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2003 HOUSE TRANSPORTATION

HCR 3013

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3013

House Transportation Committee

Conference Committee

Hearing Date January 24, 2003

Tape Number	Side A	Side B	Meter #
1	x		8.3 to 16.3
		x	19.3 to 26.5
Committee Clerk Signature <i>Lauren L. Fink</i>			

Minutes:

Rep. Weisz, Chairman opened the Hearing on HCR 3013, a concurrent resolution directing the Legislative Council to study the laws of this state concerning abandonment and vacation of sections of the state highway system.

Rep. Weisz, Chairman introduced HRC 3013 on behalf of the Department of Transportation. He cautioned that the word abandonment in the title would be interpreted with negative connotations as plan for the state to abandon roads to the counties and local entities. There are laws on the books which already setsforth those procedures. This is a different type of thing. There are some short sections which lead to nowhere and which have no procedure for dropping the maintenance on. Rather than try to explain the proposal for a study, he left the testimony for and on behalf of this concurrent resolution to spokesman from the DOT.

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*10/16/03*  
Date

Page 2  
House Transportation Committee  
Bill/Resolution Number HCR 3013  
Hearing Date January 24, 2003

Grant Levi: ( 10.2 ) The Deputy Director of Engineering representing the DOT introduce the resolution and urged favorable consideration for approval. A copy of his written testimony is attached .

Rep. Schmidt : ( 13.8 ) The federal government allocates funds to North Dakota. Do they allocate those funds on the basis of miles?

Grant Levi: There is a formula which includes area, population, miles of roads and for some classes of funds other factors but mileage over-all is a relatively small factor. However, in North Dakota we receive according to a minimum percentage of the total funds available for distribution. The minimum percentage is greater than if the formula were applied.

Rep. Schmidt: For every highway we abandon we lose federal funds?

Grant Levi: No I don't believe abandonment of a few miles of highways would affect our funding allocation. There being no further testimony either for or against HCR 3013 the chairman closed the hearing on HCR 3013. ( 16.3 )

**Tape 1 Side 2 ( 19.3 )**

Following a brief discussion whether the study would cover the whole issue of abandonment's and as to whether there was a better word than 'abandonment', Rep. Price moved a 'Do Pass and placing on the consent calendar' motion. Rep. Ruby seconded the motion. The motion carried on a voice vote 11 ayes 0 nays 2 absent and not voting. Rep. Price was designated to carry HCR 3013 on the floor. ( 26.5 )

Date: 1/24/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HCR 3013

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 38109.0100

Action Taken Do Pass and place on the consent calendar

Motion Made By Rep. Price Seconded By Rep. Ruby

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman			Lois Delmore		
Kathy Hawken - Vice Chairman			Arlo E. Schmidt		
LeRoy G. Bernstein			Elwood Thorpe		
Mark A. Dosch			Steven L. Zaiser		
Pat Galvin					
Craig Headland					
Clara Sue Price					
Dan J. Ruby					
Dave Weiler					

Total Yes 11 *Vote* No 0

Absent 2

Floor Assignment Rep. Price

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)  
January 24, 2003 12:14 p.m.

Module No: HR-14-1044  
Carrier: Price  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
**HCR 3013: Transportation Committee (Rep. Welsz, Chairman) recommends DO PASS**  
**and BE PLACED ON THE CONSENT CALENDAR (11 YEAS, 0 NAYS, 2 ABSENT**  
**AND NOT VOTING). HCR 3013 was placed on the Tenth order on the calendar.**

(2) DESK, (3) COMM

Page No. 1

HR-14-1044

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Y. Costa Richardson  
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10/16/03  
Date

2003 SENATE TRANSPORTATION  
HCR 3013

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Salosta Richard  
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10/16/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3013

Senate Transportation Committee

Conference Committee

Hearing Date 03-07-03

Tape Number	Side A	Side B	Meter #
2	X		1115-1520

Committee Clerk Signature *Mary K Monson*

Minutes:

**Chairman Senator Thomas Trenbeath** opened the hearing on HCR 3013 to study the laws of this state concerning abandonment and vacation of sections of routes of the state highway system.

**Grant Levi** (Deputy Director of Engineering, ND DOT) See attached testimony in support of HCR 3013. It is not the intent to go out and make a full scale abandonment of the state highways. There are some isolated instances that they feel would be in the best interest of the state of North Dakota to not have on the state system.

The hearing on HCR 3013 was closed.

**Senator Nething** moved a **Do Pass**. Seconded by **Senator Mutch**. Roll call vote 5-0-1.

**Passed**. Floor carrier is **Senator Espegard**.

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*Salvatore Riccardi* 10/16/03  
Operator's Signature Date





REPORT OF STANDING COMMITTEE (410)  
March 7, 2003 2:43 p.m.

Module No: SR-41-4281  
Carrier: Espegard  
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE  
HCR 3013: Transportation Committee (Sen. Trenbeath, Chairman) recommends DO  
PASS (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3013 was placed on  
the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-41-4281

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Salvatore Riccardi  
Operator's Signature

10/16/03  
Date

12

2003 TESTIMONY

HCR 3013

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10/10/03  
Date

HOUSE TRANSPORTATION COMMITTEE  
January 24, 2003

North Dakota Department of Transportation  
Grant Levi, Deputy Director for Engineering

HCR 3013

Good morning Mr. Chairman and members of the committee. I'm Grant Levi, Deputy Director for Engineering for the North Dakota Department of Transportation.

The department supports HCR 3013 and a study of the laws concerning abandoning or vacating sections of routes on the state highway system. We believe the study is appropriate because we are uncertain of the department's authority to abandon or vacate sections of highway in certain situations.

Our authority to abandon a section of a highway is well-defined when we do it because we replaced it with a new section of highway at a new location and a local jurisdiction is willing to accept the abandoned roadway for public use. This authority is defined in NDCC Section 24-01-06, which gives the DOT the right to abandon sections of routes on the state highway system when such abandoned sections are substantially replaced by improvements at a new location serving the area. We used this authority when the Interstate was built: we abandoned portions of U.S. Highway 10 and turned it over to the respective counties.

However, our authority is not clear in a situation where we believe abandonment is appropriate but it is not feasible to replace the abandoned section with an improvement at a new location serving the area.

An example of this is N.D. 8 north of Twin Buttes, which ends at Lake Sakakawea. The last 1.5 miles is through rugged terrain and no longer provides service to the public, yet is very expensive to maintain. We would like the authority to abandon this section and possibly sell any land interest we have in the old right-of-way to the adjacent landowners.

The N.D. 8 scenario is not specifically covered in NDCC Section 24-01-06. Also, an Attorney General opinion from 1981 suggests an abandoned section may remain a public roadway. The Attorney General opinion not only casts doubt on our ability to sell the excess right-of-way, it also creates some concern regarding which government entity would need to exercise jurisdiction and control over the abandoned roadway.

*Some testimony given to Senate*

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*Yolanda Richardson*  
Operator's Signature

*10/16/03*  
Date