

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 24, 2020

**FRIESEN:** OK. I'd like to welcome everyone to this hearing of the Transportation and Telecommunications. And today we're going to have some confirmation hearings. And so I'd ask everyone to silence their cell phones. Again, I don't think I need to go through some of this, but make sure you spell your name, first and last, very clearly when you come up to the table. Yeah, pretty well covers it. So with that, we'll start with Jerome Fagerland. I hope I pronounced that right.

**JEROME FAGERLAND:** You did well. I assume--

**FRIESEN:** Yes, yes, have a seat at the chair. And-- and welcome and thank you for coming to appear before us. What I would like is if you just want to talk a little bit about yourself, and maybe why you wanted the position or you are serving already, and talk a little bit about your vision for the-- for the appointment.

**JEROME FAGERLAND:** Yeah, OK. I-- I have served for the last 20 years. I was appointed first in 1999.

**FRIESEN:** Could you spell your name?

**JEROME FAGERLAND:** Jerome, J-e-r-o-m-e. Fagerland, F-a-g-e-r-l-a-n-d. I reside in Atkinson, Nebraska, and have the last 20 years represented District 8. Why do I serve on the Highway Commission, and how do I envision it? I think the primary function is being a conduit between the Department of Roads [SIC] and the individuals in our district. I think preservation of the existing highways in my district is probably a primary function. I do feel that a good road system is vital to our economic climate and would probably say, the primary reason there that I'd be serving is to make sure agriculture in our area and businesses in our area have a adequate infrastructure to move their products.

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

**ALBRECHT:** Thank you, Chairman Friesen, and thank you for being here today. So up in your area, where-- did you have a lot of flood damage or road issues with this-- the flooding of--

**JEROME FAGERLAND:** We--

**ALBRECHT:** --last year?

**JEROME FAGERLAND:** Last year we had two state and federal bridges that were wiped out--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 24, 2020

**ALBRECHT:** Uh-huh.

**JEROME FAGERLAND:** --several county bridges. We still have large gaps in traveling on some county roads.

**ALBRECHT:** Uh-huh. So did you meet often or have special meetings to talk about it at all? Or you just worked with some of your local folks to relay things back to this board? How did you interact with that situation?

**JEROME FAGERLAND:** You know, originally there was a substantial amount of information that needed to be distributed to the public. There were a number of phone calls. I think the department has done a respectable job of communicating in the communities. The economic impact is something that as a road department we can minimize by making sure we have traffic available.

**ALBRECHT:** Uh-huh.

**JEROME FAGERLAND:** But in my district, one of the detours amounted to about a-- 80-mile, one-way detour.

**ALBRECHT:** How far?

**JEROME FAGERLAND:** Eighty miles.

**ALBRECHT:** Eighty? Wow.

**JEROME FAGERLAND:** And to give you an example, I work in O'Neill, Nebraska. We have a substantial amount of traffic from Boyd County, which is on the opposite side of the river.

**ALBRECHT:** Uh-huh.

**JEROME FAGERLAND:** A number of employees-- those employees had to travel an additional 80 miles one way--

**ALBRECHT:** Wow, yeah.

**JEROME FAGERLAND:** --to make it. So it was pretty substantial.

**ALBRECHT:** Uh-huh. Yeah, I just wondered about that. Thank you.

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

**GEIST:** Yes, thank you. And thank you. I-- I really don't have much of a question, but 20 years?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 24, 2020

**JEROME FAGERLAND:** 1999. Yes.

**GEIST:** That's pretty impressive. So I just want to thank you for your service and serving that long, and you're asking for six more years? Is that--

**JEROME FAGERLAND:** It's that--

**GEIST:** Well, see, we only get to serve eight, and it sometimes seems like 20 years [LAUGHTER] but we don't have the depth of knowledge, I guess, of-- of what the subjects that we-- or we try to. But-- but just the-- what you've seen in 20 years would surpass what we can learn in 8, in this-- in this body. So I really just want to thank you for volunteering and being a part of a volunteer group in Nebraska for that length of time and asking for six more. That's pretty impressive. So thank you.

