

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

Transportation and Telecommunications Committee  
February 19, 2010

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[CONFIRMATION]

The Committee on Transportation and Telecommunications met at 1:30 p.m., Friday, February 19, 2010, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on Confirmation Hearing for Barbara Keegan, Randall Peters, James Litchfield, and James Daws. Senators present: Deb Fischer, Chairperson; Tim Gay; Galen Hadley; Charlie Janssen; Scott Lautenbaugh; and LeRoy Loudon. Senators absent: Arnie Stuthman, Vice Chairperson; Kathy Campbell. []

SENATOR FISCHER: Good afternoon and welcome to the Transportation and Telecommunications Committee. My name is Deb Fischer and I am Chair of the Committee and I am the Senator representing the 43rd District here in the Nebraska Unicameral; I am from Valentine, Nebraska. I'd like to introduce you to the committee members that are presently here. On my far right is Senator Galen Hadley, he is from Kearney, Nebraska. Next we have Senator Scott Lautenbaugh who is from Omaha. Next is Senator LeRoy Loudon, he is from Ellsworth. On my immediate right is our committee counsel, Dusty Vaughan. On my immediate left is our committee clerk, Laurie Vollertsen. And Tim Gay is on the far left and he is from Papillion, Nebraska. We're being joined now by Senator Charlie Janssen from Fremont. And I believe Senator Campbell will not be joining us today and I haven't heard from Senator Stuthman, but he might be coming in. I do have to go through some housekeeping things here before we start. We have our page with us today is Lisa Cook; she is from Omaha and she's here to assist you with any needs you may have. We will be having confirmation hearings this afternoon and we'll take those in the order listed on the agenda. Those wishing to testify on these confirmation hearings are certainly welcome to come forward after we have the nominee give their presentation to the committee. I would ask when you do come forward that you please state and spell your name. We use a computerized transcription program and so it's important that you do that and that you follow the directions on the sign-in sheet. With that I will ask that you turn off any cell phones that you have on and I will open the confirmation hearings for the Board of Public Roads Classifications and Standards. And Barbara Keegan is our first nominee. Good afternoon; welcome. Happy you could join us today, all of you folks.

[CONFIRMATION]

BARBARA KEEGAN: (Exhibit 1) Yes. I am Barbara Keegan; Keegan K-e-e-g-a-n and I am here wishing to, I guess, reapply for the Board of Public Roads Classifications and Standards. A little bit about me is I am from Hemingford, or Box Butte County. I am the highway superintendent for Alliance which meets the Class III and IV counties. We have about 3,000 people in rural and Alliance is about 10,000 people. Hemingford is about 1,000. I came to the board in about 2006 I believe it was. I filled Alan Doll's term and was reappointed then. I would like to continue serving on this board. There is so much change that has gone on that I see just in the past few years and I think there's going to be more, a lot more coming here in the next few years with what is going on with the

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federal government and the impact that it does have on the counties and municipalities, as well as the State of Nebraska Department of Roads. [CONFIRMATION]

SENATOR FISCHER: Thank you. Are there any questions? Senator Louden.  
[CONFIRMATION]

SENATOR LOUDEN: Yeah. Well thank you for making the trip, Barbara. I don't know if you'll make it back or not from the look of the weather, but thanks for being here.  
[CONFIRMATION]

BARBARA KEEGAN: Yes. [CONFIRMATION]

SENATOR LOUDEN: You remember that bill we introduced, a rural residential...for rural residential roads here a year or so ago I think. [CONFIRMATION]

BARBARA KEEGAN: Yes, I believe it was LB1068. [CONFIRMATION]

SENATOR LOUDEN: Pardon. [CONFIRMATION]

BARBARA KEEGAN: LB1068, I believe. [CONFIRMATION]

SENATOR LOUDEN: Yeah, I think it was something like that. Is that...how's that been working out out there in, oh, Box Butte or Sheridan Counties and some of those since you're roads superintendent for Box Butte County, right? [CONFIRMATION]

BARBARA KEEGAN: Yes, I am the road superintendent for Box Butte County. I do not believe that to date the Governor has not signed yet so today it has not worked out in any of the counties because I do not believe the Governor has signed it yet. It was my understanding we had a board of Public Roads Classification and Standards meeting this morning; my understanding was that legal counsel sent it to the Governor and the Governor had not signed yet. Is... [CONFIRMATION]

