# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M

ROLL NUMBER

DESCRIPTION

1352

2007 HOUSE TRANSPORTATION

HB 1352

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1352

House Transportation Committee

☐ Check here for Conference Committee

Hearing Date: 01-25-2007

Recorder Job Number: 1883

Committee Clerk Signature Lisa M Thomas

Minutes:

**Chairman Weisz opened the hearing on HB 1352. All Representatives were present.**

**HB 1352 relates to a ten percent weight permit for certain vehicles.**

**Rep. Brandenburg** introduced the bill.

**Rep. Brandenburg:** Right now the bill states only for corn but amendments are being drafted to work with other crops, but also which are very important to work with ethanol and bio diesel and soybeans and all of these things that are very important to transport our product to from point A to point B.

**Jay Nissen,** North Dakota Corn Growers Association, spoke in support of the bill. See attached.

**Rep. Ruby:** Why was the bill drafted for corn?

**Nissen:** No, we have no problem with all commodities being included and I represent corn that is why we had it like that.

**Rep. Delmore:** How often would you need to have an overweight permit for these vehicles?

**Nissen:** It's for thirty day contract when you purchase it. This is called the "harvest permit" and it is good to transport the good from the first point to storage. We would like to be able to transport at any point under the harvest permit.

**Rep. Delmore:** How often do you use overweight permits?

**Nissen:** During that entire time, though that truck probably sits in the yard fifty percent of the time.

**Rep. Gruchalla:** Right now, harvesting, you can transport your product, right now you can only haul potatoes or sugar beets from the field to the first part of storage. After that, you can't use the harvest permit. You want to change that so you can use it if you take it from the first point of storage and later sell it in the middle of winter or next year to transport that to the sale site or elevator?

**Nissen:** Yes, that is exactly it. This is the harvest permit. During the winter time permit, I think you can transport from any point at any time, but it's restricted under the harvest permit, which runs from July to December 1st.

**Rep. Schmidt:** Can you get to a state highway without traveling on a township?

**Nissen:** That discussion is our next lead to. Speaking to producers, they actually, gladly commit those fifty dollars for thirty days additional to be able to travel the county and township roads. That is our next thought process.

**Sandy Clark,** North Dakota Farm Bureau, spoke in support of the bill.

**Clark:** We would simply like to stand today in support of HB 1352 and the amendments.

**Steve Strege,** North Dakota Grain Dealers Association, spoke in support of the bill.

**Strege:** We would like to go on record in support of this bill and the amendments.

**Richard Schlosser,** North Dakota Farmers Union, spoke in support of the bill.

**Schlosser:** We too would like to stand in support of the bill and also would encourage and support amendments.

**Eric Bartsch,** North Dakota Pulse Growers Association, spoke in support of the bill.

**Bartsch:** We support this bill and would support the amendments.

**There was no opposition to HB 1352.**

**Chairman Weisz called for neutral testimony at this time.**

**Grant Levi,** ND DOT, spoke from a neutral standpoint on the bill. Please see attached.

**Rep. Ruby:** Looking at the fiscal note, the revenue is one hundred fifty thousand, what funds does this go into?

**Levi:** This goes into the highway fund.

**Rep. Ruby:** So that goes into the state's fund, not the distribution funds?

**Levi:** That is correct.

**Chairman Weisz:** Do you know when we added solid waste for the exemption and then when we put in sugar beets and potatoes?

**Levi:** I'll ask LeAnn from the highway patrol.

**LeAnn Emer,** Motor carrier operations of the highway patrol, spoke for clarifications.

**LeAnn:** Ten percent weight exemption permit, I don't recall the exact year that went in, but solid waste was part of that law at that time. As far as potatoes and sugar beets, I recall potatoes in 1999 I think and sugar beets, I can't give you an exact year, but I could certainly find out.

**Chairman Weisz:** It appears in 1987 is when we did the ten percent based on the original.

**Rep. Dosch:** The information you provided is pretty eye-opening. It's my understanding that the fee is fifty dollars for thirty day permit, do you feel that is in correlation to the amount of extra damage that these vehicles do on our highway system?

