

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

**FRIESEN:** OK. Welcome this afternoon to the public hearing of the Transportation and Telecommunications Committee. I'm Curt Friesen from Henderson, Chairperson of the committee. I represent District 34. A few procedural items: I would ask that you silence all cell phones and other electronic devices. We'll be hearing the bills in the order listed on the agenda. Those wishing to testify on a bill should move to the front of the room and be ready to testify. We have set aside some on-deck chairs there up front, so you're ready to go. If you will be testifying, legibly complete one of the green testifier sheets on the table just inside the entrance. Give the completed testifier sheet to the page when you sit down to testify. Handouts are not required, but if you do have a handout, we need ten copies and one of the pages can assist you with that if you need help. When you begin your testimony, it's very important that you clearly state and spell your first and last name slowly for the record. And if you happen to forget to do this, I will stop you and ask you to do so. Please keep your testimony concise. Try not to repeat what has already been covered. The acoustics in this room is challenging, so everyone speak very directly and clearly into the microphone. We use the light system in this committee. Beginning with the green light, you have five minutes for your testimony. Yellow light indicates there is one minute left. When the red light comes on, time is up. You need to finish your testimony. Staff, Mike Hybl is my legal counsel, committee legal counsel. Committee clerk is Sally Schultz and the pages are Thomas and Morgan. We thank you very much for helping us out today and with that, we will start introductions to my right. And there are committee members who are not here who may show up in the middle. They're probably in another committee introducing a bill, so bear with us. Go ahead.

**BOSTELMAN:** Bruce Bostelman, representing District 23, which is Saunders, Butler, and Colfax Counties.

**GEIST:** Suzanne Geist, District 25, which is the southeast side of Lincoln and Lancaster County.

**DeBOER:** Good afternoon, everyone. My name is Wendy DeBoer. I represent District 10, which is in northwest Omaha.

**MOSER:** I'm Mike Moser. I represent District 22, which is Platte County and parts of Stanton County.

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

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

**ALBRECHT:** Joni Albrecht, District 17: Wayne, Thurston, Dakota, and a portion of Dixon.

**FRIESEN:** Senator Hughes might be joining us shortly. With that, we will start the hearing on LB1274. Welcome, Senator Flood.

**FLOOD:** Good afternoon, Chairman Friesen, members of the Transportation and Telecommunications Committee. My name is Mike Flood, that F-l-o-o-d, and I'm the state senator from District 19, which includes all of Madison County and southern Pierce County. I'm here to introduce LB1274, a bill that would direct the Nebraska Department of Transportation to, Transportation to privatize our expressway system. I want to start by saying a sincere appreciation for Governor Ricketts' leadership for the Nebraska Department of Transportation. We have seen tremendous progress in northeast Nebraska, notably Highway 275, which the four-lane construction is underway from west of West Point to Scribner, which includes a bypass. We also are seeing the completion of Highway 30 between Columbus and Fremont in the North Bend area and we, at one point in the beginning of this century, didn't think that would ever happen. And so we have to be complimentary when we see good things like this happening and Governor Ricketts' leadership has prioritized getting this done and we are on our way. And that progress has brought us to this point where we want to talk about Highway 81, also known as the Meridian Highway. Back in 1912, citizens in Kansas and Nebraska got together to talk about creating a north-south corridor that would later become U.S. Highway 81. It goes all the way down to the Gulf of Mexico and it goes all the way up into Canada. It started as a two-lane highway. You may know that from York, Nebraska, south, you can travel on four-lane through states like Kansas and Oklahoma on your way to Dallas. It is a critical corridor and one that we want to see completed. Now in all fairness, the 1988 expressway system included on that corridor York to Columbus. What I'm here today to advocate for is completing the York to Columbus segment, finishing that portion of the 1988 Expressway, and also adding Norfolk to Yankton. If you look at the long-term plans for the Department of Transportation, they have suggested that a Super 2 would work between Norfolk and Yankton. Given the excessive amount of recreational vehicles and traffic that make their way to Lewis and Clark Lake, we believe that-- and on top of that, the investment the state of Nebraska could potentially be making in the STAR WARS program, we believe that a four-lane from Yankton to York, understanding that Columbus to Norfolk is already done, is in the best interest of the state. This is an unprecedented opportunity to express-- to finish the expressway system, help grow Nebraska, to serve agriculture, and to promote tourism. Impact on the trucking

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

industry and in particular on the growth of truck traffic are due to our number one industry, which is agriculture. Imagine mixing all of those trucks hauling hogs or cows or grain, add in a lot of recreational traffic that's coming up northbound on Highway 81, and you have a recipe for a lot of traffic and a lot of need. Commuters from northeast Nebraska who commute 60 miles each day from communities like Crofton, Bloomfield, and Niobrara, they are a significant part of our workforce. And I think when we talk workforce, it's important to know the assets that we have in Knox County. We have a beautiful lake called Lewis and Clark Lake, which is just nestled a little bit south and west of Yankton. And we are finding that more and more skilled workers are wanting to buy very nice homes up on this lake and they can provide the kind of skilled labor we need for the jobs in northeast Nebraska. Similarly, Niobrara is underdeveloped and beautiful and it's starting to see an increase in residential homeowners there as well. Perhaps most importantly, the viability of rural Nebraska. You might say, well, why are we adding to the expressway system? We are adding Norfolk to Yankton because it simply makes sense. Imagine being in a town of 25,000 with a, with a two-lane highway going north and, quite frankly, east. We're solving that now with the 275 completion. With four-lanes from Norfolk to Yankton and Columbus to York, we suddenly have a four-lane expressway south through the, through the middle of our continent, which is a huge opportunity for growth. This is our time, as we have the opportunity to live and work anywhere. With the recreational opportunities available in northern Knox County, this is a chance to bring young people home, to reach out to others and say this is the place to be. We can't kick our commitment to the expressway system down the road another 30 years. And so today, I want a hand out-- and I'd ask the page to deliver this letter to everybody on the committee-- a letter from Kay Orr, Governor Kay Orr. She is a resident part time of Knox County and knows the beauty and the opportunity available. And Governor Orr has eloquently outlined, I think, for members of the committee, the reasons why a four-lane from Norfolk to Yankton is a good idea. I also want to thank people here today from York, from Columbus, from Norfolk, and from Knox County. I know that Senator Brandt's excited about this. He represents the area around Hebron. I would note that this bill has the support of several-- of all the senators along the corridor. And this is a unusual step. You might say, well, how does this work? We are essentially directing the Department of Transportation to begin the design, the planning to complete this north-south highway and if we have to amend the language to avoid any concerns regarding special legislation, we'd be willing to do that. Finally, I just want to say this is a chance to be super

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

visionary, to address an opportunity in our state to grow our population, and think about what this does for Columbus. Columbus is going to be linked to Omaha with a four-lane. It will be linked to Interstate 80 with a four-lane that is a-- that makes Columbus a major-- it gives it a major leg up when it comes to recruiting businesses where you can get to the interstate and you can get to Omaha on a four-lane in either direction and I think that's a game changer. So with that, I'd like to thank everybody that came up here for a while, and I'll save the rest for my close and would ask-- answer any questions.

**FRIESEN:** Thank you, Senator Flood. Senator DeBoer.

**DeBOER:** Thank you, Senator Friesen. Senator Flood, is this-- am I missing something or is this just intent language? Is there anything more in the bill besides intent language?

**FLOOD:** Senator DeBoer, I believe it directs the Department of Transportation to begin the design, the right-of-way acquisition, and the--- looking for the green copy here, here it is--

**DeBOER:** I'm not, I'm not trying to be difficult.

**FLOOD:** Are you watch-- are you looking at page 2, where it says-- line 22, quote, (2) The Department of Transportation shall plan, design, and purchase right of, right-of-way for the North-south meridian--

**DeBOER:** Yeah.

**FLOOD:** And then it-- (a), (b), (3). And I should have note this also does include Highway 20 between Highway 81 and the Iowa border to give us access because the state of Iowa has a four-lane across all of Iowa that is, that is already constructed, which provides us some opportunity to link with Sioux City.

**DeBOER:** So, yeah, I'm just, I'm just curious, does this sort of add [INAUDIBLE] to the Department of Transportation? Is that something we do very often, to your knowledge, or is this an intent or, or what, what is the, what is the effect of passing this litigation-- or this legislation?

**FLOOD:** Well, the Legislature has the purse strings for the state of Nebraska and has the authority to direct the executive branch agencies to carry as will and intent, similar to what was done to support the Lincoln South Beltway, where a bill was passed to aid in the construction of what will become a vital link for Lincoln. This is a

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

similar bill that tells the Department of Transportation that this is a priority, similar to what Congress does all the time when they send down potentially, you know, \$25 million for the highway between Blair and Omaha to go four-lane.

**DeBOER:** So is this-- these, these roads are all-- or these highways are all currently sort of coming down the pike eventually, but this is just sort of moving them up, is that, is that kind of a correct--

**FLOOD:** I don't want to speak or speculate for the Nebraska Department of Transportation. They'll be up here shortly, I'm sure, to share where they are. I know that York to Columbus is on the horizon, probably toward the later of the decade, of this decade, for, for progress to start there with the completion sometime in 2035 if you-- if I'm remembering correctly. Norfolk to Yankton is identified in the future as a Super 2, but I don't think it's in a five-year plan. I don't think Highway 20 from Highway 81 to Sioux City is on the horizon for any type of--

**DeBOER:** OK.

**FLOOD:** --road improvement, but I would add that if you want, if you want to see an intersection that needs substantial attention, Highway-- the intersection of Highways 20 and 81 is, is a very difficult intersection to look at and be proud of where we're at in Nebraska. It's a, it's a major intersection in our area and it hasn't seen any improvement for decades.

**DeBOER:** Is this something that some of the national dollars that are going to be coming in to help with our infrastructure will potentially help with or is this not something that could be helped with-- by that?

**FLOOD:** Well, it's my understanding that we could go from a roads program-- and I could be wrong here-- I want to say it's a, another \$100 million could be coming in with the infrastructure funding. That's ultimately up to the Department of Transportation and the State Highway Commission as to how they allocate those dollars and I don't know exactly what strings would be attached to that.

**DeBOER:** OK. Well, I appreciate your advocacy for these roads. Thank you.

**FLOOD:** Thank you.

**FRIESEN:** Thank you, Senator DeBoer. Senator Cavanaugh.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

**M. CAVANAUGH:** Thank you. Thank you, Senator Flood. I wanted to ask you some questions about the fiscal note.

**FLOOD:** I'd like to answer them.

**M. CAVANAUGH:** You don't know what they are yet. You might, you might regret that. At the bottom of the second page of the fiscal note, it's the very last sentence, it says the fiscal note assumes a Highway Cash Fund appropriation increase to fund increased expenditures. And I appreciate what you-- your answers to Senator DeBoer's questions, but I guess my question is the highway-- or the Department of Transportation has sort of their own cash fund that we don't actually oversee as the Legislature. And so how are they going to appropriate the money? Where is that money actually going to be coming from?

**FLOOD:** Well, when I introduced the bill, it's my intent that this would come within their regular budget. And I think for purposes of the fiscal note, they broke it out so they didn't have to show the entire Highway Cash Fund. I'll let them answer that question, but in my opinion, this gives you an idea of what it would cost to do the planning and design, as noted in the bill, for the, the improvements that I've suggested.

**M. CAVANAUGH:** So this-- because it has \$16 million in expenditures, but also \$16 million in revenue, so I guess I'm sort of "telepathing" now a question to the department through you that maybe they can explain that further.

**FLOOD:** Yeah, I just got the fiscal note that was prepared on January 26 and so I haven't had a lot of time to review it, but--

**M. CAVANAUGH:** When you drafted the legislation, what was your intention for the funding to come from?

**FLOOD:** That it would come out of the existing program for the Highway Cash Fund.

**M. CAVANAUGH:** OK and what does the-- do you know what the-- other things the existing program--

**FLOOD:** So the Highway Cash Fund right now would be contributing to the construction of Highway 275 from West Point to Scribner. It would be used to finish the road at North Bend. It would be used for maintenance of our state highway system.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

**M. CAVANAUGH:** OK, I'll stop you. You don't have to give me the full list. I, I got the idea. Thank you.

**FRIESEN:** Thank you, Senator Cavanaugh Any other questions from the committee?

**MOSER:** Frown like that.

**FRIESEN:** Go ahead.

**MOSER:** He knows I'm an ally. He thinks I'm probably going to get carried away. So what's your motivation? You know, these, these things, if-- I don't know if you saw the handout that the Department of Transportation sent us or gave us in December and it highlights the expressway system. And it looks to me from this matrix that design would have started in 2029 or something like that. So you're hoping to accelerate this and get it moved more quickly.

**FLOOD:** Thank you, Senator Moser. So the, the initial expressway system-- and I want to be clear, Norfolk to Yankton was not on the initial expressway system in 1988, nor has it been added. So I'm not trying to suggest that-- moving it in there. I'm suggesting to the Legislature that it be done. But if you think about it, in 1988, I was in eighth grade and Senator-- or Governor Orr and the Legislature and Senator Scott Moore and many others from York at the time, they came out with this groundbreaking announcement about connecting communities of 15,000 or greater with four-lane highways and--

**MOSER:** So how long's that been from 1988 to now?

**FLOOD:** It's been a very long time and it is not-- you know, the progress we see on 275, thanks to Governor Ricketts, is because of people in West Point, Scribner, Beemer, Wisner, Norfolk, Fremont, Columbus, North Bend, Schuyler. These communities are rising up. They're asking questions. They're saying that our area matters enough to have a four-lane highway. And I don't see how we will complete this expressway plan, nor see the kind of growth that we need to make this go if we aren't loud enough and if we aren't forward enough and if we are not persuasive. We have to advocate for ourselves. We do not enjoy the same population as Omaha or Lincoln or even Grand Island, but we are down here every day trying to move our system forward and that's what this bill is about. It's about--

**MOSER:** So you think--

**FLOOD:** --going to bat for Columbus.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

**MOSER:** You think having a four-lane from South Dakota through Nebraska and then connect to those four-lane and head on through the southern states would bring more traffic through the middle part of the, the state?

**FLOOD:** I do. I-- you know, there's, as you know, between Vermillion and-- well, Sioux City, quite frankly, to Vermillion to Yankton, there's a corridor there. All of-- you know, when you look at what's in the-- Lewis and Clark Lake and you look at the traffic we have on Highway 81, you look at the dangerousness of that road-- I can't tell you how many fatalities that we've had there because it's, it's a high number, for me anyway-- and I believe that once you're linked to the rest of the nation in the mid-continent, that was the whole reason we had citizens from Kansas and Nebraska get together at the beginning of last century to try and unite everybody and Highway 81 is an opportunity for us that we haven't taken advantage of.

**MOSER:** So some people may come through Nebraska rather than take I-29 through Iowa and skirt Nebraska?

**FLOOD:** Sure.

**MOSER:** So would this four-lane be a good place to put a casino somewhere?

**FLOOD:** Well, I'm sure the people in Columbus would love--

**FRIESEN:** Thank you, Senator Moser--

**MOSER:** [INAUDIBLE]

**FRIESEN:** Any other questions from the committee? Senator Albrecht.

**ALBRECHT:** Seeing how I have to leave it a little bit to go talk to some other committee, just wondered if Highway 35, because that's quite a, a roadway as well-- so I mean, you chose those two, obviously for certain reasons, but when I think of our state college, community college in Norfolk, Nucor Steel, there's a lot of traffic that runs on 35 too. But, but what do you say to the state roads department that does have a one- and six-year road plan or a plan already laid out? So has it ever been done where a senator just comes in and says, hey, I think we need to get this done and, and it happens?

**FLOOD:** Well, certainly the Legislature did in 1988 and, and that step in 1988 was significant. There's not a lot of confidence in the timeliness of what gets done because we have waited so long for the



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

kind of infrastructure. I think that-- I understand that you may hear from a representative of the city of Norfolk today that's going to talk about the value of Highway 35, which I've been for that too. I'm for a four-lane in any direction--

**ALBRECHT:** Correct.

**FLOOD:** --in my district. And if it-- if the consensus was Highway 35 was, was important more so than Highway 20, at the end of the day, we're looking for connectivity. I do want to put Highway 81 first because we feel like 275 and 30 are getting done.