SENATOR LOUDEN: From two years ago he hasn't signed the bill yet?  
[CONFIRMATION]

BARBARA KEEGAN: Can you help me? [CONFIRMATION]

SENATOR LAUTENBAUGH: This might be a different bill (inaudible) [CONFIRMATION]

BARBARA KEEGAN: Remote... [CONFIRMATION]

SENATOR FISCHER: I think...I think you're [CONFIRMATION]

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BARBARA KEEGAN: I'm sorry. [CONFIRMATION]

SENATOR FISCHER: I think you're talking about two different bills [CONFIRMATION]

BARBARA KEEGAN: Which one is it. [CONFIRMATION]

SENATOR LOUDEN: Well I think it was two years ago, Jack Anderson (phonetic) and them brought that forward. [CONFIRMATION]

BARBARA KEEGAN: Remote...remote rural residential. [CONFIRMATION]

SENATOR LOUDEN: Yeah. [CONFIRMATION]

BARBARA KEEGAN: I don't believe that has been signed by the Governor.  
[CONFIRMATION]

SENATOR LOUDEN: For that classification, we put in a new classification in that...roads, and of course, I don't know, do you have any single lane roads out there in... [CONFIRMATION]

BARBARA KEEGAN: No, we do not. [CONFIRMATION]

SENATOR LOUDEN: Okay. [CONFIRMATION]

BARBARA KEEGAN: We do not have any that met...we do not have any one-lane oil strips and I believe that was the direction that that was really headed for.  
[CONFIRMATION]

SENATOR LOUDEN: Well, yeah, to change some of the oil strips so that they didn't have to be 24 foot wide if you made gravel roads out of them. [CONFIRMATION]

BARBARA KEEGAN: Yes, that you could change the surface. [CONFIRMATION]

SENATOR LOUDEN: Yeah. And you discussed that today in your... [CONFIRMATION]

BARBARA KEEGAN: Yes, we did. [CONFIRMATION]

SENATOR LOUDEN: ...road classification. [CONFIRMATION]

BARBARA KEEGAN: Yes, yes. If anybody else can help me out here.  
[CONFIRMATION]

SENATOR FISCHER: Oh, no, that's okay. [CONFIRMATION]

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SENATOR LOUDEN: That's fine. I was just curious on whether that's went through.  
[CONFIRMATION]

BARBARA KEEGAN: I'm pretty sure the Governor said this morning...or they said this morning the Governor had not signed yet. [CONFIRMATION]

SENATOR LOUDEN: Okay, we'll look into it. We've got our legal counsel here; he'll go after it. [CONFIRMATION]

BARBARA KEEGAN: I apologize for not being able to answer that question.  
[CONFIRMATION]

SENATOR LOUDEN: That's quite all right. Anyway, thank you for being here; thank you for serving on it for the amount of years you have. [CONFIRMATION]

BARBARA KEEGAN: Thank you. [CONFIRMATION]

SENATOR LOUDEN: Appreciate that. [CONFIRMATION]

BARBARA KEEGAN: It's been an honor. [CONFIRMATION]

SENATOR FISCHER: Thank you, Senator Louden. I think the bill that you're referring to, Barbara, is the one that sets in place the rules and regulations on that.  
[CONFIRMATION]

BARBARA KEEGAN: Okay. [CONFIRMATION]

SENATOR FISCHER: And that might it... [CONFIRMATION]

BARBARA KEEGAN: Okay. [CONFIRMATION]

SENATOR FISCHER: ...but we'll check with legal counsel later... [CONFIRMATION]

BARBARA KEEGAN: Okay. [CONFIRMATION]

SENATOR FISCHER: ...to clarify that. [CONFIRMATION]

BARBARA KEEGAN: I appreciate that. Thank you. [CONFIRMATION]

SENATOR FISCHER: Any other questions? Senator Gay. [CONFIRMATION]

SENATOR GAY: I just wanted to...I see you're EMT; are you still doing that too?

