

Greetings, Chairperson and members of the Committee. I'm Ron Henke, director of the North Dakota Department of Transportation (NDDOT). I'm here to introduce and provide supportive testimony for HB 1053.

Before HB 1053 was amended by the House Transportation Committee, it repealed section 24-01-01.2 in its entirety which sets limits on the total mileage of the state-owned transportation system. The reason for this change was due to the significant confusion caused by this statute. Currently, the size of the state system is limited to the lesser of 7,700 miles or 7% of the total publicly owned road miles in North Dakota.

Due to the uses and sources of the information, there are at least three ways the total miles of publicly owned roads can be computed with an additional three ways each of those could be measured.

The three calculation methods are driven by federal regulations, by state tax distribution and local reporting regulations, and by historical precedence used to comply with section 24-01-01.2 which was originally enacted in 1927 and last modified in 1933 to include the 7,700-mile limit. Using anything other than the nearly 100-year-old precedence method would result in the state highway system being non-compliant with this statute, because the total mileage of reported public roads would become small enough that the state system would exceed 7% of the total. However, using this method means our information conflicts with locally and federally reported information.

To add to the confusion, road mileage can be measured based on the length of the right of way centerline, the number of roadways for divided highways, or the number of lanes. As a result, the potential confusion and outdated nature of this section becomes apparent.

NDDOT is already encouraged to limit the miles we add to the state system. Section 24-01-02 limits the number of new state highway system miles to 50 per calendar year. This bill would not change that limitation.

Although HB 1053 as adopted by the House leaves the stipulation that the state highway system may not exceed the 7,700-mile limit, it eliminates the language of section 24-01-01.2 that was the most confusing and outdated. Therefore, NDDOT requests a "do pass" vote on this bill as amended by the House. This concludes my testimony. Thank you.