

Sixty-first  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO.

Introduced by

Representative Glassheim

1 A BILL for an Act to create and enact a new section to chapter 24-01 of the North Dakota  
2 Century Code, relating to metropolitan planning organizations; and to amend and reenact  
3 section 24-01-04 of the North Dakota Century Code, relating to master street plans developed  
4 by municipalities.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 24-01-04 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **24-01-04. Municipalities to develop master street plan.** Each municipality of over  
9 five thousand population in this state, according to the latest available census, shall develop  
10 and adopt a master street plan cooperatively between the director and the municipal officials,  
11 which must ensure the proper location and integration of the state highway connections in the  
12 total city street plan. In selecting and designating the master street plan, the cooperating  
13 officials shall take into account the more important principal streets that connect the residential  
14 areas with business areas, and the streets that carry the important rural traffic into and across  
15 the city, to ensure a system of streets upon which traffic can be controlled and protected, in  
16 such a manner as to provide safe and efficient movement of traffic within a municipality.

17 **SECTION 2.** A new section to chapter 24-01 of the North Dakota Century Code is  
18 created and enacted as follows:

19 **Metropolitan planning organizations.**

20 1. Purpose. It is the intent of the legislature to encourage and promote the safe and  
21 efficient management, operation, and development of surface transportation  
22 systems that will serve the mobility needs of people and freight and foster economic  
23 growth and development within and through urbanized areas of this state while  
24 minimizing transportation-related fuel consumption, air pollution, and greenhouse

1           gas emissions through metropolitan transportation planning processes identified in  
2           this section. To accomplish these objectives, metropolitan planning organizations,  
3           referred to in this section as MPOs, shall develop, in cooperation with the state and  
4           public transit operators, transportation plans and programs for metropolitan areas.  
5           The plans and programs for each metropolitan area must provide for the  
6           development and integrated management and operation of transportation systems  
7           and facilities, including pedestrian walkways and bicycle transportation facilities  
8           that will function as an intermodal transportation system for the metropolitan area.  
9           The process for developing such plans and programs shall provide for  
10          consideration of all modes of transportation and shall be continuing, cooperative,  
11          and comprehensive, to the degree appropriate, based on the complexity of the  
12          transportation problems to be addressed. To ensure that the process is integrated  
13          with the statewide planning process, MPOs shall develop plans and programs that  
14          identify transportation facilities that should function as an integrated metropolitan  
15          transportation system, giving emphasis to facilities that serve important national,  
16          state, and regional transportation functions.

17          2. Designation.

- 18          a. An MPO shall be designated for each urbanized area of the state.  
19          b. Each MPO designated in a manner prescribed by Title 23 of the United States  
20             Code shall be created and operated under the provisions of this section and  
21             shall have such powers and privileges that are provided under number six. If  
22             there is a conflict between this section and XX, this section prevails.  
23          c. The jurisdictional boundaries of an MPO shall be determined by agreement  
24             between the governor and the applicable MPO. The boundaries must include  
25             at least the metropolitan planning area, which is the existing urbanized area  
26             and the contiguous area expected to become urbanized within a twenty-year  
27             forecast period, and may encompass the entire metropolitan statistical area or  
28             the consolidated metropolitan statistical area.  
29          d. The governing body of the MPO shall designate, at a minimum, a chair, vice  
30             chair, and agency clerk. The chair and vice chair shall be selected from  
31             among the member delegates comprising the governing board. The agency

1 clerk shall be charged with the responsibility of preparing meeting minutes  
2 and maintaining agency records. The clerk shall be a member of the MPO  
3 governing board, an employee of the MPO, or other natural person.

4 3. Authority and responsibility. The authority and responsibility of an MPO is to  
5 manage a continuing, cooperative, and comprehensive transportation planning  
6 process that, based upon the prevailing principles provided in XXX, results in the  
7 development of plans and programs which are consistent, to the maximum extent  
8 feasible, with the approved local government comprehensive plans of the units of  
9 local government the boundaries of which are within the metropolitan area of the  
10 MPO. An MPO shall be the forum for cooperative decisionmaking by officials of  
11 the affected governmental entities in the development of the plans and programs.

