

Testimony Prepared for the
Senate Transportation Committee
March 2, 2023
By: Jason Benson, Cass County Engineer



RE: Support for HB 1127 – Relating to county highways and bridges and relating to cost limitations for a county bridge

Chairman Clemens and Senate Transportation Committee members, thank you for the opportunity to provide testimony on HB 1127. 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 support the bill as proposed.

These changes were drafted to align the bidding requirements of the highway and bridge sections of the North Dakota Century Code. These changes will streamline the advertising and bid processes and reduce confusion for contractors and county officials. Most of these changes will update sections of the North Dakota Century Code that have not been update since before the 1980s.

The first change is increasing the bid threshold in the North Dakota Century Code Chapter 24-05 and 24-08. This will increase the bid threshold for County Road and Bridge projects to \$200,000 to align with the current Public Improvements Bids 48-01.2-02.1. The current bid threshold for Highways is \$100,000 and for Bridges is \$30,000. Many projects including bridge repairs, asphalt road patching, and other maintenance projects currently exceed the current bid threshold. Increasing the bid threshold to \$200,000 will reduce project delays and costs, especially for maintenance projects identified in the summer where advertising, bidding, and awarding the contract can push the earliest project start date late into the fall.

The second change would allow for an emergency clause for county highways like what is currently allowed for county bridges. The emergency language proposed for highways is the same language that is in law for bridges as spelled out in Section 24-08-03 paragraph 2 of the North Dakota Century Code. This would allow emergency work to be completed without bidding and advertisement. Flooding, riverbank slumping or erosion of roadways, and other emergencies result in an increase in emergency work on highways. Often these emergency road issues are adjacent to emergency bridge issues. When an emergency occurs,

the process from advertising to awarding the contract to the contractor mobilizing to the project site can take over 45-60 days. Under emergency conditions, taking six weeks to get a highway project started is too long.

The third change is to align the bid advertisement timeline for bridge projects to two weeks to be consistent with requirements for highway projects. Currently the advertising period for a bridge project is 30 days, much longer than the two-week advertising period for a highway project. Many bridge improvement projects consist of bridge repair, concrete box culvert, or large metal arch culverts and do not require contractors to review significant or detailed plans. Timeliness of bidding is important as bridge projects require additional time to fabricate the concrete box culverts, bridge beams, and other critical bridge components after the contract is awarded.

Finally, this bill eliminates the outdated language regarding bridges and County Commission reviews. This change removes the requirement for County Commissions to investigate the necessity of a bridge if it costs more than \$500. The current language is an unnecessary holdover requirement from back to the early 1900's when road and bridge networks were first being constructed.

Chairman Clemens and committee members, I want to reiterate that NDACE supports the bill as written. Approving these changes will result in a reduction in time and resources to advertise, bid, and construct County road and bridge projects. It aligns these processes for roads and bridges which will result in more consistency and fewer errors in the implementation of bidding these projects.