**Levi:** That is a difficult question for me to answer because that depends on how much that vehicle the transportation system in our area. We have difficulty estimating that damage.

**Rep. Thorpe:** Could you share with us, the DOT is doing a twenty or twenty-five year forward looking study on the transportation system, are they not? I think part of that study, as I recall is

supposed to be on impact of the energy production in the state from coal and oil, has that study been done or is it ongoing?

**Levi:** We are in the process right now of updating our comprehensive transportation plan which is called "transaction" . We are still in the early stages of that.

**Rep. Gruchalla:** When the harvest permit was first adopted, it was to help the farmer in his pace to get his crop in the field to the bin and he might not have time to make sure his load is balanced out coming off of the combine. Now, this bill will allow him to take it from that bin in the middle of winter or the spring when he has time, it is still going to allow him that ten percent from the bin to the elevator. Is this a good bill for the taxpayer? Is this going to cause a lot of excess damage?

**Levi:** That was the portion of our fiscal note that we had difficulty determining. One of the things that we are attempting to do right now is get a better feel for the amount of commodities that are going to move into certain facilities. We have difficulty coming to the committee and saying this is how much damage we have. It is one of the reasons that we are not taking a position.

**Rep. Owens:** I am concerned about the spring load conditions because I am very familiar with ice under the ground and that is where most of the damage comes from. We have learned that speed has very little effect. We actually want these trucks moving fast, if at all. I am not aware of any time where spring load restrictions were put on in November, do you ever recall that?

**Levi:** No, we have not ever. There can be periods of time in the fall of the year depending on weather conditions, where you can have a short period of time where you may have some challenges, but typically here in N.D., our falls are a little drier and our biggest concern is during the spring.

**There were no further questions from the committee. Chairman Weisz closed the hearing on HB 1352. No action was taken at this time.**

# FISCAL NOTE

**Requested by Legislative Council**
02/06/2007

Amendment to: HB 1352

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 2005-2007 Biennium | | 2007-2009 Biennium | | 2009-2011 Biennium | |
|---|---|---|---|---|---|---|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| **Revenues** | | | | $150,000 | | $150,000 |
| **Expenditures** | | | | | | |
| **Appropriations** | | | | | | |

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| 2005-2007 Biennium | | | 2007-2009 Biennium | | | 2009-2011 Biennium | | |
|---|---|---|---|---|---|---|---|---|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| | | | | | | | | |

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill, as amended, provides that jurisdictions may issue permits to exceed weight restrictions by 10 percent during the transportation of plant crops.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The change to plant crops as qualifying items will increase the related permit fee revenues collected by the Highway Patrol. These fees are deposited in the State Highway Fund. The permit fees are $50/ month or $250 for the season. The season runs from July 15- December 1. It is estimated this bill would result in the purchase of 300 additional seasonal permits at $250 each. This would result in approximately $150,000 in additional revenue to the State Highway Fund for the biennium.

Counties and cities also have authority to sell overweight permits, however few jurisdictions are doing so. We have no way of determining the impact of this bill on the county and city revenues.

An increase of 10% in the Gross Vehicle Weight of trucks results in a disproportionate increase in relative pavement damage. This increased damage, depending on the particular roadway, can result in a substantial reduction in pavement service life. The reduction in pavement service life will accelerate the need for maintenance and rehabilitation activities. The existing structure and condition of individual roadways must be considered. At this time we have no way of determining the cost of this additional damage.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*
   A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Governor Hoeven has stated that within the next 18 months the state will be capable of producing 330 million gallons of ethanol/ year. To produce this it would take approximately 115.5 million bushels of corn/year. Some of this will come in by rail, with the remainder being trucked. While we can not be certain at this time how many producers would take advantage of this 4 ½ month window afforded by the permit, our best estimate is that this bill would result in the purchase of 300 additional seasonal permits at $250 each. This would result in approximately $150,000 in additional revenue to the State Highway Fund for the biennium.

