

# ***Certification and CE Requirements for Highway Engineers and Supervisors: A Panel Discussion***

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## Nebraska's Certification Program for County Highway and City Street Superintendents

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### OVERVIEW

- Nebraska has an *incentive-based, entry-level professional licensing program*. Licensing operates in conjunction with mandatory programmatic minimum standards and mandatory planning and reporting requirements, coupled with state aid in the form of a dedicated portion of the state's Highway Trust Fund.
- The four-part policy package of dedicated funding, programmatic standards, professional standards (licensing) and reporting requirements was initiated in 1969 as part of a comprehensive legislative reform, following several years of study. The stated purpose was to achieve "*an integrated system of public roads*" and to "bring the state highway system... [,]... the road systems of its counties and the street systems of its municipalities, up to *adequate standards* over a twenty-year period" (emphasis added).

### LICENSING PROVISIONS

- Licensing applies to *personnel in local jurisdictions* -- 93 counties and 531 municipalities (cities, arrayed in four classes based on population, and villages).
- In theory (and certainly in terms of policy design), licensing applies to the superintendent as *the person managing the overall highway or street program*. In practice (and by interpretation of statute and applicable rule and regulation), it applies to the *person signing the state reporting forms* -- who may or may not be an operational superintendent.
- Licensing applies to *public employees* as well as to *consultants* engaged by counties and municipalities.

### NEBRASKA'S CERTIFICATION PROGRAM

- Licensing is *not mandatory*. Instead, counties and municipalities using the services of a licensed superintendent receive *annual incentive payments* (ranging from \$300 to \$4,250 for municipalities and from \$4,500 to \$6,375 for counties, depending on population size) from the state Highway Allocation Fund. (The incentive is pro-rated if the jurisdiction employed or contracted with a licensed individual for less than 12 months. A county or municipality qualifies for the full incentive if it contracts with another jurisdiction for the services of a superintendent. A municipality also qualifies for the full incentive if it uses a consultant as a superintendent, but a county qualifies for only two-thirds of the incentive amount if it uses a consultant.)
- There are *two avenues* for acquiring a license: by *equivalency*, for holders of a Nebraska Professional Engineer's license only, or by *examination*.
- All applicants must complete a common *application form* and submit a *\$25 fee* (for each license). There is a *\$10 annual renewal fee* (for each license).
- The six-hour *written examination* is administered twice annually and covers municipal and county topics. Successful completion allows the applicant to acquire either or both licenses.
- A three-day licensing *preparation workshop* is provided twice annually, one month before the exam.
- There is *no continuing education requirement*.

#### ADMINISTRATION

- Licensing is overseen by the *Board of Examiners for County Highway and City Street Superintendents*, a seven-person board appointed by the Governor. Members represent municipalities and counties by population size, spread across the state's three congressional districts. To be appointed, they themselves must hold a license. Appointments are not subject to legislative confirmation.
- The board *meets six times a year* (including two meetings in conjunction with examinations). Members are reimbursed for expenses but do not receive a per diem.

#### NEBRASKA'S CERTIFICATION PROGRAM

- The state department of transportation -- the *Nebraska Department of Roads (NDOR) Local Liaison Division* -- provides administrative support. Direct costs are nominal (\$9,563 in 1999) and, together with staff support and other overhead, are borne by the department's highway user fee-funded budget (Highway Cash Fund). Licensing fees (\$8,360 in 1999) accrue to the same fund.
- The state *Board of Public Roads Classifications and Standards* (also staffed by the NDOR Local Liaison Division), through its regulatory power, is another close partner in the overall licensing program, as noted below.

#### CONTEXT: PROGRAMMATIC STANDARDS COMPLIANCE

- By law, NDOR and all local transportation agencies must comply with state *minimum design, construction and maintenance standards* established by the state *Board of Public Roads Classifications and Standards*.
- For local agencies, the *penalty* for failing to comply with standards is forfeiture of 10 per cent of their allocation of state highway user fees.
- All counties and municipalities must *designate* annually (to NDOR) their superintendent(s) for the previous calendar year and the period of service for each superintendent.
- All counties and municipalities also must *certify* annually (to the Board of Public Roads Classifications and Standards) that they have complied with standards. The jurisdiction's *licensed* highway or street superintendent -- if it has one -- and the mayor, council chair or board chair must sign the certificate, which is part of the annual budget and financial report filed with the state.

#### CONTEXT: PLANNING AND FISCAL REPORTING REQUIREMENTS

- NDOR, counties and municipalities must submit annually a *One- and Six-Year Highway, Road and Street Improvement Plan* and an *Annual Fiscal Report* ("Standardized System of Annual Reports") to the Board of Public Roads Classifications and Standards.

#### NEBRASKA'S CERTIFICATION PROGRAM

- Counties and municipalities must subject their annual One- and Six-Year Plan to a *public hearing*. Failure to adopt or submit the One- and Six-Year Plan or the Fiscal Report properly also subjects the locality to *fiscal sanctions* (forfeiture of a portion of Highway Allocation Funds).
- By law, the *licensing exam* must test ability to develop One- and Six-Year Plans and Annual Fiscal Reports, as well as ability to apply those processes to construction and maintenance programs.