**ALBRECHT:** Thank you.

**FRIESEN:** Thank you, Senator Albrecht. Any other questions from the committee? So you, you mentioned earlier that this process really hasn't been used in the past. I mean, I think the quarter cent sales tax, you were here when that happened and that was supposed to fund this expressway system, but it's been inadequate. So would you think that this is probably a good project for ARPA funding? It fits the time frame. Would that be a better, better way to get the money appropriated? Because I look at those too and if, if-- sometimes we move projects ahead of others where we're going to delay a project that is probably on the way somewhere by us meddling in the department's funds.

**FLOOD:** Well, I've learned-- I've been at this for a long time in the roads business and I have a couple of different reactions to your comment. One is, I don't think this is as much a funding issue because obviously the state has LB84. It has its Highway Cash Fund. What we're doing here is we're getting-- and we're only asking for the planning design because getting that done sets us in motion to be eligible for all sorts of future opportunities. There's no way that, that the federal infrastructure money could probably be used to do anything other than planning and design because it's going to take that long just to get, get that all handled. And I-- and the Department of Transportation will tell you. You know, I've kind of remodeled my views on bonding because it's a matter of getting the roads designed first and it's kind of a chicken or egg thing. And so this bill takes a different approach to say the Legislature is telling you to design these roads and to purchase the right-of-way so that we're eligible for what funding opportunities may come in the next five to ten years. And the fact that 275 from 11 miles east to Norfolk to Wisner is being designed right now is music to our ears because it tells us that we are in the pipeline. And the problem for a long time with 275 was that

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

we weren't even in the design phase. And so it isn't as much about money as it is about-- I'm sure it's always about money, but it's more for us about being in the queue.

**FRIESEN:** Are you, are you concerned, though, down the road, if the Legislature starts deciding which roads get done first that rural Nebraska doesn't have that clout to get it done and once we start meddling in it, it gets a little messy? Is that-- you've been here longer than I have.

**FLOOD:** Right. Well, I, I would tell you that we have a 1955 road system in a lot of places in northeast Nebraska. We just have been left out and I don't feel that this Governor has left us out. I think he's actually done more for us than anybody with getting 275 done and Highway 30 done. But when I started in 2005, other than Norfolk to Columbus, it was two lanes in every direction and I don't know what other remedies we have. When I go back to my district, people pull me aside and they tell me about accidents they've had or issues they have and they talk about their wives or husbands not wanting to live here because they can't-- we don't have an airport. You know, we don't qualify for the airport money because we're too close to Omaha. So we don't have that benefit like Chadron or McCook or Alliance has where United Airlines comes in with a subsidy-supported aircraft to provide daily service to Denver. So this is all we've got. We used to have a railroad that went from Omaha to Chadron, but they ripped that up. That-- last time that train ran was 1955. So in 1955, thanks to Karl Stefan, who was our congressman at the time, we had daily air service, we had rail to Omaha and Chadron, and we had the roads everybody else had. We regressed.

**FRIESEN:** Well, I, I also don't want you to forget that most of the people on here were here when we raised the gas tax, so just didn't want you to forget that.

**FLOOD:** Yeah.

**FRIESEN:** Thank you, Senator Flood. Proponents for LB1274.

**SUE CRAWFORD:** Good afternoon, Chairman Friesen and members of the committee. My name is Sue Crawford, S-u-e C-r-a-w-f-o-r-d, and I'm here testifying on behalf of the city of York and the York County Development Corporation. So Senator Flood has laid out the importance of Highway 81 as a key corridor for rural Nebraska and the city of York and the communities in the county of York, including Henderson, would clearly benefit from a four-lane 81. Prioritizing four-lanes for

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

81 with whatever money you have access to advocate for, for transportation, doesn't matter to me where it comes from, but this is an essential corridor in Nebraska. And so that-- it's easy to see why I'm interested in it from York. My main point of my testimony is why the rest of you should all be interested in it, regardless of where your district is. And so the map I have in front of you shows the highways in the country and I think you'll see I've highlighted Highway 81. And if you see it, you see it, it creates a straight shot. So Senator Flood was talking about the Meridian Highway. Visually here, you can see why that is so important. So right now, if someone is coming from the south, coming from the south-central part of the country, coming from Nebraska, they are driving over to I-29 and driving up I-29. And all of the sales of gas, food, hotels, and all the sales tax is going to Iowa. So regardless of where you are in the state, this is an important corridor. It opens a corridor for the people in the state to get north and south. Also our businesses, our manufacturing and agribusinesses to move their products better north and south, but in addition to that, it will drive traffic that currently goes through Iowa to Nebraska. Because notice-- I mean, they're already-- they're going over to I-29 and they kind of go out of their way to get to I-29 right now and Highway 81 creates a straight shot if it were four-lane. So that is why I believe the-- making Highway 81 four-lanes should be a priority for the entire state of Nebraska. Thank you.

**FRIESEN:** Thank you, former State Senator Crawford. Any questions from the committee? Senator Geist.

**GEIST:** Thank you. Thank you, Ms. Crawford, for your testimony. It's good to see you.

**SUE CRAWFORD:** Thank you.

**GEIST:** I need to get out more and drive because I haven't been on Highway 81 for quite a while. According to this map, it looks like-- is 81 currently four-lane in part of Nebraska and two lane the rest of the way or is it--

**SUE CRAWFORD:** It is a partial four-lane, partial two-lane.

**GEIST:** OK.

**SUE CRAWFORD:** This map doesn't illustrate which parts are four and two lane--

**GEIST:** OK.

**SUE CRAWFORD:** --and I'm just showing you--

**GEIST:** But it's south--

**SUE CRAWFORD:** --if it's all four-lane, how it would open south.

**GEIST:** York, south is four, is that correct? South of--

**SUE CRAWFORD:** I don't know exactly which parts--

**GEIST:** OK.

**SUE CRAWFORD:** --are four-lane.

**GEIST:** OK.

**SUE CRAWFORD:** Just the point I want to make is if the whole thing is four-lane, that's what really opens the corridor.

**GEIST:** Sure.

**SUE CRAWFORD:** So even if parts of it are four-lane now, someone still is not going to take it for that stretch. They're going to go over to 29 because 29 is four-lane the whole way.

**GEIST:** Gotcha.

**SUE CRAWFORD:** Thank you.

**GEIST:** OK. All right, thank you.

**SUE CRAWFORD:** Thank you.

**FRIESEN:** Thank you, Senator Geist. Senator Cavanaugh.

**M. CAVANAUGH:** Thank you, Chairman. I feel like this is an unfair advantage for Senator Flood to bring one of my favorite former colleagues and I'm just really happy to see you.

**SUE CRAWFORD:** Thank you. Nice to see you.

**M. CAVANAUGH:** Thank you for being here. Also, I noticed that Highway 81 goes through Madison, South Dakota. So is there any concern about creating greater access to the Corn Palace?

**SUE CRAWFORD:** I don't think so, just more tourists that will stop in Nebraska on their way.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

**M. CAVANAUGH:** All right, thank you.

**SUE CRAWFORD:** Thank you.

**FRIESEN:** Thank you, Senator Cavanaugh. Any other quest-- Senator Moser.

**MOSER:** I just wanted to mention the handout that I asked the pages to pass out is page 4 of the assessment of the road system that the Department of Transportation gave us in December at our annual report-- annual meeting, where they come in and talk about what they're doing, where they're going. And I just marked the-- drew a little line for fiscal year '35 down to show you where 81 is finally complete, I think. Well, I guess, no, there isn't-- that doesn't include construction. Anyway, it's a time frame to show kind of where we're at. The way it is now, it's going to be 12, 15 years, plus whatever delays we get between now and then. So that's the reason I handed it out. If I didn't mention it, then it-- it's not an official handout. So I had to--

**SUE CRAWFORD:** Thank you, Senator. Thank you. Yes, it shows it is currently scheduled, but a long ways out.

**MOSER:** Yeah.

**SUE CRAWFORD:** So I would advocate for--

**MOSER:** But right now from--

**SUE CRAWFORD:** --speeding up implementation.

**MOSER:** --Highway 64 to Norfolk, it's four-lane. So seven miles south of Columbus, then north to Norfolk. If I wanted to go to some good place in Norfolk to eat, you can get there in probably 10 or 15 minutes less time than going any, you know, any other direction. And so once 30 is done and 81 is done, that's going to be a big benefit.

**FRIESEN:** Thank you, Senator Moser. Any other questions from the committee? One question, so you've been in this body before, does it bother you at all that the Legislature is going to dictate to DOT where to start building roads?

**SUE CRAWFORD:** Well, I, I do think this is a prime time because we also have additional monies coming in. But again, I, I don't know which pot of money is important, but I know we have additional infrastructure money coming in and so that's a time when the Legislature can step up

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

and, and say it's-- we want to direct where some of this money goes to hit key priorities.

**FRIESEN:** OK, thank you.

**SUE CRAWFORD:** Sure.

**FRIESEN:** Seeing no other questions, thank you for your testimony.

**LEE KLEIN:** My name is Lee Klein, L-e-e K-l-e-i-n. I live in Norfolk, Nebraska. Chairman Friesen and distinguished members of this committee, I'm here to support this bill and wish it had come before this committee when I was a member back in 1997 because I would have supported it then. We have many manufacturing companies along Highway 81, all across, from York, Columbus, and Norfolk, home of the only steel mill in Nebraska. We're situated about halfway between Interstates 80 and 90. We need the work done for economic well-being and safety for all of Nebraska. We know we all talk about brain drain in our state and the ability of citizens to drive safely in, in their work or pleasure will contribute to the retention and recruitment of people to live in this great state. It's been said that if you have any two of these elements, an ocean, mountains, international airport, or professional sports team, it isn't difficult to recruit and keep citizens at home. We don't have any of those so amenities like lake access, boating, and camping are attractive to many of us. And again, allowing us to go to these kind of recreation areas safely and rapidly weigh heavily on our minds. We encourage people who want to live and prosper here. I assure you that people will be extremely happy to get this work done. Thank you for your time and thank you for serving in the Unicameral. I'll try and answer any questions if you have any.

**FRIESEN:** Thank you, Mr. Klein. Any questions from the committee? Seeing none, thank you for your testimony. Welcome.

**BARRY DeKAY:** Good afternoon, Chairman Friesen, Vice Chairman Geist, and the members of the committee. My name is Barry DeKay, B-a-r-r-y D-e-K-a-y. I am a farmer and rancher from Niobrara, Nebraska, here today to testify in support of LB1274. I would like to thank Senator Flood for bringing this important legislation before you today. Three reasons that I feel this legislation is important are agriculture, safety, and economic development. Agriculture is this state's number one industry. I feel this would enhance the growth of agriculture, from grain trade to the cow-calf operations to the feedlots in northeast Nebraska. Safety, we have a large number of trucks, campers, boats, and cars travel on Highway 2-- Highway 81 at this point in

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

time. Increasing this to a four-lane would help alleviate the congestion and make this a safer highway for the commuters and visitors in northeast Nebraska. And from the economic development standpoint, I applaud the work of the STAR WARS Committee. Knox County is home to the state's second-largest reservoir, Lewis and Clark Lake, and one of the most beautiful state parks in the country, yet few even know that it exists. We have an incredible opportunity to capture the 2 million visitors who travel through Yankton, South Dakota, and show them what northeastern Nebraska has to offer. It would help enhance economic development by developing jobs and more income coming in through tourism. If I was going to prioritize one of these, safety would be my priority on these bullets because of the amount of accidents. Senator Flood alluded to the intersection of Highway 20 and 81. Three or four years ago, there was a bus accident there. Very lucky nobody got hurt at all be-- got hit by a bus-- school bus got hit by a semi. Luckily, the back of the bus was full of band instruments rather than children. It took off the whole back of the bus, but nobody was injured in that. So I urge you from the safety aspect to really consider what the congestion and the bottlenecking does on these highways. I've witnessed it on 81 and Highway 275 and these-- those problems are going to start to alleviate themselves on 275 and Highway 30. I urge you to support LB1247 [SIC]. I thank you for this opportunity and I'd be happy to try to answer any questions.

**FRIESEN:** Thank you, Mr. DeKay. Any questions from the committee? Seeing none, thank you for your testimony.

**BARRY DeKAY:** Thank you.

**KENT GRISHAM:** Well, good afternoon, Mr. Chairman and members of the committee. My name is Kent, K-e-n-t, Grisham, G-r-i-s-h-a-m, and I am the president of the Nebraska Trucking Association. Truckers are blessed in Nebraska because the vast majority of our citizens realize that when the world stops for whatever reason, our trucks keep rolling. So on behalf of our more than 860 members, ranging from single truck owner-operators right up through some of the largest trucking companies in North America, I am here to speak in favor of Senator Flood's legislation, LB1274. It might also interest you to know that in 2021, the Nebraska Grain and Feed Association and the Nebraska Trucking Association entered into a joint effort as the Grain and Feed Association was dissolving. Under our joint effort, the NTA's agricultural commodities and marketers council was formed, absorbing members of the NGFA. By doing so, we are working to ensure that the NTA is an effective voice for all trucking in Nebraska, whether commercial or agricultural. There is an urgent need to improve,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

expand, further develop, and construct in northeast and southeast Nebraska, the highway express system. The highway and expressway system in this geographic section of Nebraska includes U.S. 81, which carries a substantial amount of trucking capacity from the Canadian border and on through Norfolk, Columbus, York, Hebron, and then on to Texas, where one can connect to the Mexican border, one of the straightest and truest North American highway routes. One of the many additional highways in the northeast corner of Nebraska, which will benefit from LB1274, is, of course, U.S. 20, another cross-country highway that connects New England to the Pacific. But nowhere is Highway 20 more important than in Nebraska, where it intersects Highway 81 and services a recently constructed state-of-the-art Central Valley Ag grain, fertilizer, and farm chemicals facility, which is a regional hub for Yankton, Norfolk, Columbus, Wayne, O'Neill, and South Sioux City. If you add all that commercial and agricultural traffic to the rapidly expanding tourism and hunting traffic involving Niobrara and the Game and Parks areas on Lewis and Clark Lake, it becomes obvious that there needs to be, for safety and commercial reasons, the major highway and expressway development improvement-- and improvements, which LB1274 contemplates. The trucking industry thanks Senator Flood and all the leaders and teammates at the Department of Transportation for the efforts and vision with respect to the development of our highway and expressway system in Nebraska. But before I conclude, Mr. Chairman, if you'll allow me to share that I had the pleasure of being a part of Governor Kay Orr's team when the original expressway system first came about under her leadership as Governor in the late '80s, when Senator Flood was in the eighth grade. So her comments submitted by Senator Flood, I believe, are certainly very important and germane to the discussion. With that, Mr. Chairman, I'm happy to take--

**FRIESEN:** Thank you, Mr. Grisham.

**KENT GRISHAM:** I'm still green, Mr. Chairman, too.

**FRIESEN:** You're still good. You're still good. Any other questions from the committee?

**GEIST:** I'll just ask--

**FRIESEN:** Senator Geist.

**GEIST:** I just want to appreciate what your industry does for our state, for one thing. Also, has this issue come up regularly with the



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

drivers that you encounter or those that-- you know, in feedback. How do you hear that information from your--

**KENT GRISHAM:** I can--

**GEIST:** --drivers?

**KENT GRISHAM:** Well, I can honestly tell you, Senator, that there-- when it comes to discussing road development in Nebraska, there are no two highways that are more discussed among our membership than Highway 81 and Highway 20.

**GEIST:** Really.

**KENT GRISHAM:** I, I think we are, as an industry, very aware of the great progress being made on 275 and we certainly appreciate every effort that's gone into our roads. What I think our industry is most concerned about, though, (a), is the incredible amount of time it takes from the time you begin even conceptualizing a road through the design and planning, through the acquisition of right-of-way, and then years and years and years of permitting. You know, the road didn't start out, costing hundreds of millions of dollars. It ends up costing that because it took us 20, 30 years to get it done. The Lincoln South Beltway probably-- which you're so familiar with, is probably one of the best examples. We could have saved lives. We could have saved dollars. We could have had a much more positive environmental impact, using that example, the Lincoln South Beltway, had we moved it along faster, had we taken these kinds of opportunities to take a leap forward.