   B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The change to plant crops as qualifying items will also increase the long term damage to the highways in the state. The increased loads will decrease the life of the pavement. We have no way to determine the extent or cost of this additional roadway damage.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

| | | | |
|---|---|---|---|
| **Name:** | Brad Darr | **Agency:** | NDDOT |
| **Phone Number:** | 328-4443 | **Date Prepared:** | 02/08/2007 |

# FISCAL NOTE

**Requested by Legislative Council**
01/15/2007

Bill/Resolution No.: HB 1352

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 2005-2007 Biennium | | 2007-2009 Biennium | | 2009-2011 Biennium | |
|---|---|---|---|---|---|---|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| **Revenues** | | | | $150,000 | | $150,000 |
| **Expenditures** | | | | | | |
| **Appropriations** | | | | | | |

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| 2005-2007 Biennium | | | 2007-2009 Biennium | | | 2009-2011 Biennium | | |
|---|---|---|---|---|---|---|---|---|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| | | | | | | | | |

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill adds corn as an item for which jurisdictions may issue permits to exceed weight restrictions by 10 percent.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The addition of corn as a qualifying item will increase the related permit fee revenues collected by the Highway Patrol. These fees are deposited in the State Highway Fund. The permit fees are $50/ month or $250 for the season. The season runs from July 15- December 1. It is estimated this bill would result in the purchase of 300 additional seasonal permits at $250 each. This would result in approximately $150,000 in additional revenue to the State Highway Fund for the biennium.

Counties and cities also have authority to sell overweight permits, however few jurisdictions are doing so. We have no way of determining the impact of this bill on the county and city revenues.

An increase of 10% in the Gross Vehicle Weight of trucks results in a disproportionate increase in relative pavement damage. This increased damage, depending on the particular roadway, can result in a substantial reduction in pavement service life. The reduction in pavement service life will accelerate the need for maintenance and rehabilitation activities. The existing structure and condition of individual roadways must be considered. At this time we have no way of determining the cost of this additional damage.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*
   A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Governor Hoeven has stated that within the next 18 months the state will be capable of producing 330 million gallons of ethanol/ year. To produce this it would take approximately 115.5 million bushels of corn/year. Some of this will come in by rail, with the remainder being trucked. While we can not be certain at this time how many producers would take advantage of this 4 ½ month window afforded by the permit, our best estimate is that this bill would result in the purchase of 300 additional seasonal permits at $250 each. This would result in approximately $150,000 in additional revenue to the State Highway Fund for the biennium.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The addition of corn as a qualifying item will also increase the long term damage to the highways in the state. The increased loads will decrease the life of the pavement. We have no way to determine the extent or cost of this additional roadway damage.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

| | | | |
|---|---|---|---|
| **Name:** | Brad Darr | **Agency:** | NDDOT |
| **Phone Number:** | 328-4443 | **Date Prepared:** | 01/17/2007 |

Prepared by the Legislative Council staff for
Representative Brandenburg
January 31, 2007

**House Amendments to HB 1352 (70642.0101) - Transportation Committee 02/01/2007**

Page 1, line 7, remove "corn,", overstrike "potatoes", remove the second underscored comma, and overstrike "or"

Page 1, line 8, overstrike "sugar beets" and insert immediately thereafter "plant crops"

Renumber accordingly

Date: 2-1-07
Roll Call Vote #: 1

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**
**BILL/RESOLUTION NO.** #1352

House **Transportation** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number Voice Vote

Action Taken Adopt Amendments

Motion Made By Vigesaa Seconded By Thorpe

| Representatives | Yes | No | Representatives | Yes | No |
|---|---|---|---|---|---|
| Chairman Weisz | | | Rep. Delmore | | |
| Vice Chairman Ruby | | | Rep. Gruchalla | | |
| Rep. Dosch | | | Rep. Myxter | | |
| Rep. Kelsch | | | Rep. Schmidt | | |
| Rep. Owens | | | Rep. Thorpe | | |
| Rep. Price | | | | | |
| Rep. Sukut | | | | | |
| Rep. Vigesaa | | | | | |
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Total Yes _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2-1-07
Roll Call Vote #: 2

