

Transcript Prepared by Clerk of the Legislature Transcribers Office
Transportation and Telecommunications Committee April 8, 2025

MOSER: Good afternoon and welcome to the Transportation and Telecommunications Committee hearing this afternoon. My name is Mike Moser, I'm the chair of the committee and I represent District 22, it's Platte County and most of Stanton County, and we'll introduce senators starting on my right.

FREDRICKSON: I'm John Fredrickson, I represent District 20, which is in central west Omaha.

BRANDT: Tom Brandt, District 32: Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster Counties.

MOSER: Thank you, both. Connie Thomas is our committee clerk and Gus Shoemaker is our legal counsel. There are green testifier sheets on the table near the entrance of the room. Please complete one and give it to the page if you intend to testify. For those not testifying but would like to record your presence, please sign the yellow sheet on the book-- on the table near the entrance. The Legislature's policy is that records for the record-- letters for the record must be received by the committee by 8 a.m. on the day of the hearing. Handouts submitted by testifiers will be included as part of the record as exhibits. Senators may come and go during the hearing, this is common and required as they may be presenting bills or working in other committees at the same time. Testimony will begin with the introducer's opening statement, then we'll hear from supporters, then those in opposition, and those speaking in the neutral. Begin your testimony by giving us your first and last name and please also spell them for the record. We will be using a 3-minute timer system today. There are no demonstrations of opposition or support on the testimony allowed. Please turn off your cell phones or put them on vibrate. Today our pages are Jacob and Sam. And with that, we'll begin with Kyle Anderson. Come on up. Kyle Anderson is a nominee for the Board of Public Roads Classifications and Standards. Welcome to the committee. Go ahead and spell your name for us and then tell us about yourself a little bit.

KYLE ANDERSON: Thank you, Senator. Kyle Anderson, K-y-l-e A-n-d-e-r-s-o-n, and I'm a recently semi-retired transportation engineer. I've been working in the, the Nebraska area since 1985, and been working specifically with the Nebraska Department of Roads and then transportation for most of those 40 years. My background is pretty diverse in the transportation arena. I've done a lot of transportation planning, doing comprehensive transportation plans for cities, counties, and states. I've worked really throughout the

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Midwest in Nebraska, Iowa, South Dakota, Kansas, Colorado, primarily. I'm a registered civil engineer, still in the state of Nebraska. And in addition to my transportation planning background, I've also done a lot of safety studies, traffic operations analysis, as well as roadway design on arterial streets, expressways, and interstate systems.

MOSER: OK, well great. Questions from the committee? Senator Brandt.

BRANDT: Thank you, Chairman Moser. Thank you for appearing today. Are you a reappointment?

KYLE ANDERSON: No, I'm not. I'm a, I'm a new appointment for the District 1, District 2 position.

BRANDT: Have you gone to any of the meetings?

KYLE ANDERSON: No, not yet. There actually hasn't been a meeting since November of '23.

BRANDT: Oh, really? OK. So I guess, how do you see your role on this board?

KYLE ANDERSON: I think, Senator, I have an opportunity to be able to, to utilize those 40 years of experience in all aspects of transportation engineering and help the, the counties and the municipalities in the state of Nebraska ensure that we're following the, the design criteria and the functional classification requirements that are outlined in the, the state law.

BRANDT: So then what do you see as the biggest challenge, not just in urban areas, which we get a lot of, of conversation in this committee because there's high traffic in the urban areas. But I'm not from an urban area, I'm from a rural area, and we beat our roads up a different way. We use--

KYLE ANDERSON: Sure.

BRANDT: --less traffic and heavier trucks. So how, how-- what do you see as the biggest challenge facing Nebraska roads today?