**JEROME FAGERLAND:** Thank you, Senator. I-- I sincerely think that, you know, probably the experience can bring some value--

**GEIST:** Uh-huh.

**JEROME FAGERLAND:** --to the commission.

**GEIST:** Yeah.

**JEROME FAGERLAND:** The other side of the coin is-- some point in time, I think we all get stale in our thinking process. I don't feel like I'm there yet,--

**GEIST:** Uh-huh.

**JEROME FAGERLAND:** --but that is a issue that sometimes change is for the good.

**GEIST:** And that's one thing we don't experience. We don't get stale [LAUGHTER]. Just because we're only here eight years so-- [LAUGH]

**JEROME FAGERLAND:** And I hopefully don't-- don't mean to be pointing my finger at anything or anyone.

**GEIST:** Sure.

**JEROME FAGERLAND:** I'm conscious of that. And I feel like I still have some value there.

**GEIST:** Good, good. Well, thank you.

**JEROME FAGERLAND:** Uh-huh.

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

**BOSTELMAN:** Yeah, thank you. Thank you for being here today. You may know the answer to this question; I'm just kind of curious. We were up there to size up the Spencer Dam this summer, and then the bridge going across there on the highway, you know.

**JEROME FAGERLAND:** Uh-huh.

**BOSTELMAN:** How is that coming along, the [INAUDIBLE] reconstruction of that bridge?

**JEROME FAGERLAND:** Well, the [LAUGH] -- it's still targeted for, I believe, late summer of next year. There is an issue that may have lengthened that out. For those of you who are not familiar with the Niobrara River, the river has a check-- a tendency to change channels. And that's been a challenge up there right now and something that's needing continually to be monitored and dealt with. But remarkably, the temporary bridge has adequately filled that gap of what I talked about earlier, the long detours.

**BOSTELMAN:** I think, was there two other bridges and one that kind of floated away-- was carried away?

**JEROME FAGERLAND:** Well, there-- there actually-- in-- in my district, there were two bridges. You go east into District 3. Then you had the Niobrara-- what they call the Mormon Bridge, I believe. That one floated, I think, more than a quarter of a mile, to give you an idea how-- how forceful that was. And-- and it-- it's just an issue that probably we'll never see in our lifetime again. We sure hope we don't. But--

**BOSTELMAN:** All right. Thank you. Thank you for being here today. I appreciate it.

**JEROME FAGERLAND:** Thank you, Senator.

**FRIESEN:** Thank you, Senator Bostelman. Any other questions from the committee? Seeing none, I have one myself, I guess. As far as the commission and how it operates, do you feel you have enough powers or duties are proper for what you thought you were getting into at the end of the day? Does-- does the commission accomplish what it wants?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 24, 2020

**JEROME FAGERLAND:** I think, to answer your question, over the 20 years I've seen a-- a change of how the commission operates and the influence that they have and so forth. I think it's important that we go back to what do the statutes say and why was the commission originated and that is-- it was to be a conduit between the public and the Department of Roads [SIC]. And I-- I think-- I think we're back into that mode of operating that way now. I don't-- I personally don't have the expertise to say a road should be designed this way. I don't think that's a function of the commission. But I-- I-- I do think there is a-- a strong relationship and communication between the department and the commission that has pretty good unity. That'd be our-- my observation of where we are today.

**FRIESEN:** OK. Seeing no other questions, I guess, thank you for your input. And with that, we'll ask if there's anyone wants to-- else wants to testify in favor or-- so, don't see anyone. Anyone wish to testify in opposition? I don't see-- anyone who wish to testify in a neutral capacity? Seeing none, thank you very much.