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**
**BILL/RESOLUTION NO.** 1352

House **Transportation** Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Not Pass As Amended

Motion Made By Kelsh Seconded By Gruchalla

| Representatives | Yes | No | Representatives | Yes | No |
|---|---|---|---|---|---|
| Chairman Weisz | | ✓ | Rep. Delmore | ✓ | |
| Vice Chairman Ruby | | ✓ | Rep. Gruchalla | ✓ | |
| Rep. Dosch | ✓ | | Rep. Myxter | | ✓ |
| Rep. Kelsch | ✓ | | Rep. Schmidt | | ✓ |
| Rep. Owens | ✓ | | Rep. Thorpe | ✓ | |
| Rep. Price | ✓ | | | | |
| Rep. Sukut | ✓ | | | | |
| Rep. Vigesaa | | ✓ | | | |
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Total Yes 8 No 5

Absent

Floor Assignment Sukut

If the vote is on an amendment, briefly indicate intent:

## REPORT OF STANDING COMMITTEE

**HB 1352: Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1352 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "corn,", overstrike "potatoes", remove the second underscored comma, and overstrike "or"

Page 1, line 8, overstrike "sugar beets" and insert immediately thereafter "plant crops"

Renumber accordingly

2007 TESTIMONY

HB 1352

South Dakota Local Transportation Assistance Program (SD LTAP)

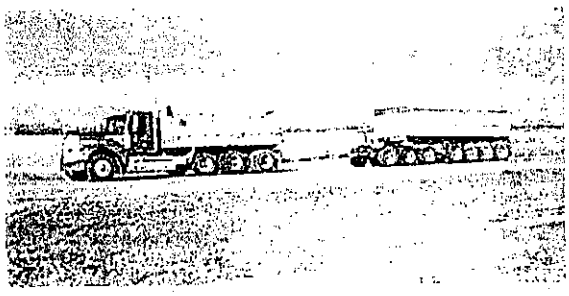
# The Connection

*Between Transportation Technology and Local Government*

Volume 15, Number 4 Winter 2002

# Truck Weights and Highways

Illegally overweight vehicles damage South Dakota roads, shorten road life, and increase costs to both the trucking industry and taxpayers. During the past several years, the South Dakota Legislature has enacted laws to protect state and local highways from damage caused by illegally overweight vehicles:



- In 1996, the Legislature limited the maximum weight allowed on axles (other than steering axles) to 500 pounds times the total width, in inches, of all tires mounted on the axle. This action ensured that the weight carried on axles fitted with single tires (as opposed to conventional dual tires) would not exceed pavements' load capacity.
- When the Legislature raised the state fuel tax in 1999, it also increased civil penalties for overweight trucks to safeguard the public's investment. The graduated penalty schedule discourages intentional violations that most severely damaged roads and bridges, but imposes more modest fines for lesser, unintentional overweights.

| Pounds Overweight | Civil Penalty per Pound |
|---|---|
| 1,000-3,000 | $0.05 |
| 3,001-4,000 | $0.15 |
| 4,001-5,000 | $0.225 |
| 5,001-10,000 | $0.375 |
| >10,000 | $0.75 |

- To protect the public investment in local roads and bridges, the Legislature enacted a law requiring the Department of Transportation to monitor how diligently counties prosecute overweight violations and, if necessary, to withhold funding from counties that fail to act responsibly.

The South Dakota Department of Transportation supports all of these legislative actions, which have improved awareness and compliance with truck weight regulations. Fewer vehicles are operating seriously overweight, preventing needless damage to roads and bridges and saving taxpayers millions of dollars.

It is important for those responsible for funding, building, and maintaining highways to understand the reasons behind truck weight regulations and to be able to explain them when shippers, haulers, business contacts, and personal acquaintances inquire about them.

**South Dakota Supports Trucking**

South Dakota values the trucking industry and its contribution to the economy and well being of the state. Nearly everything we own, eat, use, grow, or manufacture is carried by truck on at least part of its journey.