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[CONFIRMATION]

BARBARA KEEGAN: Yes, I am. I've been a highway superintendent for 16 years and a volunteer firefighter/EMT for...it's been more than 20 now. [CONFIRMATION]

SENATOR GAY: I appreciate your service. I was reading this; you're a busy, busy woman. Thank you for... [CONFIRMATION]

BARBARA KEEGAN: I believe in community service and it's a way I can give back to the community. [CONFIRMATION]

SENATOR GAY: Thank you very much. [CONFIRMATION]

BARBARA KEEGAN: Thank you. [CONFIRMATION]

SENATOR FISCHER: What changes do you...or have you seen in the time you've served on the board? You mentioned in passing that you've seen a lot. [CONFIRMATION]

BARBARA KEEGAN: One of the changes is...we had the classifications is what was listed and one of them was that somebody, you know, actually came out and said, you know, can we do another one because, you know, when was the last time there was another classification of road. Another thing that I've seen and I'm not sure how many times it has happened in the past, but I believe the board is maybe a little bit more active as far as pursuing some of the entities that may not be in compliance. There was some penalties that were issued; not that that was a good thing. Apparently somebody, you know, didn't quite meet our expectations as was prescribed by law and the board followed through. [CONFIRMATION]

SENATOR FISCHER: Good. [CONFIRMATION]

BARBARA KEEGAN: I believe that the change is good and I believe there's input from a lot of people as far as the changes that happen. I think the changes that will happen are going to be geared...or be driven more by the federal government. The changes that I have seen in the last four years have been more within the state of Nebraska versus without the state of Nebraska. [CONFIRMATION]

SENATOR FISCHER: Good. Thank you. [CONFIRMATION]

BARBARA KEEGAN: Thank you. [CONFIRMATION]

SENATOR FISCHER: Appreciate it. Are there any proponents for the nomination? Any proponents? Any opponents? Anyone in the neutral capacity? Seeing none, I will move

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on to our next appointment, Randall Peters, if you would come forward please. It's good to see you again, Mr. Peters. [CONFIRMATION]

RANDALL PETERS: (Exhibit 2) Thank you. Senator Fischer. Good afternoon, Senators. My name is Randall Peters. I represent the Department of Roads on the Board of Classifications and Standards. I've worked for the Department of Roads for 33 years. I've been in various aspects of the business. I was in planning; design; I was the traffic engineer for 10 years; I was head of project development; and then last July I was appointed to be the deputy director for engineering. Lifelong Nebraskan, fifth generation Nebraskan, proud to be here, glad to serve the Department of Roads. [CONFIRMATION]

SENATOR FISCHER: Thank you, Mr. Peters. Are there any questions? Is this your first appointment? [CONFIRMATION]

RANDALL PETERS: No, I was appointed to the board midterm in 2007 after Art Yonkey retired and I succeeded him as the head of project development and so I served out his term and this would be my second term if you... [CONFIRMATION]

SENATOR FISCHER: So your first full term? [CONFIRMATION]

RANDALL PETERS: First full term. [CONFIRMATION]

SENATOR FISCHER: Okay. Great. Any other questions? [CONFIRMATION]

SENATOR JANSSEN: Thank you. [CONFIRMATION]

SENATOR FISCHER: Senator Janssen. [CONFIRMATION]

SENATOR JANSSEN: Bob Giese is your representative right now? Is that... [CONFIRMATION]

RANDALL PETERS: No, it's Senator Avery. [CONFIRMATION]

SENATOR JANSSEN: (Inaudible) Okay. Never mind. I've got my wrong sheet here. [CONFIRMATION]

SENATOR FISCHER: Oh, okay. [CONFIRMATION]

SENATOR JANSSEN: Trying to figure things out. [CONFIRMATION]

SENATOR FISCHER: Any other questions? I see none. Thank you, Mr. Peters, for coming in today. [CONFIRMATION]

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RANDALL PETERS: Thank you. [CONFIRMATION]

SENATOR FISCHER: (Laughter) They were out of order for us here. Is there anyone wishing to speak in support of the nomination? Anyone in opposition? Anyone in the neutral capacity? Seeing none, I will move on to the next appointee, James Litchfield please. Good afternoon and welcome. [CONFIRMATION]