**JEROME FAGERLAND:** Thank you for the opportunity.

**FRIESEN:** Thanks for coming in. Next, we will hear from James Hawks. Welcome.

**JAMES HAWKS:** Thank you, Mr. Chairman. My name is James W. Hawks. J-a-m-e-s H-a-w-k-s.

**FRIESEN:** Would you just kind of-- same thing, tell us a little bit about yourself--

**JAMES HAWKS:** Sure.

**FRIESEN:** --and why you want to be on the commission--

**JAMES HAWKS:** Sure.

**FRIESEN:** --continue serving on the commission. You currently do serve.

**JAMES HAWKS:** You bet. Thank you. Yeah, Jerome is one of the mainstays of the commission, has been on there a long time. I'm actually the new guy. I was appointed to the commission three years ago to fulfill an un-- expired term of Ron Books, from District 6. I currently live in North Platte, which is the district headquarters for District 6. I currently serve as the city administrator and the public works director for the city of North Platte and have been in that position for about 17 years. Prior to that, I was the county highway engineer

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 24, 2020

and the county surveyor for Lincoln County there in North Platte for about 16 years prior to that. My entire working career has been in the engineering and transportation areas. And so when I had the opportunity to take a look at being on the Highway Commission, I jumped at it. Over the years, I've also served as cochair of a statewide transportation task force that was put together by then-Governor Johanns. I cochaired that with Kathy Campbell, who was a county commissioner here in Lancaster County at that time. I've worked with the Department of Roads [SIC] and the Board of Public Roads Classification and Standards over the years to redo the minimum standards for the roads. So again, my entire working career has been involved with roads, streets, transportation-type issues. And I would really look forward to staying on the commission again. As one of the youngest people, I think that I do bring a bit of a different perspective to the commission in the fact that I have actually worked in the area of roads and transportation for quite a few years. So--

**FRIESEN:** Yeah, I can see you have quite a bit of experience.

**BOSTELMAN:** [LAUGH]

**FRIESEN:** Any questions from the committee? Senator Bostelman.

**BOSTELMAN:** Thanks for being here today again, Mr. Hawks.

**JAMES HAWKS:** Thank you. [LAUGHTER] Seen you the other day.

**BOSTELMAN:** Yeah. You see, I guess, since you're on a couple of different commissions, any conflicts between Environmental Trust, wasn't it--

**JAMES HAWKS:** Yes.

**BOSTELMAN:** --or this--?

**JAMES HAWKS:** Yes, the Environmental Quality Council.

**BOSTELMAN:** Yeah.

**JAMES HAWKS:** No, I really don't. As a matter of fact, I think that in a lot of cases, those types of committees are more efficient and-- and it's good to share ideas and mesh different ideas from different committees. I know that Director Schneweis and his people work very closely with Environmental Quality on permitting and those types of things. So I think it actually helps to have some people that overlap

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 24, 2020

on the different committees that-- that do work together. And I think it does bring a-- a good thing to the table to be able to do that.

**BOSTELMAN:** Do you have-- as a commissioner, do you have the opportunity to interact with DOT in different functions or is it pretty much-- so just at the board level of [INAUDIBLE]?

**JAMES HAWKS:** It's pretty much just as-- at the board level. We have a-- a separate city engineer who primarily oversees our streets or whatever. But I would also say that we confer quite often on those types of things. You know, I think it's important to have, again, somebody who knows a little bit about the roads and the processes and how they're being put together and the programs that they're looking at, you know. And being out in west central Nebraska, I think it's also important because while we don't have a lot of population, we do still provide a lot of the agricultural economics into the city. And so North Platte is kind of a hub out there. And I just think that it's-- it's good to-- to have that, you know, situation where you've got somebody who's been close to the industry for a while.

**BOSTELMAN:** Sure, and I guess the last question I have, just as a result of this spring, how much interaction have you had, as far as-- with the flooding, recovery from the flooding and looking to the future? Obviously, you won't be-- you may not be involved with it, or you, you could. I've got a bill that I hope will get on the floor and get passed, that really looks at what happened and, and looking to the future, and DOT being a part of that, I'm just kind of curious.

