

2009 SENATE APPROPRIATIONS

SB 2012

2009 SENATE STANDING COMMITTEE MINUTES

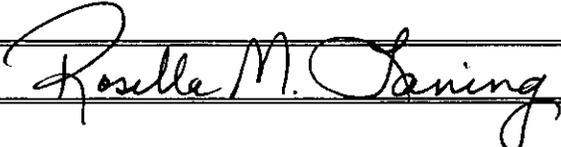
Bill/Resolution No. 2012

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 01-19-09

Recorder Job Number: 7168

Committee Clerk Signature 

Minutes:

V. Chair Bowman called the committee hearing to order at 8:30 am in reference to SB 2012 which allocates funds to the ND Department of Transportation. All committee members were present, except **Chairman Holmberg, V. Chair Grindberg, Senator Krauter, and Senator Warner.**

V. Chair Bowman stated that a few senators are in Washington DC for the inauguration. There will be some amendments to the NDDOT budget that have already been presented. There are some additions to it that were not included in the original language.

Francis Ziegler, Director, ND Department of Transportation

(reading from NDDOT testimony – attachment #1)

Senator Fischer: On Drayton bridge, will that be built this year?

Francis Ziegler: Yes, it will

(Continuing)

12 30

V. Chair Bowman asked if he felt that there would be some reduction in bids for contracting paved roads since fuel & oil prices have been dropping considerably. Francis Ziegler said it's a tough question because in the November bid opening for the Drayton Bridge, prices

dropped, but the contractor said they hit it perfect because steel was at the lowest price ever. Now prices seem to be going back up, so it's so hard to tell.

(Continuing –page 5)

23 08

Senator Seymour: Talking about the asphalt, who is doing the research to come up with something else that lasts forever? So we don't have to re-do these roads ever again.

Francis Ziegler: There is constant research going on. We're talking about putting in concrete. Asphalts and cements are the only binders that are out there – other than fly ash which the DOT has done a tremendous amount of research. We use fly ash a lot; up to 30%.

Senator Seymour: Asphalt cement; is that the same as what they are using in 1948? And we're using it yet today?

Francis Ziegler: It's black, but the properties are completely different. We're rubberizing it now and using polymers in it. It's still the residual from the asphalt.

(Continuing – page 9)

V. Chair Bowman commended the department for doing such a fine job during this winter snow and ice, especially on I-94.

Francis Ziegler: Thank you.

Senator Robinson wondered about society's expectations in people working around the clock to clear roads and how our work patterns have changed in the last 25 years.

Francis Ziegler answered that they have raised the bar too high. The expectations are very high and people expect good service. They only have staff for one shift and they are working 14 hours a day.

(Continuing on page 10)

In order to reduce impact for our existing federal program projects, we're offering an amendment similar to but more expensive than the one passed by the 2001 Legislature. The

amendment would allow the NDDOT to borrow for the federal component of the contractor payments until being reimbursed by the Federal Highway Administration (FHWA). The 2001 amendment only allowed for borrowing of matching funds.

Budget Overview of NDDOT – (reading from testimony – page 16).

V. Chair Bowman asked for clarification on the transfer monies and wondered if this going to be something that the committee will continue to appropriate funds for or if it was just for this biennium and then dropped.

Francis Ziegler: The intent is that this is a onetime allocation of money for this biennium only.

Senator Robinson: Given our situation and the testimony that you're providing, we're certainly not in position to be caught up with the challenges we have in front of us. Is it not safe to say at this point in time that those dollars are going to be needed from here on in so we can mentally plan accordingly? This is going to be long-term with the condition of our roads and the demands are only going to grow.

Francis Ziegler: We thought about a lot about that issue and one thing we're looking at is federal aid to see what happens with the new highway bill. It's good to be visionary, but at this time, the budget before you is just one – time.

Senator Robinson relayed a questions posed to him at a weekend legislators forum. We have to be careful with stimulus package, and hopefully that will replace the commitments that we have now. We should do everything on our own now. If there are federal dollars, then do catch up. We'll have to make those federal commitments now.

Francis Ziegler answered that those are excellent points, but many rules are being written on stimulus package. One of rules – deadline of 90 days; each state submits a onetime certification signed by the governor that the state will maintain its effort with regard to state funding for infrastructure projects. This is not intended to replace state funding.

(Continuing on page 16)

49 01

Senator Fischer questioned about the drivers license rewrite and what kind of plans are being used to put it together.

Francis Ziegler: We haven't started yet, but have done an RFI (Request for Information) and are looking to see what it will take to re-write the total proposal.

Senator Fischer questioned the contract and bidding process and stated how the job is not getting done in other agencies. He also suggested getting liquidated damages written into the contracts or in some cases change vendors.

Senator Lindaas: Are there packages put together across the nation, perhaps a template to work with?

Francis Ziegler: We always look for those models but every state has their own point system. They are all different and we will be looking for models that other states have that are close to ours.

Senator Robinson commented that all too often we try to cut some corners and assign the project management responsibilities to someone who already has a full time job. That is a mistake. The more advanced planning and preparation that we make up front, the better the product is going to be at the other end.

Francis Ziegler: Thank you for those comments.

(Continuing page 18)

(Copy amendment 100 25 – page 10)

Senator Lindaas: With regard to the federal highway program and the stimulus package that might come along, are you concerned that some of package may be based on need and they'll be looking at our surplus. Is that a concern that it might be based on our needs?

Francis Ziegler: To prepare for that, need studies were created. As we talk to our congressman, they say we can't forget rural America. We need to get our product out.

(Continuing page 20 and listed 3 amendments to the bill)

Francis Ziegler said they want to be sure they have the federal government on board with the ER declaration, the governor's declaration so we make sure we have the money coming.

Senator Fischer: Talking about raising the grade on HWY 20 around Devils Lake, have you gotten extra funds from the legislature in the past?

Francis Ziegler: In the past, we have borrowed for the match. It's pretty much the same thing, but in this case, the ER funds don't come as quickly as we'd like. We're already designing a package anticipating that we'll have to move very quickly.

70:04

Senator Mathern: With our leadership working on this and considering your other testimony of potentially hundreds of millions of dollars, is it possible to come back in a year or so? How do you deal with hundreds of millions of dollars in potential changes within the next two years with the legislature not being in session?

Francis Ziegler: We try to keep our finger on the pulse of federal aid. What we've done with some of our amendments to maybe flow better so when federal aid comes, we can utilize it. If less comes, we will have to deal with that.

Senator Christmann: You talked about performance measures, are they in here?

Francis Ziegler: Yes, they are in the back of your folder.

Senator Christmann: You mentioned customer satisfaction readings. Maybe this folder will answer it, but do you survey land owners who have property adjacent to our road projects about their satisfaction after the project is over?

72:44

Francis Ziegler: Yes we do. We hired the University of ND to do our customer surveys for us. They have a process - Generally, they go out and select a grouping of people. One of the things they did do was select and compile users that are specifically selected. But I can't tell

you today that we have land owners that are adjacent to projects that are specifically selected for the survey.

Senator Christmann commended the department for a job well done and relayed a couple problems he's had with the department's process in obtaining property rights. He would like to see a plan put together where more respect is shown for land owners that have to deal with our construction projects and programs.

Senator Seymour: You mentioned in your testimony that the Identification for boarding commercial airlines will be December 31. What will the identification required on the 31 of 2009?

Francis Ziegler: What will be needed will be either a Passport, a Passport card, or the department can continue to work toward meeting some parameters. There are 16 parameters that we have to meet to get the next time extension. If we get the next time extension, we can go to June 2011 with Drivers' License.

Senator Krebsbach: Does your figure for your salaries include the expected overtime for the coming biennium and also in this biennium, are you running short because of the overtime.

Francis Ziegler: It does include overtime and when we come to end of biennium we do stop overtime. We keep working and keep finger on pulse.

V. Chair Bowman – 10 minutes break.

80:17

Joe Morrisette, Fiscal Management, OMB

(handed out Testimony # 2 which was an amendment) The amount of spending authority was not calculated correctly. There would be no change to the general fund authority. It would just be a change in their special fund authority.

Senator Christmann: Was this reflected somewhere else, or in the total budget? Would this add another \$50 M to that?

Joe Morrissette: It would add to that.

Robin Were – Executive Director of BISMAN Transit and Capital Area Transit “CAT”

(Written testimony # 3) Testified in favor of SB 2012

Senator Wardner: The funding for public transport in SB 2012 would provide part of the funding. Where does other funding come to do that?

Robin Were: It varies by transportation projects. Here is Bismarck, we get mill levies from Bismarck and Mandan. We have other agencies, like United Way, some of our participating agencies provide some support and donations. It's a variety of funding that's put together. Some of the rural areas are having rummage sales and bake sales and whatever they can to raise that local dollar.

87:45

Darrell Frances – Director, Souris Basin Transportation in Minot

(Written testimony # 4)

V. Chair Bowman: Do they have a mill levy to match?

Darrell Frances: Yes, we're using the senior mill levy which is matching approx. \$54,000 just in Ward County. Other funding is from \$290,000 from the present state aid system in transit. t.

Senator Wardner: Have you left money on the table in your situation?

Darrell Frances: Yes, Last year was approx. \$8000 and the year before we left over \$30,000.

Senator Seymour You now include the Minot Commission on Aging? What has that meant?
A bigger load?

Darrell Frances: yes, we went from 34,000 rides a year to approx. 84,000 rides a year.

Senator Robinson: Regarding the mill levy, what are the limitations? Are you using all the mills you can?

Darrell Frances: We put our request in to Ward County. The money they received for that mill levy, for the seniors, also goes to nutrition, meals, and health programs. Throughout Ward County, transit is small part of that request.

Mark A. Johnson, Executive Director, North Dakota Association of Counties

(Written testimony # 5) Testified in favor of SB 2012.

Cindy Schwehr, President, North Dakota County Commissioners Association

(Written testimony # 6) Testified in favor of SB 2012.

Keith Berndt, PE, Cass County Engineer

(Written testimony # 7) Testified in favor of SB 2012.

V. Chair Bowman: What is county mill levy for roads?

Keith Berndt: 10.25 mills – generally \$3 million dollars.

Donn Diederich, Executive Vice President of Industrial Builders, Inc

(Written testimony # 8) Testified in favor of SB 2012

114:56

Senator Mathern: If a project were to come to your attention, a bridge over a stream for 2 lane highway, and federal government says to do it as fast as possible. How fast can a company like yours get your bids out and start building?

Donn Diederich: The DOT typically puts together the plans and does Environmental Impact Statements (EIP) and the proposals would probably take in the 180 day range to put together and put out to bids.

Senator Mathern: Why can't it be done faster? Where I work if something is really potentially possible, we just work harder to get it done faster. You may need to hire more engineers.

What can be done to expedite the process?

Donn Diederich informed him that there are a whole amount of regulations for putting a bridge over a stream whether they are state or federal regulations. The stimulus package might just be a lot of asphalt overlays because they can't get permits. It all takes time.

V. Chair Bowman: If you go across any federal land and you're going to build bridge. It takes a long time. Because there may be a 100 year flood and that creek might rise and a certain kind of species needs to go up that stream. It's very complicated and the hurdles you have to climb in order to get the project ready to bid. It took us basically two years before we got approval to build the bridge after we got it engineered and started. There is a whole gamut of things that they require to get approval. And then the bridge has to be built a certain way. It has to be a curved bridge – little things like that are expensive and take a long time. .

Senator Robinson: Given urgency of stimulus package, is this bill or any components of the bill where we should have an emergency clause? Would that expedite things at all. Seems to me that by the time we sign some of these bills, we've lost most of a construction season.

Francis Ziegler: The bill does allows us to spend money as soon as possible. We don't know what congress will come up with whether it's a 90 day or 180 day rule. We believe that with the language that has been put into the bill to allow us to move quickly, we'll be ok, but an emergency clause would be good

Senator Robinson: Part of the provision is that you can borrow our own money but pay interest? Correct?

Francis Ziegler: Yes.

V. Chair Bowman suggested the subcommittee would probably get that amendment and come back with the final bill proposal.

Ken Yantes, Exec. Secretary of ND Township Officers Association

(Written testimony # 9) Testified in favor of SB 2012.

Senator Mathern: Do we have provisions permitting townships to close down roads for a fourth season – where there are no people living?

Ken Yantes: We do have minimum maintenance roads. If there are no school children, there can be minimum maintenance.

Senator Mathern: Can you actually not plow that road in winter?

Ken Yantes: Yes, as long as there are no hazards.

Connie Sprynczynatyk, executive Director, ND League of Cities

(written testimony # 10) Testified in favor of SB 2012.

James Gilmour, Director of Planning and Development, Fargo

(written testimony # 11 in favor of SB 2012)

Tom Balzer, ND Motor Carriers – Testified in favor of SB in favor of SB 2012 and commented on page 32 on Transportation Handbook

V. Chair Bowman: Any questions? No questions, we'll adjourn.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2012

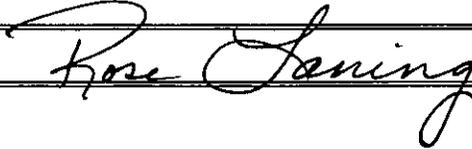
Senate Appropriations Committee

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Hearing Date: February 17, 2009

Recorder Job Number: 9639

Committee Clerk Signature



Minutes:

Chairman Holmberg opened discussion on SB 2012.

Senator Wardner handed out amendments which move SB2177 into SB 2012.

SB 2177 was the bill that transferred the public transit and the motor vehicle fees over to the highway tax distribution fund. Handed out diagram. (See attached #1)

Senator Mathern asked for the rationale behind merging the two bills.

Frances Ziegler, Director, ND Department. of Transportation

Explained the rationale of merging the two bills. About a year ago, his organization and the associations worked on a new formula that they presented to this body when we presented our budget for 2012.

Senator Lindaas asked if all the associations were in agreement and Mr. Ziegler said they were.

Senator Christmann asked about the counties that don't have organized townships. Does the county get the money that the township would have gotten? Or is that not the case?

Frances Ziegler said that has not changed.

Senator Warner asked how \$18M magically turned into \$5.5M. If money has been transferred to the counties, are the responsibilities as well?

Frances Ziegler explained the formula. They divided the \$18.2 M that the DOT got at one time with all the partners and in the compromise; we got \$5.5 M to help the DOT with all the expenses of the local government divisions.

Senator Wardner moved Do Pass on amendment .0104.

Senator Robinson seconded.

Brady Larson, Legislative Council – Looking through the amendments and explaining them.

Voice vote – Amendment carried.

.0104 is attached to the bill.

Chairman Holmberg asked if the subcommittee agreed that SB 2177 be killed?

Senator Wardner replied that they did.

Senator Warner Moved Do Not Pass on SB 2177

Senator Wardner seconded.

A Roll Call vote was taken. Yea: 13 Nay: 1 Absent: 0

Senator Wardner moved Do Pass on Amendment .0101.

Senator Warner seconded.

Joe Morrisette said the amendment has two purposes. The first one is to add funding line item for the purpose regarding the additional funding that will be received from the general fund into the highway distribution tax fund. The second change adds one FTE position for some non-

discrimination programs at DOT as required by federal statutes. This change does not have a funding impact so it's just adding the one FTE authorization federal funding.

Voice vote on amendment .0101.

Amendment carried.

Senator Wardner moved Do Pass as amended on SB 2012.

Senator Warner seconded.

A Roll Call vote was taken. Yea: 14 Nay: 0 Absent: 0

FISCAL NOTE
Requested by Legislative Council
04/30/2009

Amendment to: Engrossed
 SB 2012

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues		\$61,500,000	(\$30,500,000)	\$35,100,000		
Expenditures						
Appropriations	\$102,900,000	\$227,582,671	\$4,600,000	\$1,065,432,917		

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$25,668,000	\$15,732,000		\$400,000			\$400,000		

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill contains the appropriation for the NDDOT and also contains a number of provisions impacting transportation funding for the NDDOT, cities, counties, public transportation, and townships.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

SECTION 1 of the bill contains the basic NDDOT appropriation.

SECTION 2 of the bill appropriates \$176,082,671 in response to the federal stimulus program.

SECTION 3 establishes a weather related cost sharing program to be funded from the general fund in the amount of \$59.9 million.

SECTION 4 establishes a state disaster relief fund.

SECTION 5 appropriates \$43 million from the general fund to be transferred to the state disaster relief fund.

SECTION 6 appropriates the funding (\$43 million) from the state disaster relief fund to the Adjutant General. The adjutant general may use \$20 million of the funds for emergency snow removal grants to counties, cities, and townships. The remaining \$23 million is to be used for paying costs relating to the 2009 floods, snow removal damage to roads, and other disasters.

SECTION 9 provides that the \$7.5 million and \$1.0 million provided to the NDDOT in Section 3 may carryover into the 09-11 biennium and appropriates these funds.

SECTION 10 appropriates \$4.6 million from the state general fund to be transferred to the State Highway Fund for highway projects in the Devils Lake area.

SECTION 17 increases the motor vehicle registration fees \$3 per bracket. This provision is offset by the repeal contained in Section 26. Section 17 also eliminates the provision that \$13 of every motor vehicle registration be deposited in the State Highway Fund.

SECTION 18 provides that the first \$5.5 million of highway tax distribution fund revenues be transferred into the State Highway Fund. This section also sets out new percentages for distribution of the Highway Tax Distribution Fund. Under the new percentages, the State Highway Fund will receive 61.3%, the Township Highway Fund will receive 2.7%, the Public Transportation Fund will receive 1.5%, and the cities and counties will receive 34.5%.

SECTION 19 eliminates the provision that one cent of motor fuel tax be deposited into the Township Highway Aid Fund.

SECTION 21 provides for a deposit of 25% of the motor vehicle excise tax (net of the State Aid Distribution Fund portion) into the State Highway Fund.

SECTIONS 22 and 23 allow the one-cent of motor fuel taxes previously dedicated to the Township Highway Aid Fund to be refunded to qualifying taxpayers.

SECTION 26 repeals the \$3 motor vehicle registration fee that was previously dedicated to public transportation. This

section is offset by the motor vehicle registration fee increases provided in Section 17. Section 27 declares that Sections 2,3,4,5,6,7,8, and 9 are emergency measures.

3. **State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

****07-09 BIENNIUM****

OTHER FUNDS

\$10,000,000 (Section 3) + \$7,500,000 (Section 3) + \$1,000,000 (Section 3) + \$43,000,000 (Section 6) = \$61,500,000

****09-11 BIENNIUM****

GENERAL FUND

(\$30,500,000) - Section 21

OTHER FUNDS

\$4,600,000 (Section 10) + 30,500,000 (Section 21) = \$35,100,000

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.

****07-09 BIENNIUM****

GENERAL FUND

\$59,900,000 (Section 3) + \$43,000,000 (Section 5) = \$102,900,000

OTHER FUNDS

\$176,082,671 (Section 2) + \$43,000,000 (Section 6) + \$7,500,000 (Section 9) + \$1,000,000 (Section 9) = \$227,582,671

****09-11 BIENNIUM****

GENERAL FUND

\$4,600,000 (Section 10)

OTHER FUNDS

\$1,065,432,917 (Section 1)

Name:	Shannon L. Sauer	Agency:	NDDOT
Phone Number:	328-4375	Date Prepared:	04/30/2009

PROPOSED AMENDMENTS TO SENATE BILL NO. 2012

Page 1, line 2, after the semicolon insert "to amend and reenact sections 39-04-19, 54-27-19, 54-27-19.1, 57-43.1-06, and 57-43.2-04.2 of the North Dakota Century Code, relating to the collection and distribution of highway funds; and to repeal section 39-04.2-03 of the North Dakota Century Code, relating to the registration fee for the public transportation fund;"

Page 1, line 22, remove "The"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 7

Page 3, after line 7, insert:

"SECTION 7. AMENDMENT. Section 39-04-19 of the North Dakota Century Code is amended and reenacted as follows:

39-04-19. Motor vehicle registration fees and mile tax. Motor vehicles required to pay registration fees or a mile tax shall pay the following fees:

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the department, shall pay a fee of twenty dollars for a trip permit which is valid for a period of seventy-two hours. All fees collected under the provisions of this subsection must be credited to the highway construction fund.
2. Motor vehicles required to be registered in this state must be furnished license plates upon the payment of the following annual fees; however, if a motor vehicle, including a motorcycle or trailer, first becomes subject to registration other than at the beginning of the registration period, such fees must be prorated on a monthly basis. The minimum fee charged hereunder must be five dollars:

a. Passenger motor vehicles:

Gross Weights	YEARS REGISTERED				
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th, 8th, and 9th Years	10th, 11th, and 12th Years	13th and Subsequent Years	
Less than 3,200	\$70 <u>\$73</u>	\$62 <u>\$65</u>	\$54 <u>\$57</u>	\$46 <u>\$49</u>	
3,200 - 4,499	99 <u>93</u>	78 <u>81</u>	66 <u>69</u>	54 <u>57</u>	
4,500 - 4,999	108 <u>111</u>	91 <u>94</u>	76 <u>79</u>	60 <u>63</u>	
5,000 - 5,999	139 <u>142</u>	117 <u>120</u>	95 <u>98</u>	73 <u>76</u>	
6,000 - 6,999	172 <u>175</u>	143 <u>146</u>	114 <u>117</u>	86 <u>89</u>	
7,000 - 7,999	205 <u>208</u>	169 <u>172</u>	134 <u>137</u>	99 <u>102</u>	
8,000 - 8,999	238 <u>241</u>	196 <u>199</u>	154 <u>157</u>	112 <u>115</u>	
9,000 and over	271 <u>274</u>	222 <u>225</u>	174 <u>177</u>	125 <u>128</u>	

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight applicable to a vehicle whose weight is forty percent of that of the house car, but not using a weight of less than four thousand pounds [1814.35 kilograms].

