

HOUSE BILL NO. 1340

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

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

21 **Metropolitan planning organizations.**

22 1. Metropolitan planning organizations shall develop, in cooperation with the state
23 and public transit operators, transportation plans and programs for metropolitan
24 areas which encourage and promote the safe and efficient management,

1 operation, and development of surface transportation systems that will serve the
2 mobility needs of people and freight and foster economic growth and development
3 within and through urbanized areas of this state while minimizing
4 transportation-related fuel consumption, air pollution, and greenhouse gas
5 emissions. The plans and programs for each metropolitan area must provide for
6 the development and integrated management and operation of transportation
7 systems and facilities, including pedestrian walkways and bicycle transportation
8 facilities that will function as an intermodal transportation system for the
9 metropolitan area. The process for developing such plans and programs must
10 provide for consideration of all modes of transportation and must be continuing,
11 cooperative, and comprehensive, to the degree appropriate, based on the
12 complexity of the transportation problems to be addressed. To ensure that the
13 process is integrated with the statewide planning process, metropolitan planning
14 organizations shall develop plans and programs that identify transportation facilities
15 that should function as an integrated metropolitan transportation system, giving
16 emphasis to facilities that serve important national, state, and regional
17 transportation functions.

- 18 2. a. A metropolitan planning organization must be designated for each urbanized
19 area of the state.
- 20 b. Each metropolitan planning organization designated in a manner prescribed
21 by title 23 of the United States Code must be created and operated under this
22 section.
- 23 c. The jurisdictional boundaries of a metropolitan planning organization must be
24 determined by agreement between the governor and the applicable
25 metropolitan planning organization. The boundaries must include at least the
26 metropolitan planning area, which is the existing urbanized area and the
27 contiguous area expected to become urbanized within a twenty-year forecast
28 period, and may encompass the entire metropolitan statistical area or the
29 consolidated metropolitan statistical area.
- 30 d. The governing body of the metropolitan planning organization shall designate,
31 at a minimum, a chairman, vice chairman, and secretary. The chairman and

1 vice chairman must be selected from among the member delegates
2 comprising the governing board. The secretary shall prepare meeting
3 minutes and maintain agency records. The secretary may be a member of
4 the metropolitan planning organization governing board, an employee of the
5 metropolitan planning organization, or other individual.

6 3. The metropolitan planning organization shall manage a continuing, cooperative,
7 and comprehensive transportation planning process that results in the
8 development of plans and programs that are consistent, to the maximum extent
9 feasible, with the approved local government comprehensive plans of the units of
10 local government the boundaries of which are within the metropolitan area of the
11 metropolitan planning organization. A metropolitan planning organization must be
12 the forum for cooperative decisionmaking by officials of the affected governmental
13 entities in the development of the plans and programs.

14 4. The powers, privileges, and authority of a metropolitan planning organization are
15 those specified in this section. Each metropolitan planning organization shall
16 perform all acts required by federal or state laws or rules which are necessary to
17 qualify for federal aid. Each metropolitan planning organization shall be involved in
18 the planning and programming of transportation facilities, including airports,
19 intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent
20 permitted by state or federal law.

21 a. Each metropolitan planning organization, in cooperation with the department
22 of transportation, shall develop:

- 23 (1) A long-range transportation plan;
24 (2) An annually updated transportation improvement program; and
25 (3) An annual unified planning work program.

26 b. In developing the long-range transportation plan and the transportation
27 improvement program required under subdivision a of subsection 4, each
28 metropolitan planning organization shall provide for consideration of projects
29 and strategies that will:

- 30 (1) Support the economic vitality of the metropolitan area, especially by
31 enabling global competitiveness, productivity, and efficiency;

- 1 (2) Increase the safety and security of the transportation system for
- 2 motorized and nonmotorized users;
- 3 (3) Increase the accessibility and mobility options available to people and
- 4 for freight;
- 5 (4) Protect and enhance the environment, promote energy conservation,
- 6 and improve quality of life;
- 7 (5) Enhance the integration and connectivity of the transportation system,
- 8 across and between modes, for people and freight;
- 9 (6) Promote efficient system management and operation; and
- 10 (7) Emphasize the preservation of the existing transportation system.
- 11 c. To provide recommendations to the department of transportation and local
- 12 governmental entities regarding transportation plans and programs, each
- 13 metropolitan planning organization shall:
- 14 (1) Prepare a congestion management system for the metropolitan area
- 15 and cooperate with the department in the development of all other
- 16 transportation management systems required by state or federal law;
- 17 (2) Assist the department in mapping transportation planning boundaries
- 18 required by state or federal law;
- 19 (3) Assist the department in performing its duties relating to access
- 20 management, functional classification of roads, and data collection;
- 21 (4) Execute all agreements or certifications necessary to comply with
- 22 applicable state or federal law;
- 23 (5) Represent all the jurisdictional areas within the metropolitan area in the
- 24 formulation of transportation plans and programs required by this
- 25 section; and
- 26 (6) Perform all other duties required by state or federal law.
- 27 d. The department of transportation shall allocate to each metropolitan planning
- 28 organization, for the purpose of accomplishing its transportation planning and
- 29 programming duties, an appropriate amount of federal transportation planning
- 30 funds.

- 1 e. Each metropolitan planning organization must have an executive director who
2 reports directly to the metropolitan planning organization governing board for
3 all matters regarding the administration and operation of the metropolitan
4 planning organization and any additional personnel as determined necessary.
5 The executive director and any additional personnel may be employed either
6 by a metropolitan planning organization or by another governmental entity,
7 such as a county, city, or regional planning council, that has a staff services
8 agreement signed and in effect with the metropolitan planning organization.
9 Each metropolitan planning organization may contract with local or state
10 agencies, private planning firms, private engineering firms, or public or private
11 entities to accomplish the metropolitan planning organization's transportation
12 planning and programming duties and administrative functions.
- 13 f. To enhance the metropolitan planning organization's knowledge,
14 effectiveness, and participation in the urbanized area transportation planning
15 process, each metropolitan planning organization shall provide training
16 opportunities and training funds specifically for local elected officials and
17 others who serve on a metropolitan planning organization. The training
18 opportunities may be conducted by an individual metropolitan planning
19 organization or through statewide and federal training programs and initiatives
20 that are specifically designed to meet the needs of the metropolitan planning
21 organization board members.
- 22 5. Upon notification by an agency of the federal government that this section conflicts
23 with federal laws or regulations, the department of transportation or a metropolitan
24 planning organization may take any necessary action to comply with the federal
25 laws and regulations or to continue to remain eligible to receive federal funds.