**GEIST:** So I'm interested then, just economically, that this Central Valley Ag and fertilizer group--

**KENT GRISHAM:** Um-hum.

**GEIST:** --chose this location, even though the roads didn't accommodate as well as they could have.

**KENT GRISHAM:** Yes.

**GEIST:** Was there-- there must be other factors in their decision-making and hoping that this would come sooner. I don't know, I'm just guessing.

**KENT GRISHAM:** Yeah, well, and I wouldn't pretend to speak for Central Valley Ag, but I, I am familiar enough with that and other similar

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

circumstances that they do look at existing roads and believe in the development of future roads and whether or not those are going to fit the kind of traffic growth that they expect. The trucks that we see coming in and out of that facility today are a fraction of what we'll see ten years from now.

**GEIST:** OK, thank you.

**FRIESEN:** Thank you, Senator Geist. Any other questions from the committee? Senator Bostelman.

**BOSTELMAN:** Thank you, Chairman Friesen. Mr. Grisham, thank you for being in today. I'm kind of curious one-- back in the day--

**KENT GRISHAM:** Yeah.

**BOSTELMAN:** --when this was talking and this was set up, was there discussion about federal funding? Because I'm kind of looking at this map here. It looks like, you know, Kansas and South Dakota, it's, it's the interstate system. Was there any discussion and, and do you recall-- I mean, it was maybe a day or two ago, but--

**KENT GRISHAM:** It was-- and a few pounds ago top, thank you, Senator, yes.

**BOSTELMAN:** Was there any discussion on that?

**KENT GRISHAM:** There-- as I recall-- and, and those discussions, I, I believe, still are good to have because these are U.S. designated highways. We've spoken at the American Trucking Associations with the various committees that work there and U.S. 81 is discussed even at the national level, as if the nation were to ever build another interstate, where would it be, and U.S. 81 is always in the top five considerations for that because it is such a straight and true route from one border to another, north to south. So yes is the direct answer to your question and yes, it continues to be a consideration. Where that fits into the budgeting process and stuff is above my pay grade.

**BOSTELMAN:** Oh yeah, the interesting part of it is awful small and you can't read it, but, you know, it's interstate from Texas all the way up to interstate in Kansas--

**KENT GRISHAM:** Yeah.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

**BOSTELMAN:** --and then it stops. So then it's from the interstate in Kansas, all the way to North and South Dakota is a highway.

**KENT GRISHAM:** Um-hum.

**BOSTELMAN:** So it just kind of curious-- it seems to me that-- I mean, that just makes sense--

**KENT GRISHAM:** I believe the Kansas portion--

**BOSTELMAN:** --if, if federal would want to have-- make that into an interstate system.

**KENT GRISHAM:** I believe the interstate portion in Kansas stops where it intersects with 70, I believe.

**BOSTELMAN:** Yes.

**KENT GRISHAM:** Yeah.

**BOSTELMAN:** Thank you.

**FRIESEN:** Thank you, Senator Bostelman. Senator DeBoer.

**DeBOER:** Thank you, Senator Friesen. So I was probably in ninth or tenth grade--

**KENT GRISHAM:** Great.

**DeBOER:** --so surely not that long ago, but--

**KENT GRISHAM:** Yes.

**DeBOER:** --what, what was the understanding back then in terms of what the timeline was? Did you, did you all talk about that? Did you know what the timeline was going to be at that time?

**KENT GRISHAM:** I would have to defer to folks who were more directly involved--

**DeBOER:** OK.

**KENT GRISHAM:** --on the state staff than I was at that time.

**DeBOER:** I just thought maybe you knew.

**KENT GRISHAM:** Yeah, I was the communications person, so--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

**DeBOER:** Perfect. Thank you.

**FRIESEN:** Thank you, Senator DeBoer. Seeing no other questions, thank you for your testimony.

**KENT GRISHAM:** Thank you, sir.

**SHANE WEIDNER:** Good afternoon, Chairman Friesen and members of the Transportation and Telecommunications Committee. My name is Shane Weidner, W-e-i-d-n-e-r. I'm the environmental manager of Nucor Steel in Norfolk, Nebraska. On behalf of all four divisions of Nucor Nebraska, we encourage your support of LB1274 and its movement out of committee for consideration. Nucor prides itself on being a major industrial partner of commerce in the state of Nebraska. High-quality and safe roadways are a necessity to our continued success. Nucor Nebraska employs 1,100-plus teammates and we have an average daily traffic count of over 250 inbound and outbound commercial trucks. These trucks being-- bring much-needed raw materials to our plants and export our world-class steel products nationwide. Our teammates and our-- all of our commercial vehicles access our plant via Highway 81 and 20 and 275 and 35. These highways were slated to be expanded to four-lane connectivity to our country's interstate system for many years and remain unfinished. Nucor teammates put safety first and strive every day to come to work and to leave work in the same condition and manner. Safe roadways play an important piece in achieving our goal. As a retired Norfolk public safety professional, I can tell you firsthand that the mixture and high volume of heavy commercial and passenger vehicle traffic on these two-lane highways make for very unsafe travel. Please support appropriating the funds for planning, design, and purchase of the right-of-way for these critical pieces of Nebraska infrastructure. Thank you.

**FRIESEN:** Thank you. Any questions from committee? Senator Albrecht.

**ALBRECHT:** Thank you. I appreciate your comments. And again, that's why I talk about 35. I happened to travel that probably most of, of all the, the roads they're talking about here. But Nucor Steel, I know, has a lot of traffic to 35. You must go to Sioux City or I know a lot of your employees come from all around. I mean you have a great--

**SHANE WEIDNER:** Yes--

**ALBRECHT:** --great business--

**SHANE WEIDNER:** Yes, ma'am.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

**ALBRECHT:** --and we're happy that you're here in Nebraska. It would be great if we could-- I'd like to maybe take a look at-- and if, if you've been in safety on the roads yourself, it would be interesting, the number of accidents that have been on some of these major highways that we're talking about up there because a lot of it does have to do with big, heavy truck traffic that I know on 35, the way the road is designed is a little bit risky and we've had a lot of loss, you know, of--

**SHANE WEIDNER:** We--

**ALBRECHT:** --lives and-

**SHANE WEIDNER:** We have, absolutely. I don't have the data in front of me, but I can-- I was a firefighter for 31 years in Norfolk and obviously, we responded to more fatality and injury accidents than I care to care--

**ALBRECHT:** On the roads.

**SHANE WEIDNER:** --to remember--

**ALBRECHT:** Right.

**SHANE WEIDNER:** --on all these highways--

**ALBRECHT:** Um-hum.

**SHANE WEIDNER:** --coming into Norfolk, Nebraska. So the safety factor is real and then when we reach out to our mutual aid partners that really affect all of northeast Nebraska, the stories are endless of, of major traffic accidents. So four-lanes increase the safety and viability of all those communities and of our citizens in general, so--

**ALBRECHT:** Absolutely.

**SHANE WEIDNER:** --I appreciate that, Senator.

**ALBRECHT:** And I do appreciate you coming up today. Thanks.

**FRIESEN:** Thank you, Senator Albrecht. Seeing no other questions, thank you for your testimony.

**SHANE WEIDNER:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

**BENJAMIN BENTON:** Good afternoon, Chairman and members of the committee. My name is Benjamin Benton, B-e-n-j-a-m-i-n, Benton, B-e-n-t-o-n. First and foremost, thank you for making me feel younger. I was only in sixth grade in '88. Thank you, Senator. So now I'm grappling with how old I'm going to turn this year, but I feel better, so thank you. I am the city administrator for the city of Randolph, 879 population, home of The Frozen Cow and Jerry's Hilltop restaurant. I am here to testify in support of LB1274. My wife and I drove in today about 150 miles. Just shy of 100 of those were two-lane, so I can say definitively the need for an expressway system in northeast Nebraska is definitely paramount. I'm going to catch my breath and relax here. Providing the four-lane continuity on the Medal of Honor Highway 20 from 81 to the Iowa border and Highway 81, York to Yankton, would greatly improve safety for daily commuter traffic, increase capacity for commercial and agricultural traffic, and boost opportunities for tourism and economic development in Randolph and in northeast Nebraska. As city administrator, I wear many hats, but the largest one is recruiter, recruiting of people, families, and businesses as well as industry. Recruiting is the only way for small towns to survive and let alone thrive. So when people are looking to relocate their family or their business or their lives to northeast Nebraska, transportation truly is a major factor of their decision. So let's bring them home by passing LB1274 and funding in the Northeast Nebraska Expressway.

**FRIESEN:** Thank you, Mr. Benton. Any questions from the committee? Seeing none--

**BENJAMIN BENTON:** Great.

**FRIESEN:** --thank you for your testimony.

**BENJAMIN BENTON:** Yes, sir. Thank you.

**FRIESEN:** Welcome.

**AUSTEN HAYGOOD:** Chairman Friesen, distinguished members, my name is Austen Haygood, A-u-s-t-e-n H-a-y-g-o-o-d, and I'm the president and CEO of the Norfolk Area Chamber of Commerce and for the record, was born in 1989. I'm here to speak for our Norfolk business community in support of LB1274. Not only is U.S. Highway 81 a manufacturing corridor, but it's also one of the most important arteries in northeast, northeast Nebraska, which has also become one of the most dangerous. As we try to retain and grow our region, it's of paramount importance that this project is completed. As Nebraskans, we can

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

appreciate the fiscal conservatism that's led to a robust state economy, but now is the time to live up to the promise made in the '80s. It's important for business, it's important for growth, and it's important for the safety of northeast Nebraskans. This bill has been universally embraced by the citizens of my area and I know they'll be grateful to see progress. As a native Texan, but a Nebraskan by choice, I'm very familiar with Highway 81 from Norfolk to Dallas and on the 11 hours on the road, the roughest part is Columbus to York. So please help keep our driver safe and support LB1274. Thank you for serving.

**FRIESEN:** Thank you, Mr. Haygood. Any questions from the committee? Seeing none--

**AUSTEN HAYGOOD:** All right.

**FRIESEN:** --thank you for your testimony. Welcome.

**DAWSON BRUNSWICK:** Good afternoon, Chairman Friesen and members of the Transportation and Telecommunications Committee. My name is Dawson Brunswick, D-a-w-s-o-n B-r-u-n-s-w-i-c-k, and I was born in 1998, so I think I take the cake on this one. I'm the president of the Columbus Area Chamber of Commerce and I'm here today on behalf of the chamber, the city of Columbus, Columbus Area Visitors Bureau in support of Senator Flood's LB1274. Since the expressway system was created in 1988, the chamber has been a strong supporter of completing Highway 30 and Highway 81 that connect Columbus to Omaha and to Interstate 80. When we were told and our legislative breakfast two months-- two weeks ago that Senator Flood was interested in seeing this through, we got very excited and were even more excited when it was introduced as a bill. You know, we're very interested in all of 81, but especially from that section between York and Columbus. There's roughly 40ish miles left and one of the final stretches of the expressway system currently slated for 2035, as you have heard. And really, what we're interested in is how we speed that up, you know, what it creates now instead of in 2035. You know, it creates a safer driving environment for Nebraskans that drive that road every day. It helps ag producers closer to York get their product to ADM and get more money for their farms. It helps our robust manufacturing economy have more methods and more avenues to transport their goods out of Columbus. And it really helps bring more traffic through Columbus, Norfolk, York, all the communities in Nebraska along Highway 81. I don't have the exact numbers on the economic impact, but I have asked Loup Power and the Nebraska Public Power to look into that for us and when we get that data, I will gladly share it with the committee. But I do want to echo

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

the comments of Senator Flood that Governor Ricketts and Director Selmer and the DOT. I've only been in Columbus for ten months, but they have been phenomenal. They've been in Columbus to explain the process and discuss the progress they're making on Highway 30 and it is really great to see those last couple of miles by North Bend get completed. And then not that we want people going to restaurants in Norfolk or Omaha, Senator Moser, but it will, it will increase access and make it easier for our major industries to do business in Columbus. But with that, I really just want to say that, you know, it comes down to the timing. It comes down to making sure that we're not losing out on that potential revenue and that land is not going to get cheaper. So acquiring right-of-way, going through the process of planning and design earlier than later, I think, sets us up for those different federal funds and different opportunities down the road. And with that, I'd be happy to answer any questions.

**FRIESEN:** Thank you, Mr. Brunswick. Any questions from the committee? Seeing none, thank you for your testimony.

**DAWSON BRUNSWICK:** Thank you.

**ERIC GERRARD:** Chairman Friesen, members of the Transportation and Telecommunications Committee, my name is Eric Gerrard, that is E-r-i-c, last name is G-e-r-r-a-r-d. I am here today in support of LB1274 on behalf of the city of Norfolk. I'm, I'm here because Mayor Moenning can't be in two places at once, so I'm primarily going to read in a letter that's being passed, passed out now from Mayor Moenning. The city of Norfolk strongly supports the advancement of highway expansion and infrastructure modernization in northeast Nebraska and we thank Senator Flood for introducing LB1274. Even as the region's trade and commerce center, Norfolk remains one of the only first-class cities in the state to not be connected to the I-80 or any metro center with a four-lane highway. The opportunity within LB1274 is not only regional, it's statewide and even national. Nebraska is the only state in the lower 48 with only one interstate segment and no continuous north to south four-lane corridor. Modernizing Highway 81 gives us the opportunity to create, to create one and doing so paves a 200-plus mile four-lane shortcut between Denver and Minneapolis. The project has historical support. I'm not going to say how old I was in 1988, but the 1988 expressway system called for expanding Highway 81 from York to Columbus. Completing that project in conjunction with an expansion of Highway 81 north of Norfolk would open up new worlds of commerce, trade, and economic development for communities and regions along the corridor akin to the lifeblood of activity that you see along Interstate 80. We realize the



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

investment involved is significant, but for too long, Nebraska-- the state has postponed expressway system construction, taking on huge levels of unnecessary cost inflation and blocking any further gap connections that would help Nebraska grow. It is time to invest in real growth opportunities and unlock the policy tools to do so. We think road bonding like is employed in 47--some other states and the public-private partnerships that you're about to hear from Senator Walz in LB1016 are a good start. Lastly, and hopefully this speaks to Senator Albrecht's point from earlier, we would like to note that the city of Norfolk has been in recent discussions with the cities of Wayne, Wakefield, and South Sioux City about the expansion of Highway 35 in northeast Nebraska. We would encourage and like to participate in a legislative study in conjunction with NDOT to explore the best, most cost-effective route east from Highway 81 to South Sioux City. The industries along the 35 corridor, along with Wayne State's-- Wayne State College's connection to both Norfolk and South Sioux City, would seem to make this route desirable in terms of long-term public safety and economic growth impacts. And with that, I'd like to thank Senator Flood again for introducing this bill and I will pause and answer any questions the committee may have. Thank you.

**FRIESEN:** Thank you, Mr. Gerrard. Any questions from the committee? Senator Albrecht.

**ALBRECHT:** Just wanted to check and see if you have an extra copy for Senator Flood in case he wants to amend Highway 35 into this bill.

**ERIC GERRARD:** I'll hand him this copy, so yes. Thank you.

**FRIESEN:** Thank you, Senator Albrecht. So you would think that I rode horses or something, everybody else is so young. Seeing no further questions, any other proponents of LB1274? Seeing none, anyone wish to testify in opposition to LB1274? Welcome, Director.