Because of the importance of trucking, the South Dakota Legislature and other branches of state government have historically adopted rules and procedures that help the industry to operate competitively:

- To ease regulatory burdens, the Department of Revenue has joined the International Fuel Tax Agreement and the International Registration Plan. Both enable motor carriers to register in just South Dakota but operate in all states and provinces. Efforts are underway to provide online IRP and IFTA services to the trucking industry.
- Unlike most states, South Dakota does not impose absolute gross weight limits on trucks. Instead, it allows essentially unlimited gross weight, provided the load is supported by enough tires and axles to prevent road and bridge damage.
- South Dakota grants tolerances for hauling agricultural loads. Loads from field to farm are allowed to weigh 10% more than the normal weight limit, while loads from farm to market are allowed 5% more than normal.
- To help truckers comply with weight regulations, the Highway Patrol will, without charge, weigh vehicles and instruct haulers on proper loading.

*Continued on the next page*

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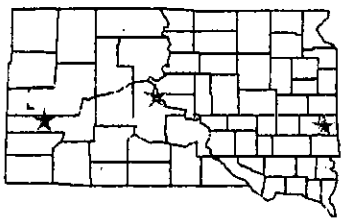


**The Connection**

is published by the South Dakota Local Transportation Assistance Program (SD LTAP)
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- Together with the Department of Revenue and the Highway Patrol, the Department of Transportation has developed an automated permitting system that allows truckers to obtain permits online and quickly identifies safe routes for movement of oversize and overweight vehicles.
- To reduce delays and improve traffic safety, the Department of Transportation will replace the port of entry at North Sioux City with a new facility near Jefferson in 2003. Through use of in-motion weighing and vehicle transponders, the new port will allow truckers with good safety records and legal weights to bypass the port, saving valuable hours of operating time.

### The Need to Be Legal

Why are truck weight regulations so important? It's really a matter of dollars and cents, because roads and bridges have to be designed, built, and maintained to carry heavy axle loads. The heavier the axle loads, the more expensive roads and bridges become.

| Axle Weight (pounds) | Pavement Life Consumed* |
|---|---|
| 2,000 | 0.001 |
| 10,000 | 0.06 |
| 18,000 | 0.66 |
| 20,000 | 1.00 |
| 22,000 | 1.46 |
| 24,000 | 2.07 |

*All loads compared to a legal 20,000-pound load

Every axle passing over a highway consumes a portion of the pavement's life. With each application of load, the pavement experiences compression and bending that eventually lead to rutting and cracking. Extensive road tests over the past fifty years have shown that the amount of pavement life consumed by heavy axles greatly exceeds the amount of life consumed by light axles.

Two important concepts are evident from this table:

| Cost per Mile to Construct | |
|---|---|
| Interstate 4-lane highway (concrete) | $1,900,000 |
| State 2-lane highway (concrete) | $941,000 |
| State 2-lane highway (asphalt) | $775,000 |
| Secondary 2-lane highway (asphalt) | $476,000 |
| Thin asphalt overlay (24' wide) | $112,000 |

- First, heavy axles consume much more pavement life than light axles. Even a legal 20,000-pound truck axle consumes a thousand times as much pavement life as a 2,000-pound automobile axle.
- Second, the amount of life consumed rises much faster than the axle weight. For a seemingly modest 10% increase in weight (from a legal 20,000-pound axle to an overweight 22,000-pound axle), the amount of consumed life soars by nearly 50%. A 20% overweight consumes more than twice as much pavement life as the legal load.

### Damage to Bridges

Damage from illegally overweight loads is not confined to pavements. Bridges prematurely age, just as pavements do, when subjected to illegal loads. If the loads are great enough, they can actually destroy a structure.

An example from Tripp County is pictured, but it is not the only case. In the past two years alone, six county bridges had to be completely replaced because of damage from illegally overweight trucks:

- Two bridges in Moody County had to be replaced at a total cost of $692,000.

