

8:30 a.m., Friday, May 19, 2023
State Highway Commission Meeting Minutes

On Friday, May 19, 2023, the Nebraska State Highway Commission convened at NDOT Headquarters Highway Commission Room 103 located at 1500 Nebraska Parkway in Lincoln, Nebraska. The agenda, a recording of meeting, attendance sheets, and handouts relevant to the business of this meeting are a part of the permanent minutes of record and are on file at NDOT Central Headquarters. The Nebraska Open Meetings Act (Statutes 84-1407 to 84-1414) was posted in the meeting room.

MEETING NOTICE

- Notice of the regularly scheduled meeting, including the time, location, and agenda, was advertised on the Department of Transportation and the State of Nebraska's websites no less than ten days prior to the meeting.
- The agenda was emailed or mailed to commission members, NDOT staff, and interested persons no less than ten days prior to the meeting.
- A media release was emailed to all statewide outlets on May 12, 2023.
- The meeting agenda was kept current and available to the public in the Communication Division of the Nebraska Department of Transportation, 1500 Nebraska Parkway, Lincoln, Nebraska. No changes were made to the agenda within 48 hours prior to commencement.
- Copies of the meeting agenda were posted and available to the public at the entrance to the meeting room.
- There were 33 in attendance via Webex

COMMISSIONERS PRESENT

- | | |
|---------------------------------|----------------------|
| • Commissioner Mary K. Gerdes | District 1 |
| • Commissioner | Vacant |
| • Commissioner David Copple | District 3 via Webex |
| • Commissioner James H. Kindig | District 4 |
| • Commissioner Doug Leafgreen | District 5 |
| • Commissioner Jim Hawks | District 6 - Absent |
| • Commissioner Greg Wolford | District 7 via Webex |
| • Commissioner Jerome Fagerland | District 8 - Absent |
| • Director Vicki Kramer | |

Sarah Soula, NDOT External Affairs Manager, was recording. A transcript of the meeting is available upon request. Nebraska State Highway Commission meetings are conducted in compliance with the statutes of the Nebraska Open Meetings Act.

CALL TO ORDER

- Commissioner Kindig called the meeting to order at 8:30 a.m.
- The Chair requested an attendance roll call. A quorum was present.

MINUTES

- Approval of March 24, 2023, meeting minutes
 - Motion for approval made by Commissioner Leafgreen; Commissioner Gerdes seconded.
 - Motion carried by rollcall vote, 5-0

INTRODUCTIONS/ANNOUNCEMENTS

- New Nebraska FHWA Division Director, Wayne Fedora

MEETING BUSINESS

- **Director's Remarks and Introductions**
Moe Jamshidi, Deputy Director of Operations
- **Broadband Update**
Patrick Redmond, Interim Broadband Director
 - Timeline
 - Challenge Process
 - Grant Action
 - Outreach Efforts
- Timeline
 - June 30, 2023 – Notice of available amounts
 - August 12, 2023 – 5-year plan due to Federal Govt.
 - December 27, 2023 – Initial proposal due
- Challenge Process
 - National Telecommunications & Information Administration (NTIA) will provide a model to utilize
 - Challenges can be initiated once
 - Initial Proposal V1 is approved
 - Initial Proposal V2 is submitted
 - Challenges can be provided by
 - Local government orgs
 - Nonprofit orgs
 - Broadband service providers
 - Challenge Timeline
 - Entire process must be completed within 90 days
 - Need to provide 2 weeks for challenge and rebuttal submissions
 - Final location classifications must be published at least 60 days before states can allocate grant funds
 - Grant Actions
 - Requirements:
 - 100/20 (FED), 100/100 (NE)
 - Maximum of 100ms latency
 - 25% match requirement
 - Except in definitional high-cost areas
 - Limit grants to \$5 million
 - Scoring:
 - Priority broadband projects are considered first

