

Testimony Prepared for the
Senate Energy and Natural Resources Committee

January 26, 2023

By: Jason Benson, Cass County Engineer



RE: Oppose SB 2251 - Landowner Permission for Survey

Chairman Patton and Senate Energy and Natural Resources Committee members, thank you for the opportunity to provide testimony on SB 2251. I am Jason Benson, the Cass County Engineer, and I also serve on the legislative committee for the ND Association of County Engineers. I am here to oppose the bill as proposed.

County Highway Departments across North Dakota routinely acquire strips of land adjacent to roads and bridges. It is not uncommon for a six-mile reconstruction project to require an additional 15 or 20 feet of right of way or easement to improve the road to today's highway standards. A project like this may require working with 30 to 50 landowners along the corridor.

Reaching out to this many landowners to get written permission for a surveyor to walk 15 feet into a field with a survey rod will place an undue burden and cost to Counties. A more concerning issue is the amount of time necessary to identify, call, email, and send letters to landowners to get their written permission. In the case of the many family trusts owning land, this process could add months to a project to track down the members of the trust to get approval.

Project planning and survey work for a road or bridge project often starts six to 18 months before final plans are developed and the project being ready to bid. This new burden would add another six to 12 months to this survey work and planning process to account for getting permission. Finally, without an incentive to grant the County permission to survey, many landowners may hold out and not grant permission. You may think that landowners will be incentivized because they will have a better road or bridge to drive on. However, out of state or distant landowner have no incentive to allow the County to survey or improve the road since they rarely travel on the road being improved. This would further delay the project and cost Counties even more money.

Chairman Patton and committee members, I want to reiterate that NDACE opposes the bill as written. Approving these changes will add significant time and cost to the survey and design processes for County road and bridge improvement projects. I think North Dakota taxpayers would rather see their hard-earned tax dollars spent on asphalt or concrete and not on more administrative burdens.