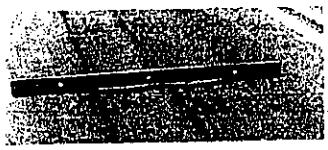
- Two Brookings County bridges were rebuilt at a total cost of $295,000.
- One Faulk County bridge had to be replaced at a cost of $125,000.
- The bridge in Tripp County was replaced with culverts at a cost of $18,000.

These illegally overweight loads not only cost counties more than $1.1 million, but also deprived other road users of convenient access to their homes and farms. In each case, the board of commissioners had to declare an emergency and close a road until a new structure could be built.

As costly as these cases were, they represent only a portion of the bridge damage attributable to illegally overweight loads. Many other structures have certainly been damaged, but in ways that are not yet apparent.

### The Link to Highway Safety

Truck weight enforcement is not only a matter of economics, but also a matter of public safety. Illegal loads not only make roads rougher, but also create deep ruts that can fill with rainwater or ice, making driving more dangerous for everyone.



### Frequently Asked Questions

People occasionally ask whether weight restrictions could be relaxed without increasing road damage. Common questions are:

- *Can trucks reduce speed rather than reduce load?* This question often arises in the spring, when load restrictions are needed to protect pavements weakened by the spring thaw. Unfortunately, even though some local agencies still try to avoid load limits by reducing speed limits, this practice does not work. In fact, road damage increases significantly when heavy vehicles are driven more slowly.
- *If a truck's gross weight is legal, why do axle weights matter?* This question is sometimes raised by persons cited for overweight axle or axle group violations, even though the total (gross) weight of their vehicle did not exceed the legal limit. However, pavement damage from two axles—one light and one heavy—actually exceeds the damage from properly loaded axles. The extra damage created by the overloaded axle exceeds the reduced damage created by the lighter one.
- *If agricultural vehicles with low-inflation tires can safely carry heavy loads in fields, why can't they operate loaded on highways?* Even though vehicles like chemical applicators and grain carts can transport very heavy loads in fields, they seriously damage gravel and paved roadways when loaded beyond legal limits. The surface is damaged because the vehicles' lugged tires concentrate the load into small contact areas. The underlying layers fail because they cannot withstand the total load imposed upon them. These loads also pose a serious problem for bridges, especially on county and township roads.

### The Need for Responsible Hauling

State and local governments' responsibility to provide mobility and safety cannot be accomplished if illegally loaded vehicles prematurely consume the life of roads and bridges. Providing a system that is economical, comfortable, and safe depends not only on the government's investment of time, effort, and money, but also on the responsible behavior of highway users.

The vast majority of South Dakota haulers operate legally. Of the nearly 600,000 vehicles weighed each year, only about 3,000—one half of one percent—are cited for overweight violations. Of those cited, only 600 are severely enough overweight to be assessed civil penalties exceeding $100.

While a small number of haulers knowingly operate illegally, their disregard for weight limits creates costly damage that other, responsible taxpayers must pay for. Controlling the irresponsible behavior of these intentional violators is impossible without effective enforcement and prosecution.

Recent efforts to control illegally overweight vehicles have clearly begun to reduce the rate of grossly overweight loads. In 2000, 8.6% of overweight vehicle citations were for loads more than 10,000 pounds over the legal limit. The rate decreased to 6.0% in 2001, and 5.9% in 2002. Overall, the incidence of grossly overweight loads has dropped by nearly a third since more stringent penalties and enforcement were enacted.

Relaxing weight regulations and enforcement would erase the progress that has been made to protect the public investment in state and local roads. In the words of Ted Eggebraaten, Brookings County Highway Superintendent, "If we lose the control we have with the new overweight laws in place, it will only add to our problems with roads and bridges. Brookings County would not be able to keep up our road system maintenance if the control is taken away." The Department of Transportation also considers sound weight enforcement essential to its mission to "provide a transportation system to satisfy the diverse mobility needs" of travelers, shippers, and haulers in South Dakota. Especially in a time of limited funding, protecting the existing highways from unnecessary damage is clearly the wisest course of action.