KYLE ANDERSON: Well, I'll speak to the urban side of things in the beginning. So I've been involved in a lot of different comprehensive and transportation plans in the Omaha metropolitan area in particular. As a matter of fact, I just got appointed to the Mobility Committee. They're updating their comprehensive plan there. And one of the challenges that we see in urban areas is, number one, the, the, the

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small amount of room that's available to widen roads to be able to, to provide capacity. So there's been a pretty large shift over the last decade or more with using technology to try and get the most out of the capacity of the roads that we have. But recognizing that there's also a push from, from transportation planners to narrow the width of roads, for example, a minimum roadway width on a street may be considered 10 foot for local. And there's a big push to try to get those down to 9 feet so bicycle lanes and other facilities could be put in. So I, I think that that trend is going to continue and there's going to be a lot of pressure from, from certain segments of the transportation industry that would like to see more narrow lanes and slow traffic down in an effort to make them safer, which is in a bit of a conflict with what we try to accomplish in transportation engineering.

BRANDT: All right, thank you.

KYLE ANDERSON: You're welcome.

MOSER: Senator Storer.

STORER: Thank you, Chairman Moser. So-- and thank you for your willingness to serve and, and--

KYLE ANDERSON: Thank you.

STORER: --coming today. So if I understood you correctly, the trend is to narrow the lanes, is that primarily to provide for bike lanes--

KYLE ANDERSON: Yes.

STORER: --and other types of--

KYLE ANDERSON: Yeah, and it's more in the, the urban core.

STORER: Right.

KYLE ANDERSON: We've seen a lot of road diets where we're converting maybe a 3-lane roadway to 2 lanes so we can squeeze in a bike lane. And, and there are some safety elements associated with that because you get rid of that 2-way left turn lane in the middle, which helps reduce the frequency of crashes from rear ends and, and right-angle crashes. So, so it's a challenge, there, there's definitely a group that are advocates for, for bicycle lanes that want to see these standards shifted. And I think from the, the engineering perspective,

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we want to make sure that it's done right in the right context and not just blindly followed.

STORER: So I have one other seemingly silly question, but does this board weigh in on, you know, when it comes to the classification in terms of, I know the speed limits for different roads are based on, is there a shoulder, the traffic, does this board weigh in on that at all?

KYLE ANDERSON: Well, that's part of the discussion going on. I think for a, a local road that may have a 25 mile an hour speed limit, and it may be, you know, a wider facility, and you can decide whether you want to have parking or not on it. But, but we've seen a little bit more of a push to try to get more narrow streets put in on collector roads, which, again, carry quite a bit more traffic and are usually posted at a little bit higher speed limit.

STORER: OK. Thank you.

KYLE ANDERSON: You're welcome.

BRANDT: Other comments? Seeing none, thank you very much.

KYLE ANDERSON: All right.

MOSER: Appreciate your willingness to serve.

KYLE ANDERSON: Thank you, Senators. I appreciate it.

MOSER: Yeah, please take a seat. OK, is there anyone here to speak in support of Kyle Anderson? Is there anybody to speak in opposition? Oh, I'm sorry, in support?

ROGER FIGARD: I'm sorry, I didn't-- my name is Roger Figard. I'm currently the chair of the Board of Public Roads Classifications and--

MOSER: And you're in support, I assume?

ROGER FIGARD: I'm in support. At times we struggle to keep the positions on the board filled and Kyle is certainly one of those individuals that will add experience, expertise, and common sense in trying to make the dollars and the standards that we have go farther. So, again, I'm in support.

MOSER: OK, thank you. Any questions for the testifier?

STORER: I do have a quick question.

ROGER FIGARD: OK.

STORER: So is there any-- can you give us sort of an overview of why the board meets so infrequently?

ROGER FIGARD: Well, we have board members, 11 board members, scattered all over the state. They come in-- typically, we have-- our, our standard would be a meeting every month. If we don't have an agenda, if we don't have action and information that is needed by cities or counties, a public hearing, a relaxation of standards, we don't call and have the board come in if there isn't business to be done trying to save state dollars instead of paying for travel and motel rooms. We have-- we've kind of-- we've been working behind the scenes on continuing standards for practical design, working, particularly, with the DOT to make the dollars we have go farther. And so if there isn't business that needs us, we don't call the meeting and have anybody come in, but clearly we, we work very closely with cities and counties and the DOT. If there's a need for a meeting, we hold the meeting.

