

2009 HOUSE TRANSPORTATION

HB 1292

# 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1292

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01/23/09

Recorder Job Number: 7642

Committee Clerk Signature

*Janette Cook*

Minutes:

**Representative Kempenich** introduced HB 1292. The road that is referred to in this bill is the west end of Highway 12 as it goes through the state. There is very heavy oil traffic on this section of road. The road is fairly narrow. There have been three fatalities in the past three and one half years and many cars in the ditch. He wants to draw some attention to this road and its need for maintenance. He feels that there is a large amount of oil money that comes out of Bowman County, and some of the money could be used to improve this road. There is a huge amount of traffic on this road at this time. This is the last section on Highway 12 that needs to be widened out. A map was presented. See attachment #1. He has spoken with Francis from the DOT about improving this road. They may do an overlay on it, but he feels that it would be a waste of time because the road is so broken up. There are places where there isn't even a ditch any more. There are a lot of issues with the whole stretch of road.

**Representative R. Kelsch:** Will any of the monies from the oil impact bills or the governor's budget help with this road?

**Rep. Kempenich:** No, because it is a federal road. DOT does have it on a priority list. I think that it at least five years out yet. It has been on the list since 1973.

**Rep. Gruchalla:** How many people live in Marmouth?

**Rep. Kempenich:** About seventy-five currently.

**Grant Levi, Deputy Director for Engineering for the North Dakota DOT,** spoke in opposition of HB 1292. See attachment #2.

**Representative Vigesaa:** Mr. Levi, do you take those bills that are heard in committee back to the department to discuss them, and does it somehow influence your decision on how the projects are ranked?

**Grant Levi:** Explained the STIP process again. This process includes public input, which would include input from legislators. Ultimately DOT looks at things from a technical perspective. We put together a list of projects that we feel would be in the best interest to serve the state, as far as from an engineering perspective, and from an economic growth perspective. We take those projects and comments and sit down with our director. He then decides the projects that we go forward with, based on all the information that is received and based on the fiscal impact to the department.

**Representative R. Kelsch** asked if there is a risk of liability to the state when legislators introduce bills on certain stretches of highway due to high risk factors, and the DOT did not act.

**Grant Levi:** Anytime anyone brings up a concern to us; we take a look at it to see if there are any safety concerns that need to be addressed immediately.

**Representative Frantsvog:** Mr. Levi, have you programmed a timeline for this stretch of road.

**Grant Levi:** We have a project right now that we initially plan to come in and do an overlay in 2010 or 2009 if Economic Stimulus funds become available. This past summer we looked at the roadway again. With the condition of the pavement, we are looking at whether we could do a more major rehabilitation project. That would mean to widen the road and rebuild the roadway from the bottom up. We haven't established a schedule for that yet and are waiting

on the Economic Recovery dollars. If we get some of those dollars, we may be able to move the project up.

**Representative Heller:** How do you go about getting public input?

**Grant Levi:** We hold a number of public meetings throughout the state. In addition to that we advertise seeking public input on our STIP and requesting the public to step forward. We track any comments that come in through phone calls.

**Chairman Ruby:** How often do you go through the STIP process?

**Grant Levi:** It is an annual process.

There was no other opposition to HB 1292 and the hearing was closed.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1292

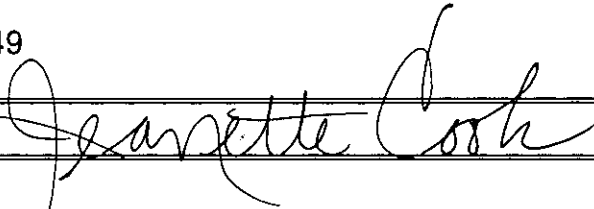
House Transportation Committee

Check here for Conference Committee

Hearing Date: 01/23/09

Recorder Job Number: 7649

Committee Clerk Signature

A handwritten signature in cursive script, reading "Jeanette Cook", is written over a horizontal rectangular line. The signature is written in black ink and is positioned to the right of the text "Committee Clerk Signature".

Minutes:

**Chairman Ruby** asked the committee's wishes on HB 1292.

**Representative Vigesaa** moved a **Do Not Pass** on HB 1292.

**Representative Weiler** seconded the motion.

A roll call vote was taken. **Aye 14 Nay 0 Absent 0**

**Representative Heller** will carry the bill.

Date: 1-23-08

Roll Call Vote #: \_\_\_\_\_

**2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES**

**BILL/RESOLUTION NO.** 1292

House TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do pass  Don't Pass  Amended

Motion Made By Vigesaa Seconded By Weiler

Representatives	Yes	No	Representatives	Yes	No
Representative Ruby - Chairman	✓		Representative Delmore	✓	
Rep. Weiler - Vice Chairman	✓		Representative Griffin	✓	
Representative Frantsvog	✓		Representative Gruchalla	✓	
Representative Heller	✓		Representative Potter	✓	
Representative R. Kelsch	✓		Representative Schmidt	✓	
Representative Sukut	✓		Representative Thorpe	✓	
Representative Vigesaa	✓				
Representative Weisz	✓				

Total Yes 14 No 0

Absent 0

Bill Carrier Heller

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

**REPORT OF STANDING COMMITTEE**

**HB 1292: Transportation Committee (Rep. Ruby, Chairman) recommends DO NOT PASS**  
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1292 was placed on the  
Eleventh order on the calendar.