Jay Nissen



# 10% Harvest Permit

**Farm Product & Solid Waste 10 Percent Weight Exemption Permit:** Valid between July 15 - November 30. This permit allows a vehicle 10% more weight when hauling a harvested product from the field to the first point of storage, and for the transport of solid waste. Gross vehicle weight (GVW) not to exceed 105,500 pounds. The fee is $50 per 30-day period.

A carrier purchasing a weight exemption permit is allowed 10% more weight on a vehicle when hauling a harvested farm product from the field to the 1st point of storage. Solid waste, sugar beets, and potatoes may be hauled from any location to a point of storage with 10% more weight. The weight exemption permit is valid for 10% over legal axle weights an/or 10% over legal exterior bridge distance (measurement between extreme axle centers), whichever is more restrictive. The vehicle must be registered for its maximum legal gross vehicle weight. The 10% weight exemption permit cannot be used in conjunction with an equipment approval certificate.

Travel is not allowed on the interstate system, county, township, or city streets. When traveling on state highways posted for 80,000 pounds GVW, the GVW cannot exceed 88,000 pounds. On all other state highways the GVW CANNOT exceed 105,500 pounds GVW. Travel is not allowed over the following bridge structures:

. ND 31, MP 31.012.802, 12 miles N. of SD Line over Cannonball River
. ND 32, MP 32-006.121, 5 miles south of Forman over Wild Rice River

The 10% weight exemption window decal must be displayed in the lower left corner of the windshield or the permit is invalid. The permit must also be carried in the vehicle to be valid.

AXLE/GROSS WEIGHT LIMITATIONS

1. Tire weight may not exceed 605 pounds per inch width of tire. (550 lbs. plus 10 %)
Example:
1) 8:25-inch tire on a steering axle = 9,075 plus 10% = 9,983 lbs.
2) 9:00-inch tire on a steering axle = 9,900 plus 10% = 10,890 lbs.
3) 10:00-inch tire on a steering axle = 11,000 plus 10% = 12,100 lbs.
4) 11:00-inch tires on a steering axle=12,100 plus 10% = 13,310 lbs.

2. Single axle weight (4 tires) may not exceed 22,000 pounds. (20,000 lbs. plus 10%)
Example:
1) 8:25-inch tires = 18,150 lbs. plus 10% = 19,965 lbs.
2) 9:00-inch tires = 19,800 lbs. plus 10% = 21,780 lbs.
3) 10:00-inch tires = 20,000 lbs. plus 10% = 22,000 lbs.

3. Tandem axle weight (8 tires) may not exceed 37,400 pounds. (34,000 lbs. plus 10%)
Example:
7:50-inch tire = 33,000 lbs. plus 10% = 36,300 lbs.

[redacted] H DAKOTA HIGHWAY PATROL
SFN 3507 (05/98)

[redacted] trict: 90 - Headquarters
[redacted] mp Lic No:

Receipt No: 200602[redacted]
Date/Time: 08/07/20[redacted]23

| Fee Type(s) | Qnty | Amount |
|---|---|---|
| Faxing Fee | 1 | $5.00 |
| 10% Weight Exemption - Harvest | 2 | $100.00 |
| | | |
| | | |
| | | |
| | | |
| | | |

| Payment Method(s) | Amount |
|---|---|
| Credit Card | $105.00 |
| Total | $105.00 |
| | |
| | |

Escort Hours Miles | County

Begin Time | End Time

Vehicle Year/Make: 1993 INTERNATIONAL
License: FDX914 | St: ND | VIN: PH490741 | RGW (lbs): 86,000
Owner of Load
Insured By
Movement From
Via Highways

Trailer Year/Make
License | St | VIN
Description of load
Coverage
Movement To
Bridge Length: 61 Feet 6 Inches | No. of Axles: 5 | Gross Vehicle Weight (lbs): 94,600
Height | Width | Length | Front Overhang | Rear Overhang

| Axles | No of Tires | Tire Size | Weight |
|---|---|---|---|
| 1 | 2 | 11 | 13310 |
| 2-3 | 8 | 11 | 37400 |
| 4 | 4 | 11 | 22000 |
| 5 | 4 | 11 | 22000 |