12 4. Powers, duties, and responsibilities. The powers, privileges, and authority of an  
13 MPO are those specified in this section. Each MPO shall perform all acts required  
14 by federal or state laws or rules, now and subsequently applicable, which are  
15 necessary to qualify for federal aid. It is the intent of this section that each MPO  
16 shall be involved in the planning and programming of transportation facilities,  
17 including, but not limited to, airports, intercity and high-speed rail lines, seaports,  
18 and intermodal facilities, to the extent permitted by state or federal law.

19 a. Each MPO shall, in cooperation with the department, develop:

- 20 (1) A long-range transportation plan;  
21 (2) An annually updated transportation improvement program; and  
22 (3) An annual unified planning work program.

23 b. In developing the long-range transportation plan and the transportation  
24 improvement program required under paragraph (a), each MPO shall provide for  
25 consideration of projects and strategies that will:

- 26 (1) Support the economic vitality of the metropolitan area, especially by  
27 enabling global competitiveness, productivity, and efficiency;  
28 (2) Increase the safety and security of the transportation system for  
29 motorized and nonmotorized users;  
30 (3) Increase the accessibility and mobility options available to people and  
31 for freight;

1                   (4) Protect and enhance the environment, promote energy conservation, and  
2                   improve quality of life;

3                   (5) Enhance the integration and connectivity of the transportation system,  
4                   across and between modes, for people and freight;

5                   (6) Promote efficient system management and operation; and

6                   (7) Emphasize the preservation of the existing transportation system.

7           c.   In order to provide recommendations to the department and local  
8                   governmental entities regarding transportation plans and programs, each  
9                   MPO shall:

10                   (1) Prepare a congestion management system for the metropolitan area  
11                   and cooperate with the department in the development of all other  
12                   transportation management systems required by state or federal law;

13                   (2) Assist the department in mapping transportation planning boundaries  
14                   required by state or federal law;

15                   (3) Assist the department in performing its duties relating to access  
16                   management, functional classification of roads, and data collection;

17                   (4) Executive all agreements or certifications necessary to comply with  
18                   applicable state or federal law;

19                   (5) Represent all the jurisdictional areas within the metropolitan area in the  
20                   formulation of transportation plans and programs required by this  
21                   section; and

22                   (6) Perform all other duties required by state or federal law.

23           d.   The department shall allocate to each MPO, for the purpose of accomplishing  
24                   its transportation planning and programming duties, an appropriate amount of  
25                   federal transportation planning funds.

26           e.   Each MPO shall have an executive or staff director who reports directly to the  
27                   MPO governing board for all matters regarding the administration and  
28                   operation of the MPO and any additional personnel as deemed necessary.  
29                   The executive director and any additional personnel may be employed either  
30                   by an MPO or by another governmental entity, such as a county, city, or  
31                   regional planning council, that has a staff services agreement signed and in

1                   effect with the MPO. Each MPO may enter into contracts with local or state  
2                   agencies, private planning firms, private engineering firms, or the public or  
3                   private entities to accomplish its transportation planning and programming  
4                   duties and administrative functions.

5           f.   In order to enhance their knowledge, effectiveness, and participation in the  
6               urbanized area transportation planning process, each MPO shall provide  
7               training opportunities and training funds specifically for local elected officials  
8               and others who serve on an MPO. The training opportunities may be  
9               conducted by an individual MPO or through statewide and federal training  
10              programs and initiatives that are specifically designed to meet the needs of  
11              MPO board members.

12       5.   Application of federal law. Upon notification by an agency of the federal  
13            government that any provision of this section conflicts with federal laws or  
14            regulations, such federal laws or regulations will take precedence to the extent of  
15            the conflict until such conflict is resolved. The department or an MPO may take  
16            any necessary action to comply with such federal laws and regulations or to  
17            continue to remain eligible to receive federal funds.