### IMPACT AND STRENGTHS

- Nebraska's credentialing program has proven *durable* -- it has been in effect for 30 years and has seen very few changes. (The same applies to the rest of the 1969 policy package as it concerns local highways, roads and streets.)
- The program has proven *effective*.
  - ➔ Ninety-two of the 93 counties and 530 of the 531 municipalities qualify for incentive funding on the basis of having a licensed superintendent.
  - ➔ Only 18 counties (of the 92 qualifying for Incentive Funds) draw the *reduced incentive* amount by virtue of having a consultant instead of employing a full- or part-time superintendent.
  - ➔ As of the end of 1999, 448 persons (some of them outside the state) were licensed. Together they held 720 licenses (county highway and/or city street superintendent). (The next available sequential license number is 1178.)
  - ➔ The renewal rate for licenses is 97.6 per cent.
- The examination is *rigorous*. The cumulative passing rate (including repeaters) is 41 per cent.
- The Nebraska license appears to carry weight as a credential in *neighboring states* and in the private sector. From time to time, other states have shown an interest in adopting and adapting Nebraska's licensing system.

### NEBRASKA'S CERTIFICATION PROGRAM

- The program *identifies, enhances and professionalizes* the local transportation management function, as distinct from municipal utilities and public works and as distinct from traditional county road maintenance (often directly supervised by the local county commissioner).
- The program is well aligned with the statutorily defined appointive office of *county highway superintendent*. (Under laws applicable to the largest population classes of county, this is understood to apply to the elected office of county engineer in Nebraska's two largest counties and the elected office of county surveyor in the third largest county. In the other 90 counties, the head of the road program is appointive.)
- An active association and network of county highway superintendents has emerged. Formally known as the *Association of County Engineers, County Highway Superintendents and County Surveyors*, the organization is an affiliate of the Nebraska Association of County Officials (NACO). District meetings are held in fall and spring and state meetings are held in summer and winter.
- The program respects Nebraska's tradition of *local control*.
- The program meshes well with the state's federally funded *Local Transportation Assistance Program (LTAP)* operated by the University of Nebraska-Lincoln's Engineering Extension Service.

#### WEAKNESSES

- There has been *no significant updating* of Nebraska's credentialing program. Despite inflation, the incentive amounts (set in statute in 1969) have been increased only once (and only for counties: a 50 per cent increase in 1981). License fees (also set in 1969) have not changed.
- Licensing -- together with a county or municipality's designation ("appointment") of a superintendent in order to draw Incentive Funds -- is inconsistently aligned with *actual managerial authority*. Whether employed by their jurisdictions or engaged as consultants, some superintendents' only function appears to be to sign the state reports. Others have broader authority, and still others are clearly in

charge of their jurisdiction's program. (An actual typology of Nebraska's counties and municipalities according to the degree of authority exercised by the designated licensed superintendent is lacking at present. NDOR and the Nebraska LTAP are planning a survey to develop such a typology, however.)

- This misalignment with actual positions is more pronounced for *municipal officers*. Outside of the licensing program, Nebraska law makes no reference to the position or duties of "street superintendent." This contrasts with statutory identification of positions and functions such as "public works director," "city engineer," and "utilities superintendent."
  - ➔ On the one hand, this provides a great deal of flexibility for implementation, allowing a city or village to adapt the designation of "city street superintendent" to its staff and consulting resources as it deems best.
  - ➔ On the other, this may defeat the policy objective of credentialing the person managing the street program.
- The program's *one size fits all* approach does not address (much less, credential) different competencies needed to operate programs in large and small communities.
- The program does not address road and street operations in special governmental jurisdictions such as *sanitary and improvement districts (SIDs)*, *townships*, and *natural resources districts (NRDs)*.
- The importance of continuing education is addressed only by means of an honorific *Continuing Education Award* given by the Board of Examiners. The criteria are seven years' service as an appointed superintendent (at least half-time) and completion of a minimum of 25 days of continuing education (cumulative, at least five hours per day).
- *Salaries* are low (particularly outside urban Nebraska) and continue to fall behind the broader market. As older license holders retire, recruitment is becoming more and more of a challenge.

## *CONCLUSION*

- Nebraska's credentialing program is well established and *continues to meet many needs of the state, counties, cities and villages.*
- The program clearly *would benefit from updating.* In this respect, it is no different from many of the other components of Nebraska's 30 year-old comprehensive highway, road and street policy and program package.



*RESOURCES (available at the presentation and from NDOR):*

Board Examiners for County Highway and City Street Superintendents. *Thirtieth Annual Report of the Board of Examiners for County Highway and City Street Superintendents.* (Available April 1, 2000; 29<sup>th</sup> Annual Report available at presentation. Includes licensing statutes, operating procedures and roster of license holders.)

Board of Public Roads Classifications and Standards, Board of Examiners for County Highway and City Street Superintendents, and Nebraska Department of Roads. *Nebraska's Integrated Highway, Road and Street System: Thirty Years of Progress,* September, 1999. (Includes statutory and regulatory citations.)

[www.dor.state.ne.us](http://www.dor.state.ne.us) (click on "Local Liaison" for an overview of the Board of Examiners)

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