

June 2009

TITLE 24

Highways, Bridges, and Ferries

Summary of Bills Enacted by 2009 Legislative Assembly

This memorandum summarizes 2009 legislation primarily affecting North Dakota Century Code Title 24. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

Senate Bill No. 2012 designates United States Highway 85 from the South Dakota border to the junction of United States Highway 2 and United States Highway 2 from the Montana border to the junction of United States Highway 85 as the Theodore Roosevelt Expressway. In addition, the bill increases the amount of money that may be withdrawn by the Department of Transportation from the Department of Transportation fund from the sales of road materials to an amount not to exceed the amount of sales or \$1 million a year, instead of as previously allowed of up to \$200,000 a year, and allows the Department of Transportation to borrow money from the Bank of North Dakota to advance, in addition to as previously allowed, to match federal emergency relief funds.

House Bill No. 1436 changes the name of the Legislative Council to Legislative Management for purposes of appointing a member of the House standing Transportation Committee and Senate standing Transportation Committee to the cooperating committee of the Multistate Highway Transportation Agreement.

Senate Bill No. 2443 requires that costs associated with changing, removing, relocating, or installing utility property as a result of projects funded through federal stimulus money must be paid to the affected utility by the state or political subdivision from federal stimulus money, if allowed by federal law, as part of the cost of the project.

House Bill No. 1514 extends for two years the time money in the special road fund that is not obligated in a fiscal biennium may be held before the funds revert to the state highway fund.

House Bill No. 1353 creates a procedure for and cost recovery for facility relocation as a part of a state highway or political subdivision road project.

Senate Bill No. 2147 allows the director of the Department of Transportation to use the design-build method of project delivery to expedite the construction of a project by combining the design of construction elements of a highway or bridge project into a single contract. In addition, this method is limited to one signal light project and one box culvert structure project after a determination in writing by the director that it is appropriate and in the best interest of the public. This bill is effective through December 31, 2013.

Senate Bill No. 2054 allows cooperation with tribal governments for the construction and maintenance on highways in the state highway system. In addition, any agreement must be limited to those necessary to meet federal highway program spending requirements and are not limited, as previously required, to a \$25,000 maximum.

Senate Bill No. 2086 removes the limits on expenditures from highway operating funds and the per student limitation for continuing grants for financial aid for study in undergraduate coursework in return for working for the Department of Transportation upon graduation; however, the per student grant is limited to the tuition of the institution for which the student is enrolled.

House Bill No. 1340 exempts a municipality located within a designated metropolitan planning organization from developing and adopting a master street plan. In addition, the bill requires a metropolitan planning organization to develop transportation plans and programs for metropolitan areas which encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas of this state while minimizing transportation-related fuel consumption, air pollution, and greenhouse gas emissions.

House Bill No. 1495 prohibits a person from placing a tree or portion of a tree within the vertical plane of a section line or highway right of way. In addition, a tree or portion of a tree within the vertical plane of a section line or highway right of way must be removed by the owner upon notice or the tree or portion of the tree will be removed by the county or township and the cost entered the same as taxes against the adjacent property.