- Minimal BEAD program outlay (higher match= higher score)
 - Affordability
 - Fair Labor Practices
 - Additional Criteria
 - Scored on number of unserved locations (min 80%)
 - Underserved locations on % of unserved locations
 - Outreach Efforts:
 - Required to engage with stakeholders through entire process
 - Engagement must demonstrate:
 - Full geographic coverage
 - Meaningful engagement and outreach to diverse stakeholder groups
 - Utilization of multiple awareness and participation mechanisms/methods
 - Process transparency
 - Outreach to and direct engagement of unserved and underserved communities
- **US-281, Grand Island Update**
Mick Syslo – NDOT Roadway Design Engineer
 - Increase capacity and accommodate traffic growth; 4-lane expressway
 - Offline alignment (western half rural standard- 60mph; eastern half urban- 65mph)
 - 2006 Public Meeting presented 2 Alternatives
 - A second Public Meeting was held in 2008 with updated Alternatives with reduced impacts
 - The project was delayed due to funding availability in 2011
 - When the Build Nebraska Act passed, the project was revisited in 2013
 - An another Public Meeting was held in 2016 presenting an off-alignment alternatives with reduced impacts
 - Currently final design, preparing project of PS&E turn in > Letting
 - City relinquishment upon project completion
 - Project Status: 75% of ROW negotiated (33 tracts) ETA this fall
 - September 2023 letting = \$46 million (20% with city GI)
 - Construction: Spring 2024 (2 seasons, Fall 2025)
- **Civil Rights Update**
Amy Starr, Program Management Engineer & Kimberly Baker, Diversity, Equity, and Inclusion Manager
 - Presentation Overview:
 - Nebraska Transportation Program
 - Amy Starr, NDOT Program Management Engineer
 - How Nebraskans Benefit from DEI and Civil Rights Compliance
 - Kimberly Baker, NDOT Diversity, Equity, and Inclusion (DEI) Manager
 - Nebraska Transportation Program
 - Funding
 - Asset Condition
 - Project Delivery
 - Bipartisan Infrastructure Law:
 - Created the Justice40 Initiative

- Sets a goal that 40% of investments benefit the communities by:
 - Increased affordable transportation
 - Improving connection to good paying jobs and health care
 - Improving quality of life
- Applies to specific Formula and Discretionary programs such as:
 - National Highway Freight Program – Formula
 - Carbon Reduction Program – Formula
 - PROTECT (Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation – Formula and Discretionary
 - Disadvantaged Business Enterprise Supportive Services – Formula
 - On-the-job Training Supportive Services – Formula
- Justice40 Identified 6 Categories of Investment
 - Transportation
 - Communities that spend more and take longer to get where they need to go
 - Health
 - Communities with adverse outcomes, disabilities, and low access to health care services
 - Environmental
 - Communities experiencing disproportionately high levels of pollutants and toxins
 - Economic
 - Communities with high levels of poverty and low access to jobs and education
 - Resilience
 - Communities vulnerable to hazards caused by natural disasters such as flooding and wildfires
 - Equity
 - Communities with a shared history of discrimination or other forms of disadvantage
- Potential Investment Areas:
 - Scottsbluff, North Platte, Kearney, Hastings, Grand Island, Norfolk, Columbus, Fremont, Lincoln, Beatrice
- Improving Discretionary Grant Applications
 - Make changes based on feedback from previous rejections
 - Identify projects that better align with Justice40 Initiatives that improve Nebraskan’s accessibility, resilience, and equity
 - Expand Existing Diversity, Equity, and Inclusion (DEI) at NDOT
 - Increase awareness and beneficial impacts
 - Modernize policies and business practices
 - Gather and analyze data to determine DEI impacts
- How Nebraskans Benefit from DEI and Civil Rights Compliance
 - Project Delivery:
 - Assess when and how to engage with minority, low-income, and Limited English Proficiency
 - Review ADA Accessibility and transition to compliance
 - Sidewalks (ADA curb ramps)
 - Pedestrian access during construction
 - Title IV – Discrimination Prevention
 - Assess business practices for public involvement, land purchases, etc.