**JAMES HAWKS:** Sure. Well, first of all, on the flooding-- we live out in God's country, so North Platte was in the eye of the storm, but we really didn't get any of the flooding. Nor did we get the blizzard that they had out in the western part of the state. So we really didn't suffer a lot from that. But I think that moving forward, I think that-- again, the department did an excellent job of responding to that, the situation. And I think that some of the innovative things that Director Schneweis has brought in, in different ways of working with contractors and actually going from the planning stage to the construction stage and cutting that time down, we-- we really saw some results of that and what can happen where we had projects that typically would take a year or more to put together and get to that point done in a matter of a few weeks, even in some cases. So I think that everybody came away from it learning some things. And, you know, anytime that you have a situation like that, that's what you hope for, that you'll learn some things about your-- yourself and your organization that you may not have known under normal circumstances. I

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 24, 2020

think that there's an excellent staff down there. They do an excellent job of getting out and working with the public. I think they've come a long ways in that. I-- I remember a time when that wasn't perhaps the case, or at least some folks didn't feel that way. So I just think that there's a lot of, you know, potential for the future. However, I would also tell you that I've watched prices on things in my career go up substantially, too. And so that's always a struggle as well. And I know that the department's been doing a lot of value engineering, trying to get the biggest bang for every dollar that they have. So the future is going to be challenging, but I think that the people are in place to-- to get through that.

**BOSTELMAN:** Sure. Thank you, sir.

**FRIESEN:** Thank you, Senator Bostelman. Senator Geist. No-- Senator Albrecht. Sorry.

**ALBRECHT:** Thank you, Chairman Friesen, and thanks again for being in front of us. I like to see all these people that like to spend time taking care of the state. Three questions: where do you meet; how often do you meet; and do you ever have the public come to your meeting and talk about anything?

**JAMES HAWKS:** We meet typically at the Central Complex here, out south on Highway 2--

**ALBRECHT:** OK.

**JAMES HAWKS:** --for the Department of Roads [SIC]. However, we do also then travel around to each one of the districts and hold an outstate meeting in each one of those and we rotate through those. I-- if I remember correctly, this last year we met in Beatrice, we met in McCook, we met in North Platte, we met in Valentine. So we do try and get out and get around the state and make sure that we're available to all of our constituents out there. We meet every two months. And yes, we do always have somebody from the public there who's interested in one of the projects or-- or one of the topics that we have on our agenda. So it would be really the exception rather than the rule not to have somebody at those meetings from the public.

**ALBRECHT:** And when the public comes, do they have to ask if they can speak at your meetings or do you take public comment? Or how do you--?

**JAMES HAWKS:** We have a public comment section or--

**ALBRECHT:** OK.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 24, 2020

**JAMES HAWKS:** --item on the agenda. And at that point, anybody can get up and visit about anything. And like I say, we always encourage them to do that. And, you know-- I-- we've always had good luck with that. And like I say, I can't remember a time when we haven't had somebody from the public at our meetings. You know, a transportation system plays such a role in everybody's life, whether it be from an economic development standpoint, whether it's getting kids to school or whatever. So there are a lot of things that we get an opportunity to deal with and think about. And so we really do encourage the public to come and speak.

**ALBRECHT:** Very good. Thank you for your answers.

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

**CAVANAUGH:** Thank you. Thank you for being here--

**JAMES HAWKS:** Thank you.

**CAVANAUGH:** --and for your willingness to serve another term. Since you're the new kid on the block on the commission [LAUGHTER] -- only three years in, I was wondering if you had any perspectives to share with us about what you'd like to see, if there's a-- if anything different for how the commission operates.