STORER: And did, did I understand correct, there has not been a board meeting since November of 2023?

ROGER FIGARD: Well, yes, but some of us continue to work behind the scenes on other activities. We just didn't have a board meeting.

STORER: Thank you. That just seems like an exceptionally long time between meetings.

ROGER FIGARD: Yeah, it's-- it is.

MOSER: OK, any other questions? Yes,--

BALLARD: I just have one quick one.

MOSER: --Senator Ballard.

BALLARD: Yes, thank you for being here and your support. Can-- so what does a board member make up, you have a very qualified applicant now, that's an engineer. Is there, is there mostly engineers that make up this board or is it--

ROGER FIGARD: The board by state statute when it was created, there are 11 members. There's 1 member from each of the congressional districts. There is no requirement that that person be an engineer trying to represent geographically the state. There are 2 applicants, board members from the DOT. The next gentleman up, it would be one of

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those representatives. And then there are 3 municipal representatives, those who represent populations over 50,000, and I do that here in the city of Lincoln, then between 50 and down to 5, and then below 5, and then there are 3 county representatives also representing the, the-- I think there are 6 county sizes and each representative represents a county of 2 of those population size. So it's county representatives, city, 2 from the DOT, and 3 from the congressional districts, trying to make sure that we really are representing and looking at the entire state, because the, the travel and the issues are very different from Omaha to Thedford, Nebraska.

BALLARD: OK, thank you.

MOSER: OK, any other questions? Seeing none, thank you. Anybody else to speak in support of Mr. Anderson? Is there anyone to speak in opposition to Mr. Anderson? Is there anyone to speak in the neutral? Oh, and, sir, could you spell your name please for the clerk? Sorry about that.

ROGER FIGARD: Roger Figard, R-o-g-e-r, Figard, F-i-g-a-r-d.

MOSER: Thank you.

ROGER FIGARD: Thank you.

MOSER: OK. Is there anyone to speak in opposition to Mr. Anderson? Anyone to speak in the neutral?

JOSEPHINE LITWINOWICZ: Yes. All right, afternoon, Chairman Moser and members of the committee. I've never been to this committee before and I don't take--

MOSER: Please spell your name--

JOSEPHINE LITWINOWICZ: Oh, OK.

MOSER: --and--

JOSEPHINE LITWINOWICZ: All right. J-o-s-e-p-h-i-n-e L-i t-w-i n-o w-i c-z. I beat the red light.

MOSER: OK. All right.

JOSEPHINE LITWINOWICZ: I speak-- I don't come here lightly, I'm highly involved, but I am in support of anyone that, that, that opposes the madness. I don't come here lightly. Trump is dangerous. He, he has

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a-- people talk about making mistakes. What? You don't make that mistake, his whole team. I mean, cutting off, having people realize that they lost their jobs because their key cards don't work and all those mortgages. I think he's got a, a good idea, but he doesn't-- and he plays golf when, what was that-- I mean, there's, there's more stuff that I can, I, I can cobble up in my head at the moment. I mean, this is just bat shit crazy. And I hope all of you people have your open letter of denunciation written and, yeah, it's, it's really, as I sail down the road to suicide, I tell you, this is, is-- I mean, it affects me that much. I can, I can barely speak at the moment. There's a couple-- but I mean-- anyway, that's all I have to say. And I'm in support of anyone-- I don't care what the qualifications are. I don't care if, if he's even in the same engineering field. He could be an electrical engineer, you know, mechanical, metallurgical. I don't care. I just-- I come here-- I'll support anyone. And I, I, I don't come here lightly. I never speak like this. But I support anybody in our government or on a advisory board or whatever, anybody that opposes Trump that I support. And I had to say that because it's that important and that's why I'm here. And I'd prefer people to knock off, you know, the, the gestural violence when I'm around here, that shit makes me mad. And so I just want to have people act with respect towards me and then I'm done. I got a little vision in at the end.

MOSER: All right, well, you can see the red light is on.