Requirements As Indicated

01) No travel if visibility is poor or highway is slippery.
02) Allow all traffic to pass.
03) No travel on shoulders of road.
04) No travel on Interstate, County, or other local roads.
05) All vertical clearances are the responsibility of the permittee.
06) Valid for 10% over legal weights.
07) GVW to be determined by bridge distance, # of axles & tire sizes.
08) Harvested farm products must be hauled from field to point of storage.
09) Sugar beets, potatoes, solid waste, may be hauled from any location.
10) Vehicle must be registered for its maximum legal GVW.
11) GVW not to exceed 88,000lbs on posted state highways.

Dates of Movement

Other Requirements Or Remarks
JAY- TEMP 10% OVER VALID FROM 8-07-06 THRU 10-07-06 CC REF#-2023

**38-06-04-01. NDAC. Liability of permit applicant:** 1) The applicant or permittee, as a condition for obtaining an oversize or overweight, or both, permit, shall assume all responsibility for accidents, damage, or injury to any persons or damage to public or private property caused by the movement of any oversize or overweight, or both, vehicle or load covered by the permit while upon public highways of the state. 2) The applicant or permittee agrees to indemnify and hold harmless the North Dakota Department of Transportation, the North Dakota Highway Patrol, their officers, and employees from any and all claims resulting directly or indirectly from the movement of an oversize or overweight, or both, vehicle or load on any public highway of the State of North Dakota.

PERMISSION FOR THIS MOVEMENT IS HEREBY GRANTED subject to compliance with provisions of the laws of the State of North Dakota and under the terms, conditions and restrictions contained herein and on the reverse side of this permit, and subject to revocation upon non-compliance.

Permit Issuing Official | Signature of Applicant | Validation No (when necessary)

HOUSE TRANSPORTATION COMMITTEE
January 25, 2007

North Dakota Department of Transportation
Grant Levi, P.E., Deputy Director for Engineering

HB 1352 Neutral testimony

Good morning, Mr. Chairman and members of the committee. I'm Grant Levi, Deputy Director for Engineering for the Department of Transportation. Thank you for giving me the opportunity to present information to you today.

We understand and support the need to move commodities and promote the economic viability of the state. We currently have a number of ongoing initiatives to accomplish that goal. As we work towards accomplishing that goal, we believe it is essential to ensure the state's large investment in the transportation system is protected.

Section 39-12-05.3 subsection 4, by permit (harvest permit) allows the agriculture industry to exceed the axle weight limitations outlined in state statute by 10 percent from July 15 to December 1 from the field of harvest to the point of initial storage. In addition to the harvest permit a winter time permit can be obtained that allows axle weight limitations to be exceeded by 10 percent from December 1 to March 7, or until load restrictions are instituted. With these permits, agriculture products can be moved and are allowed to exceed weight limitations with some restrictions.

We do feel it is important to share with you what the impacts of HB 1352, if passed, would be on the state's transportation system. By allowing increased weights for another agriculture product, we are exposing the state's pavements to additional damage. Increased axle weight is the primary cause of pavement damage.

Every axle passing over a highway consumes a portion of the pavement's life. With each pass of a load, the pavement experiences forces that eventually lead to the deterioration of the pavement. Extensive testing over the last fifty years has shown that the amount of pavement life consumed by heavy axles greatly exceeds the amount of life consumed by lighter axles. In fact, the relationship is exponential, meaning that just a small increase in axle load leads to an ever increasing damage rate to the pavement. For example, as illustrated in the attached South Dakota Local Transportation Assistance Program report:

- a legal 20,000 pound axle load consumes a thousand times more pavement life than a 2,000 pound automobile axle
- a 22,000 pound axle load consumes 46 percent more pavement life than a 20,000 pound axle load

We believe it is important for the committee to have this information as it makes its policy decisions.

This concludes my testimony. I'll be happy to answer any questions.