

TESTIMONY OF

Aaron Carranza, Division Director, Regulatory Division

Chairman Porter, and members of the House Energy and Natural Resources Committee, I am Aaron Carranza the Regulatory Division Director of the Department of Water Resources. I'm here today to provide testimony in opposition of House Bill 1201.

As noted, House Bill 1201 requires control structures be located on state highway culverts in certain scenarios.

This proposed legislation would have the effect of making all such crossings act as dams. Given the current guidance on hazard classification determinations of dams, it is likely all such roads acting as dams would be either medium or high hazard classified structures. This is due to the public safety nature of the use of the roadways and implications of failure while impounding water.

Due to life safety and protection of the public, as well as protection of private property, any structure that holds back water for the purpose of water flow reduction is classified as a dam. Since these are specific to the state highway system, the potential risk to the public in turning all such crossing in to dams does warrant discussion.

The Department is responsible for permitting all dams that require a permit under North Dakota Century Code § 61-16.1-38. The Department's Dam Safety section is also responsible for periodic inspections of medium and high hazard dams throughout the state. The team of three currently manages the 110 existing medium and high hazard dams. The proposed language has the potential to exponentially increase the number of these classifications of dams, requiring additional Department FTEs to maintain the current level of oversight and management on these types of critical infrastructure.

If this bill were to proceed as proposed, significant engineering, design, permitting, and modifications of the state highway system would be necessary to retrofit portions of the state highway system to act as dams. Also, due to the intention to hold back water at each subject crossing, significant private property rights would need to be acquired in order to secure permission to store the water upstream of the subject crossings. All of these efforts would come at a significant cost to both the Department of Transportation and the Department.

Thank you for the opportunity to testify, and I'm happy to answer any questions.