JOSEPHINE LITWINOWICZ: Yeah, well, I, I didn't-- I was trying to, to find the words and I didn't do a good job, but thank you.

MOSER: Thank you. OK, is there anyone else to speak in the neutral? OK, that will close our hearing on Kyle Anderson. Our next nominee is Nathan Sorben. Come on up.

NATHAN SORBEN: Good afternoon, Chairman Moser, members of the Transportation Committee. My name is Nathan Sorben, spelled N-a-t-h-a-n S-o-r-b-e-n. I am appearing before you to seek confirmation for my appointment by Governor Pillen to serve as a representative from NDOT on the Nebraska Board of Public Roads Classifications and Standards. I am currently the right-of-way division engineer for the Nebraska Department of Transportation, which manages real estate for, for NDOT, including the acquisition of new property rights for our projects. I've served in this role since August of 2023. For a bit of context, I grew up, grew up in a small town in South Dakota. I graduated from the South Dakota School of Mines in 1999 with a bachelor of science degree in civil engineering. After graduation, I spent nearly 10 years working in both the, the

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private and public sectors and in 2009 I started my role with the department in the roadway design division. I had several roles within roadway design from designer to public policy creation. In 2014, I took on the role of design section head that leads our, our support section. One of the key functions of that role is to craft design policy for the NDOT to, to ensure conformance with the, the board's minimum design standards. As I mentioned, in 2023, I left roadway design to become the right-of-way division engineer, where I've been for the last year and a half working alongside those in roadway design in the development of our projects. I understand the Board of Public Roads and Classifications and Standards is responsible for overseeing construction planning and fiscal reporting as well as the application of minimum design standards for a safe and efficient roadway system. During my career at NDOT, I've been a part of several design relaxations presented to the board to ensure public safety. In my previous role in roadway design, I worked closely in drafting the 2026 or 2016 minimum design standards and was actively engaged in revising the current minimum design standards, which are still in draft form. In conclusion, I'm excited to continue my work with NDOT as a representative on the Board of Classifications and Standards, and would like to thank you all for your time and happy to answer any questions that you might have.

MOSER: OK, questions from the committee? Senator Fredrickson.

FREDRICKSON: Thank you, Chair Moser. Thank you for being here and for your willingness to serve. So you mentioned you've been in this capacity for a couple years now, did I hear that correctly?

NATHAN SORBEN: As a right-of-way division engineer, yes.

FREDRICKSON: OK, great. And sort of kind of given that experience, what do you sort of envision as kind of next steps or what are your maybe-- your goals for the, for, for the future with the--

NATHAN SORBEN: For the board?

FREDRICKSON: Yeah.

NATHAN SORBEN: Well, I, I see a, a revision to the minimum design standards that really focuses on utilizing, you know, what limited funds we have today and try to apply those standards to the board. The, the common term is practical design. So take kind of this practical approach and start applying that to, to our design standards.

FREDRICKSON: OK.

NATHAN SORBEN: Just makes our dollars go a little bit farther. One thing that, that's concerning for a lot of people is safety of our roads. That's, that's number one. We want to make sure that what we're putting out there is safe and so we want to make these incremental improvements along the way. We want to make that our dollars go farther, so doing what we can from a standards perspective to make, to make sure that we have a safe-- you know it's safe for the traveling public.

FREDRICKSON: OK. Thank you.

MOSER: Senator Storer.

STORER: Thank you, Chairman Moser. And thank you as well. I'll echo Senator Fredrickson's comments to it's just good to see people willing to serve. Can you expand a little bit more on what you just referenced in terms of changes that you see coming for minimum design standards? Like, what do you anticipate that's going to look like?

NATHAN SORBEN: So some of it is, we, we have a lot of information like crash history that goes along with building, you know, what we can use as mitigating measures within our roadways to prevent some of these crashes that occur, whether it's a wider shoulder width, bevel pavement edge, our, our horizontal alignment, those things that go along with making those improvements, utilizing some of the crash history and the data that's associated with that, and then applying that to the minimum design standards.