- Coordinate with and provide training for Federal-aid recipients
 - Transit and Local Public Agencies (Cities/Counties)
 - Eligibility to receive Federal funds
- Certify Minority and Women Owned Businesses as Disadvantaged Business Enterprise (DBE)
 - Increase competition
 - Grows small business
 - Allows Nebraska businesses to compete for Federal work in other states
- Increase small business and Disadvantaged Business (DBE) work in construction
 - Set Triennial and Project Specific Contract Goals
 - Conduct robust public involvement to set new FTA and FHWA Triennial DBE goals
- Grown DBEs
 - Up to 10 DBEs can be enrolled in the Business Development program
 - Training and technical assistance
 - Customized business plans, including strategy for growth and sustained economic viability
- Increase Diversity and Growth opportunities within Construction Communities
 - On-the-job Training Program
 - Increase skills/knowledge base within the contractor's workforce
- Actively Monitor Prompt Payment from Prime Contractors to Subcontractors
 - Payment to subcontractors within 20 days after the prime contractor receives payment
- Continue exploring new opportunities for workforce development in the transportation industry
 - Identify and establish partnerships with agencies, schools, and others
- **Carbon Reduction Program Update**
Ryan Huff – NDOT Chief Strategy Officer
 - Carbon Reduction Program:
 - FHWA Carbon Reduction Program (CRP):
 - \$6.4 billion in formula funding for states and localities over five years
 - Geared towards reducing transportation greenhouse gas emissions from on-road highway sources
 - Important considerations and related priorities include safety, complete streets, equity, climate change, job creation, and program evaluation
 - Requirements:
 - Be in the STIP/TIP
 - Meet all requirements imposed on Federal-aid highway projects (e.g., NEPA, etc.)

- Include matching funds (80/20)
- Nebraska Apportionments
 - Total Funding = ~\$9.2 M for FY2022*
 - A 65% apportioned to specific areas - ~\$6.0M
 - MPOs – Lincoln/Omaha/GI/SSC - ~\$3.2M
 - Population Centers 50K to 5K - ~\$960K
 - Population Centers under 5K - ~\$1.8M
 - 35% can go to any area - ~\$3.2M
- Carbon Reduction Strategy (CRS) Requirement
 - Due by November 15, 2023 – resubmit every four years
 - Must consult with state MPOs
 - Must identify projects and strategies to reduce transportation greenhouse gas emissions (i.e. carbon)
- NDOT CRS Project Overview
 - Foundational Research – Internal Coordination – External Outreach – CRS Development
- Carbon Reduction in NDOT Plans and Initiatives
 - Nebraska State Transportation Improvement Program (STIP)
 - Nebraska Long Range Transportation Plan (LRTP)
 - Nebraska State Freight Plan
 - Nebraska Transportation Asset Management Plan (TAMP)
 - Transportation Systems Management and Operations (TSMO) Plan
 - Strategic Highway Safety Plan (SHSP)
- Reducing Carbon Emissions
 - Transportation System Strategies
 - Fuel Economy, Fuel Switching, VMT Reduction, Congestion Management (Operational/ITS)
 - Agency Activities
 - Agency fleet vehicles, Construction Materials and Methods, Streetlights and Traffic Control, Other Facilities and Energy Use
- Emerging NDOT Approach to CRP
 - NDOT will focus on 4 eligible project types that have widespread application, these include:
 - Use of sustainable construction materials (concrete and asphalt)
 - Energy efficient street lighting and traffic control devices
 - Advanced transportation management, congestion management, and ITS
 - Traffic Monitoring, management and control facility or program
- Questions to work through:
 - Eligibility
 - Justice40
 - Other Clarifications will influence other CRP and CRS approaches and decisions
 - EX: “Are roundabouts on eligible CRP project type?”
- Next Steps:
 - MPO Coordination
 - Public Survey / Public Meeting
 - Request Clarification
 - Develop Project Justification Methods

- Submit CRS for Approval
- Contact:
 - Ryan Huff – Chief Strategy Officer – ryan.huff@nebraska.gov – 402.479.3797
 - Craig Wacker – Highway Planning Manager – craig.wacker@nebraska.gov – 402.479.4623

PUBLIC INPUT

- Willis Hunt, Hastings
 - Past District employee of NDOT and worked as a past City Engineer of Hastings. The Hastings Southeast project has his interest as it's a project within his community. The project has been around for awhile and the city council has recently approved the design of the project but there isn't a designated truck route. He's concerned about the truck traffic. US Highway 6 (US-6), half the traffic is semi traffic as it's a large agricultural community including many factories and a large retirement village located in the vicinity of this project. Getting the trucks off US-6 should be the priority of the State. The roundabouts seem to function well, one was recently added in Adams County. He recommends placing a roundabout at J Street/Elm Street intersection to assist with the growing truck traffic.

REMARKS FROM THE CHAIR

- No remarks from the chair.

PUBLIC MEETINGS CALENDAR

- The next scheduled Highway Commission Meeting is June 23, 2023, at 8:30 a.m. at the Ainsworth Conference Room located at 606 E 4th St in Ainsworth, Nebraska

ADJOURNMENT

- The chair adjourned the meeting at 10:16 a.m.