JAMES LITCHFIELD: (Exhibit 3) Afternoon, Senators. My name is James A. Litchfield, L-i-t-c-h-f-i-e-l-d. I represent the appointment to the municipalities of 2,500 and under. Currently a licensed street superintendent since 1991 and inverted to the status of Class A in 2006. Been in city government for 27 years and currently the city administrator, public works director in Wakefield, Nebraska. [CONFIRMATION]

SENATOR FISCHER: Thank you very much. Any questions? Senator Lautenbaugh please. [CONFIRMATION]

SENATOR LAUTENBAUGH: So apparently Bob Giese is your state senator? (Laughter) [CONFIRMATION]

JAMES LITCHFIELD: He is and I was in his office and he is absent. That's (inaudible) [CONFIRMATION]

SENATOR LAUTENBAUGH: Well that apparently may be an issue and I'm anxious to see why? (laughter) I have no further questions. [CONFIRMATION]

JAMES LITCHFIELD: I assume he's at lunch. [CONFIRMATION]

SENATOR JANSSEN: I was curious to see if you were interested in running for his seat here. (laughter) [CONFIRMATION]

JAMES LITCHFIELD: You never know. [CONFIRMATION]

SENATOR FISCHER: Other questions? What do you see as challenges that cities, especially cities the size of Wakefield, are facing with regards to classifications and standards, things like that. And here is Senator Giese. Welcome. [CONFIRMATION]

SENATOR GIESE: Jim, how are you? [CONFIRMATION]

JAMES LITCHFIELD: Good. I think everybody is concerned with budget cuts; funding; recognize that everybody has to tighten their belts in these times and still provide a good quality product to the cities and the municipalities. I understand there are some issues with the stimulus funding and some project-design concepts and some issues

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there, so I think that's a big hurdle that this board is going to have to address and come up with some solutions quickly; because the funding there, the projects are evidently pending and there's some disagreements and so it's going to be a little bit of a battle, but it's a doable project. So wading through that, getting through that process and learning a little bit about the boards and their function and responsibilities. I hope to do that. [CONFIRMATION]

SENATOR FISCHER: Okay. Great. Other questions? I see none. Thank you for coming in today. [CONFIRMATION]

JAMES LITCHFIELD: Thank you. [CONFIRMATION]

SENATOR FISCHER: I appreciate it. Is there anyone wishing to testify in support of the nominee? Anyone in opposition? Anyone in the neutral capacity? I see none. With that I will move on to the appointment for James Daws please. Good afternoon. [CONFIRMATION]

JAMES DAWS: (Exhibit 4) Good afternoon to you folks. My name is Jim Daws, D-a-w-s. I'm from Seward, Nebraska. My wife, Lana and I operate Daws Trucking; it's a flatbed carrier out of Milford. I'll be replacing Duane...I think it's Duane, an Acklie (sic-Gene Acklie) out of Fremont area, I believe, on the lay committee. This is my first term. [CONFIRMATION]

SENATOR FISCHER: Okay. Thank you for coming in. Are there any questions? Mr. Daws, do you...this isn't a trick question, do you know much about the board or have you had any involvement with them in the past? That's not a prerequisite to be appointed. [CONFIRMATION]

JAMES DAWS: No, I have not. I attended my first meeting this morning. [CONFIRMATION]

SENATOR FISCHER: What did you think of your first meeting? [CONFIRMATION]

JAMES DAWS: I enjoyed it. I...there's going to be some challenges from what...just listening, and watching, observing, I think we have some challenges ahead of us. My main interest is highway safety. We have a...we're out there, we're a big exposure with trucks and that's one thing that I'd like to be on there for is to help with that so. [CONFIRMATION]

SENATOR FISCHER: Good. Thank you. Any other questions? Senator Louden. [CONFIRMATION]

SENATOR LOUDEN: As the money gets shorter for...this is on the state roads, I think

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they've changed the shoulders from what; ten to eight or eight to six or whatever it is, but they shortened them up two feet. What's your opinion on that? Do you think...do you think that's a good idea, you know, we could save a little money doing that? Does that make any difference whether there's two foot less shoulder on some of those roads?  
[CONFIRMATION]