STORER: So is that very-- I mean, I kind of need a 101 on, on--

NATHAN SORBEN: Yeah, OK.

STORER: --how the design standards are, are developed and proposed. So is that very based on the, all of those factors, traffic-- you know, there's not-- is there one basic minimum design standard for all public or state roads?

NATHAN SORBEN: So we'll start out, I would say there's probably five. Let's start, we have interstate, we have our expressway system, and then we have principal arterials, we'll have our collectors, and we'll have local roads. So think of the interstate as our, our, our wide, wide open-- we want, we want a lot of traffic to be able to flow through that safely and then as, as traffic decreases you think of our, our, our section as decreasing also. So where areas where we

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don't see a lot of traffic, we, we start narrowing our, our shoulder width, our paved shoulder width. Kyle-- Mr. Anderson had mentioned earlier about some of the, the lane reductions within, within urban areas. You know, we, we do realize that this is an agricultural state and, you know, those wider, wider lane widths in, in rural Nebraska are important and, you know, we recognize that as well.

STORER: OK. Thank you.

MOSER: OK, any other questions from the committee? All right, seeing none, thank you very much for your willingness to serve. Anyone here to speak in support of Mr. Sorben?

ROGER FIGARD: Roger Figard. Again, R-o-g-e-r F-i-g-a-r-d, currently serving as the Chairman of the Board of Classifications and Standards. And I'm also here to say that I really support and encourage the, the approval of Nathan. He-- as he had mentioned before, he served an important role while he was working for the DOT continuing to work on major standard revisions that the board undertook and brought back to the governor and Legislature in 2016. As he talked about the commonsense design in its infinite wisdom, more than 50 years ago, the Legislature created the board and the system of standards for all roads, cities, counties, and state. And I think there was a goal over 20 to 25 years to have all of those roads built to a certain standard. Standards throughout the years have really been more about dimensional standards, widths, speeds, and what we've found is that over those 50 years, many of those roadways have exceeded expectations in providing safe travel without necessarily being built to a wider standard. So commonsense design is taking all that data that Nathan talked about, speed, crashes, shoulder widths, and using that to decide does a road need to be-- do the shoulders need to be a little wider or are they OK a little narrower? I grew up in the Sandhills. Highway 2 from Lincoln all the way to Alliance is a roadway that serves very safely for a long time, but the shoulders are a little bit narrower in some spots in the standards. Using commonsense design, you fix safety issues where you have them, and when you don't have a problem, that money then is available to go somewhere else and Nathan was very instrumental in working on that and I look forward to working with him to continue that conversation and eventually bring forward more commonsense design standards for the state.

MOSER: OK. All right. Thank you very much. Questions from committee members?

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STORER: One quick question. Does, does the-- I mean, how much does your board deal with, or what do you see happening moving forward in regards to the anticipation that there's more automated vehicles on the road?

ROGER FIGARD: Well, that, that's an outstanding question. I also have been serving on a national board for highway and railroad safety. And there is lots and lots of work that still needs to be done about AI and the equipment. But I'm excited from the standpoint, if done correctly, just like engineers work to this point, is that safety can be improved and capacity can probably be increased by using that technology. But engineers are creatures of habit, we need to make sure we don't make a decision that is made too soon without having the information and actually create more of a problem than we're trying to solve. And so that, that is a big challenge in front of the entire transportation community all across the country is the integration of AI into what we're-- what, what is out there today.

STORER: Thank you.

MOSER: OK, any other questions from committee members? Thank you for your testimony, appreciate that.

ROGER FIGARD: Thank you.

MOSER: Anybody else to speak in support of Nathan Sorben? Anyone to speak in opposition to Nathan Sorben? Anyone to speak in the neutral to Nathan Sorben's nomination? We received no online comments on either applicant, neither nominee, so that concludes our hearing for today. I'd like the committee just to stick around for a minute after we conclude here just to talk about a bill that we've got a little bit of work to do on. So thank you very much. Appreciate your willingness to serve.

KYLE ANDERSON: Thank you.