breaking up and we, we were not getting all your words.

DAROLD TAGGE: Oh, do you have it now?

FRIESEN: Yes. You sound really good now.

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DAROLD TAGGE: Yeah. And yeah, I'd like to stay on there. I-- it, it just keeps me busy and keeps me updated with other things. So yeah.

FRIESEN: OK.

DAROLD TAGGE: Do you-- you got-- do you have any other questions?

FRIESEN: I'll, I'll see if the committee has any other questions. It looks like you have a pretty impressive resume, also. So Senator DeBoer, I think, has a question.

DeBOER: Thank you, Mr. Chairman. Yeah, I've, I've been asking this of everyone today, just to kind of get a sense of their decision-making process. When you're faced with a relaxation petition, what are the factors that you consider, and how do you decide how you'll weigh them?

DAROLD TAGGE: Re-- repeat-- will you repeat the last of that, please?

DeBOER: Just wondering, when you're facing with a relaxation petition, how you go about weighing-- what factors you weigh, first of all, when determining whether to grant it, and how you weigh them in your head.

DAROLD TAGGE: Well, I, I think it's from having the experience for the time in, time in Lincoln I've had, that we, we use that in, in making determinations as-- or which, which way we need to, to address each issue. I-- you know, you, you draw, you-- well, if you've had 34 years to experience, you've-- that's quite a bit of experience.. So I, I don't want to say that it's hard to make determinations or anything like that, 'cause it's not. But [INAUDIBLE, you know, I still come up with [INAUDIBLE] that--

FRIESEN: OK.

DAROLD TAGGE: --requests and, and--

FRIESEN: Thank you, Mr. Tagge. Are there any other questions from the board-- or the committee? Seeing none, thank you, Mr. Tagge, for joining us.

DAROLD TAGGE: OK.

FRIESEN: And enjoy your reappointment.

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DAROLD TAGGE: Well, I appreciate it. Thank you very much.

FRIESEN: OK. Thank you. [LAUGHTER]. No tapping-- shh, shh, they're recording that.

HUGHES: That'll be a fun one for-- to transcribe for you.

FRIESEN: Welcome, Mr. Weander.

TIMOTHY WEANDER: That is correct. Thank you very much. Good afternoon, Senator Friesen and senators.

FRIESEN: Yes. Welcome to the, welcome from the hearing. If you'd just take a few minutes, I'm Curt Friesen, the Chair, but there's numerous senators here. And afterwards, they may have some questions for you, but take a few minutes to tell us a little bit about yourself and the position that you hold.

TIMOTHY WEANDER: I sure will; thank you. Last name is spelled W-e-a-n-d-e-r. I'm a professional civil engineer in the state of Nebraska. I've served on the board since 2010, which includes a full-term-- full- two full terms and then a partial term when I first started, I am a Department of Transportation employee, and I serve as one of two NDOT representatives on the board. I've been employed with the DOT for 37 years. I've been the District 2 engineer in Omaha for 17 years and the District 5 engineer in Bridgeport, which is in the Panhandle, for seven years prior to that. I have design experience and project manager experience, previous to those two positions, and I bring both a rural and an urban experience to the board in both construction design, project coordination, and public interaction.

FRIESEN: Thank, thank you, Mr. Weander. Any questions from the committee? It looks like you've got quite a bit of experience, too. And have, have you served in other areas of the state besides in the Omaha area?

TIMOTHY WEANDER: Ah, yes. I started in Omaha when I graduated college. I went into Lincoln then, after that, to get design experience. And I was in Grand Island for about half a year for-- as a construction engineer and in the construction duties of the district, and then in the Panhandle for 7, as a district engineer, and 17 in Omaha.

FRIESEN: That's where you met Wes Wahlgren.

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TIMOTHY WEANDER: Yes. Wes and I are good buddies.

FRIESEN: OK. Any questions from the committee? Seeing none, thank you for joining us today, and look forward to meeting you sometime if the opportunity presents itself.

TIMOTHY WEANDER: Very good. Thank you very much, Senators.

FRIESEN: Thank you. With that, we'll close the hearing for Timothy Weander.

TIP O'NEILL: And it closed the, it closed the hearings.

FRIESEN: Yes, and we'll close the hearings for the day.