A pickup truck is subject to registration at the rates prescribed for other vehicles under this subdivision by applying the shipping weight of the vehicle to the fee schedule. At a minimum, the registered gross weight displayed on the registration card for a pickup truck must be twice the shipping weight of the vehicle. Unless otherwise exempted by this chapter, the owner of a pickup truck shall request the registered gross weight of the pickup truck be increased to ensure the registered gross weight is sufficient to include the total weight of the vehicle and any load transported on or by the vehicle. For purposes of this subdivision, a pickup truck is a motor vehicle with a manufacturer's gross vehicle weight rating of less than eleven thousand five hundred pounds [5216.31 kilograms], with an unladen weight of less than eight thousand pounds [3628.74 kilograms], and which is equipped with an open box-type bed not exceeding nine feet [2.74 meters] in length.

- b. Schoolbuses, buses for hire, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for religious, charitable, or other public nonprofit purposes, and trucks or combination trucks and trailers, including commercial and noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under this subsection or subsection 5:

Gross Weights	YEARS REGISTERED				
	1st Through 6th Years	7th Through 9th Years	10th Through 12th Years	13th Through 19th Years	20th and Subsequent Years
Not over 4,000	\$68 <u>\$71</u>	\$55 <u>\$58</u>	\$50 <u>\$53</u>	\$47 <u>\$50</u>	\$46 <u>\$49</u>
4,001 - 6,000	73 <u>76</u>	60 <u>63</u>	54 <u>57</u>	48 <u>51</u>	47 <u>50</u>
6,001 - 8,000	78 <u>81</u>	65 <u>68</u>	58 <u>61</u>	49 <u>52</u>	48 <u>51</u>
8,001 - 10,000	83 <u>86</u>	70 <u>73</u>	62 <u>65</u>	54 <u>57</u>	50 <u>53</u>
10,001 - 12,000	88 <u>91</u>	75 <u>78</u>	66 <u>69</u>	53 <u>56</u>	52 <u>55</u>
12,001 - 14,000	93 <u>96</u>	80 <u>83</u>	70 <u>73</u>	56 <u>59</u>	55 <u>58</u>
14,001 - 16,000	98 <u>101</u>	85 <u>88</u>	74 <u>77</u>	59 <u>62</u>	58 <u>61</u>
16,001 - 18,000	103 <u>106</u>	90 <u>93</u>	78 <u>81</u>	64 <u>67</u>	60 <u>63</u>
18,001 - 20,000	108 <u>111</u>	95 <u>98</u>	80 <u>83</u>	62 <u>65</u>	64 <u>67</u>

Gross Weights	YEARS REGISTERED		
	1st, 2nd, 3rd, 4th, 5th, 6th, and 7th Years	8th, 9th, 10th, 11th, and 12th Years	13th and Subsequent Years
20,001 - 22,000	\$136 <u>\$139</u>	\$110 <u>\$113</u>	\$97 <u>\$100</u>
22,001 - 26,000	188 <u>191</u>	158 <u>161</u>	142 <u>145</u>
26,001 - 30,000	240 <u>252</u>	207 <u>210</u>	186 <u>188</u>
30,001 - 34,000	315 <u>318</u>	260 <u>263</u>	232 <u>235</u>
34,001 - 38,000	376 <u>379</u>	300 <u>312</u>	276 <u>278</u>
38,001 - 42,000	437 <u>440</u>	358 <u>361</u>	317 <u>320</u>
42,001 - 46,000	498 <u>501</u>	406 <u>409</u>	360 <u>363</u>
46,001 - 50,000	559 <u>562</u>	455 <u>458</u>	403 <u>406</u>
50,001 - 54,000	620 <u>632</u>	513 <u>516</u>	454 <u>457</u>
54,001 - 58,000	680 <u>693</u>	562 <u>565</u>	497 <u>500</u>
58,001 - 62,000	752 <u>755</u>	611 <u>614</u>	540 <u>543</u>
62,001 - 66,000	812 <u>815</u>	659 <u>662</u>	583 <u>586</u>

66,001 - 70,000	873 876	708 711	625 628
70,001 - 74,000	934 937	757 760	668 671
74,001 - 78,000	995 998	806 809	711 714
78,001 - 82,000	1,056 1,059	855 858	754 757
82,001 - 86,000	1,117 1,182	904 963	801 844
86,001 - 90,000	1,178 1,304	1,064 1,067	848 931
90,001 - 94,000	1,239 1,426	1,169 1,172	1,015 1,018
94,001 - 98,000	1,300 1,548	1,274 1,277	1,103 1,106
98,001 - 102,000	1,361 1,670	1,378 1,381	1,190 1,193
102,001 - 105,500	1,422 1,792	1,483 1,486	1,277 1,280

c. ~~Notwithstanding the fees provided by subdivision a of subsection 2, only one half of the increase in registration fees, rounded up to the nearest dollar, resulting from the reclassification of pickup trucks in 2005 from subdivision b of subsection 2 to subdivision a of subsection 2 is effective from July 1, 2005, through June 30, 2007.~~

d. Motorcycles, fifteen dollars.

3. Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 [38 U.S.C. 3901] are exempt from the payment of state sales or use tax and, if paid, such veterans are entitled to a refund. This exemption also applies to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight but shall apply to no more than two such motor vehicles owned by a disabled veteran at any one time.
4. Every trailer, semitrailer, and farm trailer required to be registered under this chapter must be furnished registration plates upon the payment of a twenty dollar annual fee. Every trailer, semitrailer, or farm trailer not required to be registered under this chapter must be furnished an identification plate upon the payment of a fee of five dollars. Upon the request of a person with a trailer or farm trailer to whom a registration or identification plate is provided under this subsection, the department shall provide a plate of the same size as provided for a motorcycle. The department shall provide notification of this option to the person before the replacement or issuance of the plate.
5. Trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] which are used as farm vehicles only, are entitled to registration under the following fee schedule and the provisions of this subsection. Farm vehicles are considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] owned, or leased for at least one year by a bona fide resident farmer who uses the vehicles exclusively for transporting the farmer's own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial retail or wholesale business being conducted from those farms, nor otherwise for hire. In addition to the penalty provided in section 39-04-41, any person violating this subsection shall license for the entire license period the farm vehicle at the higher commercial vehicle rate in accordance with the weight carried by the farm vehicle at the time of the violation.

Gross	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, 5th,	7th and 8th	9th and 10th	11th and Subsequent

Weights	and 6th Years	Years	Years	Years
	\$108 \$111	\$94 \$97	\$89 \$83	\$62 \$65
20,001 - 22,000	113 116	98 101	83 86	64 67
22,001 - 24,000	124 124	104 107	87 90	66 69
24,001 - 26,000	132 135	112 115	93 96	70 73
26,001 - 28,000	144 144	120 123	99 102	74 77
28,001 - 30,000	156 159	133 136	110 113	83 86
30,001 - 32,000	166 169	141 144	116 119	87 90
32,001 - 34,000	176 179	149 152	122 125	91 94
34,001 - 36,000	186 189	157 160	128 131	95 98
36,001 - 38,000	196 199	165 168	134 137	99 102
38,001 - 40,000	206 209	173 176	140 143	103 106
40,001 - 42,000	216 219	181 184	146 149	107 110
42,001 - 44,000	226 229	189 192	152 155	111 114
44,001 - 46,000	236 239	197 200	158 161	115 118
46,001 - 48,000	246 249	205 208	164 167	119 122
48,001 - 50,000	266 269	223 226	180 183	133 136
50,001 - 52,000	276 279	231 234	186 189	137 140
52,001 - 54,000	286 289	239 242	192 195	141 144
54,001 - 56,000	296 299	247 250	198 201	145 148
56,001 - 58,000	306 309	255 258	204 207	149 152
58,001 - 60,000	316 319	263 266	210 213	153 156
60,001 - 62,000	326 329	271 274	216 219	157 160
62,001 - 64,000	336 339	279 282	222 225	161 164
64,001 - 66,000	346 349	287 290	228 231	165 168
66,001 - 68,000	356 359	295 298	234 237	169 172
68,001 - 70,000	366 369	303 306	240 243	173 176
70,001 - 72,000	376 379	311 314	246 249	177 180
72,001 - 74,000	386 389	319 322	252 255	181 184
74,001 - 76,000	396 399	327 330	258 261	185 188
76,001 - 78,000	406 409	335 338	264 267	189 192
78,001 - 80,000	416 419	343 346	270 273	193 196
80,001 - 82,000	426 429	351 354	276 279	197 200
82,001 - 84,000	436 439	359 362	282 285	201 204
84,001 - 86,000	446 449	367 370	288 291	205 208
86,001 - 88,000	456 459	375 378	294 297	209 212
88,001 - 90,000	466 469	383 386	300 303	213 216
90,001 - 92,000	476 479	391 394	306 309	217 220
92,001 - 94,000	486 489	399 402	312 315	221 224
94,001 - 96,000	496 499	407 410	318 321	225 228
96,001 - 98,000	506 509	415 418	324 327	229 232
98,001 - 100,000	516 519	423 426	330 333	233 236
100,001 - 102,000	526 529	431 434	336 339	237 240
102,001 - 104,000	536 539	439 442	342 345	241 244
104,001 - 105,500	546 549	447 450	348 351	245 248
		455 458	354 357	249 252
		463 466	360 363	253 256
		471 474	366 369	257 260
		479 482	372 375	261 264
		487 490	378 381	265 268
		495 498	384 387	269 272
		503 506	390 393	273 276
		511 514	396 399	277 280
		519 522	402 405	281 284
		527 530	408 411	285 288
		535 538	414 417	289 292
		543 546	420 423	293 296
		551 554	426 429	297 300
		559 562	432 435	301 304
		567 570	438 441	305 308
		575 578	444 447	309 312
		583 586	450 453	313 316
		591 594	456 459	317 320
		599 602	462 465	321 324
		607 610	468 471	325 328
		615 618	474 477	329 332
		623 626	480 483	333 336
		631 634	486 489	337 340
		639 642	492 495	341 344
		647 650	498 501	345 348
		655 658	504 507	349 352
		663 666	510 513	353 356
		671 674	516 519	357 360
		679 682	522 525	361 364
		687 690	528 531	365 368
		695 698	534 537	369 372
		703 706	540 543	373 376
		711 714	546 549	377 380
		719 722	552 555	381 384
		727 730		385 388
		735 738		389 392
		743 746		393 396
		751 754		397 400
		759 762		401 404

6. A motor vehicle registered in subsection 5 may be used for custom combining operations by displaying identification issued by the department and upon payment of a fee of twenty-five dollars.
7. ~~Thirteen dollars of each registration fee collected under subsections 2 and 5 must be deposited in the state highway fund.~~

SECTION 8. AMENDMENT. Section 54-27-19 of the North Dakota Century Code is amended and reenacted as follows:

54-27-19. Highway tax distribution fund - State treasurer to make allocation to state, counties, and cities. A highway tax distribution fund is created as a special fund in the state treasury into which must be deposited the moneys available by law from collections of motor vehicle registration and related fees, fuels taxes, special fuels taxes, use taxes, and special fuels excise taxes. Any The state treasurer

shall transfer the first five million five hundred thousand dollars per biennium from the highway tax distribution fund to the state highway fund for the purpose of providing administrative assistance to other transferees. After the transfer of the first five million five hundred thousand dollars, any moneys in the highway tax distribution fund must be allocated and transferred monthly by the state treasurer, as follows:

1. ~~Sixty-three~~ Sixty-one and three-tenths percent of such moneys must be transferred monthly to the state department of transportation and placed in a state highway fund.
2. ~~Thirty-seven~~ Two and seven-tenths percent must be transferred monthly to the township highway fund.
3. One and five-tenths percent must be transferred monthly to the public transportation fund.
4. ~~Thirty-four and five-tenths percent of such moneys~~ must be allocated to the counties of this state in proportion to the number of motor vehicle registrations credited to each county. Each county must be credited with the certificates of title of all motor vehicles registered by residents of ~~each~~ the county. The state treasurer shall compute and distribute the counties' share monthly after deducting the incorporated cities' share. All the moneys received by the counties from the highway tax distribution fund must be set aside in a separate fund called the "highway tax distribution fund" and must be appropriated and applied solely for highway purposes in accordance with section 11 of article X of the Constitution of North Dakota. The state treasurer shall compute and distribute monthly the sums allocated to the incorporated cities within each county according to the formula in this subsection on the basis of the per capita population of all of the incorporated cities situated within each county as determined by the last official regular or special federal census or the census taken in accordance with the provisions of chapter 40-02 in case of a city incorporated subsequent to ~~such~~ the census. ~~Provided, however, that~~ However, in each county having a city with a population of ten thousand or more, the amount transferred each month into the county highway tax distribution fund must be the difference between the amount allocated to that county pursuant to this subsection and the total amount allocated and distributed to the incorporated cities in that county as computed according to the following formula:
 - a. A statewide per capita average as determined by calculating twenty-seven percent of the amount allocated to all of the counties under this subsection divided by the total population of all of the incorporated cities in the state.
 - b. The share distributed to each city in the county having a population of less than one thousand must be determined by multiplying the population of that city by the product of 1.50 times the statewide per capita average computed under subdivision a.
 - c. The share distributed to each city in the county having a population of one thousand to four thousand nine hundred ninety-nine, inclusive, must be determined by multiplying the population of that city by the product of 1.25 times the statewide per capita average computed under subdivision a.
 - d. The share distributed to each city in the county having a population of five thousand or more must be determined by multiplying the population of that city by the statewide per capita average for all such cities, which per capita average must be computed as follows: the

total of the shares computed under subdivisions b and c for all cities in the state having a population of less than five thousand must be subtracted from the total incorporated cities' share in the state as computed under subdivision a and the balance remaining must then be divided by the total population of all cities of five thousand or more in the state.

The moneys allocated to the incorporated cities must be distributed to them monthly by the state treasurer and must be deposited by the cities in a separate fund and may only be used in accordance with section 11 of article X of the Constitution of North Dakota; ~~provided, that any~~ and an incorporated city may use ~~such the~~ fund for the construction, reconstruction, repair, and maintenance of public highways within or outside ~~such the~~ city pursuant to an agreement entered into between the city and any other political subdivision as authorized by section 54-40-08.

SECTION 9. AMENDMENT. Section 54-27-19.1 of the North Dakota Century Code is amended and reenacted as follows:

54-27-19.1. Township highway aid fund - Distribution. ~~Notwithstanding any other provision of law, one cent per gallon [3.79 liters] of the tax imposed by sections 57-43.1-02 and 57-43.2-02 may not be refunded and the proceeds must be distributed as provided in this section. The tax commissioner shall transfer the proceeds of one cent per gallon [3.79 liters] of the tax imposed by sections 57-43.1-02 and 57-43.2-02 to the state treasurer who shall deposit the proceeds in a township highway aid fund in the state treasury. The state treasurer shall no less than quarterly allocate and distribute all moneys in the township highway aid fund to the counties of the state based on the length of township roads in each county compared to the length of all township roads in the state. To receive any funds under this section, organized townships shall must provide fifty percent matching funds. The county treasurer shall allocate the funds received to the organized townships in the county which provide fifty percent matching funds based on the length of township roads in each ~~such of those~~ organized township townships compared to the length of all township roads in the county. The funds received must be deposited in the township road and bridge fund and used for highway and bridge purposes. If a county ~~has no~~ does not have organized townships, or has some organized and some unorganized townships, the county shall retain a pro rata portion of the funds received based on the length of roads in unorganized townships compared to the length of township roads in organized townships in the county. Moneys retained by a county for the benefit of unorganized townships under this section must be deposited in the county road and bridge fund. Moneys retained by the county treasurer due to the failure of organized townships to provide required matching funds must be returned to the state treasurer who shall deposit the funds in the highway tax distribution fund. The board of county commissioners shall certify to the state treasurer any change in township road mileage when a change occurs and shall, by July first of each even-numbered year, certify the total number of township road mileage in each of the county's organized and unorganized townships. The state treasurer shall prescribe the form and manner by which the certification is made.~~

SECTION 10. AMENDMENT. Section 57-43.1-06 of the North Dakota Century Code is amended and reenacted as follows:

57-43.1-06. Refund to prevent taxation by multiple jurisdictions. Any person to whom motor vehicle fuel is sold on which the tax imposed by this chapter has been paid, who thereafter removes the fuel from this state for sale or resale in another state or to a state which requires payment of a tax upon the use of the fuel in that state, must be granted a refund of the tax that was paid pursuant to this chapter. The refund may be granted only upon application to the commissioner in the manner prescribed by the commissioner and must include proof that fuel for sale or resale in another state was reported to the taxing agency of that state, or in the case of a consumer, proof of payment of the tax imposed by the other state. ~~The refund may not be reduced by the one cent per gallon [3.79 liters] tax designated for the township highway aid fund. A~~

claim for refund under this section must be made within one year from the date the fuel was removed to another state for sale, resale, or use in another state.

SECTION 11. AMENDMENT. Section 57-43.2-04.2 of the North Dakota Century Code is amended and reenacted as follows:

57-43.2-04.2. Refund to prevent taxation by multiple jurisdictions. Any person to whom special fuel is sold on which the tax imposed by this chapter has been paid, who thereafter removes the fuel from this state for sale or resale in another state or to a state that requires payment of a tax upon the use of the fuel in that state, must be granted a refund of the tax that was paid pursuant to this chapter. The refund may be granted only upon application to the commissioner in the manner prescribed by the commissioner and must include proof that fuel for sale or resale in another state was reported to the taxing agency of that state, or in the case of a consumer, proof of payment of the tax imposed by the other state. ~~The refund may not be reduced by the one-cent-per-gallon [3.70 liters] tax designated for the township highway aid fund.~~ A claim for refund under this section must be made within one year from the date the fuel was removed to another state for sale, resale, or use in another state.

SECTION 12. REPEAL. Section 39-04.2-03 of the North Dakota Century Code is repealed."

Renumber accordingly

Date: 2-17-09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2012

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number .0104 Amendment

Action Taken Do Pass Do Not Pass Amended

Motion Made By Wardner Seconded By Robinson

Representatives	Yes	No	Representatives	Yes	No
Senator Wardner			Senator Robinson		
Senator Fischer			Senator Lindaas		
V. Chair Bowman			Senator Warner		
Senator Krebsbach			Senator Krauter		
Senator Christmann			Senator Seymour		
Chairman Holmberg			Senator Mathern		
Senator Kilzer					
V. Chair Grindberg					

Total Yes _____ No _____

Absent _____

Floor Assignment _____

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

*voice vote -
passed*

PROPOSED AMENDMENTS TO SENATE BILL NO. 2012

Page 1, line 2, after the semicolon insert "to amend and reenact section 24-02-44 of the North Dakota Century Code, relating to authority to borrow for disasters;"

Page 1, line 14, replace "39,969,768" with "96,855,896" and replace "588,690,866" with "645,576,994"

Page 1, line 16, replace "107,024,750" with "163,910,878" and replace "1,010,182,250" with "1,067,068,378"

Page 1, line 17, replace "2.00" with "3.00" and replace "1,054.50" with "1,055.50"

Page 2, line 20, after "APPROPRIATION" insert "- ADDITIONAL INCOME APPROPRIATED" and replace "361,046,109" with "417,932,237"

Page 2, line 24, after "available" insert "from state or federal sources"

Page 3, after line 7, Insert:

"SECTION 7. FLEET SERVICES FUND - ADDITIONAL INCOME APPROPRIATED. The sum of \$70,388,921, included in the estimated income line in section 1 of this Act is from the fleet services fund and must be used by the department of transportation for purposes authorized by the legislative assembly, for the biennium beginning July 1, 2009, and ending June 30, 2011. Any additional amount in the fleet services fund that becomes available is appropriated to the department of transportation for the purpose of defraying the expenses of the fleet services program, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 8. AMENDMENT. Section 24-02-44 of the North Dakota Century Code is amended and reenacted as follows:

24-02-44. Authority to borrow funds for a disaster - Appropriation. The department of transportation, subject to the approval of the emergency commission, may borrow moneys from the Bank of North Dakota to advance and match federal emergency relief funds. Any moneys borrowed from the Bank of North Dakota pursuant to this section are appropriated. ~~If it appears to the department of transportation that at the end of the biennium the amount available to repay the amount borrowed plus interest is insufficient to totally repay the Bank of North Dakota, the department of transportation shall request from the legislative assembly a deficiency appropriation from the state highway fund sufficient for the repayment of the amount borrowed plus interest."~~

Re-number accordingly

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:

ate Bill No. 2012 - Department of Transportation - Senate Action

	Executive Budget	Senate Changes	Senate Version
Salaries and wages	\$151,520,269		\$151,520,269
Operating expenses	203,805,014		203,805,014
Capital assets	588,690,866	56,886,128	645,576,994
Grants	66,166,101		66,166,101
Transfer to highway tax dist. fund	120,000,000		120,000,000
Total all funds	\$1,130,182,250	\$56,886,128	\$1,187,068,378
Less estimated income	1,010,182,250	56,886,128	1,067,068,378
General fund	\$120,000,000	\$0	\$120,000,000
FTE	1054.50	1.00	1055.50

Department No. 801 - Department of Transportation - Detail of Senate Changes

	Adds Highway-Related Funding ¹	Adds FTE Position ²	Total Senate Changes
Salaries and wages			
Operating expenses			
Capital assets	56,886,128		56,886,128
Grants			
Transfer to highway tax dist. fund			
Total all funds	\$56,886,128	\$0	\$56,886,128
Less estimated income	56,886,128	0	56,886,128
General fund	\$0	\$0	\$0
FTE	0.00	1.00	1.00

¹ Increases funding in the capital assets line item to allow the Department of Transportation to spend additional money deposited in the highway fund as a result of the transfer of \$120,000,000 from the general fund to the highway tax distribution fund.