JAMES DAWS: As far as from a trucking standpoint it is, because our trucks are 8 foot, 6 inches wide and we need to be off the road with at least a foot or so of clearance from the...you know, the edge of the road onto the shoulder, so I wasn't aware of that, but I would say that we need to keep it at least eight feet or more for a shoulder.  
[CONFIRMATION]

SENATOR LOUDEN: Well that's my understanding, that's one of the things that's being looked at as far as building roads and I guess the first question that popped into my mind that if they're safer at the smaller, shorter distance, why have we been building them for years at the wider distance to make them wider and that's why I'm wondering if we should continue to keep some of those main traveled roads with that paved shoulder out there like it is? [CONFIRMATION]

JAMES DAWS: Well there is talk in the federal government of upping the weight limit on the trucks. Right now 80,000 is our legal weight limit and they're talking about upping it to 90,000 to 95,000. So a soft dirt shoulder is going to be an even bigger problem I see, you know, if we're going to add that much weight to the trucks and then another axle is not going to stay up on the dirt and I can pretty well say that. So we need to keep it wide. [CONFIRMATION]

SENATOR LOUDEN: Do you think that's a very good idea to raise that weight up to 90,000 or so? [CONFIRMATION]

JAMES DAWS: I think it would make the trucking more efficient and it would take some vehicles off the road. If you drive from Lincoln to Omaha very often, you...and you probably not done it in a truck, but it's...you have to be on top and a few less trucks on the road wouldn't hurt anything with the extra weight. They've upped the equipment this day and age is solid enough that we have the stopping power and with other axles and stuff I don't...safety-wise I don't see it being a problem. [CONFIRMATION]

SENATOR LOUDEN: They'd have to be...more axles under them with that more weight? [CONFIRMATION]

JAMES DAWS: Yeah. They're talking to going...from now we're five axles, they're talking about upping an axle; we'd be like a 3-axle trailer, 3-axle tractor and then give us another 15,000 pounds. [CONFIRMATION]

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SENATOR LOUDEN: These triple axle pods then, what...they still can only scale 80,000, can't they? [CONFIRMATION]

JAMES DAWS: On the two lane, they can 90,000 on six axles in Nebraska. [CONFIRMATION]

SENATOR LOUDEN: At the present time? [CONFIRMATION]

JAMES DAWS: Yes. [CONFIRMATION]

SENATOR LOUDEN: Then on the interstate they can... [CONFIRMATION]

JAMES DAWS: They can buy a permit; it's a dollar a day. [CONFIRMATION]

SENATOR LOUDEN: Okay. That's what I was wondering because it's getting to where they can't hardly come in and turn around in our place when we load these triple axles out... [CONFIRMATION]

JAMES DAWS: I understand that. [CONFIRMATION]

SENATOR LOUDEN: ...and I'm wondering if the length or something like that is getting longer on them with the triple axles? [CONFIRMATION]

JAMES DAWS: Well like on the cattle trailers, they're running 53 foot; and most dry vans and reefers are 53 feet now, so. It's kind of the length that they're going to evolve at, you know. I think because they've not talked anything about lengthening the trucks yet. [CONFIRMATION]

SENATOR LOUDEN: Now these FedEx trucks you see that pull a trailer and everything, are they allowed to be longer or are they still under that fifty... [CONFIRMATION]

JAMES DAWS: They're under...I'm not sure; I don't do doubles. I think they're under a 65-foot total length. [CONFIRMATION]

SENATOR LOUDEN: Okay. Thank you. [CONFIRMATION]

SENATOR FISCHER: Thank you, Senator Louden. Other questions? I see none. Thank you very much for coming in today. [CONFIRMATION]

JAMES DAWS: Thank you. [CONFIRMATION]

SENATOR FISCHER: Any supporters for the nomination? Anyone in opposition? Anyone in the neutral capacity? I see none. I would like to thank all of you for coming in

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today whether it was a short drive or a long one. That means a lot to the committee that you would take the time to come here so we have a chance to get to see you and know who you are when we act upon your nomination. So thank you so much for making the effort to be here. We sincerely appreciate it. And with that I will close the hearing for the day. Thank you very much for being here. [CONFIRMATION]