**JOHN SELMER:** Thank you. Good afternoon, Chairman Friesen and members of the Transportation and Telecommunications Committee. My name is John Selmer, J-o-h-n S-e-l-m-e-r, and I am the Director/State Engineer of the Nebraska Department of Transportation. I am here today to express the department's opposition to LB1274. LB1274 would require the Nebraska Department of Transportation to plan, design, purchase rights-of-way for certain segments of U.S. 81 and Nebraska Highway 20. In 1988, as has been discussed many times, the Nebraska Legislature tasked NDOT with designating an expressway system which led to NDOT identifying 600 miles of north-south and east-west highways to expand. This expressway system was intended to connect Nebraska's larger

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

communities of 15,000 or more inhabitants. To date, NDOT has completed over 70 percent of the identified expressway system, with approximately 160 miles left to complete. All of the approximately remaining 160 miles or either under construction, designed, or in the planning stage. None of the routes identified in this bill are part of the original expressway system. NDOT is well aware of the disappointment many feel regarding the speed or lack thereof of the system-- expressway system completion. We feel it would be unwise to begin directing NDOT away from this goal of completing the expressway and towards the expansion of highway segments, which are not part of the expressway system. I anticipate many of those who have contacted me would be even less happy if NDOT suddenly allowed projects identified in LB1274 to leapfrog and divert an estimated \$1 billion away from projects which are already programmed. NDOT has a complex and recently audited and approved process for the selection and development of projects with the greatest need within the state's 12,000-mile state highway system. Legislative initiatives that direct NDOT to move to a specific project ahead of the line may negatively impact our ability to manage our system. It may also violate the constitutional prohibition of special legislation. As you're aware, the Nebraska Constitution, in Article III, Section 18, says the Legislature shall not pass local or special laws in any of the following cases, that is to say: laying out, opening altering or working roads or highways. The Nebraska Legislature has delegated to NDOT the authority to identify and prioritize individual projects. We are always interested in which projects legislators believe should be considered, but we think it would have a negative impact if the Legislature began directing individual projects by legislation. I would be happy to answer any questions you may have.

**FRIESEN:** Thank you, Director Selmer. Senator DeBoer.

**DeBOER:** Senator Friesen, thank you. So my question is how long does it normally take to go from the sort of idea stage to actually building a road of this size, like an expressway road?

**JOHN SELMER:** Well, you know, it depends. I think when you start taking right-of-way, you have environmental impacts and you can be looking at the seven to ten-- ten-year range of actually starting construction out there. So you have the preliminary planning phase and then we start what's called the, the NEPA process, the National Environmental Policy Act. And that has a lot of delays built in just to be able to get public input. So we've got to go through different phases in terms of looking at different alternative designs, taking that out to the public, getting feedback, going back and forth. And then once you do

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

that, then there's other clearances, such as whether it's endangered species, wetlands. They all have their own timeline and process that we're trying to integrate, so--

**DeBOER:** So--

**JOHN SELMER:** --projects of this nature can take quite a bit.

**DeBOER:** Why has this one taken so long? If it was planned in the '80s, why has this one taken so long?

**JOHN SELMER:** Well, this one hasn't or if we're looking at the 80/120 corridor, there has not been any planning in terms of an expressway because it's not part of it now. The part, I believe, from York to Columbus is still-- it's in the planning phase and I believe Senator Moser showed on, on a Gantt chart that's actually the years we expect construction to begin.

**MOSER:** Do you want a copy of that?

**JOHN SELMER:** I think I'm fine right now.

**DeBOER:** So--

**JOHN SELMER:** Some of it's funding too. We can't do every project at once. There's about \$1 billion left to be done on the expressway system.

**DeBOER:** So has there been a delay on this portion or not?

**JOHN SELMER:** Pardon?

**DeBOER:** Has there been a delay on this portion? Like, it's take-- I mean, we've all said our ages. It's been a while since they-- then they, you know--

**JOHN SELMER:** You're talking about the portion that's--

**DeBOER:** Yeah.

**JOHN SELMER:** --on the expressway system?

**DeBOER:** Yeah.

**JOHN SELMER:** I think we're looking at basically prioritizing based on the needs in terms of what is the freight traffic and others as we're selecting that and how can we fit it in with the rest of our programs,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

such as maintaining the system. We, we invest about \$630 million a year in the transportation system and about \$450 million or so are just taking care of the system without looking at capacity. So now you're looking between 100 and 150 typically that we can do on projects such as these. And so now it's just how do, how do you fit the different segments in and get them complete? When the-- 1988, when the expressways was identified, there really wasn't any funding identified. It was use your-- the revenue that you're generating. So I think it was the Build Nebraska Act and the TIA Act that actually allowed us to start accelerating again or, or getting these segments completed.

**DeBOER:** Does the NDOT have the capacity that if the money would show up, you would have the capacity to add or speed up some of these processes? I mean, could you get to these roads faster if you had more money or is there some other limiting factor that I'm not aware of?

**JOHN SELMER:** Well, you know, that was part of the discussion last year. Money doesn't necessarily speed all these up because part of it is the capacity of our other stakeholders, so the Corps of Engineers, those that are doing archeology for us, and then it also gets into contracting industry that we don't all of a sudden want to throw a lot of money out there because we're just not going to get the, the buying power because of the constraints that they have. So it's a complex issue. I would say we like to build things and spend money, but just throwing money at it doesn't necessarily get you the desire that you want. But we're always looking at how we can, can get better at that.

**DeBOER:** All right, thank you.

**FRIESEN:** Thank you, Senator DeBoer. Senator Moser.

**MOSER:** So I was looking at this chart that we got in our report you gave us back in December and there are dark sections showing the planning and design of 81, looks like it's going to be complete in fiscal year '35, but that's just design and planning.

**JOHN SELMER:** That's where it's at today. So what, what that chart is actually showing is when we're actually going to be breaking ground and constructing. So it will take those few years to actually get the complete corridor constructed.

**MOSER:** Well--

**JOHN SELMER:** Those are the years that construction will--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

**MOSER:** --when's construction going to start, then?

**JOHN SELMER:** That's what all-- the first colored box will be the first year of construction.

**MOSER:** You don't have this copy.

**JOHN SELMER:** I don't have that. Thank you.

**MOSER:** You got it. OK, so--

**JOHN SELMER:** So you're saying the--

**MOSER:** --on mine, it's all the same color and it's-- so it all looks like it's all design and planning.

**JOHN SELMER:** Right and so you're seeing the first of year construction will be in FY '29 and that's the segment from the east junction at 92 North and that will take four years to complete that work, but there will be parallel work occurring on other segments, so an additional segment will start in FY '30, with it all being complete by FY '35, is basically what this is talking about.

**MOSER:** OK, well, that's a little better than what the shading showed, you know, to my reading of the chart, so that's good. But does the Department of Transportation consider bills like this to be meddling in their business?

**JOHN SELMER:** Well, you know, I think there's a history as what role you want us to play. You know, I think, I think there's other ways to do it, similar to the expressway, as-- you know, if we're trying to look at what does the system need now? You know, I'm not-- I wasn't around when the expressway-- I did start my transportation career in that--

**MOSER:** You were alive.

**JOHN SELMER:** I was alive--

**MOSER:** Yeah.

**JOHN SELMER:** --when it started it. But, you know, the world has changed since 1988 and promises were made and commitments are made. You know, I, I think we're going to be starting kicking off, even tomorrow, a statewide freight plan and really trying to look at the economics and other aspects that I think would help inform us, inform

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

this body, the Governor's Office as to what is the next phase if we're, we're building appetite? But even in the needs study, I was showing that there wasn't really a lot of extra capacity. There's, there's a feeling that the funding coming from the new transportation bill, that we have some extra funds and a lot of that's already spoken for in trying to complete these projects.

**MOSER:** From our perspective, you know, if the Legislature can't tell the Department of Roads what to do, who does tell you what to do?

**JOHN SELMER:** Well, I think it's probably more in a general sense. I think what you want us to do is be able to collect the data, hopefully look at it in an unbiased way, and look at how we can optimize investment in the transportation system. There's, there's a lot of things that we-- I think we still believe are true that might not be true. When you start looking at freight, we've, we've got better data in terms of where synergies are. It's much more-- yeah, travel time and connections make sense, but there's other businesses, other things happening that might be driving the capacity needs that you have out there. So we're a little bit more sophisticated in terms of being able to look at that. And then we combine some of the other data, demographic data, safety data, as-- we're, we're finding out expressways are nice, but then we're getting hit on the other side that people are driving too fast and we've got crashes on our intersections and so it's changing different dynamics. So my fear here is to more directly answer your question, I have groups from different regions. So do we want to just make it that the DOT just goes only by legislation? Heartland Express, they want this and they want it done by this year. We're going to build this corridor for \$1 billion. And are you going to have the awareness that-- just in the needs study, I need \$450 million a year just to maintain the system as it exists today, just to maintain it. And so part of that, I think you delegate, but I understand also that you're elected officials and you have a role to express the desires of, of your constituents. So I think it's trying to balance it so that it doesn't, I don't know if it would become a free-for-all or not, whoever has the most clout at one time. Do you want it to be that way?

**MOSER:** Yeah, I-- you know, in terms of saying that this is special legislation, it covers a pretty wide area. I mean, if it was just going to do a few miles around Norfolk, I think it would be more likely to be viewed as, as kind of a parochial project that just helps Senator Flood's district. But I think transportation is one of the things I get the most negative feedback about when I go out and talk to citizens and they're frustrated. And I say, well, you know, the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

Department of Roads has a lot of smart people and they've got this all thought out and planned out and you should see their eyes roll and, and the muttering under their breath. You know, in fact, one guy said maybe we should elect somebody that can get something done at one of my listening sessions. So you might consider this a little bit of a challenge to your, your system. But the feedback we're getting from citizens, our constituents, is that they want to see these expressway segments get completed. And I would hope that-- you know, you came and testified against my bill last year to require more information in this report. You, you testified against bonding. And I think rather than testifying against what we're trying to do, you would come in and say, well, I understand. I think, you know, we want to work with you to get something done. We don't want to be forcing you to do something-- you know, I would think you should be thankful that we're willing to give you more money and try to move the process along. I mean, we're all trying to serve the citizens in Nebraska and, and I hope it's not a turf thing, you know, where--

**JOHN SELMER:** No, Senator Moser, I don't think it's that way. You know, I-- even as we look at this testimony, there, there's, there's other factors. But my, my fundamental belief is I'm not supposed to be the gatekeeper here or tell you only no. I'm trying to look at creative solutions. How can we do this? There are some concerns here. You know, even if we just do the-- buy the right-of-way, there's certain limitations on how long federal funds can be allocated or appropriated or used before you construct something, so-- just leaving something out there. So now I've got a corridor that if we don't have the funding to complete it later, I've got a lot of right-of-way taken that people are going to look at us kind of funny and say--

**MOSER:** Why are you buying it if you can't build it-- yeah.

**JOHN SELMER:** It was on the tax rolls. Now it's not. Do you move me? You did different types of things. So there's significant resources just for us to even go. Wwe're, you know, we're looking at \$100 million or so just to, just to go out there and design and acquire right-of-way. That would-- it's usually 10 to 15 percent.

**MOSER:** In my estimation-- of course, this is just strictly my attitude, but I'd rather spend half a billion on finishing the expressway than building some lake somewhere. I mean, I think it's something that would serve the citizens all-- of all Nebraska. Don't answer that question.

**JOHN SELMER:** I wasn't.

**MOSER:** That's a political question.

**FRIESEN:** Thank you, Senator Moser. Senator Cavanaugh.

**M. CAVANAUGH:** Thank you. Thank you for being here, Director. Back to my question at the beginning of this about the fiscal note-- and I know there's been conversation about the fiscal note now, but the money that's in this-- in our, in the fiscal note here, is that money that you already have or that-- not you already have. I should say that differently-- that already is coming into the, the fund from other-- from revenue?

**JOHN SELMER:** Well, it would come from existing revenue sources, so something else would have to give--

**M. CAVANAUGH:** OK.

**JOHN SELMER:** --depending on the time in which we do this.

**M. CAVANAUGH:** And if we were to appropriate federal funds to the department for projects, would you be able to then use-- I know you've talked about the capacity, but is there a way to add this into the timetable that Senator Moser has that would bring it up faster?

**JOHN SELMER:** I guess that's a hard question. It would be how much would you appropriate, you know, and what, what-- you know, if you're just looking at planning, design work, and right-of-way, we're looking at 10 to 15 percent of the corridor cost to do that. So you're, you're going to be north of \$100 million just, just to do that.

**M. CAVANAUGH:** I hear we have a lot of millions to appropriate for one-time projects. So I just was curious if that's something that would be within the capacity of the-- but not obviously immediately, based on what you've-- based on your testimony, you've already said you wouldn't be able to do it right now because you have all these other projects, but if we were to go down the route of appropriating money and not hitting your actual budget and revenue streams.

**JOHN SELMER:** You know, we, we could look at that. I can't say exactly when we'd be able to fit that in, you know, but that would be something we would fit in if we were appropriated money to look at that. The other thing, though, is still going to be the, the \$1 billion or so to complete it.

**M. CAVANAUGH:** Sure.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

**JOHN SELMER:** And, you know, what type of analysis do you want for us on that?

**M. CAVANAUGH:** I know in Omaha, we just TIF it, so we would build it for \$1 billion, just severely blight it, right? Thank you.

**JOHN SELMER:** You're welcome.

**FRIESEN:** Thank you, Senator Cavanaugh. Senator Bostelman.

**BOSTELMAN:** Thank you, Chairman Friesen. Thank you, Director, for being here today. Do you know-- and you may not, since you've not been in your position that long. I'm kind of curious if there's been any discussion of making that interstate from I-70 all the way north to I-29 because everything else around it, everything connected to it is an interstate and it's not.

**JOHN SELMER:** I have not had any discussions or I'm not aware of--

**BOSTELMAN:** It would be interesting to see if, funding wise-- if it's a funding thing, that we could get some federal funding to do that. The other question, I guess I have is you obviously go through a, a system in determining what road you're going to be working on next, right? I mean, I too would like to have-- you know, you've got Highway 77 in your-- scheduled out in the next 10-plus years. I'd love to see that done right away as well. And we've got heavy truck traffic now with Costco and stuff in Fremont. We've got a significant amount of truck traffic increase. We've got significant amount of truck traffic in Omaha from all the garbage trucks coming out that way, a significant amount of people traveling to and from Omaha. I get that, I understand. I appreciate the testifiers coming in with this, but I do believe that there is a process that we have to go through in order to determine what roads are, are completed at one point in time to meet the needs of the state.

**JOHN SELMER:** We're required, every five years, to update our long-range transportation plan on, on that. So some of the things I've been working on within the agency is improving transparency, providing more information similar to what we do with the expressway system so that you have more information as to what our progress is. And so that's something I'm continually working with the agency to provide you that so that you, you know where, where we're working at or what we're looking at. And so I indicated with the freight plan, we're, we're looking at setting up a freight advisory committee, that would be external members, to get their input in different industries so

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

that we can start looking at how that impacts our, our transportation needs also.

**BOSTELMAN:** Thank you.

**JOHN SELMER:** I appreciate your comments.

**FRIESEN:** Thank you, Senator Bostelman. So I know I was here when we made some changes. It used to be that a group of you sat in a dark room with the shutters closed and you chose different road projects. We changed that process and to-- could you describe a little bit how it's-- how you prioritize now? Because again, I look at this and I'm, I'm worried if suddenly the Legislature is starting to prioritize over you as to which roads to do first because I think you're got some criteria set up that you're following now that looks at economic development and not just trucks passing through, but trucks stopping.

**JOHN SELMER:** Well, there's, there's a whole host of information and part of it comes through the long-term, long-term transportation plan. We take input from various stakeholders as to what they believe Nebraska transportation needs to be. And we have our other data and specialties in terms of crashes and what's happening there. We have a, a sophisticated system that just monitors bridge conditions, pavement conditions, so what does it take? What, what's the likelihood-- how long is a certain segment going to last that we need to do some type of repair or major work? And we look at also an area called TSMO where it's looking at the operations of the system, such as in metropolitan areas where we're getting congestion and other types of things. So all that is really blended in-- into it. I wouldn't say there is a black box where we're having dialogue about, OK, how do we, how do we kind of merge this with the revenue that we now-- know that we have coming in and try and hopefully optimize what we're getting? So I think part of it, legislature states that number one on the top is maintaining the existing system, that we've got to consider that first before we look at expansion. And so it's a blending of all that, that we look over the years, and then it's also kind of looking at timing. Some projects I can do in a few years. I know another project is probably going to take ten years. So now how do I start fitting these different pieces in there? So that's kind of a, a quick way of, of the type of analysis that we're doing. That's-- I think that's one of our concerns. I think you've delegated that to us and we've got to figure out a way to make you comfortable with what we've come up with and how we come up with it. I believe in economic development, but I also believe in economic sustainability. There's people dependent upon the system as it exists today. And so we've got to be so careful that I'm

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

not doing everything by benefit cost because there's others that are depending on the system as it exists today or if I want to look at sustainability or-- a lot of it, we're talking about racial diversity, but there's urban-rural diversity too in terms of-- you know, I can justify it through economics, putting everything in urban areas, you know, on the payback, but that's not why we have the transportation system. It's a broader mission. And so I understand the, the desire to be able to give your input. I think it's something that we need to work on or I need to work on in terms of making you feel comfortable with how we're looking at the system and is it the direction we want to go?