² Provides the Department of Transportation with an additional FTE position for coordination of the department's Title VI and nondiscrimination program as required for delivery of federal programs. Additional funding is not being provided for the position.

This amendment also adds the following sections:

- Provides additional appropriation authority for Fleet Services if additional revenue becomes available.
- Amends Section 24-02-44 relating to the department's authority to borrow funds to respond to disasters.

Date: 12-17-09
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2012

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number .0101 amendment

Action Taken Do Pass Do Not Pass Amended

Motion Made By Wardner Seconded By Warner

Representatives	Yes	No	Representatives	Yes	No
Senator Krebsbach			Senator Seymour		
Senator Fischer			Senator Lindaas		
Senator Wardner			Senator Robinson		
Senator Kilzer			Senator Warner		
V. Chair Bowman			Senator Krauter		
Senator Christmann			Senator Mather		
V. Chair Grindberg					
Chairman Holmberg					

Total Yes _____ No _____

Absent _____

Floor Assignment _____

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

voice vote passed

PROPOSED AMENDMENTS TO SENATE BILL NO. 2012

Page 1, line 2, after the semicolon insert "to amend and reenact sections 24-02-44, 39-04-19, 54-27-19, 54-27-19.1, 57-43.1-06, and 57-43.2-04.2 of the North Dakota Century Code, relating to authority to borrow for disasters and the collection and distribution of highway funds; to repeal section 39-04.2-03 of the North Dakota Century Code, relating to the registration fee for the public transportation fund;"

Page 1, line 14, replace "39,969,768" with "96,855,896" and replace "588,690,866" with "645,576,994"

Page 1, line 15, replace "13,753,601" with "16,653,601" and replace "66,166,101" with "69,066,101"

Page 1, line 16, replace "107,024,750" with "166,810,878" and replace "1,010,182,250" with "1,069,968,378"

Page 1, line 17, replace "2.00" with "3.00" and replace "1,054.50" with "1,055.50"

Page 1, line 22, remove "The"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 7

Page 2, line 20, after "**APPROPRIATION**" insert "- **ADDITIONAL INCOME APPROPRIATED**" and replace "\$361,046,109" with "\$417,932,237"

Page 2, line 24, after "available" insert "from state or federal sources"

Page 3, after line 7, insert:

"SECTION 7. FLEET SERVICES FUND - ADDITIONAL INCOME APPROPRIATED. The sum of \$70,388,921, included in the estimated income line in section 1 of this Act is from the fleet services fund and must be used by the department of transportation for purposes authorized by the legislative assembly, for the biennium beginning July 1, 2009, and ending June 30, 2011. Any additional amount in the fleet services fund that becomes available is appropriated to the department of transportation for the purpose of defraying the expenses of the fleet services program, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 8. AMENDMENT. Section 24-02-44 of the North Dakota Century Code is amended and reenacted as follows:

24-02-44. Authority to borrow funds for a disaster - Appropriation. The department of transportation, subject to the approval of the emergency commission, may borrow moneys from the Bank of North Dakota to advance and match federal emergency relief funds. Any moneys borrowed from the Bank of North Dakota pursuant to this section are appropriated. ~~If it appears to the department of transportation that at the end of the biennium the amount available to repay the amount borrowed plus~~

interest is insufficient to totally repay the Bank of North Dakota, the department of transportation shall request from the legislative assembly a deficiency appropriation from the state highway fund sufficient for the repayment of the amount borrowed plus interest.

SECTION 9. AMENDMENT. Section 39-04-19 of the North Dakota Century Code is amended and reenacted as follows:

39-04-19. Motor vehicle registration fees and mile tax. Motor vehicles required to pay registration fees or a mile tax shall pay the following fees:

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the department, shall pay a fee of twenty dollars for a trip permit which is valid for a period of seventy-two hours. All fees collected under the provisions of this subsection must be credited to the highway construction fund.
2. Motor vehicles required to be registered in this state must be furnished license plates upon the payment of the following annual fees; however, if a motor vehicle, including a motorcycle or trailer, first becomes subject to registration other than at the beginning of the registration period, such fees must be prorated on a monthly basis. The minimum fee charged hereunder must be five dollars:

a. Passenger motor vehicles:

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th, 8th, and 9th Years	10th, 11th, and 12th Years	13th and Subsequent Years
Less than 3,200	\$70 <u>\$73</u>	\$62 <u>\$65</u>	\$54 <u>\$57</u>	\$46 <u>\$49</u>
3,200 - 4,499	90 <u>93</u>	78 <u>81</u>	66 <u>69</u>	54 <u>57</u>
4,500 - 4,999	108 <u>111</u>	94 <u>94</u>	76 <u>79</u>	60 <u>63</u>
5,000 - 5,999	139 <u>142</u>	117 <u>120</u>	95 <u>98</u>	73 <u>76</u>
6,000 - 6,999	172 <u>175</u>	143 <u>146</u>	114 <u>117</u>	86 <u>89</u>
7,000 - 7,999	205 <u>208</u>	169 <u>172</u>	134 <u>137</u>	99 <u>102</u>
8,000 - 8,999	238 <u>241</u>	196 <u>199</u>	154 <u>157</u>	112 <u>115</u>
9,000 and over	274 <u>274</u>	222 <u>225</u>	174 <u>177</u>	125 <u>128</u>

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight applicable to a vehicle whose weight is forty percent of that of the house car, but not using a weight of less than four thousand pounds [1814.35 kilograms].

A pickup truck is subject to registration at the rates prescribed for other vehicles under this subdivision by applying the shipping weight of the vehicle to the fee schedule. At a minimum, the registered gross weight displayed on the registration card for a pickup truck must be twice the shipping weight of the vehicle. Unless otherwise exempted by this chapter, the owner of a pickup truck shall request the registered gross weight of the pickup truck be increased to ensure the registered gross weight is sufficient to include the total weight of the vehicle and any load transported on or by the vehicle. For purposes of this subdivision, a pickup truck is a motor vehicle with a manufacturer's gross vehicle weight rating of less than eleven thousand five hundred pounds [5216.31 kilograms], with an unladen weight of less than eight thousand pounds [3628.74 kilograms], and which is equipped with an open box-type bed not exceeding nine feet [2.74 meters] in length.

- b. Schoolbuses, buses for hire, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for religious, charitable, or other public nonprofit purposes, and trucks or combination trucks and trailers, including commercial and noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under this subsection or subsection 5:

Gross Weights	YEARS REGISTERED				
	1st Through 6th Years	7th Through 9th Years	10th Through 12th Years	13th Through 19th Years	20th and Subsequent Years
Not over 4,000	\$68 <u>\$71</u>	\$55 <u>\$58</u>	\$50 <u>\$53</u>	\$47 <u>\$50</u>	\$46 <u>\$49</u>
4,001 - 6,000	73 <u>76</u>	60 <u>63</u>	54 <u>57</u>	48 <u>51</u>	47 <u>50</u>
6,001 - 8,000	78 <u>81</u>	65 <u>68</u>	58 <u>61</u>	49 <u>52</u>	48 <u>51</u>
8,001 - 10,000	83 <u>86</u>	70 <u>73</u>	62 <u>65</u>	54 <u>54</u>	50 <u>53</u>
10,001 - 12,000	88 <u>91</u>	75 <u>78</u>	66 <u>69</u>	53 <u>56</u>	52 <u>55</u>
12,001 - 14,000	93 <u>96</u>	80 <u>83</u>	70 <u>73</u>	56 <u>59</u>	55 <u>58</u>
14,001 - 16,000	98 <u>101</u>	85 <u>88</u>	74 <u>77</u>	59 <u>62</u>	58 <u>61</u>
16,001 - 18,000	103 <u>106</u>	90 <u>93</u>	78 <u>81</u>	64 <u>64</u>	60 <u>63</u>
18,001 - 20,000	106 <u>109</u>	93 <u>96</u>	80 <u>83</u>	62 <u>65</u>	64 <u>64</u>

Gross Weights	YEARS REGISTERED		
	1st, 2nd, 3rd, 4th, 5th, 6th, and 7th Years	8th, 9th, 10th, 11th, and 12th Years	13th and Subsequent Years
20,001 - 22,000	\$136 <u>\$139</u>	\$110 <u>\$113</u>	\$97 <u>\$100</u>
22,001 - 26,000	188 <u>191</u>	158 <u>161</u>	142 <u>145</u>
26,001 - 30,000	249 <u>252</u>	207 <u>210</u>	185 <u>188</u>
30,001 - 34,000	315 <u>318</u>	260 <u>263</u>	232 <u>235</u>
34,001 - 38,000	376 <u>379</u>	309 <u>312</u>	275 <u>278</u>
38,001 - 42,000	437 <u>440</u>	358 <u>361</u>	317 <u>320</u>
42,001 - 46,000	498 <u>501</u>	406 <u>409</u>	360 <u>363</u>
46,001 - 50,000	559 <u>562</u>	455 <u>458</u>	403 <u>406</u>
50,001 - 54,000	629 <u>632</u>	513 <u>516</u>	454 <u>457</u>
54,001 - 58,000	690 <u>693</u>	562 <u>565</u>	497 <u>500</u>
58,001 - 62,000	752 <u>755</u>	611 <u>614</u>	540 <u>543</u>
62,001 - 66,000	812 <u>815</u>	659 <u>662</u>	583 <u>586</u>
66,001 - 70,000	873 <u>876</u>	708 <u>711</u>	625 <u>628</u>
70,001 - 74,000	934 <u>937</u>	757 <u>760</u>	668 <u>671</u>
74,001 - 78,000	995 <u>998</u>	806 <u>809</u>	711 <u>714</u>
78,001 - 82,000	1,056 <u>1,059</u>	855 <u>858</u>	754 <u>757</u>
82,001 - 86,000	1,117 <u>1,120</u>	904 <u>907</u>	797 <u>800</u>
86,001 - 90,000	1,178 <u>1,181</u>	953 <u>956</u>	840 <u>843</u>
90,001 - 94,000	1,239 <u>1,242</u>	1,002 <u>1,005</u>	883 <u>886</u>
94,001 - 98,000	1,300 <u>1,303</u>	1,051 <u>1,054</u>	926 <u>929</u>
98,001 - 102,000	1,361 <u>1,364</u>	1,100 <u>1,103</u>	969 <u>972</u>
102,001 - 105,500	1,422 <u>1,425</u>	1,149 <u>1,152</u>	1,012 <u>1,015</u>

- c. ~~Notwithstanding the fees provided by subdivision a of subsection 2, only one half of the increase in registration fees, rounded up to the nearest dollar, resulting from the reclassification of pickup trucks in 2005 from subdivision b of subsection 2 to subdivision a of subsection 2 is effective from July 1, 2006, through June 30, 2007.~~

d. Motorcycles, fifteen dollars.

3. Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 [38 U.S.C. 3901] are exempt from the payment of state sales or use tax and, if paid, such veterans are entitled to a refund. This

exemption also applies to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight but shall apply to no more than two such motor vehicles owned by a disabled veteran at any one time.

4. Every trailer, semitrailer, and farm trailer required to be registered under this chapter must be furnished registration plates upon the payment of a twenty dollar annual fee. Every trailer, semitrailer, or farm trailer not required to be registered under this chapter must be furnished an identification plate upon the payment of a fee of five dollars. Upon the request of a person with a trailer or farm trailer to whom a registration or identification plate is provided under this subsection, the department shall provide a plate of the same size as provided for a motorcycle. The department shall provide notification of this option to the person before the replacement or issuance of the plate.

5. Trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] which are used as farm vehicles only, are entitled to registration under the following fee schedule and the provisions of this subsection. Farm vehicles are considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] owned, or leased for at least one year by a bona fide resident farmer who uses the vehicles exclusively for transporting the farmer's own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial retail or wholesale business being conducted from those farms, nor otherwise for hire. In addition to the penalty provided in section 39-04-41, any person violating this subsection shall license for the entire license period the farm vehicle at the higher commercial vehicle rate in accordance with the weight carried by the farm vehicle at the time of the violation.

Gross Weights	YEARS REGISTERED				
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th and 8th Years	9th and 10th Years	11th and Subsequent Years	
20,001 - 22,000	\$108 \$111	\$94 \$97	\$80 \$83	\$62 \$65	
22,001 - 24,000	113 116	98 101	83 86	64 67	
24,001 - 26,000	121 124	104 107	87 90	66 69	
26,001 - 28,000	132 135	112 115	93 96	70 73	
28,001 - 30,000	144 144	120 123	99 102	74 77	
30,001 - 32,000	156 159	133 136	110 113	83 86	
32,001 - 34,000	166 169	141 144	116 119	87 90	
34,001 - 36,000	176 179	149 152	122 125	91 94	
36,001 - 38,000	186 189	157 160	128 131	95 98	
38,001 - 40,000	196 199	165 168	134 137	99 102	
40,001 - 42,000	206 209	173 176	140 143	103 106	
42,001 - 44,000	216 219	181 184	146 149	107 110	
44,001 - 46,000	226 229	189 192	152 155	111 114	
46,001 - 48,000	236 239	197 200	158 161	115 118	
48,001 - 50,000	246 249	205 208	164 167	119 122	
50,001 - 52,000	266 269	223 226	180 183	133 136	
52,001 - 54,000	276 279	231 234	186 189	137 140	
54,001 - 56,000	286 289	239 242	192 195	141 144	
56,001 - 58,000	296 299	247 250	198 201	145 148	
58,001 - 60,000	306 309	255 258	204 207	149 152	
60,001 - 62,000	316 319	263 266	210 213	153 156	

62,001 - 64,000	326 <u>329</u>	274 <u>274</u>	246 <u>219</u>	457 <u>160</u>
64,001 - 66,000	336 <u>339</u>	279 <u>282</u>	222 <u>225</u>	464 <u>164</u>
66,001 - 68,000	346 <u>349</u>	287 <u>290</u>	228 <u>231</u>	465 <u>168</u>
68,001 - 70,000	356 <u>359</u>	295 <u>298</u>	234 <u>237</u>	469 <u>172</u>
70,001 - 72,000	366 <u>369</u>	303 <u>306</u>	240 <u>243</u>	473 <u>176</u>
72,001 - 74,000	376 <u>379</u>	311 <u>314</u>	246 <u>249</u>	477 <u>180</u>
74,001 - 76,000	386 <u>389</u>	319 <u>322</u>	252 <u>255</u>	481 <u>184</u>
76,001 - 78,000	396 <u>399</u>	327 <u>330</u>	258 <u>261</u>	485 <u>188</u>
78,001 - 80,000	406 <u>409</u>	335 <u>338</u>	264 <u>267</u>	489 <u>192</u>
80,001 - 82,000	416 <u>419</u>	343 <u>346</u>	270 <u>273</u>	493 <u>196</u>
82,001 - 84,000	426 <u>429</u>	351 <u>354</u>	276 <u>279</u>	497 <u>200</u>
84,001 - 86,000	436 <u>439</u>	359 <u>362</u>	282 <u>285</u>	501 <u>204</u>
86,001 - 88,000	446 <u>449</u>	367 <u>370</u>	288 <u>291</u>	505 <u>208</u>
88,001 - 90,000	456 <u>459</u>	375 <u>378</u>	294 <u>297</u>	509 <u>212</u>
90,001 - 92,000	466 <u>469</u>	383 <u>386</u>	300 <u>303</u>	513 <u>216</u>
92,001 - 94,000	476 <u>479</u>	391 <u>394</u>	306 <u>309</u>	517 <u>220</u>
94,001 - 96,000	486 <u>489</u>	400 <u>403</u>	312 <u>315</u>	521 <u>224</u>
96,001 - 98,000	496 <u>499</u>	408 <u>411</u>	318 <u>321</u>	525 <u>228</u>
98,001 - 100,000	506 <u>509</u>	416 <u>419</u>	324 <u>327</u>	529 <u>232</u>
100,001 - 102,000	516 <u>519</u>	424 <u>427</u>	330 <u>333</u>	533 <u>236</u>
102,001 - 104,000	526 <u>529</u>	432 <u>435</u>	336 <u>339</u>	537 <u>240</u>
104,001 - 105,500	536 <u>539</u>	440 <u>443</u>	342 <u>345</u>	541 <u>244</u>

6. A motor vehicle registered in subsection 5 may be used for custom combining operations by displaying identification issued by the department and upon payment of a fee of twenty-five dollars.
7. ~~Thirteen dollars of each registration fee collected under subsections 2 and 5 must be deposited in the state highway fund.~~

SECTION 10. AMENDMENT. Section 54-27-19 of the North Dakota Century Code is amended and reenacted as follows:

54-27-19. Highway tax distribution fund - State treasurer to make allocation to state, counties, and cities. A highway tax distribution fund is created as a special fund in the state treasury into which must be deposited the moneys available by law from collections of motor vehicle registration and related fees, fuels taxes, special fuels taxes, use taxes, and special fuels excise taxes. ~~Any~~ The state treasurer shall transfer the first five million five hundred thousand dollars per biennium from the highway tax distribution fund to the state highway fund for the purpose of providing administrative assistance to other transferees. After the transfer of the first five million five hundred thousand dollars, any moneys in the highway tax distribution fund must be allocated and transferred monthly by the state treasurer, as follows:

1. ~~Sixty-three~~ Sixty-one and three-tenths percent of ~~such moneys~~ must be transferred monthly to the state department of transportation and placed in a state highway fund.
2. ~~Thirty-seven~~ Two and seven-tenths percent must be transferred monthly to the township highway fund.
3. One and five-tenths percent must be transferred monthly to the public transportation fund.
4. Thirty-four and five-tenths percent of ~~such moneys~~ must be allocated to the counties of this state in proportion to the number of motor vehicle registrations credited to each county. Each county must be credited with the certificates of title of all motor vehicles registered by residents of ~~such~~ the county. The state treasurer shall compute and distribute the counties' share monthly after deducting the incorporated cities' share. All the

moneys received by the counties from the highway tax distribution fund must be set aside in a separate fund called the "highway tax distribution fund" and must be appropriated and applied solely for highway purposes in accordance with section 11 of article X of the Constitution of North Dakota. The state treasurer shall compute and distribute monthly the sums allocated to the incorporated cities within each county according to the formula in this subsection on the basis of the per capita population of all of the incorporated cities situated within each county as determined by the last official regular or special federal census or the census taken in accordance with the provisions of chapter 40-02 in case of a city incorporated subsequent to ~~such~~ the census. ~~Provided, however, that~~ However, in each county having a city with a population of ten thousand or more, the amount transferred each month into the county highway tax distribution fund must be the difference between the amount allocated to that county pursuant to this subsection and the total amount allocated and distributed to the incorporated cities in that county as computed according to the following formula:

- a. A statewide per capita average as determined by calculating twenty-seven percent of the amount allocated to all of the counties under this subsection divided by the total population of all of the incorporated cities in the state.
- b. The share distributed to each city in the county having a population of less than one thousand must be determined by multiplying the population of that city by the product of 1.50 times the statewide per capita average computed under subdivision a.
- c. The share distributed to each city in the county having a population of one thousand to four thousand nine hundred ninety-nine, inclusive, must be determined by multiplying the population of that city by the product of 1.25 times the statewide per capita average computed under subdivision a.
- d. The share distributed to each city in the county having a population of five thousand or more must be determined by multiplying the population of that city by the statewide per capita average for all such cities, which per capita average must be computed as follows: the total of the shares computed under subdivisions b and c for all cities in the state having a population of less than five thousand must be subtracted from the total incorporated cities' share in the state as computed under subdivision a and the balance remaining must then be divided by the total population of all cities of five thousand or more in the state.

The moneys allocated to the incorporated cities must be distributed to them monthly by the state treasurer and must be deposited by the cities in a separate fund and may only be used in accordance with section 11 of article X of the Constitution of North Dakota; ~~provided, that any~~ and an incorporated city may use ~~such~~ the fund for the construction, reconstruction, repair, and maintenance of public highways within or outside ~~such~~ the city pursuant to an agreement entered into between the city and any other political subdivision as authorized by section 54-40-08.