**JAMES HAWKS:** I guess as far as the operation of the commission, no. As Commissioner Fagerland pointed out, you know, one of our primary responsibilities is to be a conduit between the department and the public. And so whenever we have a construction meeting or planning meeting or whatever in our districts, we-- we always try and be there so that we do have a lot of interaction with the public, not just at our meetings, but also at some of the things that are happening more locally. I think the commission does a great job and I think the department is well staffed right now. The only thing I would tell you, and that comes from, again, years of experience, it would sure be nice to see more money, whether that comes from the feds or the state or wherever [LAUGHTER]. Infrastructure, when you look at the cost, it's went up on one curve and the funding levels have went up on another one, and then they just seem to get further and further apart. And I think, though, that, you know, the staff of the department is-- is always looking at ways to serve the need. I would tell you that back in '03, we had recommended to the department to look at what we call a super two design. There was a promise made at one time that all first-class cities would be tied to the interstate by a four-lane

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 24, 2020

expressway. But I have to tell you, and in the stretch from McCook to North Platte is the one that's being used as the first try at that. And really, what it is, is a situation where it would cost so much to put in that four-lane divided expressway between North Platte and McCook. And yet the numbers, the traffic counts, type traffic and other things that need to be taken into consideration aren't there. But there's enough topography out there that if you get behind a combine or something like that, I mean, you may have to follow that piece of machinery for miles. What this super two will do is it will allow you an opportunity within so many miles of being able to at least have them pull over so the traffic can get by. Those are the kinds of things I think that we need to be open to and we need to be looking at because there will be a tremendous amount of money saved by using that super two design rather than going to a four-lane divided. And I think, again, that's-- that comes from value engineering and the staff that we currently have down at the Department of Transportation are always looking at those kinds of things to save money. And so, again, it will be a challenge. It always is. But you know, and I might point out too, this is another place where it actually works good to have other committees tied in because when you get into environmental issues with new right of way takings, the wetlands, and things like that-- again, those departments need to be able to work together pretty seamlessly. And I think that those people are in place now. And that's-- that's happening more now than maybe it had at some points in the past.

**CAVANAUGH:** Thank you.

**FRIESEN:** Thank you, Senator Cavanaugh. Any other questions from the committee? One question I have is, you know, you are the conduit between the public and the Department of Transportation. Have they always been responsive to your concerns?

**JAMES HAWKS:** You know, they have. I think in most cases, if you sit down and take the time to explain to them why things are happening the way they are-- it doesn't mean that you always agree. But I think that, again, being open with them and, you know, trying to sit down and explain to them-- I've always said that, you know, I hate it when somebody says no. So let's work together and try and get as close to yes as we can. And typically, there's a way to do that. And again, with our interaction with the public, I've never really found a situation where you come away from a troubling problem, or whatever, that you haven't been able to at least reach some kind of an agreement on why it either has to be the way it is or, you know-- but like I say, I-- I guess in my career, I've never really been in a situation

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 24, 2020

where I haven't been able to work with somebody to come to a amicable agreement.

**FRIESEN:** OK. Thank you very much. Any other questions from the committee? Seeing none, thank you. And thank you--

**JAMES HAWKS:** Thank you.

**FRIESEN:** --for your willingness to serve.

**JAMES HAWKS:** Thank you for the opportunity.

**FRIESEN:** Is there anyone who wish to testify in opposition? Seeing none, anyone who wish to testify in support? Seeing none, anyone who wish to testify in a neutral capacity? Seeing none, we'll close the hearing on James Hawks. Next, we will open a hearing on Douglas Leafgreen. Welcome.

**DOUGLAS LEAFGREEN:** Welcome. Good afternoon. My name is Douglas Leafgreen. I live in Gering, Nebraska.

**FRIESEN:** Excuse me. Could you spell your name?

**DOUGLAS LEAFGREEN:** D-o-u-g-l-a-s L-e-a-f-g-r-e-e-n. I guess I am the longest serving member, right now, of the Highway Commission. I think I was there two months before Jerome came on. And so I've seen a lot of changes. I represent District 5, the Panhandle of western Nebraska. I also was very involved in city government. I served on the Gering City Council, served one term as mayor, and then I also served as a county commissioner for 12 years. And so I've been very involved in-- in government. It's been a pleasure, really, to serve on the Highway Commission and-- and see all of the changes in those 20-plus years. So I would like to continue serving for another term. I'm very excited about the changes that we've seen in the last few years with Kyle Schneweis as director and with all of the projects, the Lincoln Beltway, and it's-- it's just been exciting to see a part in the job that he's done. And so I would like to continue to serve.