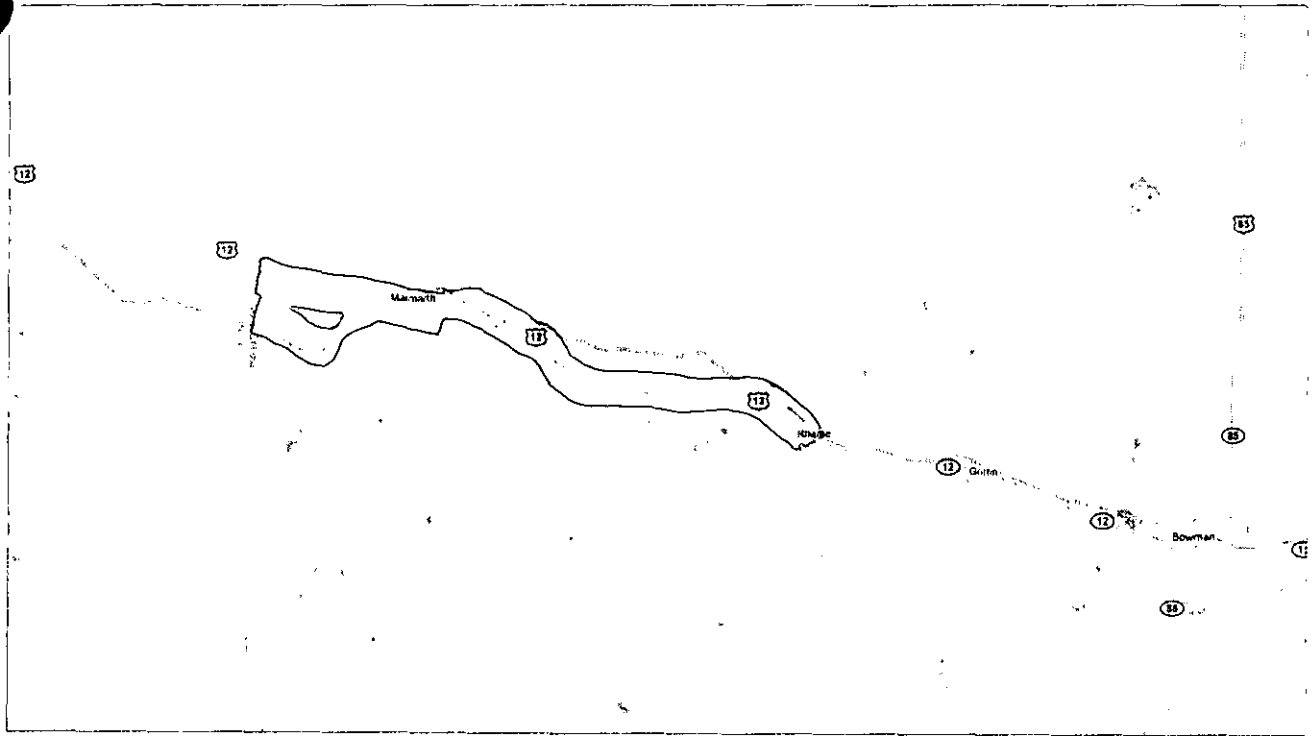
2009 TESTIMONY

HB 1292



Google  
Maps





**HOUSE TRANSPORTATION COMMITTEE**

**January 23, 2009**

**North Dakota Department of Transportation  
Grant Levi, P.E., Deputy Director for Engineering**

**HB 1292**

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Good morning, Mr. Chairman and members of the committee. I'm Grant Levi, Deputy Director for Engineering for the North Dakota Department of Transportation (NDDOT). I'm here to oppose HB 1292.

HB 1292 appropriates \$18 million dollars from the general fund to the department to make roadway improvements to N.D. Highway 12 from Rhame, North Dakota, to the Montana line. While we acknowledge that work is needed on this segment of Highway 12 and have programmed a project for this segment in the State Transportation Improvement Program (STIP), we do not support the direct allocation of funds from the general fund to a specific highway project.

The Department is responsible for the construction, reconstruction, rehabilitation, preservation, and maintenance of the 8,511 roadway miles on the state highway system. A combination of factors is used in selecting projects including: system condition, maintenance costs, roadway capacity, preservation needs, safety, and public input. The final selection of projects makes up the annual Statewide Transportation Improvement Program (STIP).

As the department develops the STIP, we work hard to ensure the resources made available to the department maximize the expenditures of state funds and allow the department to provide a transportation system that safely moves people and goods. In addition to safety, the department selects projects that will help improve the state highway system's ride quality and load carrying capacity. Even in periods of high inflation, this approach of selecting projects has resulted in maintaining the ride quality and load carrying capacity on the state's roadways. This was accomplished because the department focused the investments on pavement preservation projects. While we have not reached the department's system condition goals and construction inflation is starting to result in additional pavement distress: we believe our strategies are in the best interest of the state of North Dakota. We believe that funds appropriated for highway purposes should be inserted in the Highway Distribution Fund and the department should be allowed to select projects using its STIP process.

Mr. Chairman, this concludes my testimony and I would be happy to answer any questions that the committee may have. Thank you.