SECTION 11. AMENDMENT. Section 54-27-19.1 of the North Dakota Century Code is amended and reenacted as follows:

54-27-19.1. Township highway aid fund - Distribution. ~~Notwithstanding any other provision of law, one cent per gallon [3.79 liters] of the tax imposed by sections 57-43.1-02 and 57-43.2-02 may not be refunded and the proceeds must be distributed as provided in this section. The tax commissioner shall transfer the proceeds of one~~

~~cent per gallon [3.79 liters] of the tax imposed by sections 57-43.1-02 and 57-43.2-02 to the state treasurer who shall deposit the proceeds in a township highway aid fund in the state treasury.~~ The state treasurer shall no less than quarterly allocate and distribute all moneys in the township highway aid fund to the counties of the state based on the length of township roads in each county compared to the length of all township roads in the state. To receive any funds under this section, organized townships ~~shall~~ must provide fifty percent matching funds. The county treasurer shall allocate the funds received to the organized townships in the county which provide fifty percent matching funds based on the length of township roads in each ~~such of those organized township townships~~ such of those organized township townships compared to the length of all township roads in the county. The funds received must be deposited in the township road and bridge fund and used for highway and bridge purposes. If a county ~~has no~~ does not have organized townships, or has some organized and some unorganized townships, the county shall retain a pro rata portion of the funds received based on the length of roads in unorganized townships compared to the length of township roads in organized townships in the county. Moneys retained by a county for the benefit of unorganized townships under this section must be deposited in the county road and bridge fund. Moneys retained by the county treasurer due to the failure of organized townships to provide required matching funds must be returned to the state treasurer who shall deposit the funds in the highway tax distribution fund. The board of county commissioners shall certify to the state treasurer any change in township road mileage when a change occurs and shall, by July first of each even-numbered year, certify the total number of township road mileage in each of the county's organized and unorganized townships. The state treasurer shall prescribe the form and manner by which the certification is made.

SECTION 12. AMENDMENT. Section 57-43.1-06 of the North Dakota Century Code is amended and reenacted as follows:

57-43.1-06. Refund to prevent taxation by multiple jurisdictions. Any person to whom motor vehicle fuel is sold on which the tax imposed by this chapter has been paid, who thereafter removes the fuel from this state for sale or resale in another state or to a state which requires payment of a tax upon the use of the fuel in that state, must be granted a refund of the tax that was paid pursuant to this chapter. The refund may be granted only upon application to the commissioner in the manner prescribed by the commissioner and must include proof that fuel for sale or resale in another state was reported to the taxing agency of that state, or in the case of a consumer, proof of payment of the tax imposed by the other state. ~~The refund may not be reduced by the one-cent per gallon [3.79 liters] tax designated for the township highway aid fund.~~ A claim for refund under this section must be made within one year from the date the fuel was removed to another state for sale, resale, or use in another state.

SECTION 13. AMENDMENT. Section 57-43.2-04.2 of the North Dakota Century Code is amended and reenacted as follows:

57-43.2-04.2. Refund to prevent taxation by multiple jurisdictions. Any person to whom special fuel is sold on which the tax imposed by this chapter has been paid, who thereafter removes the fuel from this state for sale or resale in another state or to a state that requires payment of a tax upon the use of the fuel in that state, must be granted a refund of the tax that was paid pursuant to this chapter. The refund may be granted only upon application to the commissioner in the manner prescribed by the commissioner and must include proof that fuel for sale or resale in another state was reported to the taxing agency of that state, or in the case of a consumer, proof of payment of the tax imposed by the other state. ~~The refund may not be reduced by the one-cent per gallon [3.79 liters] tax designated for the township highway aid fund.~~ A claim for refund under this section must be made within one year from the date the fuel was removed to another state for sale, resale, or use in another state.

SECTION 14. REPEAL. Section 39-04.2-03 of the North Dakota Century Code is repealed."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98031.0106 FN 2

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2012 - Department of Transportation - Senate Action

	Executive Budget	Senate Changes	Senate Version
Salaries and wages	\$151,520,269		\$151,520,269
Operating expenses	203,805,014		203,805,014
Capital assets	588,690,866	56,886,128	645,576,994
Grants	66,166,101	2,900,000	69,066,101
Transfer to highway tax dist. fund	120,000,000		120,000,000
Total all funds	\$1,130,182,250	\$59,786,128	\$1,189,968,378
Less estimated income	1,010,182,250	59,786,128	1,069,968,378
General fund	\$120,000,000	\$0	\$120,000,000
FTE	1054.50	1.00	1055.50

Department No. 801 - Department of Transportation - Detail of Senate Changes

	Adds Highway-Related Funding¹	Adds Grant Funding for Public Transit Programs²	Adds a FTE Position³	Total Senate Changes
Salaries and wages				
Operating expenses				
Capital assets	56,886,128			56,886,128
Grants		2,900,000		2,900,000
Transfer to highway tax dist. fund				
Total all funds	\$56,886,128	\$2,900,000	\$0	\$59,786,128
Less estimated income	56,886,128	2,900,000	0	59,786,128
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	1.00	1.00

¹ The capital assets line item is increased to allow the Department of Transportation to spend additional money deposited in the highway fund as a result of the transfer of \$120 million from the general fund to the highway tax distribution fund.

² The grants line item is increased to allow the Department of Transportation to provide additional grant funding for public transit programs as a result of the transfer of \$120 million from the general fund to the highway tax distribution fund.

³ The department is authorized an additional FTE position for coordination of the department's Title VI and nondiscrimination program as required for delivery of federal programs. Additional funding is not being provided for the position.

This amendment also adds the following sections:

- Provides additional appropriation authority for Fleet Services if additional revenue becomes available.
- Amends North Dakota Century Code (NDCC) Section 24-02-44 relating to the department's authority to borrow funds to respond to disasters.
- Amends NDCC Sections 39-04-19, 54-27-19, 54-27-19.1, 57-43.1-06, and 57-43.2-04.2 relating to the collection and distribution of highway related revenues.

Repeals NDCC Section 39-04.2-03 relating to the registration fee for public transportation. The \$3 fee is added to the motor vehicle registration fee schedules for deposit in the highway tax distribution fund.

Date: 2-17-09
Roll Call Vote #: 32

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2012

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended

Motion Made By Wardner Seconded By Warner

Representatives	Yes	No	Representatives	Yes	No
Senator Fischer	✓		Senator Warner	✓	
Senator Christmann	✓		Senator Robinson	✓	
Senator Krebsbach	✓		Senator Krauter	✓	
Senator Bowman	✓		Senator Lindaas	✓	
Senator Kilzer	✓		Senator Mathern	✓	
Senator Grindberg	✓		Senator Seymour	✓	
Senator Wardner	✓				
Chairman Holmberg	✓				

Total Yes 14 No 0

Absent 0

Floor Assignment Wardner

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

REPORT OF STANDING COMMITTEE

SB 2012: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2012 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to amend and reenact sections 24-02-44, 39-04-19, 54-27-19, 54-27-19.1, 57-43.1-06, and 57-43.2-04.2 of the North Dakota Century Code, relating to authority to borrow for disasters and the collection and distribution of highway funds; to repeal section 39-04.2-03 of the North Dakota Century Code, relating to the registration fee for the public transportation fund;"

Page 1, line 14, replace "39,969,768" with "96,855,896" and replace "588,690,866" with "645,576,994"

Page 1, line 15, replace "13,753,601" with "16,653,601" and replace "66,166,101" with "69,066,101"

Page 1, line 16, replace "107,024,750" with "166,810,878" and replace "1,010,182,250" with "1,069,968,378"

Page 1, line 17, replace "2.00" with "3.00" and replace "1,054.50" with "1,055.50"

Page 1, line 22, remove "The"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 7

Page 2, line 20, after "**APPROPRIATION**" insert "- **ADDITIONAL INCOME APPROPRIATED**" and replace "\$361,046,109" with "\$417,932,237"

Page 2, line 24, after "available" insert "from state or federal sources"

Page 3, after line 7, insert:

"SECTION 7. FLEET SERVICES FUND - ADDITIONAL INCOME APPROPRIATED. The sum of \$70,388,921, included in the estimated income line in section 1 of this Act is from the fleet services fund and must be used by the department of transportation for purposes authorized by the legislative assembly, for the biennium beginning July 1, 2009, and ending June 30, 2011. Any additional amount in the fleet services fund that becomes available is appropriated to the department of transportation for the purpose of defraying the expenses of the fleet services program, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 8. AMENDMENT. Section 24-02-44 of the North Dakota Century Code is amended and reenacted as follows:

24-02-44. Authority to borrow funds for a disaster - Appropriation. The department of transportation, subject to the approval of the emergency commission, may borrow moneys from the Bank of North Dakota to advance and match federal emergency relief funds. Any moneys borrowed from the Bank of North Dakota pursuant to this section are appropriated. ~~If it appears to the department of transportation that at the end of the biennium the amount available to repay the amount borrowed plus interest is insufficient to totally repay the Bank of North Dakota, the department of transportation shall request from the legislative assembly a deficiency~~

~~appropriation from the state highway fund sufficient for the repayment of the amount borrowed plus interest.~~

SECTION 9. AMENDMENT. Section 39-04-19 of the North Dakota Century Code is amended and reenacted as follows:

39-04-19. Motor vehicle registration fees and mile tax. Motor vehicles required to pay registration fees or a mile tax shall pay the following fees:

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the department, shall pay a fee of twenty dollars for a trip permit which is valid for a period of seventy-two hours. All fees collected under the provisions of this subsection must be credited to the highway construction fund.
2. Motor vehicles required to be registered in this state must be furnished license plates upon the payment of the following annual fees; however, if a motor vehicle, including a motorcycle or trailer, first becomes subject to registration other than at the beginning of the registration period, such fees must be prorated on a monthly basis. The minimum fee charged hereunder must be five dollars:
 - a. Passenger motor vehicles:

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th, 8th, and 9th Years	10th, 11th, and 12th Years	13th and Subsequent Years
Less than 3,200	\$70 <u>\$73</u>	\$62 <u>\$65</u>	\$54 <u>\$57</u>	\$46 <u>\$49</u>
3,200 - 4,499	90 <u>93</u>	78 <u>81</u>	66 <u>69</u>	54 <u>57</u>
4,500 - 4,999	108 <u>111</u>	94 <u>94</u>	76 <u>79</u>	60 <u>63</u>
5,000 - 5,999	130 <u>142</u>	117 <u>120</u>	95 <u>98</u>	73 <u>76</u>
6,000 - 6,999	172 <u>175</u>	143 <u>146</u>	114 <u>117</u>	86 <u>89</u>
7,000 - 7,999	205 <u>208</u>	169 <u>172</u>	134 <u>137</u>	99 <u>102</u>
8,000 - 8,999	238 <u>241</u>	196 <u>199</u>	154 <u>157</u>	112 <u>115</u>
9,000 and over	274 <u>274</u>	222 <u>225</u>	174 <u>177</u>	126 <u>128</u>

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight applicable to a vehicle whose weight is forty percent of that of the house car, but not using a weight of less than four thousand pounds [1814.35 kilograms].

A pickup truck is subject to registration at the rates prescribed for other vehicles under this subdivision by applying the shipping weight of the vehicle to the fee schedule. At a minimum, the registered gross weight displayed on the registration card for a pickup truck must be twice the shipping weight of the vehicle. Unless otherwise exempted by this chapter, the owner of a pickup truck shall request the registered gross weight of the pickup truck be increased to ensure the registered gross weight is sufficient to include the total weight of the vehicle and any load transported on or by the vehicle. For purposes of this subdivision, a pickup truck is a motor vehicle with a manufacturer's gross vehicle weight rating of less than eleven thousand five hundred pounds [5216.31 kilograms], with an unladen weight of less than eight thousand pounds [3628.74 kilograms], and

which is equipped with an open box-type bed not exceeding nine feet [2.74 meters] in length.

- b. Schoolbuses, buses for hire, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for religious, charitable, or other public nonprofit purposes, and trucks or combination trucks and trailers, including commercial and noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under this subsection or subsection 5:

Gross Weights	YEARS REGISTERED				
	1st Through 6th Years	7th Through 9th Years	10th Through 12th Years	13th Through 19th Years	20th and Subsequent Years
Not over 4,000	\$68 \$71	\$55 \$58	\$50 \$53	\$47 \$50	\$46 \$49
4,001 - 6,000	73 76	60 63	54 57	48 51	47 50
6,001 - 8,000	78 81	65 68	58 61	49 52	48 51
8,001 - 10,000	83 86	70 73	62 65	54 54	50 53
10,001 - 12,000	88 91	75 78	66 69	53 56	52 55
12,001 - 14,000	93 96	80 83	70 73	56 59	55 58
14,001 - 16,000	98 101	85 88	74 77	59 62	58 61
16,001 - 18,000	103 106	90 93	78 81	61 64	60 63
18,001 - 20,000	108 109	93 96	80 83	62 65	61 64

Gross Weights	YEARS REGISTERED		
	1st, 2nd, 3rd, 4th, 5th, 6th, and 7th Years	8th, 9th, 10th, 11th, and 12th Years	13th and Subsequent Years
20,001 - 22,000	\$136 \$139	\$110 \$113	\$97 \$100
22,001 - 26,000	188 191	158 161	142 145
26,001 - 30,000	249 252	207 210	185 188
30,001 - 34,000	315 318	260 263	232 235
34,001 - 38,000	376 379	309 312	275 278
38,001 - 42,000	437 440	358 361	317 320
42,001 - 46,000	498 501	406 409	360 363
46,001 - 50,000	559 562	455 458	403 406
50,001 - 54,000	620 632	513 516	454 457
54,001 - 58,000	680 693	562 565	497 500
58,001 - 62,000	742 755	611 614	540 543
62,001 - 66,000	802 815	660 662	583 586
66,001 - 70,000	863 876	708 711	626 628
70,001 - 74,000	924 937	757 760	668 671
74,001 - 78,000	985 998	806 809	711 714
78,001 - 82,000	1,046 1,059	855 858	754 757
82,001 - 86,000	1,107 1,120	904 907	797 800
86,001 - 90,000	1,168 1,181	953 956	840 843
90,001 - 94,000	1,229 1,242	1,002 1,005	883 886
94,001 - 98,000	1,290 1,303	1,051 1,054	926 929
98,001 - 102,000	1,351 1,364	1,100 1,103	969 972
102,001 - 105,500	1,412 1,425	1,149 1,152	1,012 1,015

- c. ~~Notwithstanding the fees provided by subdivision a of subsection 2, only one half of the increase in registration fees, rounded up to the nearest dollar, resulting from the reclassification of pickup trucks in 2005 from subdivision b of subsection 2 to subdivision a of subsection 2 is effective from July 1, 2005, through June 30, 2007.~~

- e- Motorcycles, fifteen dollars.
- 3. Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 [38 U.S.C. 3901] are exempt from the payment of state sales or use tax and, if paid, such veterans are entitled to a refund. This exemption also applies to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight but shall apply to no more than two such motor vehicles owned by a disabled veteran at any one time.
- 4. Every trailer, semitrailer, and farm trailer required to be registered under this chapter must be furnished registration plates upon the payment of a twenty dollar annual fee. Every trailer, semitrailer, or farm trailer not required to be registered under this chapter must be furnished an identification plate upon the payment of a fee of five dollars. Upon the request of a person with a trailer or farm trailer to whom a registration or identification plate is provided under this subsection, the department shall provide a plate of the same size as provided for a motorcycle. The department shall provide notification of this option to the person before the replacement or issuance of the plate.
- 5. Trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] which are used as farm vehicles only, are entitled to registration under the following fee schedule and the provisions of this subsection. Farm vehicles are considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] owned, or leased for at least one year by a bona fide resident farmer who uses the vehicles exclusively for transporting the farmer's own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial retail or wholesale business being conducted from those farms, nor otherwise for hire. In addition to the penalty provided in section 39-04-41, any person violating this subsection shall license for the entire license period the farm vehicle at the higher commercial vehicle rate in accordance with the weight carried by the farm vehicle at the time of the violation.

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th and 8th Years	9th and 10th Years	11th and Subsequent Years
20,001 - 22,000	\$108 <u>\$111</u>	\$94 <u>\$97</u>	\$80 <u>\$83</u>	\$62 <u>\$65</u>
22,001 - 24,000	113 <u>116</u>	98 <u>101</u>	83 <u>86</u>	64 <u>67</u>
24,001 - 26,000	121 <u>124</u>	104 <u>107</u>	87 <u>90</u>	66 <u>69</u>
26,001 - 28,000	132 <u>135</u>	112 <u>115</u>	93 <u>96</u>	70 <u>73</u>
28,001 - 30,000	141 <u>144</u>	120 <u>123</u>	99 <u>102</u>	74 <u>77</u>
30,001 - 32,000	156 <u>159</u>	133 <u>136</u>	110 <u>113</u>	83 <u>86</u>
32,001 - 34,000	166 <u>169</u>	141 <u>144</u>	116 <u>119</u>	87 <u>90</u>
34,001 - 36,000	176 <u>179</u>	149 <u>152</u>	122 <u>125</u>	91 <u>94</u>
36,001 - 38,000	186 <u>189</u>	157 <u>160</u>	128 <u>131</u>	95 <u>98</u>
38,001 - 40,000	196 <u>199</u>	165 <u>168</u>	134 <u>137</u>	99 <u>102</u>
40,001 - 42,000	206 <u>209</u>	173 <u>176</u>	140 <u>143</u>	103 <u>106</u>
42,001 - 44,000	216 <u>219</u>	181 <u>184</u>	146 <u>149</u>	107 <u>110</u>

44,001 - 46,000	226 <u>229</u>	189 <u>192</u>	152 <u>155</u>	111 <u>114</u>
46,001 - 48,000	236 <u>239</u>	197 <u>200</u>	158 <u>161</u>	115 <u>118</u>
48,001 - 50,000	246 <u>249</u>	205 <u>208</u>	164 <u>167</u>	119 <u>122</u>
50,001 - 52,000	266 <u>269</u>	223 <u>226</u>	180 <u>183</u>	133 <u>136</u>
52,001 - 54,000	276 <u>279</u>	231 <u>234</u>	186 <u>189</u>	137 <u>140</u>
54,001 - 56,000	286 <u>289</u>	239 <u>242</u>	192 <u>195</u>	141 <u>144</u>
56,001 - 58,000	296 <u>299</u>	247 <u>250</u>	198 <u>201</u>	145 <u>148</u>
58,001 - 60,000	306 <u>309</u>	255 <u>258</u>	204 <u>207</u>	149 <u>152</u>
60,001 - 62,000	316 <u>319</u>	263 <u>266</u>	210 <u>213</u>	153 <u>156</u>
62,001 - 64,000	326 <u>329</u>	271 <u>274</u>	216 <u>219</u>	157 <u>160</u>
64,001 - 66,000	336 <u>339</u>	279 <u>282</u>	222 <u>225</u>	161 <u>164</u>
66,001 - 68,000	346 <u>349</u>	287 <u>290</u>	228 <u>231</u>	165 <u>168</u>
68,001 - 70,000	356 <u>359</u>	295 <u>298</u>	234 <u>237</u>	169 <u>172</u>
70,001 - 72,000	366 <u>369</u>	303 <u>306</u>	240 <u>243</u>	173 <u>176</u>
72,001 - 74,000	376 <u>379</u>	311 <u>314</u>	246 <u>249</u>	177 <u>180</u>
74,001 - 76,000	386 <u>389</u>	319 <u>322</u>	252 <u>255</u>	181 <u>184</u>
76,001 - 78,000	396 <u>399</u>	327 <u>330</u>	258 <u>261</u>	185 <u>188</u>
78,001 - 80,000	406 <u>409</u>	335 <u>338</u>	264 <u>267</u>	189 <u>192</u>
80,001 - 82,000	416 <u>419</u>	343 <u>346</u>	270 <u>273</u>	193 <u>196</u>
82,001 - 84,000	426 <u>429</u>	351 <u>354</u>	276 <u>279</u>	197 <u>200</u>
84,001 - 86,000	436 <u>439</u>	359 <u>362</u>	282 <u>285</u>	201 <u>204</u>
86,001 - 88,000	446 <u>449</u>	367 <u>370</u>	288 <u>291</u>	205 <u>208</u>
88,001 - 90,000	456 <u>459</u>	375 <u>378</u>	294 <u>297</u>	209 <u>212</u>
90,001 - 92,000	466 <u>469</u>	383 <u>386</u>	300 <u>303</u>	213 <u>216</u>
92,001 - 94,000	476 <u>479</u>	391 <u>394</u>	306 <u>309</u>	217 <u>220</u>
94,001 - 96,000	486 <u>489</u>	399 <u>402</u>	312 <u>315</u>	221 <u>224</u>
96,001 - 98,000	496 <u>499</u>	407 <u>410</u>	318 <u>321</u>	225 <u>228</u>
98,001 - 100,000	506 <u>509</u>	415 <u>418</u>	324 <u>327</u>	229 <u>232</u>
100,001 - 102,000	516 <u>519</u>	423 <u>426</u>	330 <u>333</u>	233 <u>236</u>
102,001 - 104,000	526 <u>529</u>	431 <u>434</u>	336 <u>339</u>	237 <u>240</u>
104,001 - 105,500	536 <u>539</u>	439 <u>442</u>	342 <u>345</u>	241 <u>244</u>

6. A motor vehicle registered in subsection 5 may be used for custom combining operations by displaying identification issued by the department and upon payment of a fee of twenty-five dollars.
7. ~~Thirteen dollars of each registration fee collected under subsections 2 and 5 must be deposited in the state highway fund.~~

SECTION 10. AMENDMENT. Section 54-27-19 of the North Dakota Century Code is amended and reenacted as follows:

54-27-19. Highway tax distribution fund - State treasurer to make allocation to state, counties, and cities. A highway tax distribution fund is created as a special fund in the state treasury into which must be deposited the moneys available by law from collections of motor vehicle registration and related fees, fuels taxes, special fuels taxes, use taxes, and special fuels excise taxes. Any The state treasurer shall transfer the first five million five hundred thousand dollars per biennium from the highway tax distribution fund to the state highway fund for the purpose of providing administrative assistance to other transferees. After the transfer of the first five million five hundred thousand dollars, any moneys in the highway tax distribution fund must be allocated and transferred monthly by the state treasurer, as follows:

1. ~~Sixty-three~~ Sixty-one and three-tenths percent of such moneys must be transferred monthly to the state department of transportation and placed in a state highway fund.