**FRIESEN:** So you made a comment here earlier that said you don't want to go out and do the engineering and purchase right-of-way if you don't know the rest of the road could be built when that period is done. So the thought that we could take ARPA money, for instance, and put this into the equation so you're not delaying a project somewhere else, you're still concerned that the timing of it might not be right. Is there a segment of that highway system that's talked about here where it would work to use, like, ARPA funding to go in and start the design a little faster and would it make us eligible for any more grants through the Federal Transportation Act, things like that? Is that a possibility or is that--

**JOHN SELMER:** It might be a possibility that we could look at that and break it down into segments, but, you know, I think-- you know, I've had meetings with-- in the region, so there's still a question of 81, 20, and 35 and I think that's been brought up already, what makes sense. If you do 81 and 20, that's 120 miles. If you do 35, which is a direct connection to, to Sioux City, but not Yankton, it's about 75 miles. So there is significant difference in costs and part, part I'm looking at is I understand the opportunity in Yankton, but where is the freight coming from? Is it coming from Minneapolis and over and on 20? And Norfolk's in a great position now with multiple four-lane corridors going to be there. Are, are they going to be a hub of economic activity because of what's happening there with the transportation system? I think some of those things need to be vetted a little bit more.

**FRIESEN:** OK, thank you, Director. Any other questions from the committee? Seeing none, thank you for your testimony.

**JOHN SELMER:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

**FRIESEN:** Any other opposition testimony to LB1274? Seeing none, anyone wish to testify in a neutral capacity? Seeing none, Senator Flood had to leave, so he will waive his closing and we did have two letters, online comments, in support. That will close the hearing on LB1274. Next, we will open the hearing on LB1016 by Senator Walz. Welcome.

**WALZ:** Thank you, Chairman Friesen. Good afternoon, Chairman Friesen and members of the Transportation and Telecommunications Committee. My name is Lynne Walz, L-y-n-n-e W-a-l-z, and I represent District 15. I'm here today to introduce LB1016, a bill that would allow the Department of Transportation to enter into public-- public-private partnership contracts or P3 contracts. Within the bill, we give clear guidance on how the department would handle these contracts. Last year, I had a bill that would allow the department to bond to help speed up the construction and completion of Nebraska's roads, highways, and bridges. This was a concern specifically for me. Not only do we have, as Senator Bostelman said, a lot of increased traffic on Highway 77. It's definitely been-- Highway 30 has been a highway that's caused many accidents and, and deaths, so it's-- it really hits home. The expressway system was passed in the Legislature in 1988 and there is now one-third left to be completed and it is now on track to be completed in 2040, 2040, according to the department's last report. The expressway system was intended to be complete in 15 years and would expand about 600 miles of two-lane traffic to four-lane highways. In 2016, we passed a statute that the express-- expressway system would be completed by 2033 and now its completion date is seven years later. Over the summer, the Governor and the Director of the Department of Transportation held listening sessions in the areas where highways are still not complete, including in my district. Through these conversations, we found that pushing more money toward the department may not be the best solution to completing the projects. Additionally, the department will be receiving \$1 billion, at least \$1 billion from the federal government and we don't see a need for more money at this moment. But after these listening sessions, it became clear to me that we need to provide the department with some more tools in their toolbox and that's when we came across the P3 contracts. As I'm sure you know, we are a pay-as-you-go state, which is fantastic, but I do have a concern that as we continue to see inflation, wages, and supply cost increase, we may not have the financial resources to continue down that path. P3 contracts would provide us with a different option for completion. It would allow the state to partner with a business to enter into a contract for construction and/or financing of capital projects or services. So essentially, we are trying to lift the burden off of the state in

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

needing the money in full at the time of-- at the time of project construction and instead, working with a private contractor on the payment and completion of the project. The bill's intention is to have the private partner finance the project and the state would make payments to the partner over a period of time. To briefly walk you through the bill, as I said, this would be a contract for construction and/or financing of projects and applies to projects outlined under the Transportation Innovation Act. We drafted this bill in a way to ensure that the contracting agency has oversight over the partner. We are asking the state-- the director/state engineer to create and adopt rules and regulations that would need to be followed for these contracts. We also give an outline of what needs to be included in the RFP and they must demonstrate to the contracting agency or the State Highway Commission that they are able to perform any duty, responsibility, or function and it's auth-- that it's authorized to perform. We also make the bill clear that this is for solicited proposals only. So private partners can't come to the state with suggestions. The state has to put out an RFP. The bill also outlines a limit on these projects at \$100 million. Beyond that, the department would need to seek legislative approval. After the execution of the P3 agreement, the contracting agency will need to submit the contract to the State Highway Commission and the Highway Commission will give their recommendation back to the contracting agency. Finally, we are asking that the department reports annually to the Appropriations and Transportation and Telecommunications Committee of the Legislature. I should be clear here the state is not required to enter into these contracts. We are just giving the department another tool. This bill is important because we need to not only complete our state's express system, but update all of our infrastructure. A report came out at the end of last year that ranked Nebraska's highway system 21st in the nation, when previously, we ranked 12th. We also ranked 39th in rural fatality rate, 29th in rural interstate pavement conditions, 28th in urban arterial, arterial pavement condition, and about 8.3 percent of our bridges are structurally deficient. It's clear that we need to improve our state's infrastructure and if this is just one more way we can improve that, then it's just that much more important. The bill provides a, provides a significant tool to complete and upgrade our state's infrastructure. I would be happy to work on any amendments with the committee to move this out. Additionally, I've been working with the department on the language they would like in the bill, which is the two handouts that I gave you. The first one addresses their concerns with the Nebraska Highway Commission. We originally mirrored our bill from a Kentucky bill that was signed into law, into law in 2016-- oh, I forgot to hand this out. Thank you. I apologize-- signed

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

into law in 2016. Kentucky's legislation essentially outlined an oversight group that would be created and we replaced that with the Nebraska Highway Commission. However, after talking with the department, that isn't quite how the Highway Commission functions. The second amendment I handed out addressed the department's second concern that was in Section 8, the reference to the \$100 million cap on projects before seeking legislative approval. Again, the department contacted us about this and asked that we remove it. Originally, this was added in as a, as a, as an additional legislative oversight. Again, after speaking with the department, we were reassured that the budget process that NDOT goes through each year with the Legislature would accomplish what we're wanting in that paragraph. NDOT also brought up a constitutionality concern that the Legislature would basically be in charge of choosing what projects the department would do. So again, that amendment eliminates that concern. In short, both of the department's concerns are addressed with these two amendments and I support these two changes. With that, I would be happy to answer any questions that I could, but I know that there are others coming up behind me that would probably do a great job as well. And I will have to-- I won't be able to stay for closing. I have another bill that I have to introduce.

**FRIESEN:** OK. Thank you, Senator Walz. Any questions from the committee? Seeing none, thank you.

**WALZ:** Thank you, Senator Friesen.

**FRIESEN:** Proponents for LB1016.

**JOHN SELMER:** See, I'm not all negative. Good afternoon, Chairman Friesen and members of the Transportation and Telecommunications Committee. My name is John Selmer, J-o-h-n S-e-l-m-e-r, and I am the Director/State Engineer of the Nebraska Department of Transportation. I am here today offering supporting testimony for LB1016. The Nebraska Department of Transportation provides long-term needs assessment called the long-range transportation plan for our highways, state roads, and bridges. And more than anyone-- and we know more how critical it is to prepare for the 21st century transportation system. This assessment is completed in collaboration with many different stakeholders, including private consultants, to make sure we provide a thorough, realistic, and educated report that accurately represents what our state will need over the course of the next 20 years. The reason why I bring up the long-range transportation plan is to highlight how this bill would be helpful to NDOT. If passed, this bill would authorize NDOT to explore how we can address the needs in the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

L RTP with the support of public-private partnerships, also called P3s-- I've got it backwards in there, but-- specifically, through project delivery under the Transportation Infrastructure Act, found at Nebraska Revised Statute Section 39-2801. LB1016 would require NDOT to create and publish rules and regulations in consultations with many of our existing partners by July 1, 2023, including the criteria for determining when P3 can be used for project delivery. This bill would also require NDOT to award P3 projects through the competitive negotiation RFP process, a familiar process we already use to select professional services. Although we support LB1016, there are some concerns which we have discussed with Senator Walz and her staff. We understand that the bill draft has been based on legislation from other states, particularly states that have highway commissions with decision-making authority for the budgeting of highway projects. In Nebraska, we have an excellent working relationship with our Nebraska State Highway Commission, but the Nebraska commission is advisory only and does not have a decision-making role in the process of approving projects. We are requesting that the language in Section 3 of the bill be modified to conform to the role of the Highway Commission in Nebraska. We have proposed changes to Senator Walz's staff on this recommendation. Finally, Section 3, paragraph 8 is unnecessary and should be removed from the bill. The current legislation budget review process for NDOT will provide the necessary legislative oversight for all P3 projects each year during the budget review process. We look forward to continued discussions with Senator Walz and hope to push the legislation over the finish line. I'll be happy to answer any questions you may have.

**FRIESEN:** Thank you, Director Selmer. Any questions from the committee? Senator Geist.

**GEIST:** Could I just shortcut cross-referencing everything and ask if the changes that you requested that were in your testimony, are those changes reflected in these amendments?

**JOHN SELMER:** Yes.

**GEIST:** OK, that's it.

**FRIESEN:** Thank you, Senator Geist. Senator Hughes.

**HUGHES:** Thank you, Chairman Friesen. Director Selmer, thank you for being here today. So the-- what does, what does this do for Department of Roads?

**JOHN SELMER:** Well, this, this gives us another tool in the toolbox in terms of how we deliver projects. So the, the basic process is design, bid, build. So we design it, we put it out for bid, and then the contractor builds, builds the project. This, instead of looking purely at low bid, looks at best value. So there's criteria set up in partnering with typically a general contractor and an engineering firm and the three of us work collaboratively in terms of coming up with the best, best project out there. So it's a little bit different and there's different phases. There's purely design-build, which is becoming out of disfavor because typically what you do is you, you put out an RFP and then they come in and tell you how they're going to solve your problem and you can't really guide them on that. So they can come in-- you might have five different teams come in with five different concepts on a transportation project. You might not like any of them, whereas progressive design-build, you kind of tell them what criteria you want or what you're looking for and then you select the best team and then you work with them to finalize the design. And then there's options in which to make sure that there's a different evaluation on whether the, the cost is appropriate. And if you can't come to an agreement on costs, even at some point there within the certain limitations, the contract is dissolved. Those are some ways. If you go way to an extreme, which we won't do, it's kind of a design, build, own, maintain-- or not own, but operate and maintain, which is nothing that I'm aware of that we want to get into, where you're seeing some states where there might be a toll facility. And now the contractor comes in, the company comes in, and they actually derive revenues, payback from, from tolling. But what this really does is, I think it allows us to look at different avenues. There's-- we've got some complex projects, I believe, still up by the Niobrara that-- working with, with a contractor. They can give us some ideas on how we might solve this problem and actually, I think, get better value. But part of that's going to be definitely in the rules making, the formula, and I'm sure you'll have a lot of involvement too, along with our general contractors and engineering firms that we work with.

**HUGHES:** So is, is this just going to be a, a time savings or is this getting you more expertise, more, more engineers to look at a project?

**JOHN SELMER:** I think what, what the hope is, is there can be some time savings because, you know, as you're working with your team, you're addressing construct ability issues up front instead of finding out after you let the project that it's, it's impossible to build it this way. So there can be because typically your, your greatest savings too are going to be up front where you have the ability to make changes.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

Once I've let that contract and now I'm finding out things aren't going as well, it gets extremely costly.

**HUGHES:** So why would the private contractors have better engineers or more-- engineers with more experience or more-- better lay of the land than what you do in your department?

**JOHN SELMER:** I don't, I don't think I said-- I think it's a different perspective. So we're going to design it in terms of structural load and our people are going to look at constructability. But if, if I'm a contractor and that's my business, I'm going to look at it how can I get this done as easy as possible? And there's some things that we design or maybe a certain design standard that based on their perspective of building roads, we're saying, you know, if we tweaked it this way, we could save significant dollars, so let's get that up front. If we're looking, say, in a metropolitan area like Omaha, it might have to do just with construction staging because they're the ones that are the experts on getting materials to the site and whether-- how their workers are exposed and what progress they can make. So that's where, where the value is and, and working also with the consulting firm that comes in there, that we all discuss that and figure out how we can make it better.

**HUGHES:** OK, thank you.

**FRIESEN:** Thank you, Senator Hughes. Any other questions? Senator Bostelman.

**BOSTELMAN:** Thank you, Chairman Friesen. Thank you, Director. My curiosity is here in the introducer's statement of intent. It says to enter into-- and you don't have this, so I'll try to-- talk about the DOT entered into contracts to construct and/or finance projects with the intention to accelerate project time. So are we talking-- and so does this allow a company to come in and finance a road and build a road and then turn around and charge-- put a, put a charge to use that road?

**JOHN SELMER:** They, they have done things like that and I don't see us doing that. I don't think that was the intent here was that we would charge fees. I didn't introduce the legislation, but I don't believe that's the intent here. Others, it could be similar to what was done in Lincoln.

**BOSTELMAN:** So I guess I'm just-- I'm trying to understand, like Senator Hughes, I think, here, is just understanding what that

relationship is and then does that, you know, does that-- contractors, that private portion of it, what are they getting out of that? And are they expecting some return, i.e., again, toll road, whatever it might be, that's-- I'm just trying to understand the-- you know, that, that-- the purpose of what's really going to happen because if this allows them to do that, potentially could in the future, kind of just like to know that.

**JOHN SELMER:** I think it's going to vary and it's going to vary on the type of project. So part of it you could do finance. Let's say it is a significant infrastructure project and at some point, we would rather have private financing of it. And yeah, there's going to be a cost in terms of what it costs to get that project done versus if you extend it out. Now, I think the issue like in-- I can't say what those projects would be here or if we ever have projects like that. If I'm in a very urbanized area with extreme congestion and safety issues and I'm trying to build a major bridge that's \$1.5 billion, it might be worth it to the agency to expedite that and pay that premium because of all the other factors that are impacted by that infrastructure not performing as they'd like. There's other areas that we're looking, I think, in terms of broadband and, and partnerships, in terms of being able to share resources out in our facilities too. So I know there's some discussion in terms of how can we open up our right-of-way or have partnerships too. So I think we're still really trying to look at how this might operate here.

**BOSTELMAN:** So do you know if there are a lot of other states that do something similar to this?

**JOHN SELMER:** Yes.

**BOSTELMAN:** 25?

**JOHN SELMER:** I would say probably about half the states. I--

**BOSTELMAN:** OK.

**JOHN SELMER:** --that would not surprise me.

**BOSTELMAN:** Thank you.

**FRIESEN:** Thank you, Senator Bostelman. Any other questions from the committee? So I guess from when you look at the South Beltway project-- and I-- that was kind of a unique situation, that whole road, but in the end, weren't-- in the big picture, wouldn't we be

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

better off bonding as a state than letting private contractor do it?  
Wouldn't we save money?