**FRIESEN:** Thank you, Mr. Leafgreen. Any questions from the committee? Senator Geist.

**GEIST:** Well, I can't let it go unsaid, to thank you for your service as well.

**DOUGLAS LEAFGREEN:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 24, 2020

**GEIST:** I appreciate it.

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

**BOSTELMAN:** Thank you for being here today. Obviously, you were affected in a different way, your area, from the spring weather, the blizzard and the snow and that. How did that--

**DOUGLAS LEAFGREEN:** Oh, we had the blizzard.

**BOSTELMAN:** I said you-- yeah, you were. Yeah, you were. So how-- DOT's response to that, the community's response to that, how did that-- what perception do you have of-- how did that all come together?

**DOUGLAS LEAFGREEN:** You know, we're-- we're very accustomed to dealing with snow in our area, and so clearing the roads in our area was done very efficiently. I mean, we just didn't have near the problems that the eastern part of the state. So, I mean, that's pretty-- you know, we're accustomed to it. And so it really wasn't an issue. Within probably a day we had all of our roads open.

**BOSTELMAN:** Thank you.

**FRIESEN:** Thank you, Senator Bostelman. Any other questions from the committee? I see on your application that you couldn't remember quite when your term begins or ends.

**DOUGLAS LEAFGREEN:** No.

**FRIESEN:** That means you've served quite a while.

**DOUGLAS LEAFGREEN:** I think-- [LAUGHTER] when Mike Johanns became Governor, he appointed me, one of the first things that he did so.

**FRIESEN:** So is there anything that you feel that the commission needs to do better or do more of or-- or is everything going pretty good?

**DOUGLAS LEAFGREEN:** No, I think-- I think we're very responsive to the public. And-- and you know, we're an advisory body. We don't mandate anything. We have no real authority. So I think our relationship with the department is very good.

**FRIESEN:** What are the-- what is the biggest needs of the Department of Transportation?

**DOUGLAS LEAFGREEN:** You know, I think one of the things is dealing with the future of how we're going to pay for roads.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee January 24, 2020

**DeBOER:** Uh-huh.

**DOUGLAS LEAFGREEN:** You know, the gas tax is gonna erode with all of the different types of transportation. I think that's going to be a huge issue.

**FRIESEN:** OK.

**DeBOER:** Uh-huh.

**FRIESEN:** You know, I know the Department of Transportation and all the right of way they have and our interest in getting broadband throughout the state.

**DOUGLAS LEAFGREEN:** Uh-huh.

**FRIESEN:** And-- and I know the Department of Transportation eventually wants broadband in their rights of way if we talk autonomous vehicles. So--

**DOUGLAS LEAFGREEN:** Sure.

**FRIESEN:** --has the commission ever discussed those issues ? Has that come up?

**DOUGLAS LEAFGREEN:** We-- we've had a presentation on that, talking about autonomous vehicles and how, you know, you're going to need broadband and all of that technology. And I think that's going to be a real issue in the future.

**FRIESEN:** OK. Any other questions from the committee? Seeing none, thank you very much for your service.

**DOUGLAS LEAFGREEN:** Thank you.

**FRIESEN:** You've served in quite a few positions. I appreciate that.

**DOUGLAS LEAFGREEN:** All right. Thank you.

**FRIESEN:** Does anybody wish to testify in favor of the appointment of Doug Leafgreen? Seeing none, anyone wish to testify in opposition? Seeing none, anyone wish to testify in a neutral capacity? I see none. We'll close the hearing on Doug Leafgreen, and close the hearing for the day. Thank you very much.