2. Thirty-seven Two and seven-tenths percent must be transferred monthly to the township highway fund.
3. One and five-tenths percent must be transferred monthly to the public transportation fund.
4. Thirty-four and five-tenths percent of such moneys must be allocated to the counties of this state in proportion to the number of motor vehicle registrations credited to each county. Each county must be credited with the certificates of title of all motor vehicles registered by residents of ~~such~~ the county. The state treasurer shall compute and distribute the counties' share monthly after deducting the incorporated cities' share. All the moneys received by the counties from the highway tax distribution fund must be set aside in a separate fund called the "highway tax distribution fund" and must be appropriated and applied solely for highway purposes in accordance with section 11 of article X of the Constitution of North Dakota. The state treasurer shall compute and distribute monthly the sums allocated to the incorporated cities within each county according to the formula in this subsection on the basis of the per capita population of all of the incorporated cities situated within each county as determined by the last official regular or special federal census or the census taken in accordance with the provisions of chapter 40-02 in case of a city incorporated subsequent to ~~such the~~ the census. ~~Provided, however, that~~ However, in each county having a city with a population of ten thousand or more, the amount transferred each month into the county highway tax distribution fund must be the difference between the amount allocated to that county pursuant to this subsection and the total amount allocated and distributed to the incorporated cities in that county as computed according to the following formula:
 - a. A statewide per capita average as determined by calculating twenty-seven percent of the amount allocated to all of the counties under this subsection divided by the total population of all of the incorporated cities in the state.
 - b. The share distributed to each city in the county having a population of less than one thousand must be determined by multiplying the population of that city by the product of 1.50 times the statewide per capita average computed under subdivision a.
 - c. The share distributed to each city in the county having a population of one thousand to four thousand nine hundred ninety-nine, inclusive, must be determined by multiplying the population of that city by the product of 1.25 times the statewide per capita average computed under subdivision a.
 - d. The share distributed to each city in the county having a population of five thousand or more must be determined by multiplying the population of that city by the statewide per capita average for all such cities, which per capita average must be computed as follows: the total of the shares computed under subdivisions b and c for all cities in the state having a population of less than five thousand must be subtracted from the total incorporated cities' share in the state as computed under subdivision a and the balance remaining must then be divided by the total population of all cities of five thousand or more in the state.

The moneys allocated to the incorporated cities must be distributed to them monthly by the state treasurer and must be deposited by the cities in a separate fund and may only be used in accordance with section 11 of article X of the Constitution of North Dakota; ~~provided, that any~~ and an incorporated city may use ~~such~~ the fund for the construction, reconstruction, repair, and maintenance of public highways within or outside ~~such~~ the city pursuant to an agreement entered into between the city and any other political subdivision as authorized by section 54-40-08.

SECTION 11. AMENDMENT. Section 54-27-19.1 of the North Dakota Century Code is amended and reenacted as follows:

54-27-19.1. Township highway aid fund - Distribution. ~~Notwithstanding any other provision of law, one cent per gallon [3.79 liters] of the tax imposed by sections 57-43.1-02 and 57-43.2-02 may not be refunded and the proceeds must be distributed as provided in this section. The tax commissioner shall transfer the proceeds of one cent per gallon [3.79 liters] of the tax imposed by sections 57-43.1-02 and 57-43.2-02 to the state treasurer who shall deposit the proceeds in a township highway aid fund in the state treasury.~~ The state treasurer shall no less than quarterly allocate and distribute all moneys in the township highway aid fund to the counties of the state based on the length of township roads in each county compared to the length of all township roads in the state. To receive any funds under this section, organized townships ~~shall~~ must provide fifty percent matching funds. The county treasurer shall allocate the funds received to the organized townships in the county which provide fifty percent matching funds based on the length of township roads in each ~~such~~ of those organized ~~township~~ townships compared to the length of all township roads in the county. The funds received must be deposited in the township road and bridge fund and used for highway and bridge purposes. If a county ~~has no~~ does not have organized townships, or has some organized and some unorganized townships, the county shall retain a pro rata portion of the funds received based on the length of roads in unorganized townships compared to the length of township roads in organized townships in the county. Moneys retained by a county for the benefit of unorganized townships under this section must be deposited in the county road and bridge fund. Moneys retained by the county treasurer due to the failure of organized townships to provide required matching funds must be returned to the state treasurer who shall deposit the funds in the highway tax distribution fund. The board of county commissioners shall certify to the state treasurer any change in township road mileage when a change occurs and shall, by July first of each even-numbered year, certify the total number of township road mileage in each of the county's organized and unorganized townships. The state treasurer shall prescribe the form and manner by which the certification is made.

SECTION 12. AMENDMENT. Section 57-43.1-06 of the North Dakota Century Code is amended and reenacted as follows:

57-43.1-06. Refund to prevent taxation by multiple jurisdictions. Any person to whom motor vehicle fuel is sold on which the tax imposed by this chapter has been paid, who thereafter removes the fuel from this state for sale or resale in another state or to a state which requires payment of a tax upon the use of the fuel in that state, must be granted a refund of the tax that was paid pursuant to this chapter. The refund may be granted only upon application to the commissioner in the manner prescribed by the commissioner and must include proof that fuel for sale or resale in another state was reported to the taxing agency of that state, or in the case of a consumer, proof of payment of the tax imposed by the other state. ~~The refund may not be reduced by the one-cent per gallon [3.79 liters] tax designated for the township highway aid fund.~~ A claim for refund under this section must be made within one year from the date the fuel was removed to another state for sale, resale, or use in another state.

SECTION 13. AMENDMENT. Section 57-43.2-04.2 of the North Dakota Century Code is amended and reenacted as follows:

57-43.2-04.2. Refund to prevent taxation by multiple jurisdictions. Any person to whom special fuel is sold on which the tax imposed by this chapter has been paid, who thereafter removes the fuel from this state for sale or resale in another state or to a state that requires payment of a tax upon the use of the fuel in that state, must be granted a refund of the tax that was paid pursuant to this chapter. The refund may be granted only upon application to the commissioner in the manner prescribed by the commissioner and must include proof that fuel for sale or resale in another state was reported to the taxing agency of that state, or in the case of a consumer, proof of payment of the tax imposed by the other state. ~~The refund may not be reduced by the one-cent per gallon [3.79 liters] tax designated for the township highway aid fund.~~ A claim for refund under this section must be made within one year from the date the fuel was removed to another state for sale, resale, or use in another state.

SECTION 14. REPEAL. Section 39-04.2-03 of the North Dakota Century Code is repealed."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98031.0106 FN 2

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

2009 HOUSE APPROPRIATIONS

SB 2012

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2021

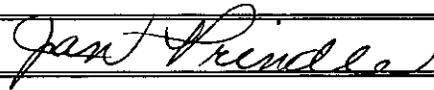
House Appropriations Committee
Government Operations Division

Check here for Conference Committee

Hearing Date: 3/4/09

Recorder Job Number: 10127

Committee Clerk Signature



Minutes:

Chairman Delzer opened the hearing on Senate Bill 2021. A quorum was present.

Francis Zeigler, Director of DOT: Today we are here to respond to the Committee's February 8 letter and provide some information to you on the Department of Transportation. I will talk about employees, department mission and purpose, strategic plan, accomplishments, challenges, transportation funding, our budget overview as requested, and border crossing. He presented his packet of written testimony (2012.3.4.09A)

Chairman Delzer: The numbers that you are using here when you talk inflation are these numbers that were out there when it was still \$4.00 for gas or are they numbers with the current gas prices.

Francis Zeigler, Director of DOT: These are the averages we get when we bring in bids. We did have a November bid opening where the fuel prices had come down and we had a February bid opening. In the February opening we saw some prices up and some down. What we are seeing come down in cement and steel. The Drayton Bridge was estimated at \$35 million and came in at \$27 million. Those two components are down. Asphalt is stable

and rising. Something has happened to the refining process. There used to be that after refining a barrel of oil, there was 30% asphalt. That's now down to 10% because of the cracking process. These are average prices over years.

Chairman Delzer: How much of that \$15.0 million (DL3 (Drivers License Master File)) is federal money?

Francis Zeigler, Director of DOT: There is no federal money available to replace DL3.

Chairman Delzer: The \$3 for transportation, how much does that raise? Aren't there stand alone bills in that do something both with the motor boat and snowmobile fund?

Francis Zeigler, Director of DOT: The \$3 raises \$4.7 million. The stand alone bills do not change the funding, only the timing of the deposits.

Chairman Delzer: When you get that ARRA (American Recovery and Reinvestment Act of 2009) money, how do you distribute it?

Francis Zeigler, Director of DOT: We will distribute it through our current formula. As is our normal process, we will contract for projects for the cities and counties. We pay the counties and the cities and counties reimburse us for their share.

Representative Glassheim: You are looking at \$120 million new money from the state and \$170 million of new money from feds. Of that \$120 million from the state what if we only put \$50 million in, would that run in to problems with the stimulus package or is the hold harmless amount taken from last year's appropriation?

Francis Zeigler, Director of DOT: What the Governor is working on now is a continuation of the maintenance effort. You can't use stimulus money and then stop your own operations. That way that works and has been explained to us, is we have to look at the efforts that were made the day the President signed the bill, February 17. Those efforts must be continued, you cannot back away. That's the current and the future efforts that need to be made to

maintain the system in its current condition. The money you anticipated as a state to put in to the system cannot be supplanted. It is the current amount that we are spending.

Chairman Delzer: I would like to see a list of what you propose for building, repairs, etc. I also want to see a list of your grants for 07 and 09 and what you propose for 09-11. I also want your timing on that rewrite of the \$7.5 million. Have you done a RFP yet?

Francis Zeigler, Director of DOT: In order to prepare for this session, we went out and got RFQ (request for quotes). We wanted to know what it would cost and we had a range of numbers. It was from \$12.5 million to \$20 million and we just went to the middle and estimated it would cost \$15 million. We started with one biennium because we think it's a two biennium rewrite.

Representative Kempenich: I would like to see how you put your state fleet rate together. We have agencies that started at 30 to 32 cents and through the summer with \$4 gas it went to 35 to 37 cents. Now, everybody is using 42 cents.

Francis Zeigler, Director of DOT: We will do that.

Chairman Delzer: I'd like to walk through the reengrossed bill with you—that's 0200. (They proceeded through the bill sections.) Section 8 is your borrowing authority and you are changing that from last time. There is no cap on that or anything. There is nothing in there about how it would it ever be repaid.

Francis Zeigler, Director of DOT: There is no cap—it is to take care of the emergency relief problems. The intent is that any borrowing for disaster would come back from the federal government in emergency relief money. We don't going borrowing until we have assurance from the federal highway administration that the job is eligible.

Chairman Delzer: Sections 9 and 10 are what the Senate did with the formulas.

Francis Zeigler, Director of DOT: Yes, when you see all those crossed out numbers, there are some who said it looks we are raising the registration fees. We are not. They have all gone up \$3 and that was in another part of law and there is a repealer here.

Chairman Delzer: Isn't there a bunch of money for Transit in the stimulus package?

Francis Zeigler, Director of DOT: Yes there is. It's for replacement of buses and bus sheds.

Chairman Delzer: That's over and above the \$170 million?

Francis Zeigler, Director of DOT: Yes, that's correct. \$170 million is for transportation roads and bridges and another \$11 million for Transit.

Chairman Delzer: What did Transit get last time? And the current formula gives them what?

Francis Zeigler, Director of DOT: \$5.7 million last time. The formula is on page 16 of my testimony—on that chart.

Chairman Delzer: Section 10?

Francis Zeigler, Director of DOT: The only thing that changed there is the formulas. As part of the agreement with the change in the formula what happened is that DOT at one time got \$13 for every motor vehicle right in to their fund. That was not redistributed. Our point was that we spend a lot of money on local governments to take care of their programs so the \$5.5 million is now for the local government division to handle these sub recipients. It's an off-the-top for administrative costs.

Chairman Delzer: What about Sections 12 and 13?

Francis Zeigler, Director of DOT: That is the changes that were made that had to do with the townships when we work together with all the associations. At one time the DOT and cities and counties were involved in the formula. The townships are now in the formula and so is Transit and this is the repealer for township one-cent gas tax that now goes in to the highway distribution fund. They do not get that one-cent tax directly anymore.

Chairman Delzer: And the repealer in Section 14?

Francis Zeigler, Director of DOT: That's that \$3 for motor vehicle registration that was there.

Chairman Delzer: Unfortunately to the public it is going to look like we are raising fees.

Francis Zeigler, Director of DOT: I know we have mentioned that several times but the repealer is there. It is about \$4.7 million.

Kerry Schorsch, president of the ND Township Officers Association, testified in favor of SB 2012. (Attachment 2012.3.4.09B)

Chairman Delzer: Do you have any comments on the formula change from the Senate?

Schorsch: The township roads are in need of this repair. It was a kind of a situation of hanging together or hanging separately as we saw it. We have no objection to the bill and are in support of it.

Rob Rebel, vice president of the AGC Highway Division, testified in favor of the bill. (Attachment 2012.3.4.09.C)

Chairman Delzer: When you do a construction project, do you pay road tax on the fuel you run through the trucks but not through the equipment.

Rebel: That is correct.

Darrell Francis, director, Souris Basin Transportation, testified in favor of the bill. (Attachment 2012.3.4.09D)

Chairman Delzer: What is your take on what your current funding level from the DOT is for the current biennium? How much has your mil levy match increased?

Francis: Our current take on the state aid—I'm not sure of those numbers. The mil levy match has increased approximate \$10,000 this last fiscal year. We have not put in for next year. That is 1 mil in Ward County, but we also split that up with senior centers in small towns.

Representative Meyers: Just so I'm clear—with the federal stimulus dollar—there's no local match?

Francis: That's correct. It's 100%.

Chairman Delzer: I hope you have maintenance costs figured in as you spend those stimulus dollars. Whatever you do, it's going to cost you in the future to maintain whatever you do.

Francis: Yes. Right now we are looking to provide a building in Rugby for storage of our units. Right now everything is stored outside.

Representative Dosch: What do you charge someone to ride Transit?

Francis: In the city limits of Minot it is \$2 one way. Running from Bottineau to Minot is \$9 for a round trip. To run from Sherwood to Minot is \$8 a round trip. Over 70% of our riders are 60 and over and that includes the disabled. Everything we have is an accessible unit.

Chairman Delzer: Do you charge that to everybody or is that what you collect through Medicaid?

Francis: We charge everybody the same.

Kent Tupa, ND Senior Service Providers and Dakota Transit Association, submitted the written testimony of **Robin Werre, executive director, Bis-Man Transit and CAT.**

(Attachment 2012.3.4.09.E)

Representative Berg: Is there a way to make these operations self-sustainable? If we have an influx of money for capital investment, is there something that if we are looking long term that we could make them sustainable from the standpoint that their income could offset their

operating cost. That may be something you can't answer right now, but if someone could put some thought in to that.

Tupa: I think that is something we deal with on a day-to-day and month-to-month basis as providers. Some of the things that providers have dealt with that have resulted in significant increased costs over the years, for instance, is fuel and the volatility of that creates some problems. We generate operating revenue from local, from state, and from ridership fares. All of those are components to operating these systems and there is balance there that is obviously something we need to look at. State funds are part of it. We give that thought on a regular basis.

Representative Berg: In terms of the operational costs, what percent of those are covered by ridership fees?

Tupa: I don't have that information off hand. I know I can provide it to the Committee.

Representative Dosch: What are the ridership fees in Bismarck? Have these fees increased in the past 12 months?

Tupa: The cost for CAT is now \$3. That was just increased to address the need for additional operating expenses. I can follow up with specific information.

Chairman Delzer: There is a senior mil levy that most counties tax. Is there also a Transit tax they do over and above that? Mark, could you look through some of your county information to see how many counties do tax for that over and above the senior mil levy.

Representative Meyer: The 5311 and 5307 fund--is that just the different designation between rural and urban?

Tupa: Yes, I believe so.

Joe Belford, Ramsey County Commissioner, testified in favor of the bill. I do a lot of traveling around the states and I have witnessed the deterioration of our streets and roads. I think I can speak of all of economic development groups within the state when I say without a good infrastructure and road structure; we are going to have a tough time bringing economic development to this area. I strongly support SB 2012. ND DOT does a great job of administrating and taking care of highways and working with the counties and townships. I want to thank you for all the help you legislators have given us in ND with our other problem.

There being no further testimony, Chairman Delzer adjourned the hearing of SB 2012.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2012**

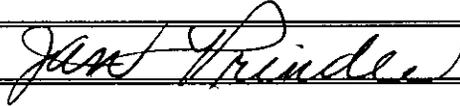
House Appropriations Committee
Government Operations Division

Check here for Conference Committee

Hearing Date: **March 10, 2009**

Recorder Job Number: 10595

Committee Clerk Signature



Chairman Delzer opened discussion of the DOT detailed budget.

Attachments:

North Dakota DOT Data for Committee-2012.3.10.09A

North Dakota DOT 2009-11 Budget/Maintenance Breakout Pie Chart- 2012.3.10.09B

Highway Tax Distribution Fund Formula- 2012.3.10.09C

Francis Zeigler, Director of DOT, discussed the detail of the pie chart provided. It depicts \$1.069.9 billion funds included in SB 2012 as it came out of the Senate.

Chairman Delzer: The NHTSA (National Highway Transportation Association) money? Did any of that get used for the Fargo quiet zone?

Francis Zeigler, Director of DOT: What was used for the Fargo quiet zone was some money that didn't have a home at that time. It was the repeat offender money which was NHTSA money.

Chairman Delzer: Do you have in here how you are going to spend that NHTSA money? How much is it? We provided \$750,000 to the City of Fargo for that.

Francis Zeigler, Director of DOT: There is a plan that has been developed and it is for advertising. It will be used for the "click-it or ticket" type of ads and several other programs that are being developed. We will get the amount for you.

Chairman Delzer: All of the safety money is called NHTSA?

Francis Zeigler, Director of DOT: There is other money in our construction program where we have the safety effort in work zone. The money for the messaging "do buckle," "don't booze" that's all NHTSA money. We don't use any state money for that program. We get \$5 million per year that we get from NHTSA.

Chairman Delzer: The \$88 million is that what it takes to match the federal money?

Francis Zeigler, Director of DOT: That's correct.

Chairman Delzer: Why does the orange (maintenance fund) not match federal dollars?

Francis Zeigler, Director of DOT: You can't use federal aid for maintenance.

Chairman Delzer: And you can't use your maintenance money as match for federal aid for use on the other roads on construction?

Francis Zeigler, Director of DOT: Fundamentally what we have is trying to match the money for the federal aid and then the all the operational money and the match money are not segregated out. We just need "x" number of dollars to make it all happen.

Chairman Delzer: How could you possibly short if that is the case?

Francis Zeigler, Director of DOT: The operations need to go forward unless we cut services.

Chairman Delzer: Your \$682 million, is that all federal? What's the match on that? 90/10? 80/20?

Francis Zeigler, Director of DOT: There's a combination. Anything that goes on to the interstate is 90/10 and anything that is national highway system and other state systems is

80/20. It depends on how much interstate you do. Typically we are in the neighborhood of 83% when you blend the two together.

Chairman Delzer: Your NHTSA is in Drivers License. Is your \$7.5 million also in that?

Francis Zeigler, Director of DOT: No that is in operating. It would show up in the pie chart as administration.

Mr. Zeigler continued by explaining the binder attachments.

Chairman Delzer: Where are you planning to do these three maintenance sections?

Francis Zeigler: Wishek is one; Steele and Larimore are next in line.

Chairman Delzer: How many have you rebuilt?

Grant Levi, deputy director for Engineering, DOT: We have about 62 of them throughout the state we have been trying to do about 3 per biennium for the last 3-4 biennia. Some of our section buildings are quite old. We have about 10 we had hoped to do this biennium. The equipment storage building will be in Fargo.

Chairman Delzer: How many salt buildings do you have?

Grant Levi: We can get that number for you.

Mr. Zeigler continued on Attachment 2.

Chairman Delzer: Did we ask you how many vacant FTEs you have right now?

Francis Zeigler, Director of DOT: We are at 32 with 20 vacancies.

Chairman Delzer: All of those are funded positions?