**JOHN SELMER:** I don't know. I'd have to look at it. I'm not a financial expert, but--

**FRIESEN:** OK. So I mean, generally, this would, this would give you some tools that you may or may not use.

**JOHN SELMER:** Right.

**FRIESEN:** But it, it gives, again, a little bit more discretion, so.

**JOHN SELMER:** It gives us the, the ability to explore and look at it, does it make sense?

**FRIESEN:** OK. No further questions, thank you for your testimony.

**JOHN SELMER:** Thank you.

**LYNN REX:** Senator Friesen, members of the committee, my name is Lynn Rex, L-y-n-n R-e-x, representing the League of Nebraska Municipalities. We're here today in strong support of this bill. We think it does provide the department some additional authority, some additional flexibility. And as previously noted, Senator Bostelman, in answer to your question, many states are already doing this. And so we hope that as a committee, you will look favorably on this. We do support the amendments and appreciate the fact that the senator and her staff worked these out with the Nebraska Department of Transportation. So in any event, in the same way that municipalities across the state are involved in public-private partnerships, we think that this can only help the state to kind of move things forward. And with that, I'd be happy to respond to any questions that you might have.

**FRIESEN:** Thank you, Ms. Rex. Any questions from the committee? Seeing none, I-- do you-- what benefit do you see from that in the League of Municipalities?

**LYNN REX:** Well, what we see is the opportunity to basically expedite some projects, quite frankly. I mean, this is, in our view, very similar to-- and you mentioned the South Beltway, same sort of concept really, only this is, in our view, codifying it. It's a little bit different spin on it, but it's codifying it and making it clear that the department has certain procedures in place and do other things to ensure that those kinds of activities can occur in the future. And so,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

you know, I don't know if-- I mean, the state of Nebraska obviously did not have all that money upfront per se, so you have a company involved in this. And at the end, they took some risk on the front end, but the state of Nebraska owns that on the back end. And so this is really an important process that's, again, why it's being used in other states. And I think that you raise some important questions about how this may interface with the ARPA Act as an expenditure. That's something that I don't know, simply because you have-- there's certain time constraints. I mean, there are serious time constraints in terms of when that money has to be spent and committed. But again, we really commend the department for coming forward and working with Senator Walz on this bill because it's something that's really important. And by the way, those of you that were involved in the Transportation Committee prior to passage in 2016, the Transportation Innovation Act, know that the committee did-- oh my gosh, I don't know how many different hearings across the state. I know that the League of Nebraska Municipalities, we stalked them at each and every hearing and so we tran-- we were there to basically listen to what folks all across the state thought was important. And what was important is for the Nebraska Department of Transportation, then NDOR, to think outside the box, to think of other ways that they could accomplish the same thing in a most efficient way. And this was one of the ideas noted, and Senator Smith, who, who introduced LB960 on behalf of the Governor talked about it at that time. So again, we really appreciate your thoughtful consideration.

**FRIESEN:** OK. Thank you, Ms. Rex. Seeing no other questions--

**LYNN REX:** Thank you very much.

**FRIESEN:** --thank you for your testimony.

**LYNN REX:** Thank you.

**ERIC GERRARD:** Chairman Friesen, members of the committee, thank you for your time today. I am Eric Gerrard. That is E-r-i-c, last name is G-e-r-r-a-r-d. I am here again on behalf of the city of Norfolk in support of LB1016 and we thank Senator Walz for introducing this bill and continuing to champion subjects like this. In previous testimony on LB1274, Senator Flood's bill, we laid out the need for, for roads and why citizens of Norfolk are so supportive of that. I won't-- I'll try not to be repetitive. I think DOT, Senator Walz, and Lynn Rex laid out that this is just another tool in the toolbox and I think we, we are happy to see that. I would note that when I was reading the, the bill, you see "may" long before you see a "shall" and I think that,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

that shows that it just gives the department the, the opportunity to use this kind of public-private partnership when it makes the most sense. With that, I just reiterate our support for LB10-- or city of Norfolk's support for LB1016 and try to answer any questions that you have. Thank you.

**FRIESEN:** Thank you, Mr. Gerrard. Any questions from the committee? Seeing none, thank you for your testimony.

**ERIC GERRARD:** Thank you.

**FRIESEN:** Any others wish to testify in favor of LB1016? Seeing none, anyone wish to testify in opposition to LB1016? Seeing none, anyone wish to testify in a neutral capacity? Seeing none, we have one online comment in support of LB1016. I think Senator Walz had to leave so we'll close the hearing on LB1016.

**HUGHES:** With that, we will open hearing on LB875, Senator Friesen. Welcome.

**FRIESEN:** Well, we won't have to waste a lot of time with this bill. It was easier to just conduct the hearing and move on. My name is Curt Friesen, C-u-r-t F-r-i-e-s-e-n, and I represent District 34 and I am bringing LB875. The thing with LB875 when I first was going to bring it, we thought there was a requirement that the director had to be an engineer. That requirement has been removed and now it is strictly just something that is in his title. So I guess you could say that it's a little bit misleading title because he is not an-- he may not be an engineer, but he may be. So it went to the-- back to the fact that I was looking at the different directories of different agencies and I've done this with some others that sometimes we put too many requirements on what kind of person should lead an agency. And these days, some of the agencies are so large they don't need to necessarily be an engineer, they're more the department manager, and they need those talents more than they need to be an engineer. So it was with that frame of mind that I brought this bill to start with, but since that requirement has already been removed in the past, don't know when it happened-- we'll see if anybody testifies further-- but right now, it's just a part of his name. With that, I'd-- you can ask any questions if you'd like.

**HUGHES:** Thank you, Senator Friesen. Are there any questions? Senator DeBoer.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

**DeBOER:** Senator Friesen, you said that he may not need to be an engineer. Did you mean he or she?

**FRIESEN:** He or she.

**DeBOER:** Thank you.

**FRIESEN:** The person, the director, may not need to be an engineer. Thank you for clarifying.

**HUGHES:** Senator Cavanaugh.

**M. CAVANAUGH:** First of all, also they.

**DeBOER:** Sorry.

**M. CAVANAUGH:** But Senator Friesen, why is this bill 58 pages?

**FRIESEN:** Say again.

**M. CAVANAUGH:** Why is this bill 58 pages?

**FRIESEN:** Because that name is used a lot throughout all of the statutes. I was surprised.

**M. CAVANAUGH:** Wow, thank you.

**HUGHES:** Any other questions from the committee? You'll stay for closing? Are there any proponents to LB875? Seeing none, is there anyone opposed to LB875? Welcome.

**JEANNE McCLURE:** Thank you. I promised Senator Friesen that I really do like him. My name is Jeanne McClure, J-e-a-n-n-e M-c-C-l-u-r-e, and I am the executive director for ACEC Nebraska. That's the American Council of Engineering Companies and we are a professional business association for engineering firms. We represent about 48 firms with more than 3,000 employees in the state of Nebraska. I'm here today in opposition of LB875. The position requires leadership of an organization charged with work defined as engineering by the State Board of Engineers and Architects and is expected to provide direction and make decisions that impact the life, health, and safety of the public. These items drive the importance of the title state engineer. The majority of our member firms work as partners with the Nebraska Department of Transportation, designing roads and bridges, working through environmental processing processes-- permitting processes, and developing traffic incident management systems, all to protect the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

citizens of Nebraska as they travel on our state's roadway system. The DOT's primary function is to provide the best transportation system possible and this begins by engineers leading every project. And while the state statute does not require that the director be an engineer, it is documented that every director of the department, but one since 1911 has been a licensed professional engineer registered with the state of Nebraska. This information is documented in this history found on the DOT's website. The Director of the Nebraska Department of Engineering-- or Transportation is often called on not only by this committee, but many other elected officials to speak to technical design, detail regarding all aspects of the state's transportation system. They also represent our state and are expected to hold their own in professional settings at the state and national level with organizations like ACEC, Associated General Contractors, the American Association of State Highway Transportation Officials, to name a few. As technology rapidly advances, it is more important than ever that the leader of our DOT have the knowledge and experience to understand how to best use that technology to benefit our state while balancing the resources provided by the Nebraska citizens. Additionally, engineers provide great leadership and can be seen through many-- through CEOs leading many top Fortune 500 companies. Furthermore, engineers as a whole are perceived by the public as intelligent, trustworthy, and hardworking, the same as Nebraska see themselves. This would lead us to contend that the Legislature should be reinforcing that an engineer by title should be leading one of the state's largest agencies by budget, impact, and responsibility for the most significant amount of engineering in the state of Nebraska. Thanks for the opportunity to appear before you.

**HUGHES:** Thank you, Mr. McClure. Are there any questions from committee members? Senator Bostelman.

**BOSTELMAN:** Thank you, Vice Chair Hughes.

**HUGHES:** Vice vice.

**BOSTELMAN:** Vice vice Chair. Thank you, Ms. McClure, for being here today. Does the director currently oversee professional engineers in his, in his normal work, do you know?

**JEANNE McCLURE:** I would-- yes, he does.

**BOSTELMAN:** And would the director then have the ability to either approve or disapprove the work or the findings of that professional engineer?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

**JEANNE McCLURE:** Yes, they do.

**BOSTELMAN:** And would then-- if the director did that, would they then be performing a licensed activity within the state of Nebraska?

**JEANNE McCLURE:** Yes, they would be.

**BOSTELMAN:** So then they would be in violation of that.

**JEANNE McCLURE:** Of the Board of Engineers and Architects.

**BOSTELMAN:** So that--

**JEANNE McCLURE:** So they could be-- come-- be brought up as being in violation of that act.

**BOSTELMAN:** They would be, they would be performing a licensing act without a license, correct?

**JEANNE McCLURE:** Correct.

**BOSTELMAN:** So although this is just a name change in sense, I guess part of what I'm hearing today is not only on-- for that issue, I think, but other issues is just being-- having a professional engineer in that position really eliminates any maybe political bias one way or another because their requirements as a PE.

**JEANNE McCLURE:** Right, so when you're a professional engineer, you must use your engineering judgment and eliminate all other-- you know, any, any kind of political stance on something. You're just going by these are the rules, this is what's best. I'm protecting health, safety, and welfare of the public.

**BOSTELMAN:** So you feel that just by changing the name of the position, that that can eliminate the opportunity for that person to be a PE?

**JEANNE McCLURE:** I think, I think it holds it up to a higher standard.

**BOSTELMAN:** OK, thank you.

**HUGHES:** Senator Geist.

**GEIST:** Just briefly and this might have been covered in the intro, but I missed it.

**JEANNE McCLURE:** That's OK.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

**GEIST:** Have all of the directors that you're aware of to date been engineers?

**JEANNE McCLURE:** So if you-- I, I have this-- there's a history that you can find on the DOT's website and I can send you a link to that. But since 1911, they were all register-- they have all been licensed professional engineers registered through the, through the state. Prior to 1907, there wasn't a registration for an engineer and the-- I believe the first engineer was licensed in Wyoming and so if you look at the history, we go back to 1895, it wouldn't have even been an opportunity to be a registered engineer--

**GEIST:** Sure.

**JEANNE McCLURE:** --so it would be impossible to know that.

**GEIST:** Um-hum.

**JEANNE McCLURE:** So we do know that since 1907, one director-- and that was '99 to 2009-- was not a licensed professional engineer and that is the only one.

**GEIST:** From 1999 to 2009?

**JEANNE McCLURE:** Um-hum.

**GEIST:** OK.

**HUGHES:** Any additional questions from the committee? Senator Cavanaugh.

**M. CAVANAUGH:** Thank you and I'm sorry if this isn't a question that you can answer, but so for ten years, we, we weren't in compliance?

**JEANNE McCLURE:** Well, if, if someone would have wanted to say and, and put a grievance to the board of engineers and architects and said they're, they're not exercising professional judgment or, you know, they're, they are doing engineering without an engineering license, yes.

**M. CAVANAUGH:** OK, thank you.

**HUGHES:** Any additional questions from the committee? Seeing none, thank you, Ms. McClure, for your testimony. Any additional opponents to LB875? Anyone wishing to testify in the neutral capacity? Seeing

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

none, Senator Friesen, you're welcome to close. Senator Friesen waives closing and I turn the meeting back over to him.

**FRIESEN:** Thank you, Senator Hughes. I didn't think we'd waste that much time with that, but now we did. Now we'll open the hearing on LB999. Senator Wayne.

**WAYNE:** Good afternoon, Chairman Friesen and members of the TNT Committee. I'm really excited to be here. I know you had a long hearing and I promise you that this is a little more exciting and, and will be a lot faster because I didn't bring anybody. First, I want to thank this committee and particularly Senator Friesen. Back in 2018-- I've been sharing my vision since 2008 about north Omaha, but back in 2018, the first half was what I actually handed out to the floor. And what you'll find in this is all of those bills passed, but one in particular is on the second page. It's LR-- LB129, which went to Appropriations, but it was dealing with a transportation study of north Omaha. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent District 13, which is north Omaha and northeast Douglas County. And sorry, I just jumped in. But this is kind of super exciting to me. We allocated 100-- roughly \$150,000 to study the issues that are going on in the Florence area. And Senator Friesen helped me push that bill along. But if you'll flip to the third-- or the fourth page, you'll see areas that have now started to be looked at by not only DED, but the Omaha Chamber, particularly the airport park business two, as a significant economic driver for north Omaha. And the reason that's a huge deal for us is because what I've always said on the floor is if we can get it right for north Omaha and create jobs, we can get it right for Ogallala, Ord, and everywhere else because the model is the same. We just got to have the right investment. And what's going on it now is the Highway 75 MAPA study was delayed due to COVID, but they just came out with their results from the second public hearing, which I emailed the, the committee. And what we found out is some interesting stats, but one, alternative 7 is the bridge across the Missouri River that we're talking about today and it is one of the, according to the study that I sent you of the recent feedback and how it would impact in the four categories that MAPA laid out, one of the best options. There's still a lot more that has to be done, but that study that I emailed you shows the support for it. And I just want to walk quickly-- and say quickly because I know I'm the last hearing-- through how we got here. It's no secret that this year, one of my most important bills is the ARPA funding for the recovery for north Omaha. I've pretty much kept that out in public and this bill that we have before us today impacts that. And I just want to briefly touch, while I can talk about ARPA real

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

quick, on this second tab, I just want to give you some brief stats of 2-1-1. Because you won't be in the Appropriation hearing, I think you should hear this. If you look at the first two tabs that are-- that's my district, District 13, from 2020 and then the second one is 2021 and what 2-1-1 is the nat-- is a statewide program, for those who didn't attend the luncheon, where the people can call 2-1-1 to get help. And if you look at 2021, it almost-- it doubled about 2.5 during COVID, so it's been a significant impact for people who need help. And also, Senator McKinney's is shown there. And on the last page of that tab, you can look at the rest of the state and what you'll see is the highest district is Senator McKinney with 12,000. District 13, my district, is with 11,000 and there's a significant decrease after that as far as impact for need for people who need assistance. I say that to also say that in the recent study that I also emailed you, you'll see that unemployment rate for African-Americans, particularly black Omaha, is still about the same as it was during the 2008 recession. That's why there's a need for this project for, for work that's close, that is available, and high-paying jobs. I also included in the packet in front of you that from March '20 to 2021, unemployment claims filed by those who are identified by black or African-American rose disproportionately. And that was a study done by our own Department of Labor that says while black American-- black Nebraskans made up little over 5 percent of the total population, they comprised of almost 17 percent of the continued weeks claimed for unemployment insurance in 20- March of 2020 to March of 2021. So why does this bridge matter? Well, if you look back at the historical aspect of north Omaha-- and I'm just going to key in on one area, not to talk-- get off the subject, but there is a area where if you go to your fourth page, your fourth tab, Highway 75 impacts-- we'll start there. My tabs got a little out of order and that was my fault. But the first thing is redlining it. And the reason why I'm bringing up redlining, I talk about housing, but I want to focus in on one area to show you the impact that this highway that was created. And so it's the, it's the highway impact. That little-bitty circle in the middle is D and what our federal government did basically is said the more diverse you are, the more minorities that live in these areas, the less we will lend to you and D is the worst. It's call- it's considered hazardous. So if you take that same frame D and flip, you'll see where redlining is Highway 75, which I know we don't have exhibits, but I want to make sure people are on the same page. That is the exam--example we're going to talk about today. And if you look at the next page where it's pre-Highway 75, you have a very robust community. You have actually two Catholic schools, you have a public school, you have two apartment complexes, and all those trees represent individual houses. And if you

