



# North Dakota Legislative Council

Prepared by the Legislative Council staff  
March 2021

## **TESTIMONY - SENATE BILL NO. 2026 HOUSE TRANSPORTATION (ROOM 327E - 10:30 A.M.) MARCH 4, 2021**

Chairman Ruby and members of the House Transportation Committee, good morning. For the record, my name is Dustin Assel. I am a staff attorney with the Legislative Council. I staffed the most recent interim Agriculture and Transportation Committee, which worked on, drafted, and recommended Senate Bill No. 2026 (2021), which is before you today. This testimony is provided in a neutral capacity. The testimony is offered to provide background and information regarding the recommendations of the interim committee.

The bill was introduced by the Legislative Management at the request of the 2019-20 interim Agriculture and Transportation Committee. The bill crossed over from the Senate in its original introduced form without any amendments. Section 2 of 2019 Senate Bill No. 2176 directed a study of the feasibility and desirability of creating a road train pilot program. The study was required to include consultation with the department of transportation, highway patrol, agriculture commissioner, industrial commission, department of commerce, the upper great plains transportation institute, and the governor. The study was also required to include an assessment of the federal regulations impacting road train operations, the economic impact of permitting road train operations in the state, and the costs associated with implementing a road train pilot program. Road trains are trucking vehicles consisting of two or more connected trailers or semitrailers linked and hauled by a single operating prime mover or tractor unit in the front. Australia and several countries in Europe are using road trains as a way to move large amounts of freight and counteract a current shortage of CDL (commercial)-licensed truck drivers.

The United States Department of Transportation Federal Highway Administration is responsible for certifying state compliance with federal standards regarding commercial motor vehicle (CMV) size and weight to preserve the nation's infrastructure and keep vehicles moving efficiently on the highways. The national network is an approved network of state highways and interstates throughout the US, which receive federal funding, and are used by large trucks and commercial drivers. Federal and state law places limits on the size and weight of motor vehicles allowed on the national network of highways. Cargo carrying lengths and weights on the national network are subject to federal limitations of approximately 100 feet and 80,000 gross pounds, depending on the truck configuration, and exceptions. North Dakota has grandfathered provisions, in North Dakota Century Code Chapter 39-12 which allow trucks up to 110 feet and 105,500 pounds depending on truck configuration and roadway used. There is also a limited transportation network in the state which authorizes vehicles up to 129,000 pounds on certain routes.

During the course of the of the interim committee's work on this topic, the committee received testimony indicating a road train pilot program may be a viable solution to the issue in the state regarding increased freight demands, a shortage of CDL drivers, and decreasing railroad availability by moving more freight with bigger trucking loads. The committee also received testimony from representatives of the Department of Transportation and the Highway Patrol regarding how an intrastate and interstate road train pilot program would operate, state and federal approvals required, concerns, and recommendations. The testimony indicated there were issues with attempting to implement a pilot program in the state at the present time because there are no mechanisms under current law which allow trucks that are longer and heavier than those allowed under federal law to be operated on the national network due to federal restrictions on truck weights and lengths. The testimony further indicated a pilot program could not currently be conducted on the national network using longer and heavier trucks unless federal restrictions are lifted or changed. The testimony indicated there is potential to allow longer and heavier trucks on state highways not connected to the national network and which do not receive any federal funding without amending the federal restrictions. The committee noted federal approval would be required in order for the state to be allowed to operate a pilot program which allows longer and heavier truck configurations on the national network than what are currently allowed by federal law.

It is important to note for context that the interim Agriculture and Transportation also recommended House Concurrent Resolution No. 3001 out of committee which you heard before crossover, and which is a companion resolution to this bill. The resolution urges Congress to temporarily amend the weight and length restrictions on the national network to allow the state to conduct the pilot program on the national network roadways, and to permanently amend the restrictions if the pilot program is successful.

### **EXPLANATION OF THE BILL**

Senate Bill No. 2026 amends North Dakota Century Code Section 39-12-23, relating to the Governor's authority to allow excess size and weight vehicles on state roadways. The bill adds road trains to the items the governor may issue an order for allowing them on the roadways and exceeding the size and weight limits under current law. The road trains may not exceed the single axle gross weight limitations.

Interim committee discussions indicated if House Concurrent Resolution No. 3001 passes, there is no mechanism existing under current law to allow individuals who wish to drive road trains in the state to do so. The bill was intended to allow the Governor to allow for road trains meeting certain criteria to be operated in the state on state roadways not tied to the national network. The size and weight limitations on the road trains would be prescribed by the governor.

Mr. Chairman and members of the committee, that concludes the information I have prepared for you today. Thank you.