Francis Zeigler, Director of DOT: Yes. We have in round numbers, 1030 employees. Last year our turnover rate was 8%. We are constantly trying to keep those positions full.

Representative Berg: I would like to go back to attachment one. I have more of a comment than a question. You have a lot of maintenance locations around the state. When I see some of them I ask myself is this the highest and best purpose for a particular location. Do you have a process in place if a community says we want to relocate you? Are there any barriers that would not allow you to do something like that?

Francis Zeigler, Director of DOT: No there is not. We work very closely with the communities. We just relocated Beulah. The building was very old and they wanted us move. In fact I think they gave us the new land.

Representative Berg: The one that bugs me is the building in Fargo. When you fly over West Acres and you see the big sand pile in the middle of town.

Francis Zeigler, Director of DOT: We looked at relocating that and the cost is phenomenal. There isn't a community in the state that wants to give us up. They want us to stay.

Chairman Delzer: Is that the site you are going to build that new building?

Francis Zeigler, Director of DOT: Yes.

Chairman Delzer: How big will that building be?

Francis Zeigler, Director of DOT: It will be big enough for eight trucks. It is the biggest crew we have in the state. The newer trucks have shut offs after three minutes idle time. You can't get the hydraulics warmed up.

Chairman Delzer: Any truck I have ever driven has had a higher idle to override that shut down.

Chairman Delzer: How big is that building?

Francis Zeigler, Director of DOT: About 100 by 400.

Chairman Delzer: Are they all built to the same specs?

Francis Zeigler, Director of DOT: Yes they are

Chairman Delzer: So it would be the same as the one in Underwood that you rebuilt.

Francis Zeigler, Director of DOT: Yes, just a little longer to accommodate more trucks.

Mr. Ziegler continued with explaining the attachments in the binder.

Chairman Delzer: Attachment five. (Stimulus Package) Is that listed over and above the Governor's list? Is this considering that?

Francis Zeigler, Director of DOT: The projects listed in attachment five are the projects we accelerated from to use the stimulus money for. Our whole plan was to take the STIP and accelerate those through to completion.

Chairman Delzer: So what these are, are the shovel ready ones.

Francis Zeigler, Director of DOT: Yes, and we had environmental documentation for most of them.

Chairman Delzer: On that stimulus money they were talking about the Historical Society and Parks and Rec getting some of that?

Francis Zeigler, Director of DOT: Fifty percent goes to state structures and fifty to federal. He discussed the distribution as shown on the attachment.

Chairman Delzer: What is the explanation of the Transportation Enhancement Funds? Do you have a list of where that is going to go?

Francis Zeigler, Director of DOT: No, we don't. We put out an ad out and had a list of projects that were going to be transportation enhancement projects. That's an ongoing program on an annual basis. With the stimulus money, we put out another ad. The applications are due March 22nd. On March 27 we will go for the next round.

Chairman Delzer: What kind of projects fit under transportation enhancement?

Francis Zeigler, Director of DOT: It started out as parks, and is museums and other non-highway related facilities. The DOT has helped with the Washburn facility, the Chateau De Mores, and those kinds of programs. In the past you could use that money to rest areas; but you no longer can use it for rest areas—it has to be used for museums and trails and landscaping.

Chairman Delzer: When you are talking about the Lewis & Clark you are talking about the original building?

Francis Zeigler, Director of DOT: That's correct. We can use it for the living snow fence program. We have worked with the State Forestry Department to put together a plan. That's been very successful.

Chairman Delzer: Why do you split that money between the state and city?

Francis Zeigler, Director of DOT: That is how it was done in the past. We felt we needed to share that with the local governments.

Chairman Delzer: What about that compared to the special road fund. Could any of the money be used there?

Francis Zeigler, Director of DOT: It cannot be used for roads.

Chairman Delzer: Even roads going to a park?

Francis Zeigler, Director of DOT: No.

Chairman Delzer: It could be for a bike path but not a road?

Francis Zeigler, Director of DOT: That is correct.

Representative Berg: We have \$170.1 million coming to the state and you say \$8 million comes off for structures. What are those state structures? Do you have that pegged?

Is it just for bridges?

Francis Zeigler, Director of DOT: It cannot be used for roads.

Representative Berg: Can we just use it for bridges we had planned and would that not free up \$4 million for other purposes?

Francis Zeigler, Director of DOT: The stimulus money did come with a few strings attached. For example if you had something programmed in 2009, you couldn't take stimulus money and put that in lieu of it. That's why we pulled projects from the future forward.

Representative Berg: I would like to challenge that. If it is a string, it's a string, if it's a log chain, it's a log chain. If there are any grey areas in that decision making, we would like as a Committee to know what those area. Nothing could have been set in stone for 2009 except through July because you aren't funded.

Francis Zeigler, Director of DOT: Even though we have a biennium process and even though there is an appropriation process, the Department couldn't function and couldn't get federal aid if we didn't have the 5-year STIP plan. You can't get an environmental document done within a year. We have to plan way out ahead and when we say we bring projects in from the future, we have to accelerate those environmental documents and find projects that require the least amount of environmental documentation. If we wouldn't plan, we wouldn't get much done in ND and they would give our money to other states because we have to look way out ahead.

Representative Berg: I understand what you are saying, I would like to challenge that a little bit. We don't have to do that here.

Chairman Delzer: Plus the other thing is that nothing could have been set in stone except for through July.

Francis Zeigler, Director of DOT: That wasn't the intent of the stimulus package and the Governor has signed a document that we are not going to supplant or give up on our program and use this money in lieu of. The intent was to stimulate above and beyond where the program was that you had originally planned. Grant indicated to you what the requirements

are for the stimulus money. What I was told when we were in Washington DC for a briefing, we were told that the projects that were on the list February 17, could not be kicked out.

Chairman Delzer: We need that list.

Francis Zeigler, Director of DOT: The STP has the 2009 projects in it.

Representative Berg: North Dakota is pretty unique. My view of the stimulus in part of what they want to get our economy going. Thank goodness ND thinks so far ahead and programs so far ahead. Some states had no money and were not programming things. I ask you to look at the grey area and if some flexibility in there we can take it. If their end goal of the stimulus is to have a strong economy in every state, we are already accomplishing that. We just want to make sure that if there are decisions being made by the executive branch, we want to be aware of what those decisions are.

Francis Zeigler, Director of DOT: I can assure you that the Department pushes back as hard as we can with all the rules we get handed to us. On this one it seems like there was very little but we will continue to work on that.

Representative Berg: I just want to walk through this so I'm clear. So then 50% of the local structures you talked about a couple of those and you are helping locals identify those projects. And after the bridge funds come off there is \$162 million. 75% of that goes to the state. Can that be used in any way we wish?

Francis Zeigler, Director of DOT: That is only for constructing work.

Representative Berg: How does that change your pie chart?

Francis Zeigler, Director of DOT: I would have to double check the math. The pie chart is SB 2012. Basically you would add \$170 million to the Highways non-maintenance program.

Representative Berg: When that budget was presented to Appropriations, the idea was to take the \$100 million that was in 2012 and put that in the GF for the next biennium and to save

\$20 million for matching.

Francis Zeigler, Director of DOT: Engrossed 2012 has not done that.

Representative Berg: From OMB the Governor has recommended

Francis Zeigler, Director of DOT: That is correct. That is what OMB distributed to you. What you would do is take \$120 million off the blue and add \$170 million.

Representative Berg: What is the role of the \$20 million match? Are we short on that?

Francis Zeigler, Director of DOT: Yes we are.

Representative Berg: How short?

Francis Zeigler, Director of DOT: \$21.8 million

Chairman Delzer: We need to go through that.

Grant Levi: Not all of that comes to the state. 73.6%

Chairman Delzer: Is that part of the pie chart.

Grant Levi: The pie chart should reflect what comes to the state.

Chairman Delzer: So the local portion is over and above what the state gets.

Grant Levi: As relates to state funding—yes. A portion of the pie chart shows what goes to the cities and counties as it relates and federal funding. State funding goes through the highway distribution formula and that is shared with the local.

Chairman Delzer: Why would you do that? Your local share goes through you as well does it not?

Grant Levi: The state funding goes to cities and counties directly. It does not go through the formula. He led the Committee through the new formula.

Representative Berg: We do not understand those percentages. I am just looking for a big picture on this federal money. Just ballpark it.

Representative Berg: This is really going to be difficult because your presentation was based on 2012 as it came over from the Senate. Now all of these numbers are changing. Then the \$162 million, does that go into the formula or does that go directly to the state from the stimulus package?

Francis Zeigler, Director of DOT: That is the one formula that is used for state funding. It takes the highway tax distribution money and distributes it to the Department, cities, counties, townships and Transit. There is another formula—the federal aid formula. That is the one you see on Attachment 5.

Representative Berg: The federal aid formula says of the \$162 million, 75% goes to the state. So if I am looking back at your pie chart, you take \$87million off of there and you supplant that with \$121 million, less the \$2.55 million.

Francis Zeigler, Director of DOT: All of the federal funds flow through us. On attachment five, the entire \$170.1 flows through the department. We work with the local governments and we even contract the projects for them and they pay back our match. We need spending authority for the entire amount. There is another \$11 million that goes to Transit.

Representative Berg: I just want to know how the stimulus goes in to the pie chart.

Francis Zeigler, Director of DOT: We would like to do the math and bring it back to you. We can sit down and talk about this very important issue.

Representative Berg: That is fine.

Francis Zeigler, Director of DOT: That is the requests that we have out to local entities

Representative Berg: But there is \$2.55 million for the locals and \$2.55 million for the state. Do we know what the state is going to be doing with their portion?

Chairman Delzer: You don't get this money, you draw it down.

Francis Zeigler, Director of DOT: That is correct.

Representative Berg: In conclusion, you are saying we cannot supplant.

Francis Zeigler, Director of DOT: We are not supplanting

Chairman Delzer: Go ahead and do a pie chart.

Representative Kaldor: It also strikes me that there is going to be a difference as it relates to the townships between the federal stimulus lying in and what we were going to do.

Francis Zeigler, Director of DOT: The townships are not part of the federal formula. Of the \$120 million, 2.7% was intended to go to the townships and that was to help them with whatever their needs were whether it was building or maintaining their system.

Representative Kaldor: That was 2.7 % of the \$120 million?

Francis Zeigler, Director of DOT: The townships will not be in the fray at all.

Francis Zeigler, Director of DOT: Continued with his presentation.

Representative Berg: The date of this is March 5th. All this information isn't pertinent to where we are going right now. I would appreciate it if you could update this as it relates to where we are at. What you did was appropriate but things are changing very rapidly. We need to know where we are right now and what decisions need to be made.

Chairman Delzer: In all likelihood this bill will go to conference, but we will have to act within a week and we need to have the best information we can have and get it in to the best shape we can get it.

Representative Kaldor: (inaudible)

Francis Zeigler, Director of DOT: This chart was actually created when we were working with the associations. It is dated March 3 but we felt it would help this Committee so we inserted it.

Representative Kaldor: it would be then beneficial then to extend this spreadsheet to adjust it with the stimulus.

Francis Zeigler, Director of DOT: We will do that.

Representative Kaldor: a lot of people have been asking me if the stimulus dollars are intended to get things going right away. There is also sentiment that we leave \$100 million in and implement those dollars as well. The question is do we have the projects on the list that are engineered and ready to go soon? The other question, are the contractors ready for this much work?

Francis Zeigler, Director of DOT: As we were putting together a list of projects for the stimulus, we identified \$400 million worth of work. There are countless projects out there that should be done. It's just a matter of where you cut it off.

Chairman Delzer: One of the issues, I remember a few years ago the federal government came in when cattle ranchers were having problems getting food for their livestock and helped purchase feed. The people selling them the feed doubled the price and the people buying got not more feed than they got before. If there is a lot more money out there the cost will go up.

Representative Berg: We entered the session; we had \$120 million that was plugged in as one time money. That's how it was presented to the public. Clearly the stimulus is going to be one-time money. My hope is that the projects that it is spent on are going to be completed and there is not going to be an ongoing tail to these projects. From my perspective, what I would like to see is where this one-time money puts us in the following biennium on the highway construction projects.

Francis Zeigler, Director of DOT: We will get that to you.

Chairman Delzer: You referenced the stimulus package having. . . What pages list all of the extra projects?

Francis Zeigler, Director of DOT: You pretty much have to go through the entire document.

Grant Levi: On page 36 we have grouped 2010 and 2012. That is the federal fiscal year. So this is the funding that we are using for that federal fiscal year.

Chairman Delzer: So then page 99 and 100 are a summary of the whole package.

Representative Meyer: If we use the entire \$170.0 million, the \$120 million, we are still short \$110 million.

Francis Zeigler, Director of DOT: That's correct.

The committee took a quick break.

Chairman Delzer called the committee back to order.

Mr. Zeigler described the spreadsheet for the Highway Tax Distribution Fund Formula.

Chairman Delzer: We matched all the federal funds last year. What dollar is that?

Francis Zeigler, Director of DOT: On page eighteen of our original testimony.

Tim Hoerner, deputy director for Business Support went through the formula figures.

. . . Unstructured discussion clarifying the worksheet for the Committee. Mr. Hoerner will add more to the spreadsheet.

Representative Kaldor: On the spreadsheet that you just handed us, from another global view, the \$170 million stimulus dollars do not flow like this. I think you said that obviously DOT counties, cities and transit would get funding based on the formulas that you gave us, if you had another column that would include that. Would that be possible?

Francis Zeigler, Director of DOT: Yes it is.

Chairman Delzer: The share that goes out to the counties and cities, could that not go through the formula.

Francis Zeigler, Director of DOT: They have to be on the federal aid system.

Mr. Zeigler continued with his testimony on attachment six.

Chairman Delzer: Do we have any kind of timeframe when the feds are going to be done with the RealID?

Francis Zeigler, Director of DOT: I am going to refer that question to Linda Butts.

Chairman Delzer: You still have to have a database that works for RealID.

Francis Zeigler, Director of DOT: You are very right. If RealID says you need to collect data, we can do that.

Chairman Delzer: The other issue I had, what are your rules when you put stuff up for bid? Do you take the lowest bid? Do you have the authority not to take the lowest?

Francis Zeigler, Director of DOT: We call it the lowest and best bid. As it relates to ITD and engineering there is more of qualification process.

Linda Butts, deputy director for Driver and Vehicle Services: Your question was that you would like an update on RealID.

Chairman Delzer: One of the concerns is that we do DL3 and then the legislature changes their policy. It really isn't set for the state.

Linda Butts: Whether it is RealID or enhanced driver's license, the data base will be the same after either is implemented. The only difference would be that if RealID were implemented without the hub then we at the state control the data and we do not share it in a national data base. If an entity wants to make an inquiry they key our database. There would be no change in our database per se.

Chairman Delzer: In best case scenario there wouldn't be one but in worst case there would be. We really don't know what we are going to do with that.

Linda Butts: You are still talking about the database. In all the information I've seen there is nothing anywhere that I have read that has said there would be a change in our data base or our software or anything like that. Rather what they are talking about is once you have your data base it's more about accessing the information that is there. It is a very fluid situation and we are studying it closely. The last information we had was last Tuesday when Secretary Napolitano in addressing her staff mentioned ReallID. Friday I asked the director of ReallID who said she has reached out to the governor's association and asked them for their recommendations. There were a few changes from what the federal government recommended. They wanted a pilot and if it didn't work, abandon it rather than forcing the states to an unworkable plan. If ReallID is implemented then we at the state level have to guarantee that the person standing before us has the legal right to be in our country so we will have to examine all underlying documents to assure that and your driver's license will expire at the same time as your papers. If we go the enhanced driver's license route, you have to prove you are a US citizen. It has a chip embedded in it. The ReallID does not. Our data base will grow larger with the documents we need to scan. I have asked them to determine where they are going as soon as possible so that you, the legislature, can wrestle with this in this session.

Representative Meyer: So basically the DL-3 that won't be affected by either one of these?

Linda Butts: In all of the reading I have done, nothing would have to change. We may have to add more information. The hub as I understand it is a connector, not a database. The other major difference is the enhanced driver's license is a border crossing document only. The ReallID will get you on airplanes and in to federal buildings. Right now they are two very separate purposes.

Representative Dosch: So the database that we are talking about here in the rewrite, are you looking at a rewrite or purchasing a new system?

Linda Butts: In talking to our IT people, my understanding is that three of those bids that are lower priced would take an off-the-shelf program and then modify it to state law. We are looking at vendors who have implemented this driver's license program in other states. So we are not looking at training.

Chairman Delzer: Is there any federal match on this?

Linda Butts: No there is not. Incrementally the feds have given us dollars to help with the start up costs. There is \$500,000 to implement the facial recognition technology. We have spent a lot of time and money to enhance our driver's license technology so we can show due diligence in proving the person in front of us is truly who they say they are. There is a lot that is being done to enhance the integrity of how driver's licenses are being offered.

Chairman Delzer: Is that \$500,000 in your budget?

Linda Butts: Yes, it was allocated to us for this biennium.

Francis Zeigler, Director of DOT: The staff that we have at the DOT that recognizes fraudulent documents. Just so you know that it is all here in ND. Staff in Fargo recognized a problem and brought in the Highway Patrol and the person took off. We do have people here in ND that will do that. I just applaud our trained staff.

Vice Chairman Thoreson: So this person got away?

Francis Zeigler, Director of DOT: Yes, he did.

Mr. Ziegler continued his testimony with attachment seven.

Chairman Delzer: How come you have different dates on these?

Tim Hoerner: We should have two: February and November for four groups of vehicles.

They changed as fuel prices and repairs changed. Each quarter has an adjustment. What we are trying to demonstrate is that fuel does not always make up the largest part of the cost. We did this analysis for ourselves and thought it might be of interest to the Committee.

Chairman Delzer: On the last few pages of your section 7, you have your budget guidelines for 07 and 09 and then the next page is what you build your budget on.

Tim Hoerner: That is correct. That was a year ago when fuel prices were significant.

Chairman Delzer: Is this how you build your budget for 09-11?

Tim Hoerner: Indirectly. We would feed the information into an elaborate spread sheet and have a rate per hour or per hour and we figure out what we will need?

Chairman Delzer: Are you talking about for all agencies? They would use these rates as well.

Tim Hoerner: Yes, we use the same guidelines as other entities. We would stick with our history. Yes we would have used the same as the other agencies. The payments we make to the state fleet, about 65% are from the large trucks.

Mr. Ziegler continued by explaining the proposed amendment based on the stimulus included in the packet and by explaining the quiet zones in Fargo.

Chairman Delzer: Do you know who put the quiet zone bill in?

Francis Zeigler, Director of DOT: Senator Nething.

Representative Berg: I just want to understand your amendments. You add \$181million, you are adding 2012. I don't see the \$120 million being shifted out.

Francis Zeigler, Director of DOT: That is correct. We left it the way the engrossed bill is

Representative Berg: Why is it \$181million and not the \$170million

Francis Zeigler, Director of DOT: The rest goes to Transit. We are still working on that.

Representative Berg: Our federal highway program is always causing us to pull our hair out. The reauthorization is in December of 2009. I would like to know is that knowing what we learned in the last three authorizations is there anything we can do to set ourselves up in order to respond appropriately if congress fails to move forward and get that authorized?

Francis Zeigler, Director of DOT: What happened last time, even though congress didn't enact the bill, they kept working on continuing resolutions and the money kept flowing. Where we at the DOT end up pulling out our hair is to not know what to design for. We are doing what we as a department can do. We have given you all the information we can as far as policy issues to be addressed.

Representative Berg: I understand how government works. My concern is that we wasted a lot of time and effort. I think last time we authorized some bonds until those federal dollars came forward. Would it not make sense if the legislature authorizes borrowing money or bonding in order to keep going on those projects?

Francis Zeigler, Director of DOT: We have two projects bonded. Those were bonded because we didn't have enough federal aid to finish it up in five years like the locals wanted. Should we be bonding for the future in case federal aid doesn't come through?

Representative Berg: I don't like to bond, if we have cash we should use it. Is there some way we can get started and when the federal funds come through we can supplant what we did to make sure it gets done.

Francis Zeigler, Director of DOT: That is possible. Should it be done? That is a policy issue we can discuss.

Grant Levi: What you are looking for is can we bond money and be paid with future federal funds. One of the challenges of that is that we would have no surety that the federal money would be coming until the bill is passed. Bonding is difficult to do without some surety.

Chairman Delzer: On the bonding that we did, you are paying them paying them back with the 80/20 split.

Francis Zeigler, Director of DOT: That is correct. With those we knew we had enough federal money coming to cover that. The bond rate goes way up if you have no surety.

Representative Berg: I understand all of that. We have a very short construction season here. I'd just as soon not be the tail of the dog on some of these projects that are critical for our roads. We can say these are critical and move forward with them. Let's not just say the process is a pain. Let's move forward if there is a way of not jeopardizing the federal match.

Chairman Delzer: Do you have a copy of the green sheet? I want to go through that quickly. On number 3, is that income to fleet services or expenses to the DOT?

Francis Zeigler, Director of DOT: It is an expense. It's what it takes to run that fleet.

Chairman Delzer: Number four there, your formula funds are showing an increase of \$47.0 million yet you have your emergency relief at \$31.2 million. That doesn't seem to match up with your other numbers.