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

flip to page-- to the next page, you'll see Highway 75. And what you see is a lot of green space. That literally destroyed north Omaha and it destroyed it because the exits are far away. One, there's only two exits on each side so your local businesses don't have easy on and off ramps, but two, it took out over 1,000 people from those neighborhoods and displaced them somewhere else. So without going through all of the-- the reason why this is important because even the Governor's budget calls for a \$60 million investment in the Site and Building Fund for the north Omaha airport development park. That will produce about 200 jobs to 400 jobs. We can't handle that traffic in my community of Florence. Highway 75 goes right up to Flor-- it's a neighborhood. This has been studied and studied more than anything. There was a study in 1990. There was a study in 1999. There was a study in 2000, 2003, and 2011. The big issue has been there was no money. That changed with the infrastructure bill that was passed. And in fact, if-- the long-range transportation plan of 2035 by MAPA whisked out the 16th Street bridge that could fundamentally change north Omaha. But again, the issue has always been money. That changed because \$12.5 billion in the Bridge Investment Program for economically significant projects was passed by our Congress and signed by our president. They also set aside \$5 billion for megaprojects. And if Iowa and Nebraska were to apply for this, this would be considered a megaproject. So the brief history of Highway 75 is that in 1944, Congress passed the Highway-- Federal Highway Act. Ten years later, they said that cities can-- and states can use-- they'll pay/cover 90 percent of the costs and that's when it started. And for those who don't know the racial impact, you can look in here on-- I was in another-- underneath-- going a little farther, this was the original design in 1940-- 1956. And if you flip the page you'll see the racial makeup of the communities. Why is that important? Because in the 1970s, it actually started taking off. In 1963, they extended the plan through my district, which is Florence. And again, if you flip back to the racial map, you will see that Florence is-- starts about 155 in the middle of the map where you start to see it go-- Millard Park. Where my district starts is Redick. You see it turn significantly Caucasian. They stopped the project. They came down here. They went to the city council. They stopped the project. North Omaha did the same thing in 1966. There was actually a meeting at Pilgrim Baptist Church, sponsored by the Lake Charles Community Organization, where over 1,000 people showed up and tried to stop the project and the city of Omaha and the state continued to go through with the project. Why does that matter? Because some years later, they also wanted to do an expressway through Gifford Park. They stopped that project and for a long time, those who drove to Omaha, if you

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

would go downtown, you will see a hill in the middle of the freeway. That was where the bridge was going to go to start the expressway. Everywhere but north Omaha did-- this project was stopped. And in fact, it was followed up to 1980, where finally, the city of Omaha said we're done with the north Omaha freeway. We're not going to win this battle into Florence. Therefore, it doesn't matter. So they quit. My point is this highway has been controversial from day one and by adding more jobs down in the airport area, they're going to push all of that flow into Florence, which again, we cannot handle. So we're trying to raise, with this bill, the level of concern my district has, while at the same time-- shifting to the second part of the bill, the reconnect part of the bill-- reconnect what was lost in north Omaha. So if you look underneath the reconnect tab-- and I'm just kind of walking you through it instead of giving a big speech because I think it's important to see, to visualize this is what's going on in Rondo, St. Paul, Minnesota. And this is actually Highway 94-- or Interstate 94. And these are actually happening across the entire country. And the next page is Dallas, what they did in the '80-- late '90s across Highway-- Interstate 35. They recognized and communities are recognized and now the federal government has recognized that putting these types of highways destroyed particularly black and brown communities. So they have stepped up to reconnect them and that's where the grant comes from the federal program. There's a reconnect grant at infrastruct-- at the-- under-- from the infrastructure bill that now reconnects-- could be applied for to reconnect Highway 75 and 24th Street to 30th Street. The reason this bill was introduced was because there was no confidence that we had that NDOT would go after these dollars and you have to look no further than the fiscal note. This wasn't part of their plan. And if it's not part of their plan, they're not going to go outside and apply for these grants. We have to be more nimble as a government to make sure when these opportunities approach, because Nebraska taxpayers have already paid for them, that we can actually do it. And so at first, I was concerned about the fiscal note, but then I just remembered we allocated \$2 million to STAR WARS to study water projects in three communities. That's about the same cost. And if we can do that for rural, we can do that for north Omaha. So for a \$500,000 fiscal note to put together the expertise, to put together a grant-- and we may not get it, but at least we'll know exactly the-- all the impact studies that will be done that if money comes available in the future, we can fundamentally change north Omaha. And that's been my goal. I've been pretty transparent with, with this committee and people on the floor, but this is the once-in-a-lifetime opportunity where we, at the federal level, are providing states with funds to do these types of projects.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

And what has been told to me and explained to me by the Feds is that all the state has to do is apply and there will be at least \$100 [million] to \$150 million already allocated. And you can ask NDOT when they testify, if they do, but that's pretty much all the conference calls that I've been on with the Feds have said they're trying to distribute this the best they can to make sure it goes everywhere for megaprojects. And if you look at Iowa, if you drive over there and look at what they're doing on the south side and all the development, it's time for the north side to get that same kind of treatment. And so again, I think partnering with Iowa-- I know my office, for the last three years, have met with my counterpart over there, a senator over there. I know DOT has talked, but the issue has always been money and we can send a strong message to at least we can do is apply for these grants and give north Omaha a chance.

**FRIESEN:** Thank you, Senator Wayne. Senator DeBoer.

**DeBOER:** Senator Wayne, thank you very much. I'm just curious about the idea, the-- what would be the-- I'm very-- I mean, this is really interesting the way that they did it in St. Paul with the-- putting the interstate underneath. Is that the kind of thing you're thinking about or is there-- like, what's the plan?

**WAYNE:** So Senator McKinney and I have, during our ARPA fund conversations, showed these to the community and what they are looking for is the Rondo project or in Dallas, where it is green space. What we have-- what we lack in north Omaha is soccer fields, baseball fields, and just open green space. And so it would be a way to reconnect the community through sports and through out-- outside, outside activities.

**DeBOER:** So you're going to do, like, green space on top and then underneath is the--

**WAYNE:** Correct.

**DeBOER:** --interstate?

**WAYNE:** So actually the-- it wouldn't change a whole lot. Right now, there are already bridges running across Highway 75, so there-- it's already what you would say deep enough to, to handle most traffic. There may be a little bit of lowering or raising of a deck, but that's not a big issue. I do hope you guys take a moment to look at the-- what I sent you this morning-- I was showing Senator Friesen on the floor. Right now in, in my area, daily single-unit trucks-- so that

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

means just-- not semis, but decent-sized trucks, not, not a F-1-- F-350. It's more like moving trucks. There are 1,020 going through 30th Street and right in front of an apartment complex. On that same thing-- on that same street, Highway 30-- Highway 75, there are also daily heavy truck semis of 680. This is a very used highway and adding jobs in the airport and pushing those job-- those, those logistical companies or whoever comes north will cause significant problems. For example, there is a company that I'm leaving here in Lincoln, but they are testifying tomorrow in Urban Affairs underneath the North Omaha Recovery Act that if this project was built, they're expanding too. They're looking to expand and they're going to stay in Nebraska. So they've already been talking to everybody. They've looked at the Imagine Act. They know how everything's going to work. They're just looking for a shovel-ready area in north Omaha. And so there's a lot of momentum, but I don't want people to forget about Florence and, and running traffic through it because we did that a couple times already.

**FRIESEN:** Thank you, Senator DeBoer. Senator Moser.

**MOSER:** So what percentage of the project will the grant pay? What's the local match?

**WAYNE:** Actually, the regs haven't come out on that yet, so they're still-- that's probably-- I mean, that will probably be one of the objections right now. We don't, we don't know, but we don't have to look no further than-- we, we've done this without federal-- this is part of the issue-- Highway 36 south of Plattsmouth. We worked with Iowa and put over \$150 million into that project to build a bridge. And they thought, at that time, that bridge was only going to have 1,100 to 1,600 cars per day and it's at 3,000. They project a bridge of this-- in 1999, they projected a bridge here across 16th Street would have 3,000 to 4,000 people. And here's why: everywhere north of Dodge and west of 90, when you want to go to the airport or downtown, you circle all the way south around the interstate. If you open up a bridge here with the interstate, you save seven-- one estimated 15 minutes off your drive time. So it isn't a matter of whether we want to do it. We just choosing not to do it because we've already done south of Plattsmouth.

**MOSER:** Thank you.

**FRIESEN:** Thank you, Senator Moser. Senator Cavanaugh.

**M. CAVANAUGH:** Thank you. Thank you for bringing this forward. I-- the-- have you been to the Minnesota project?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

**WAYNE:** No, we were supposed to go and then we have not-- we're going to go up this spring, though.

**M. CAVANAUGH:** Oh.

**WAYNE:** It's one of our recesses.

**M. CAVANAUGH:** New York has the High Line. Have you heard of that?

**WAYNE:** Yes.

**M. CAVANAUGH:** Yeah, I've been there. It's, it's really, really cool to be on. It's old train tracks that they just turned into a green space outdoors and it's a, like an amazing gathering space that people just go to. So I've experienced what this can be like and it is transformative. I did want to ask you about fiscal things. So the \$500,000 on the fiscal note, the department says this is out of-- would come out of their cash fund. Is there an opportunity for us to bring those funds out of general funds?

**WAYNE:** I don't think they would object to where they come from. I think their-- yes, I don't think they would object. There is opportunity for that. Again, their concern is one, reconnect was never an option until this grant came out and as a brand new grant, grant for areas like Omaha. So it was never in their plan.

**M. CAVANAUGH:** Right.

**WAYNE:** And because you're crossing the river and that there is flooding in the last five years in-- on the Iowa side, there has to be some studies done to make sure the environmental impact. My argument to that is, is if we build a bridge across Florida Keys with no problem, I'm pretty sure we can figure out how to build a bridge across some areas that might flood.

**M. CAVANAUGH:** And I know that there's some financial reasons that the city can't take this on.

**WAYNE:** Correct, so-- yes and so--

**M. CAVANAUGH:** Can we just do that?

**WAYNE:** --my, my position is it was the federal government along with the city and the state who destroyed this community. It is now the opportunity for the federal government to put a-- to fix this community.



**M. CAVANAUGH:** OK, thank you.

**FRIESEN:** Thank you, Senator Cavanaugh. Any other questions? Senator Bostelman.

**BOSTELMAN:** Thank you, Chairman Friesen. Thank you, Senator Wayne. Have you had much discussions with Iowa?

**WAYNE:** So our office has-- and according to their senators, they-- yes, there has been conversations. The issue has always been money. I mean-- and, and again, I love-- engineers are like attorneys. When you get them in a room, they start thinking really big. And so they also wanted to redo the levees and so that-- you know, that became a cost of \$2 billion. And then there was the--what I'm proposing, which is just a bridge, and we'll figure out the levee-- the levees later, which is around-- now, it's about \$300 million. But in a '99 study that I can send the group from HDR, it was only a \$70 million bridge they were looking at. So both sides have been engaged. I don't know if you remember the port authority that I passed?

**BOSTELMAN:** Yes, I have.

**WAYNE:** Well, that bill, that bill actually came from Iowa side and the last study on building this bridge and creating a port. So they've been in contact, but I think it's always just been a money issue.

**BOSTELMAN:** In relation to the airport, where's this at?

**WAYNE:** So on the first half, the handout that I handed out on the floor and told everybody my secret, on the very, very last page, airport's down here. Again, I'm not supposed to use-- sorry, Mr. Chairman-- and the red line that runs across-- on the very first half. So it's, it's north of the airport. I will tell you that the Army Corps of Engineers, when we met with them, did not, did not like this line. I guess they want everything to run perpendicular to the river. So you got to bow it out a little bit, but that's how much conversation we've had. I mean--

**BOSTELMAN:** So--

**WAYNE:** --we've, we've got down to that kind of detail.

**BOSTELMAN:** And does this kind of go through the industrial portion of the-- to, to try to move that industrial complex you have, the trucks and that out--

**WAYNE:** Yes.

**BOSTELMAN:** --across that way rather than going through town, which is what you're saying--

**WAYNE:** Correct.

**BOSTELMAN:** --is a major issue, so-- OK, thank you.

**FRIESEN:** Thank you, Senator Bostelman. Senator Moser.

**MOSER:** Is the bottom terminal of that red line, is that Sorenson Parkway?

**WAYNE:** That's Storz Parkway.

**MOSER:** Storz Parkway.

**WAYNE:** Yeah, Storz Parkway. So that's 16th Street right there. So that connects the Storz Parkway.

**MOSER:** OK.

**WAYNE:** And the airport development is just-- if you-- it--

**MOSER:** To the right.

**WAYNE:** To the right and to the south, yeah.

**MOSER:** OK, thank you.

**FRIESEN:** Thank you, Senator Moser. Any other questions from the committee? Seeing none, are you going to hang around for close?

**WAYNE:** I always like to see what DOT says. I like them.

**FRIESEN:** OK. Anyone wish to testify on a-- proponent to LB999? Seeing none, anyone wish to testify in opposition to LB999? Welcome, Director.

**JOHN SELMER:** Good afternoon, Chairman Friesen and member of the Transportation and Telecommunications Committee. My name is John Selmer, J-o-h-n S-e-l-m-e-r, and I am the Director/State Engineer of the Nebraska Department of Transportation. I'm here today to express the department's opposition to LB999. LB999 would require the Nebraska Department of Transportation to apply for specific federal discretionary grants and if awarded, use said grant or grants to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

construct a bridge in a city of the metropolitan class. NDOT is not opposed to applying for any federal grant and actually does so each time a notice of funding opportunity is issued by the U.S. DOT. However, NDOT would like to point out several technical problems with the bill. First, in order to apply for a discretionary grant-- federal discretionary grant, the project must be well past the planning and design phase. Each grant application requests multiple documents with the design criteria, an explanation of various environmental, societal-- and societal benefits or impacts of the project. NDOT could not request funding for a blank or undeveloped project that has not been scoped, developed, or designed. Secondly, NDOT annually issues two reports each December to a joint session of the Transportation and Telecommunications and Appropriations Committee outlining the state's 20-year needs and the status of the Build Nebraska Act and Transportation Innovation Act programs. A new Missouri River bridge in north Omaha was not included in the needs study. At this time, the Omaha Metropolitan Planning Agency, MAPA, is conducting a study of the need for a bridge crossing the Missouri River at 16th Street, as the area is under their jurisdiction. We believe that if federal funding is sought for such a project, the request would need to come from MAPA and not NDOT. Finally, NDOT believes there's a constitutional issue with LB999, specifically Article III, Section 18 of the Nebraska Constitution, which states the Legislature shall not pass local or special laws in any of the following cases: that is to say laying out, opening altering, or working roads or highways. It is the opinion of NDOT that this bill is directing NDOT to build a specific project, which NDOT is interpreting as a violation of that constitutional provision. I would be happy to answer any questions that you may have.

**FRIESEN:** Thank you, Director Selmer. Any questions from the committee? Senator Albrecht.

**ALBRECHT:** Quick question that kind of pertains to the bill I left before, but so you're reading what the Legislature shall not do, but could you, in your department, say, hey, you know what? Like, like on that last bill, you were looking at a freight program. If that indicated that you should switch gears and decide to do something different, significantly different--

**JOHN SELMER:** You know, I, I think the-- you know, the department could get involved in this and I don't think we're arguing the validity of the desire here or anything like that. We're just saying-- and I think even with the financial statement-- that typically when we do this, we're, we're down the National Environmental Policy Act, the NEPA Act, where we've had public involvement, we've kind of identified what are

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

the issues, come up with some design as to what the cost is. And they also want some understanding of what your financial plan is because typically they don't want to just say, well, everything's going to be paid by federal government. So these are very competitive. The, the RAISE grant just came out Friday and looking at that where those are some of the criteria they look at in terms of awarding these grants. And so the other issue is, is that there's, there's jurisdictional issues here. It was brought up with Iowa and "Pot County" needs to get involved or who is going to own their half of the bridge on the Iowa side? Is this going to be a state highway at some point or is this going to be within Omaha's jurisdiction? So that's why we kind of feel that MAPA is probably the right organization because they work on both sides of the river. They kind of work with all the jurisdictions, at least to get this going. But if you're looking at us and starting an environmental process, that's why it takes time and that's why the cost is hard because of all the documentate-- where the cost is high because of all the documentation required.