Francis Zeigler, Director of DOT: We haven't checked this but we believe it is just the increase.

Chairman Delzer: What is the rail money?

Francis Zeigler, Director of DOT: That is no longer there. We can only pay out what they pay back.

Chairman Delzer: So how much do you have available?

Francis Zeigler, Director of DOT: In our original testimony on page twenty seven. \$2.3 million.

Chairman Delzer: Why would there be that big of difference between biennia?

Grant Levi: That program fluctuates based on the amount of rail funds we have available in our account. No money is being added to it. It accumulates money by the loan paybacks over a period of time.

Chairman Delzer: What are you going to do with that?

Grant Levi: We use those funds to assist railroad short lines and to assist in projects in repair and upkeep of tracks. It is a revolving fund.

Chairman Delzer: The highway traffic safety money?

Francis Zeigler, Director of DOT: We were under budget last year so we want to put more in that.

Chairman Delzer: Any chance that you can use that for quiet zones in the future.

Francis Zeigler, Director of DOT: No, we cannot.

Vice Chairman Thoreson: Behavioral changes?

Francis Zeigler, Director of DOT: It is for click it or ticket

Vice Chairman Thoreson: This is just used for advertising. Could you use it for youth driver training?

Francis Zeigler, Director of DOT: We can check in to that.

Chairman Delzer: What would happen if the legislature decided they didn't want that much in there?

Francis Zeigler, Director of DOT: I assume they would give it to another state.

Linda Butts: It is not spent all on ads. It is spent on programs: the seat belt program, child protection, there is money that goes to the AG's office, the Health Department, there is crash data collection.

Chairman Delzer: Please break that all down for us.

Representative Glassheim: If the quiet zone goes through, where in the formula there would be losses.

Chairman Delzer: The way it's worded, I don't think it would affect this budget. It affects some of the other things that money has been going for.

Francis Zeigler, Director of DOT: its \$6.4 million that would be dedicated to a certain package and takes it from other projects: railroad bridges, other crossings. It's part of the distribution.

Representative Glassheim: It would come from the cities and counties too?

Francis Zeigler, Director of DOT: If you go back to the table on page 16 you will see it is part of the special fuels tax. It flows through and funds a whole category and if you take that away all the entities get hit by the percentage they normally get. It would come out of the \$5.306.

Brady Larson, Legislative Council: What the \$56 million is the portion of the transfer that goes in to the highway distribution. This is on top of the executive recommendation. Technically it is not going to the Department; it is going to the distribution fund.

Chairman Delzer: They added an FTE but did not fund it.

Brady Larson, Legislative Council: That is correct. I believe they will reallocate.

Chairman Delzer: The \$2.9million?

Brady Larson, Legislative Council: That is also authority

Chairman Delzer: What is that position for?

Francis Zeigler, Director of DOT: It is Title VI

Chairman Delzer: What is title six?

Francis Zeigler, Director of DOT: Equal Opportunity must be assured by our subcontractors.

Chairman Delzer: I think we need a breakdown of the transit dollars too and how it will compare with the stimulus package.

Francis Zeigler, Director of DOT: We will do that for you. We are offering an amendment to offer moving \$140.0 from capital assets to cover the position. We will use federal aid to fund it because it is a federal program but it would need to be moved to the right line item.

Chairman Delzer: You don't have any General Fund turn back. Your salary and wage line is overfunded with your vacancies. What have you done with that?

Francis Zeigler, Director of DOT: Basically it rolls back in. We have had to do a lot of hiring incentives and bonuses. There were a lot of reclassifications. The overtime for this winter took a lot.

Chairman Delzer: A few of us may come over and visit with you later today. Around 3.

Chairman Delzer closed the hearing.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2012

House Appropriations Committee
Government Operations Division

Check here for Conference Committee

Hearing Date: 3/19/09

Recorder Job Number: 11310

Committee Clerk Signature

Tonya Valzeli

Minutes:

Chairman Delzer opened the discussion of amendments for Senate Bill 2012.

Chairman Delzer distributed amendment 98001.0206 for 2001.

The committee moved on to amendments for Senate Bill 2012.

Chairman Delzer: Brady, did we start looking at any amendments for 2012?

Brady Larson, Legislative Council: The only thing I have is the department had requested a line item transfer from capital assets to salaries and wages to fund an FTE position that was added for Title Six programs. That was added by the Senate.

Chairman Delzer: Just looking at the bill and not at numbers, I think we need to have a discussion about section four and section seven of the bill. I think when we look at them it gives basically wide open authority to the DOT to accept any money and expend it without any kind of controls or coming through the Emergency Commission or the Budget Section. I, myself, have real problems with that. Brady, can you please add that to the list to be removed.

It's unfortunate that it looks like we have got a registration increase in the bill. I know we don't.

Unless someone else has a desire to have a discussion about that I guess I will let it go.

Representative Kempenich: The only other way of doing it is do it the way we have been doing it and then have it as a sidebar, if it is the same price.

Chairman Delzer: It is the same price and the side bar is probably even tougher than

Representative Kempenich: It is just that this \$3 shows up when you get your registration card. It has \$3 into the fee part outside of the registration. It is just that that \$3 is not going to show up on the registration charge it will just be in the total.

Chairman Delzer: The total is going to be the same as it has been coming.

Representative Meyer: The only difference is before the \$3 was on the registration card?

Representative Kempenich: Yes.

Chairman Delzer: The three dollars was a transportation fee. It went to transit.

Representative Meyer: Now it is just going to be in the total.

Representative Kempenich: Right.

Chairman Delzer: If anybody asks on the floor that is what it is. It has to do with the formula changes in Section 10. That gives a section of it to transit. Then we go to the green sheet. We have equity there so we need to take that out. The two FTEs, driver's license examiners positions. Does anybody want to talk about one or both of them?

Representative Kempenich: I think we should leave one.

Chairman Delzer: OK. Brady let's put on the list to have a discussion about the possibility of allowing one instead of two of the examiners. Then the Fleet Services, I know Representative Kempenich has done quite a bit of work on that and we talked about the Fleet Services

wanting to change, they were built on \$4.75 and \$5.25 when we looked at things they were

pretty high. We were talking about wanting to take 20% of the total Fleet Service line, was that right?

Representative Kempenich: 20% will take us basically back to what it was this biennium for what Fleet Service. The problem you run into is that we either do it in all budgets or we do a negative appropriation which Council does not want to do. The thing is it would take about \$15million roughly 20% on it. Most agencies that we have seen came in early on this and they did not increase their travel at all. I guess it is whatever the committee wants to do. Truthfully I think the way this biennium is shaping up and the way it looks when you look at crude oil futures, I don't see it getting any higher than what they were paying last fall for it which it got up to an average of \$.37 is what they did. It would be about a 15.5% decrease. With the way things are right now I don't think it is going to hurt them any.

Chairman Delzer: What would you desire in the DOT budget?

Representative Kempenich: 20% would be about \$15million; the 15% is roughly \$10.6million.

Representative Glassheim: Is that of the 16million?

Chairman Delzer: It would be of the \$16million but we would also have to go in and on their operating side take 15 or 20% of their operating side of their travel costs. This \$16million increase is what they receive from the other agencies and themselves for Fleet Services. You would reduce that because you are going to reduce it everywhere else so they won't get it. You would also have to reduce it in the operating line in order for them not to have it to expend.

Representative Kempenich: Roughly last biennium it was \$55million. They increased it to about \$70million. 20% would basically take it back down to this biennium's level.

Chairman Delzer: Brady, let's get split amendments, one at 20% and one at 15%. And then if you would from the Council's stand point go through all of the General Funded agencies and get the numbers for us for 15 and 20% out of their travel line.

Brady Larson, Legislative Council: We are gathering that information right now. The one issue that we do have is in the budget reporting areas all of the travel expenses are grouped into one line item called travel so the information that we have is all travel expenses for an agency that would include airline tickets, motor pool costs, meals and other incidentals.

Chairman Delzer: Lori can you get that for us? Do you have it split out at your level?

Lori Laschkewitsch, OMB: It rolls up to the travel. I will go back and see if we have a detailed enough object to get it down to just the motor pool rates. I am not certain that we do.

Chairman Delzer: I think that you should actually look at doing that negative appropriation on 2012 and having that language there for us that would affect all of the other agencies.

Brady Larson, Legislative Council: I will talk with Allen on that to see if that is a possibility and we will get back to you.

Chairman Delzer: We have the issue of the driver's license system. When we discussed that they looked at the request for quotes that they had or information that they had. They had two or three between the \$8-9million ranges. They hadn't at the time really talked a whole lot to whether or not they could work with South Dakota and see if they could work with them. One thing that we should consider there and I guess I would request an amendment such as this is if we are going to do this over two bienniums we should be roughly have of the lower numbers, between the eight and nine. I think we should be appropriating in the neighborhood of \$4million expecting that it would likely cost \$4million to finish that. The problem to me is any time if we put \$7.5million saying that it is going to be \$7.5million next time, the project is going to cost \$15million even if it should have only been \$8million. I would like one at \$4million. I don't know if anybody else wants one at another figure or not to allow them to do the DL3 until we have an answer on the enhanced driver's license.

Representative Kempenich: I think we should go with the one option.

Chairman Delzer: Brady we also need two different options, we will have to have language that would incorporate the \$170million of ARRA money. We need two options, one that would take out \$100million of the General Fund and one that would take the whole \$120million out of General Fund. Then I would also like to have one that was an option of taking the \$100million out, leaving the \$20million but it could only be used to match federal money if it was needed. One of the things with the other reductions that we are making in here, that frees up money to match federal money. They said in front of us that there is a possibility of being short maybe \$20million on federal matching. Anything that we free up is available for them to match federal money on the formula basis. I think there is an issue out there on the Fargo building. Representative Berg did we get anywhere with the language for Fargo.

Representative Berg: I am not sure how you want to handle it. I have it drafted as an amendment (98031.0205). It asks that the department looks at different locations and if there is some locations that may have alternatives higher and better use if they would have those locations appraised or looked at. It is a situation like in Fargo where we have a nice building there to have on a city block with sand and dirt on it but it is a block from West Acres. The county has a maintenance facility and gravel and sand just on the edge of West Fargo next to the interstate. I am not quite sure if this gets at it. You can take a look at that. Really there are two things, one just to look at the assets they have and make sure they are at the highest and best use and my off hand thinking was that it might make sense for them to keep their offices there but move some of the storage somewhere else. The second, section 15 really talks about co-location to share costs and equipment. That might need to be stronger but again trying to utilizing a little cooperation there and then 16, I am not quite sure if that is right either but really it was a discussion that we have kind of had about one of the problems of matching federal highway dollars is we have flat or declining revenue sources to use for the match. Our

gas tax, again vehicles have more efficiency that goes down. Our registration is pretty much static unless we increase registration fees. So the concept would be taking a look at registration fees based on the value of the vehicle and so if in fact long term you assume vehicles go up there will be an increasing source to match that. What it would mean is that if you have a \$2000 spray pick-up you are not going to pay very much for a registration fee and if you have a \$60,000 Escalade it is going to cost more for registration.

Chairman Delzer: I guess I would request that we set these here and I would request that if you get a chance you read through them and see if you have some language adjustments or considerations that you want to do on them. We will take them up one at a time at the same time that we are doing the rest of the amendments. Brady, I think if we adopt 14 and 15 then we would also need to not allow them to build the storage building in Fargo for \$660,000.

Representative Kempenich: Can we say Fargo or do we have to say something like a city with the certain population?

Chairman Delzer: I think in this case we can say Fargo because they told us Fargo in the testimony.

Representative Berg: We could say a city with 50% asphalt and 50% water.

Chairman Delzer: I think there was some information passed out that was answers to the last questions that we had. It looks like some of it was to do with the maintenance buildings some was the deadlines on the stimulus money, some was the IT priorities. I don't know if we have any questions about doing all of those. Again in the whole IT deal for the state is over \$100million that we are spending on software this year. If we would have been cognoscente of that we would have done all we did in the first half. Is there anything further?

Representative Kaldor: Are you receptive to having an amendment addressing the township issue that is in the optional if we pull the \$120million out?

Chairman Delzer: They still receive more than they currently do.

Representative Kaldor: I understand that but I guess I would request for consideration an amendment that would bring their level up to I think it is \$3.2million is what the level that they would have had if the General Fund appropriations had been approved.

Chairman Delzer: Just the townships?

Representative Kaldor: I think that was the only one that was impacted adversely by that movement of the General Fund dollars.

Chairman Delzer: It is listed as cities and counties on the \$170million. You would expect that they would share some of that with the townships but I guess there is nothing that says they have to.

Representative Kaldor: They can't if it is not federal aid.

Chairman Delzer: How can townships use any of the federal aid anyway then?

Representative Kaldor: They can't.

Chairman Delzer: If they can't then why would we want to make them whole on the stimulus side?

Representative Kaldor: The only way they get it is through the formula which is kind of being abandoned to accommodate this \$170million.

Representative Glassheim: They get it through General Fund not stimulus.

Chairman Delzer: Yet they are receiving more General Fund this time than last time.

Representative Kaldor: I think it is pretty close.

Chairman Delzer: Brady put that on the list for consideration.

Brady Larson, Legislative Council: I will get the exact amount and have it on the amendment list.

Chairman Delzer: Are you that cognoscente of that dollar figure?

Representative Kaldor: Do you mean that, am I certain of it?

Chairman Delzer: No I mean is it that number or none?

Representative Kaldor: No, I am suggesting that as a replacement. There is negotiating room
I suppose you could say. I am just suggesting having that in front of us.

Chairman Delzer: Anything else on DOT?

Chairman Delzer closed the discussion on Senate Bill 2012.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2012

House Appropriations Committee
Government Operations Division

Check here for Conference Committee

Hearing Date: 4/7/09

Recorder Job Number: 31:40 into 11758 and 11759

Committee Clerk Signature
Started @ Recorder 11759


Minutes:

Chairman Delzer opened the discussion on Senate Bill 2012.

98031.0211

Chairman Delzer presented and explained 98031.0211.

Representative Berg: Could you explain number ten again?

Chairman Delzer: When the Senate looked through the bill, the \$120million was just sitting in there but they didn't show the amount going through the Highway Distribution Fund that was the Department's \$56million. That is what that was. When we pulled the \$120million out it doesn't need to be there. Brady, that is the way you explained that to me, right?

Brady Larson, Legislative Council: That is correct. They did need special fund authority to spend funding received through the Highway Tax Distribution Fund from the \$120million General Fund transfer.

Chairman Delzer: It then becomes special fund when you run it though the formula.

Chairman Delzer continued explaining the amendment sections with Section four.

Vice Chairman Thoreson: I will move 0211.

Representative Kempenich: Second.

Chairman Delzer: Discussion.

Representative Kaldor: There are quite a few issues in this set of amendments and I know as I understand there is going to come another amendment relating to the \$100million so I don't know which the right place to discuss this is.

Chairman Delzer: I will gladly hand out these other amendments and we can take a few minutes and look them and talk at them before we do this. That is not a problem to me.

NEW JOB RECORDER NUMBER 11759

Chairman Delzer explained amendment 98031.0215.

Representative Berg: When we are talking about a political subdivision would receive 50%, and that they may borrow, would that be townships, cities and counties included in that.

Chairman Delzer: Right, the political subdivisions that qualify for FEMA relief.

Representative Berg: Do we have an idea what that amount would be?

Chairman Delzer: No, I don't know how you would ever come up with that at this time.

Representative Berg: We were told yesterday, \$50 million.

Chairman Delzer: Fifteen percent of \$100 million is \$15 million.

Representative Berg: So, it would be \$7 ½ million dollars.

Chairman Delzer: We don't know. It might be considerably more than that, and it might be less.

Representative Berg: Where will that money come from?

Chairman Delzer: From the \$100million that we are setting aside in the Highway Tax Distribution Fund for next biennium.

Chairman Delzer finished explaining the amendments, 98031.0207

Chairman Delzer explained the amendment 98031.0207.

98031.0214

Representative Kempenich: I was just looking back through the testimony. DOT brought an amendment.

Chairman Delzer: It was there, we talked about it some. I think it was requested by one of the members. It deals with something similar to what they did with Memorial Highway and the bridge. I have concerns about bonding too far and using money to do that. Then you can't do anything else when you are using that federal money.

Representative Glassheim: In 0215 there will be some money sitting there when we come back in 2011. Is it possible that we might spend that money early?

Chairman Delzer: The 2011 could pass it out with an emergency clause. I there further discussion on .0211?

Representative Glassheim: Can you explain the IT projects in number 6?

Chairman Delzer: They had 7 ½ million in for the DL3, and there request for information were eight and nine, there was also one for twenty. So, they came in requesting 7 ½ this biennium and expecting to request 7 ½ in for the next biennium. That is where we lowered that. The others are just listed because we rolled them all together. It is their priority how they spend that money.

Representative Glassheim: So, they have \$4 million left?

Chairman Delzer: That is right. Brady, is that correct?

Brady Larson, Legislative Council: Yes.

Chairman Delzer: Committee members, is that what we asked for? I think we asked for was a reduction of \$3 ½ million, to \$4 million plus the other money. I think that needs to be rewritten, Brady.

Representative Glassheim: You just wanted \$3 ½ out of the \$7 ½ ?

Chairman Delzer: Yes.

Representative Berg: The total is \$8 ½ million for all of those projects.

Chairman Delzer: Right.

Representative Kaldor: Maybe it would be a good idea to cover to section three in amendment .0211, the \$20 million, because the use of that \$20 million is actually different from what it would have been in the original bill. That is general fund dollars, I believe.

Chairman Delzer: General Fund dollars. It is listed as a contingency for their department. If they are short matching federal highway money, to come to the budget section and convince them to get authority to use it. The way that it is worded, I don't think that it goes through the emergency commission. It is just the budget section.

Representative Kaldor: It is limited to just a match.

Representative Kempenich: At the end of the day, I think it would have to go through the formula.

Chairman Delzer: I don't think it is set up that way.

Representative Kempenich: No, it isn't, but if you took the money to match it, part of that would go through.

Chairman Delzer: It would match, but because the formula is changed the counties, cities, and townships are up slightly from what DOT is getting. This is listed just for DOT.

Representative Kempenich: We can use that as a match. Say \$50million shows up from the feds and they need \$10 million to match that \$50 million. You have \$60 million going into that. How would you break that out, since the \$10 million will have to match it?

Chairman Delzer: I'm sure that if it was below that, they could run it through the formula and match everybody's. If it was a case where they needed it to match, it would be there for them to match.

Representative Kempenich: It seems when they use it to match, it sort of loses its identity.

Chairman Delzer: It goes to the department, and they have the authority to do what they want with it at that time. Is that the way that you see it, Brady?

Brady Larson, Legislative Council: Yes.

Representative Glassheim: So, a lot of this is set up to do road construction in terms of damage due to flooding and snow, but the cities and counties would not have money for their local road because the federal stimulus money isn't available for that. Isn't federal stimulus money mainly state roads and?

Chairman Delzer: It is just like any federal money that has to be used on federal matching, none of it can be used on the local roads. That is the same way that it has always been. The difference was that the \$100 million was going to go And I'm sure the counties and townships felt that that would go, and they could use it for maintenance of county and township roads.

Representative Glassheim: And city? But there won't be money for that unless it comes in as ...

Chairman Delzer: If it is FEMA stuff, then we would be providing half of the local match. Now, 1407 is still alive in the Senate with \$2.7 in it. That is money for townships. If we are going to do something, I think that is the vehicle that we should use to do something further on

townships and cities. It separates it from the DOT budget, so it does make sure that it is one time funding if it happened.

Representative Kaldor: Could you also go over the ramifications of the removal of section four which is the additional income appropriated section?

Chairman Delzer: It is not addressed at all except we have the special fund authority for all the expected highway money in the bill. Anything over and above that, they would just have to come through the Emergency Commission to get authority to accept it and spend it. The same with five as the FTEs go.

Representative Kaldor: I think for the committee's purposes, I think it would be helpful to discuss the differences between the uses of the federal stimulus money, particularly the \$170 million, compared to what the allowable uses would have been for the \$100 million.

Chairman Delzer: My understanding is, and maybe I am wrong, but I think that any money that we is limited to be used on state and federal highways. Any general fund money in there would not have that restriction.

Representative Kaldor: Do I understand this correctly? The stimulus dollars are utilized for road building, basically new construction, and the general fund dollars are used for maintenance.

Chairman Delzer: I am not sure. Certainly not all of it could have been used that way, but I think that the stipulations that come with the federal money would not be there with the general fund dollars.

Representative Glassheim: Do we have an amount that the cities, counties and townships will be having under this? And how much they would be less than this current biennium?

Chairman Delzer: We have the list it was in testimony. \$2709 estimated distributions, total revenue \$357.3, state highway fund \$2211.7, counties \$74.4, cities \$45.3, townships \$ 10.2,

public transportation \$5.7 2009-2011 excluding the \$120 million general fund. The formula does change a little bit. Total revenue \$389.7, state highway \$243.3, counties \$ 81.5, cities \$49.6, townships \$10.6, public transit \$4.7. Does this match?

Brady Larson, Legislative Council: I believe that would be the distributions under the current law.

Chairman Delzer: These are the numbers from the Council. I was looking for the numbers from DOT. Somehow I thought "PANZA" (?) was \$5.7.