**ALBRECHT:** So, so when we have proposals come from our committee that say, gosh, we'd really like to be able to take a look at this-- so if you have opportunities to be able to write grants and, and discuss that, would you or your department get together with the Department of Economic Development and/or, you know, to be able to move commerce throughout our state? Is that something that you could say, you know what, we might be able to, to work on something like this. Because if it, if it can't come from us and we can't direct you to do something of this magnitude, when would you step in as a department and say maybe?

**JOHN SELMER:** You know, I think a lot of this-- we have our transportation plan. MAPA has theirs. We need to coordinate with them. So they have desires that maybe don't match our desires, but we, we collaborate and that's typically where we'd see things like this coming in, in the metropolitan area.

**ALBRECHT:** OK.

**JOHN SELMER:** That they'll come up with that and the ability now with the recent legislation-- and, and I think they've always had the ability-- is to get grants to be able to proceed forward. But then there still needs to be who's, who's going to be the owner ultimately when this is done? So there needs to be a lot of dialogue that occurs there also. So we, we can start studying this and come up with the concept and see the feasibility. And so I think the work that MAPA is already doing can be a great SEED document or so to start developing

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

an application. And then I think really, if it looks feasible and is desirable by the local jurisdictions, then I think we proceed further with more requests for discretionary grants and looking at who's going to lead the environmental document.

**ALBRECHT:** OK, thank you.

**FRIESEN:** Thank you, Senator Albrecht. Senator Geist.

**GEIST:** This may be beyond what you know, but in your testimony where it says that the Metropolitan Planning Agency is conducting a study currently, do you know how far along in that study they are?

**JOHN SELMER:** They I believe-- they just started that, I believe, earlier. They just had a public input meeting and my recollection is that it's not supposed to be done until about October of 2023.

**GEIST:** OK. And is that typical for when-- let me back up a little bit. Is it similar to the type of, of study that your agency has to do in conducting, getting prepared for some kind of, of a job like this?

**JOHN SELMER:** You know, it might help in some areas, but we're going-- we would have to go in a lot more detail in terms of delineating resources and there would be a lot more public involvement also within the community in coordination with, with Iowa.

**GEIST:** So in short, that's a-- it's-- what they're doing is a little more streamlined than what would be required for the NDOT to, to do.

**JOHN SELMER:** I'm assuming that it doesn't have that. I haven't looked at the scope of that document.

**GEIST:** OK, thank you.

**FRIESEN:** Thank you, Senator Geist. Senator Cavanaugh.

**M. CAVANAUGH:** Thank you. Thank you for being here again, Director. OK, ownership seems to be complicated. Who owns Highway 75?

**JOHN SELMER:** Well, I believe that's state DOTs.

**M. CAVANAUGH:** So the city of Omaha doesn't own it. So I-- that leads me to a question about why then it would be under MAPA's purview to do this project versus DOT.

**JOHN SELMER:** Well, I think because it's more than that when you're looking at the Eppley connector bridge and you're looking at 16th

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

Street or wherever it [INAUDIBLE]-- that's-- connects. That's not our jurisdiction.

**M. CAVANAUGH:** So--

**JOHN SELMER:** So we do-- I believe we do have a role.

**M. CAVANAUGH:** So it could be more of a partnership then.

**JOHN SELMER:** Right.

**M. CAVANAUGH:** Also included in here is a 2035 long-range transportation plan from MAPA. So isn't that what you were saying that MAPA would need to do and it looks like they've done?

**JOHN SELMER:** No, they have one, so.

**M. CAVANAUGH:** OK, so wouldn't that be one of the first steps in this piece of this puzzle?

**JOHN SELMER:** We would, we would look at that and we would coordinate with them on that.

**M. CAVANAUGH:** So I understand conceptually the objections, but as a citizen of Omaha and someone who has grown up with that highway go-- cutting through a very important community and known the destruction that it has caused, I think that it is of the utmost importance that we do whatever we can to address that. And we have an opportunity now with money, so is there something that can be done to work through your objections to get us to a point where we can move this forward for Senator Wayne?

**JOHN SELMER:** Well, I think as, as more guidance comes out from federal highway, we can see there's-- in all the grants, there's planning grants and there's construction grants. So there might be some funding opportunities through there. And some-- I think this project would be ideal in terms of some of the criteria that is being developed in addressing the needs that have been expressed here, so I can't say yet. Only one has come out-- the rules for the policy for the RAISE grant, which, which is talking about connectivity, some equity issues, other types of societal issues. So I would hope that this would rate well in terms of that, but that might be just beyond the planning and they usually just give you a little. If you're looking at building, then, then you're going to have to go through the full blown-- probably NEPA process and really understand the financial and the environmental issues.

**M. CAVANAUGH:** So--

**JOHN SELMER:** And I misspoke.

**M. CAVANAUGH:** Oh.

**JOHN SELMER:** It was October 22nd, I'm sorry.

**M. CAVANAUGH:** That's OK. So there is a potential for the department, as you said in your testimony, that you do go after these kind of grants all the time. So you could potentially go after this grant without us doing anything.

**JOHN SELMER:** I think what our concern is, is the way it's written, you know, we, we could do a grant. Do you want a successful grant?

**M. CAVANAUGH:** Well, yes.

**JOHN SELMER:** And what's our experience in that and what's the reality of typically-- what can you get from a grant? Most of these grants, my understanding is Nebraska, the greatest grant they got was probably around the \$25 million range. So it's not typical that you're going to have something that's going to fund the majority of, of work, so--

**M. CAVANAUGH:** Well, we're in unusual times right now.

**JOHN SELMER:** Right. I'm just trying to give--

**M. CAVANAUGH:** Yeah.

**JOHN SELMER:** --some background--

**M. CAVANAUGH:** Sure.

**JOHN SELMER:** --on what's happened, but--

**M. CAVANAUGH:** And then--

**JOHN SELMER:** --one of my goals is to, as policy comes out, is to maximize the opportunity for the state in terms of these grants, whether it's directly for DOT or local jurisdictions.

**M. CAVANAUGH:** And I have one more question. You quoted a section of the constitution, the Legislature shall not pass local or special laws in any of the following cases. Well, the-- who decided or how did the Highway 75 come to be? If it's owned by the state, who made that happen?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

**JOHN SELMER:** Well, I wasn't in transportation at that point, so--

**M. CAVANAUGH:** Maybe that's something that transportation could get back to us on, the department?

**JOHN SELMER:** Yeah, I can probably find out who the decision-- I, I think that case and, and many others really added to the case law in terms of NEPA and a term called environmental justice. So a lot of times, I would have to say that highways were put in places where real estate values were less than other locations or less influential people.

**M. CAVANAUGH:** Um-hum.

**JOHN SELMER:** So I'm not going to say that didn't happen.

**M. CAVANAUGH:** Oh, it definitely happened. Redlining is real.

**JOHN SELMER:** But that is something-- I know when we were doing the Avenue G connection in Council Bluffs and because of the impacts, we had to really change-- instead of going with a four-lane area to one-way pairs that we didn't take away parking, take homes, other types of things, that we just didn't negatively impact communities. So I think the transportation industry is looking at that. And some would probably say we're not as far along as we need to be, but we are looking at it.

**M. CAVANAUGH:** Thank you.

**FRIESEN:** Thank you, Senator Cavanaugh. I think to that point, back in the day, the comment was always you'll never build a road through a golf course and through a cemetery. And so out in rural Nebraska, you've split farms in half, caused lots of consternation at times, but it's where the road went. But back in the day, I'm sure the city partnered with state of Nebraska to build a highway.

**JOHN SELMER:** I would hope so, that it wasn't just--

**FRIESEN:** It's the way it is.

**JOHN SELMER:** --unilateral.

**FRIESEN:** So back-- earlier, you know, we've been successful in the past few years on these TIGER grants. And with this RAISE grant, is that kind of a replacement for the TIGER grant?



**JOHN SELMER:** Yeah.

**FRIESEN:** And so I mean, up until these last few times, we weren't very successful with the TIGER grants. It was kind of an unusual series, but those projects were well underway, is that correct?

**JOHN SELMER:** Most of them were well underway. It was extremely competitive. As I read it, there was-- there has been, I think, maybe over the eight years over 10,000 grant applications turned in, with, I would think, less than 1,000, maybe less than 500 that were approved for TIGER. And, and probably the average grant was about \$15 million, so extremely competitive.

**FRIESEN:** OK.

**JOHN SELMER:** So that's why we're saying, you know, we need to do some, some work so that we are competitive.

**FRIESEN:** OK. Thank you, Director Selmer. Seeing no further questions, thank you your testimony.

**JOHN SELMER:** Thank you.

**FRIESEN:** Anyone wish to test-- else wish to testify in opposition to LB999? Seeing none, anyone wish to testify in a neutral capacity? Welcome.

**JULIE HARRIS:** Thank you. Hi, I'm Julie Harris, J-u-l-i-e H-a-r-r-i-s, and I'm the executive director of Bike Walk Nebraska. I'm here to testify in a neutral capacity today because-- for the various reasons that Director Selmer was just discussing, the process proposed here by Senator Wayne may not be the right one to accomplish what he's trying to accomplish, but what Senator Wayne has in mind is very needed and I just want to make sure that we have thoughts on the record about that. Bike Walk Nebraska will always support projects that improve safety for people that-- who are biking and walking in Nebraska. And we tuned-- I was able to tune in to the public meeting that was held recently to get input about North 30th Street through Omaha. The truck traffic is significant. It causes disruption to quality of life and businesses. It impacts health. I think we-- the asthma rates in north Omaha are much higher than they are in other parts of the city and state and that's likely because of the fumes and the exhaust that is pumped into those communities because of the highway that is running through it. State highways within municipal boundaries can be very dangerous in general for people who are biking and walking and you will see me sitting in this chair any time there is a project that is

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

on a state highway that could implement a safer condition. I know Senator Bostelman, in the Wahoo area, you had Highway 77 going through and had some concerns. Senator Erdman has been here. So Senator Wayne being here, we will, we will always step up to support those projects. Building Highway 75 through north Omaha in the first place was a travesty and a project like this would be a step in the right direction, not only to help improve the conditions there for the residents who want to have safe biking and walking in Florence, but for businesses and, and development, as they have mentioned. This is a perfect example of how transportation policy can lead to racial inequities and I just think it's important we get it on the record that we should do everything we can to try to repair those damages done when we have the chance.

**FRIESEN:** Thank you, Ms. Harris. Any questions from the committee? Seeing none, thank you for your testimony

**JULIE HARRIS:** Thank you.

**FRIESEN:** Anyone else wish to testify in a neutral capacity? Seeing none, Senator Wayne, you may come up to close. We had no letters on the record.

**WAYNE:** Thank you. I'll be, I'll be short. If people will open up their book and turn to the last page, grants on page 3. Part of the reason why I put this in here is there are a lot of road grants, a lot of road grants that we can be going after. And I just don't think you pass up Nebraska money to send it to California because it may take a little time to plan, I just, I just don't. But you turn to page 3 and actually the grant-- I have to have an amendment either, either way because the grant is now-- when I told staff to write this, they didn't know where they were going to place it. But the bottom one is National Infrastructure Project Assistance. If you look all the way over to the right, it has \$5 billion was appropriated by the infrastructure bill known as megaprojects. And so it does, Senator Moser, require-- it's only 50 percent of the project.

**MOSER:** What percentage?

**WAYNE:** 50 percent of the project. But here's my thought: if both states applied, isn't that covered? I'm just thinking out loud. I mean, I would think so. If each state applies, I think you'd cover it. But the reconnecting communities-- first, the reconnecting community portion-- and I am willing to delete that-- the bridge even though I don't think it's unconstitutional. There's a case law, I hear, that

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

says about gates, about a lot of things that you can do as the Legislature to control and do things on the, on the highways. But the reconnecting community, in the, in the federal share, 80 percent is for planning grants. So they're setting aside money to allow communities to start planning this. And that's not unconstitutional because we're actually not changing Highway 75. We're actually just going to build a deck over it, most likely, because it sits so low the amount of infill we would have to do to bring that up to grade to the neighborhood-- just off after my construction knowledge-- and get that secure for heavy roads, it might be cheaper to do a deck. But that's where they can, they can actually plan for it. But I would highlight that we should look through-- this committee might want to look through and have a strong conversation about what grants are we are actually applying for? I mean, we literally spent three months and figured out how to build a \$500 million lake somewhere between Ashland and the Platte River. And the environmental part of the Platte River-- and for them to get around that and to not create a levee, to not touch the Platte, but allow water to fill in-- because I read the report or I read parts of the reports that are out there of how to do lakes-- that's a lot of environmental study that was done in a short amount of time. So I just don't believe-- and actually on the call yesterday for the-- or a couple of days ago for the public meeting, MAPA said this is what's called planning fatigue. All the alternatives have been studied. I can send you guys hundreds of reports from the best firms like HDR and they all come back down to the bridge. In fact, the chamber was the champion of it when Dana Bradford was there just less than five years ago and did another study and the same thing came out. The only thing we can do is this. It's the political will. And what I heard today wasn't hey, let's figure out how we can do it. If you guys want to appropriate the money to us for \$500,000 or \$1 million, we can get this grant ready. I heard no. That's why we brought the legislation to raise the awareness that we don't believe if this bill or push from the Legislature happens, it won't happen and it will continue to strive for development in north Omaha. And I'll answer any questions.

**FRIESEN:** Thank you, Senator Wayne. Senator Cavanaugh.

**M. CAVANAUGH:** Thank you, Mr. Chairman. Thank you, Senator Wayne. You, you kind of brought back up the, the constitutional part of it. Would you consider making an amendment that requires MAPA to work with NDOT?

**WAYNE:** I talked to-- I was actually texting back and forth with MAPA this morning. They would be happy to do it, but typically on a bridge project, the state owns it and that's what happened on Highway 36.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

**M. CAVANAUGH:** Right.

**WAYNE:** MAPA was just a go-between with Iowa, but typically they don't--

**M. CAVANAUGH:** I'm just saying--

**WAYNE:** Yeah.

**M. CAVANAUGH:** --maybe if we just require MAPA to work with the department, then we're getting around the constitutionality of it--

**WAYNE:** Correct.

**M. CAVANAUGH:** --as opposing to require the department to do it.

**WAYNE:** And, and technically in my bill, I just say build a bridge. There's actually another design out there south of Carter Lake that goes through east Omaha, down by east, east, east side of the-- or the south side of the airport that connects to 29. I didn't tell them where to put it, so I know my bill is not unconstitutional. I just said in metro, build a bridge. There's only two places they probably can go based off of the hundreds of studies over this over the last 20 years. Thank you.

**M. CAVANAUGH:** Thank you.

**FRIESEN:** Thank you, Senator Cavanaugh. Any other questions from the committee? Senator Moser.

**MOSER:** Well, kind of a question, kind of a comment, but sometimes-- I listen to all the ideas you come up with and, and sometimes I feel like you kind of jump off the diving board before you look to see if there's water in the pool, but I, I think that's the wrong characterization. Here, I think you're wanting to see something happen and you don't want to focus on the reasons that it might not happen. You want to focus on the possibilities of where it might go.

**WAYNE:** Correct.

**MOSER:** And so, you know, I admire your passion for it and your, your drive to support your district. I think you do a good job.

**WAYNE:** I just want to say this, this is a, this, this-- you drive-- have you drove across the Mormon Bridge?

**MOSER:** Oh yeah.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 31, 2022

**WAYNE:** OK. So Exit 1 is the exit to nowhere. This was a part of the original design of the interstate system connected to our highway system. This is-- like I said, when I say it's been studied, since 1940s it's been studied. And all of them say the bridge needs to be built. We just don't have the political will to do it because it benefits the-- one of the, one of the most disinvested communities in the state of Nebraska. So I'm asking this body and this committee to make sure we encourage them to have the political will.

**MOSER:** Thank you.

**FRIESEN:** Thank you, Senator Moser. Seeing no other questions, thank you, Senator Wayne. That will close the hearing on LB999 and close the hearings for today.