Representative Meyer: On .0215 on section three, we have no guarantee that we will get any FEMA funding, do we, if it is not flood related?

Chairman Delzer: It would have to be flood related, or we wouldn't get any.

Representative Meyer: So, the western and southwestern counties that aren't going to be seeing floods, but a huge amount of impact to our roads, we still wouldn't be eligible for any of that?

Chairman Delzer: My thought is and we don't have the final numbers but it was my thought that the entire state was declared a presidential disaster for flooding.

Representative Berg: I heard from the General that there was snow damage requested. It was turned down because they didn't identify the cost, so they had a sixty day extension to verify the gravel loss, the wear and tear on roads, and that type of thing. I got the impression that there was a good chance that we would get reimbursed for the snow damage.

Representative Meyer: In the event that that does not happen, and it is denied, then we won't get anything. I'm talking about the counties that suffered the most from just snow removal.

Chairman Delzer: The snow removal will get half of their costs. It was a gubernatorial declaration that they will get that. There would be nothing there for repair.

Representative Kaldor: I am going to oppose the amendments. I think in Full Committee I will ask for a division on some of these sections. There are some elements that I don't have a real problem with. But, I think in view of what is happening in North Dakota, I really think that we need to dedicate as much resources as we can possibly can into our infrastructure. The dollars that are invested today are going to save us millions of dollars in the future. I don't know that we are going to see the consequences of the flood damages in some respects for quite awhile to come. Road beds deteriorate because of the groundwater. In my part of the country it takes almost all summer for that to disappear. I think we are doing exactly the right thing with the federal stimulus dollars, but I also think what we are going to find out is that we are going to need those dollars even more than we did four weeks ago. There are a couple of other things that I know that are going to be dealt with in conference committee. One is the employee salary equity adjustments. While we haven't been raising too many objections to that this second half, you obviously understand our objections. In the DOT this is especially burdensome because they are trying to attract and retain qualified engineers and personnel. They are, until now, an entirely specially funded agency. They need some latitude here. That is just one element. I know the follow up amendments that are coming will probably address some of these things. But, on its face, I am reluctant to support the amendment .0211 and will vote against it.

Representative Kempenich: I think we are in changing times with this whole thing. This \$100 million is an issue, and this is what we came up with in some of these amendments to keep it in the DOT and not taken out. We are looking at the sustainability of what goes on into the future. Last session we took out \$12 or 13 million of General Fund money for the first time that I have been here. One of the problems that we are running into now is that we have that stimulus money, and we need to spend this in a reasonable way and make it work. I think we

need to treat this \$120 million as one time expenditure, too. You don't want to build this into the base because even getting close to that again may be difficult. I think that there are some big problems, not only now but in the next three months and long term. If you look at what the trends are as the gas tax revenue is stagnant. The excise tax is probably a means of doing something, but right now that hasn't been on the table. It was earlier, but I don't think that did very well over in the Senate. You have to try to look further into the future than 18 months on this budget. What can physically get accomplished. We can put \$290 million dollars in and see But I think we have to look at this long term and keep going forward. I think if we are going to lump this all into one pot right not, we will be asking for trouble in the next biennium with highway funding.

Representative Kaldor: I agree to a large extent. In the future we have some huge battles as urban transit takes a greater share of the federal dollars that are coming to the states. On the other hand, I can't help to think about the time value of money. The cost of construction doesn't ever go down, and if it does it is very rare and minimal. It seems to me that any road construction and work that we do is for the long term. The other concern that I have is that we are much more constrained by the federal dollars than we are by the dollars that we are planning to put in through the general fund. Those dollars are free to be used for maintenance, and none of the federal dollars can be used for that purpose. That will be a significant issue. Granted the element here that provides for match for FEMA dollars is a very good move. I would still maintain that a dollar invested in our infrastructure today is going to have greater value in the future than if we sit on the cash.

Chairman Delzer: I can appreciate what you are saying, but I don't know that I totally agree. When we have the amount of stimulus money that is being put into the country, I think when government gets involved in trying to help a problem that is out there, like when they tried to

get involved in buying feed for cattle producers a number of years ago, the feed doubled, so all the money was spent on increased cost. We are a recipient state of federal dollars, and I hope that we continue to be a recipient state. If in two years, we are not, I think that it is real prudent to have this amount (the amount that is left after the FEMA match) sitting there with the idea that it will be used for transportation. That is also the reason for Section 14 of the amendment, which is worded very broadly, with the hope that the Legislative Council will pick a study and state it so that we keep a real close eye on what is going on. Then try to figure out a better way to fund highway funding in the future than just the gas tax and the registration under the current formula. I know that is pretty much an ongoing study, but it is a important one that we need to have forward. That's why I am going to go ahead and support this set of amendments.

Representative Berg: I know we all get excited about the short term money. If history has taught us anything it has taught us that stability is one of the most important things. Our infrastructure is vital to our economic success. We are going from \$900 million to \$1.1 billion. We could go to \$1.2 billion, but those of you that come back here are going to have tremendous pressure because I think there are going to be fewer federal dollars in the future. We are going to have to do highway construction probably without the matching that we have had. That will take a tremendous amount of general fund dollars. It is the highest amount of money that we have ever had in DOT; it is huge. We have learned it we can keep it stable, it will benefit everyone. I support the amendment.

A motion was made by Vice Chairman Thoreson, seconded by Representative Kempenich to adopt amendment 98031.0211 to Senate Bill 2012. Amendment was adopted. The vote was 5-3-0.

Chairman Delzer: We have gone through the other ones. I think the next important one is .0215.

Representative Meyer: This pertains to Section 4 of .0215. Last year I tried to get our county commissioners to adopt a provision where they could borrow money from the Bank of North Dakota. Our roads were shot from the oil impact. This would get us by until more revenue started to flow. Under that, a county can currently borrow money, they just can't spend it. With this section, I was wondering if that would be fixed. Would they have to go to a county vote in order to spend the money?

Chairman Delzer: I can't answer that. Brady, you might have to look that up for us. In Section 4, it only pertains to the other half of the FEMA match. It says for the purpose of providing a 50% match. So, that may well take care of that for this. It certainly wouldn't for the issue that you are talking about.

Representative Meyer: It falls back on whether the county can borrow money from the Bank of North Dakota, and if they can spend it.

Chairman Delzer: We are giving them the authority for this 50% match of the FEMA money, only for that. I think we give them the authority to spend it. I don't think that it would have anything to do with what you are talking about. Brady needs to check with Council to find out.

Representative Meyer: Would Mr. Trainer be able to answer that, since he is here?

Chairman Delzer: I would prefer to have Council research that.

A motion was made by Representative Kempenich, seconded by Representative Dosch to adopt amendment 98031.0215 to Senate Bill 2012. The amendment was adopted by voice vote.

Chairman Delzer: We will now look at .0214.

Representative Kaldor: When Brady is doing his research on the other issue, could we add to that a question about how the distribution works when we have unorganized townships that

the township that the counties are responsible for. Do they do an allocation on the basis of a township territory per say, or miles of road? Do they do an allocation now?

Chairman Delzer: I can't say that they do not. I think they would likely have the authority not to if they didn't want to. This is only for stuff over and above the distribution. I don't know for sure. I just wanted to make sure that anything over and above went to the township that brought it into the county.

A motion was made by Representative Kempenich, seconded by Representative Dosch to adopt amendment 98031.0214 to Senate Bill 2012. The amendment was adopted by voice vote.

Chairman Delzer: Now we have .0207.

Representative Berg moved .0207.

Representative Dosch seconded the motion.

Representative Berg: I think it provides a little more transparency as to how the monies are being utilized. It will help future legislative assemblies as they are appropriating money into the highway funding.

Representative Meyer: Is there any reporting requirement now?

Chairman Delzer: I'm not aware. I'm sure they have some sort of requirement on the overall dollars, but I don't think that we have this information readily available. I think that is what we would like to get to.

A motion was made by Representative Berg, seconded by Representative Dosch to adopt amendment 98031.0207 to Senate Bill 2012. The amendment was adopted by voice vote.

Chairman Delzer is there anything further?

Representative Kempenich: I have a something that deals with driver's license, but I will bring it up in full committee.

Chairman Delzer: We have the amended bill before us. What are the wishes of the committee?

Representative Kempenich moved a Do Pass on SB 2012 as amended.

Representative Dosch seconded the motion.

A roll call vote was taken. **Aye 5 Nay 3 Absent 0**

Chairman Delzer will carry SB 2012 to the full committee.

2009 HOUSE STANDING COMMITTEE MINUTES

SB 2012

House Appropriations Committee

Check here for Conference Committee

Hearing Date: April 9, 2009

Recorder Job Number: 11813

Committee Clerk Signature

Minutes:

Chm. Svedjan turned the Committee's attention to SB 2012 – Department of Transportation. Rep. Delzer distributed amendment 0.0216 (Attachment A) (what the subcommittee adopted) and .0218 (Attachment B) (has a few changes). There's another amendment .0217 (14:27) that I'm going to offer. Rep. Delzer explained amendment .0218 first by reviewing the Statement of Purpose of Amendment. On page 2 of the statement of purpose, we will deal with what the subcommittee did with the DOT bill. (1) Removes salary equity adjustments. (2) We removed one FT driver's license examiner. It seemed to me the department asked for two and we granted one of them. That is a reduction of \$89,333. (3) We shifted funding from capital assets to salaries and wages at the request of DOT. It covers an FTE position that was added by the Senate for Title 6 coordinating FTE. (4) We reduced operating expenses by \$2.5 million. This has to do with the amount that most of the budget was built on. I believe it was \$4.75 gas and \$5.25 diesel. It was somewhere in the neighborhood of \$70 million for that line item. We reduced that by \$2.5 million. (5) We also reduced the fleet services income line by \$5 million. That is what they receive from other agencies. Amendment 6 reduces IT by \$3.5 million. The department had asked for \$7.5 million for a new DL3 system. That was the first half, phase one of two phases. They had asked for some requests for quotes or information. They had received one that was somewhere over \$8 million, one that was somewhere over \$9

million, and one that was somewhere over \$20 million. The \$20 million was our IT department if they built it from scratch. What we did in the subsection was to reduce that by \$3.5 million, giving them \$4 million there. They have four other projects that were in the budget. We did not reduce them in the budget, but we rolled it all together so that they could work as one system. (7) Funding included for equipment storage in the Fargo District is removed; that is \$660,000. We have a couple of sections later on that deal with that. (8) We appropriate the stimulus money; that is \$170,126,497 to the DOT. Rural transit gets \$5,956,174. There is roughly \$5 million that goes to the three major transits directly from stimulus. (9) Removes \$120 million transfer in general fund money to the highway distribution fund included in the executive budget. (10) Removes the amount when this money would have been run through the formula, the department would have considered a certain amount of it special funds because as soon as it comes in, they call it that. That is \$56,886,128. That is my understanding from council and we removed that. It just is the amount of the 120 they would have had for themselves. It isn't anything that we are removing anything. It was just there because as soon as they get it, they call it special funds so you needed to appropriate it both as general funds to them and special funds the other way. That is my understanding of that amendment. It is the same money. (11) Provides additional highway projects for funds received. (12) Provides for \$75 million transfer to the highway distribution fund. That is section 3 of the bill. You see what it does is allocates \$75 million to the highway distribution fund and it may not be transferred out by the Treasurer except as determined by the 62nd legislative assembly. These funds under this section are used by the 62nd legislative assembly for transportation purposes or for other state and government programs based on anticipated revenues and appropriations of the general funds and state highway funds during the 2011-2013 biennium. The appropriation provided in this section is considered one-time funding. The

original one that we passed out of committee had \$100 million in this transfer; this one has \$75 million. We also have section 4 of page 2, which would allow for any political subdivision receiving federal emergency relief for road repairs and improvements during this upcoming (because of the winter or the flood) will receive during the next two years one half of their local match, whatever the local match is. If it is 15%, they would receive 7½%; if it is 6% and the difference is whenever you hit that certain threshold for the feds. If it is 6%, they would receive 3%. What they will have to do is apply for those through emergency management, the same way they do now. They would be paid in February of each year. One year the report of how much that money is comes to the budget section; the next year it comes to the legislative assembly. Section 5 of the bill would allow them to borrow the other half of their local match from the bank if they so needed. Personally I can't imagine that will be used, but it is available.

If we go back to our statement of purposes on page 3, we look at amendments we have made other than this. We remove section 4, 5 and 7 and they related to allowing the department, without coming through the emergency commission and the budget section, any extra federal funding, new FTEs and any additional motor pool money. Removing these will mean that they have to, if they have something that falls in that situation, they have to come before the emergency commission and the budget section for approval. We added a section designating US Highway 85 as the Theodore Roosevelt Expressway. It is currently the Can Am Highway. The group that works with that is requesting that it be switched to the Theodore Roosevelt Expressway. We need to put that into the bill to allow DOT to change the signs. Then we add a section for the legislative council for a study regarding the Fargo District Office facility location and potential options for matching federal highway funds. That is sections 17 and 18 of the amendment on page 3. Section 17 is the council shall consider studying the feasibility and the desirability of relocating the Fargo District office. It goes on to say what would be

looked at and how. Section 18 is a council study and it is pretty broadly worded, but there was talk in this section of how we can better match federal highway dollars, how we can have more money for transportation in the future. One of the issues brought up that the section thought should be discussed is whether or not you consider switching to a value of vehicle registration fee. I would imagine you would probably want to look at excise tax, the registration levels we have, and a number of other things. That is a legislative council study also. The next one is reporting requirements for political subdivisions. That is section 15 on page 3. Each county, city and township shall provide to the Tax Commissioner an annual report on funding and expenditures relating to transportation projects and programs. The report must be provided within 31 days after the close of the calendar year. The report must contain by fund the beginning balance revenues of major source expenditures by major category, the ending balance and any other information requested by the Tax Commissioner. We add a section that is borrowing and we add a section stating that any funding received by the state, counties, cities or townships in excess of the amounts received through the highway distribution fund are considered one-time funding. We adjust and we are adding a section that provides 10% of the motor vehicle excise for the next biennium to the highway fund, which is a state fund. We are adding 10% of the excise tax to the highway tax distribution fund, which goes through the formula. The remaining 80% goes to the general fund. What that amounts to is \$23 million if you look on 11 on page 1 of the statement of purposes, so 11½% would go through the formula. If you go back up one, we are changing the formula slightly. We are addition 1/10th of 1% from 61.3 to 61.4% of the formula distribution to the state. We are lowering the transit from 1.5 to 1.4%. Number 16 of the amendments adopted by the section actually took \$1 million from transit and moved it to townships. That is not part of 18. Alan Brady, are you aware of any other differences between 16 and 18? I think that is all of them. The one on 16 had \$20

million of contingency funding. That is not in 18, but the 20% of the excise tax for the next biennium is. There is another amendment that I am going to offer; that is .0217 (Attachment C).

Chm. Svedjan: What you are suggesting is that we would choose between .0216 and .0218?

Rep. Delzer: I would move .0218 and see if there is a second.

Rep. Martinson: The amendments passed out by your section are .0216? So you are bringing in your own amendments that are .0218?

Rep. Delzer: That is right. I can move .0216 and then .0218 if you would prefer to do it that way. I have no problem with that.

Rep. Kempenich: The difference is there is more money going out into the townships in .0218 versus what .0216 is is basically the difference and then this contingency because that isn't in .0218. I will second that.

Amendment .0217 (Attachment C) was distributed.

Rep. Delzer: I'm sorry. I know these amendments are in my name, but they were done with the input of other members. I tried to keep this section up as much as we could. There are a lot of concerns about what has happened with the weather-related issues that have gone on this winter, flooding currently; we have had a lot of snow and a lot of problems and that's where .0217 comes in. What we would do there, if it was so desired by this committee, what this one would do is it would take under emergency situations, if we passed the emergency clause, it would put out \$20 million this biennium as soon as the bill was signed to the townships, cities and counties. Fifty percent would go to townships in accordance with the formula used to distribute funds to the townships on the 54-27-19.1. Except that the organized townships are not required to provide matching funds to receive distributions. Five percent, which is \$1 million, would be equally divided between all incorporated cities. The remaining 45% would be

split according to the formula used in 54-27-19. My understanding of the numbers on these is it is roughly 5.6 to the counties, 4.4 to the cities. The reason for the request for the 5% to all the incorporated cities is that some of the smaller cities, if you just run them through that formula, it is a pretty exhaustive formula and they would not get a lot. This allows all the incorporated cities to get a little bit. It's an appropriation for weather related cost-sharing program. This is because of what we have been going through.

Rep. Bellew: (18:18) The .0217 is in addition to .0218?

Rep. Delzer: Yes.

Rep. Bellew: The difference from .0216 the total would be \$68 million added to highways and townships and snow removal.

Rep. Delzer: No. The amount being set aside for next biennium to make sure we have some money for roads, because of the questions of what goes on with funding, reduces from \$100 million to \$75 million. The \$20 million contingency goes away that was in .0216. We add \$23 million of road funding out of the excise tax. We add \$20 million from the general fund from the ending fund balance of this biennium to go out as a one-time shot to get them going on what they need. \$43 million.

Rep. Nelson: .0217 says cost-sharing program, but there really isn't any cost sharing. It is sent out in grants, is it not?

Rep. Delzer: That is in the title simply to say that we are sharing in their costs.

Rep. Berg: (20:01) What we have before us in amendments is a lot different than what our committee worked a month and a half on. Yes, we have the motion on these last amendments, but it appears to me there is about \$45 million more in general fund in this amendment than what we adopted in committee. There is an additional \$25 million that is not going to be carried over to the next biennium. The excise tax is did you say \$23 million?

Rep. Delzer: Yes. \$23 million. 10 through the highway distribution and 10 through the highway fund.

Rep. Berg: Could we take the changes in .0218 that were not in .0216 and take a voice vote so we know exactly how this has changed from what we worked on?

Rep. Delzer: Do you want me to move .0216?

Rep. Berg: We have a motion on .0218, which is fine. I think if we could just go through this amendment and if want to make a negative amendment to take a section out, then we just vote on each of those sections. When we are done, we will have .0216 plus the changes approved.

Chm. Svedjan: We have a motion for .0218?

Rep. Berg: I am not sure what has been added, but it appears #12 is a change.

Chm. Svedjan: You are talking about #12 in .0218?

Rep. Berg: Which reduces the carryover from \$100 million to \$75 million.

Rep. Delzer: Are you looking on the Statement of Purpose?

Rep. Berg: I am. I would just make a motion to further amend and make that \$100 million rather than \$75 million.

Chm. Svedjan: We have a motion to amend .0218 from \$75 million to \$100 million.

Rep. Berg: It might be simpler to adopt .0216 and further amend from there?

Chm. Svedjan: That's what I am thinking. You are going to withdraw your motion to adopt .0218, Rep. Delzer? (23:04) Okay, that is withdrawn. Then, Rep. Berg, do you want to move .0216?

Rep. Berg: I so move.

Chm. Svedjan: Is there a second? A second by Rep. Delzer. Now we have got the section forwarded to us. Now do you want to consider the changes that are reflected in .0218 and take them individually?

Rep. Berg: I would ask Rep. Delzer to make those motions on the changes to .0216 and if we adopt those, in essence we will have .0218.

Rep. Delzer: I would first move that we would adopt section 16 out of .0218, page 3. This is different than .0216.

Chm. Svedjan: So the motion is to amend section 16.

Rep. Delzer: I would move to include section 16 on .0218 on page 3 and remove 3 out of .0216.

Chm. Svedjan: So the motion really is to substitute section 16 out of .0218 with section 3 in .0216. Second by Rep. Berg. Okay, then let's have an explanation of that.

Rep. Delzer: (25:31) What that would do is remove the \$20 million contingency line that is in .0216 which was adopted by the subsection and add Section 16 which is the 20 percent excise tax for next biennium. The fiscal effect? It puts \$23 million into next year's roads -- \$11.5 through the highway fund and \$11.5 through the highway distribution fund. It removes the contingency fund that would have been there for the department otherwise. It's roughly a \$3 million difference.

Chm. Svedjan: Does everyone understand that?

Rep. Kaldor: (26:30) The \$20 million in the contingency fund basically could be used for match only; where as in section 16 of .0218, those dollars obviously are going to be used by the subdivisions as well. They will flow through the distribution or this distribution formula so subdivisions will benefit.

Rep. Delzer: On the 10% that goes through the Highway Tax Distribution Fund, that is true. We should probably on the top of page 3 of .0218, going from 61.3 to 61.4 on the DOT side of the formula and going from 1.5 to 1.4 on the transit side of the formula with this because he said that is part of the \$23 million. It needs to be an addition along with section 16. It is not in

.0216. It is in .0218 but not in .0216. So my motion would be for page 9, line 26 and page 10, line 1 and section 16 to be added to .0216 and section 3 on .0216 to be removed.

Chm. Svedjan: Are you making that part of your original motion?

Rep. Delzer: If I can, Mr. Chairman.

Chm. Svedjan: That's fine. So we are substituting section 16 from .0218 for section 3 of .0216. In addition to that, if you would restate the rest of that for me.

Rep. Delzer: We are changing the formula from 61.3 for the DOT to 61.4 and we are changing the formula from 1.5 for transit to 1.4. There is \$11 million of the stimulus money. What it would have been is 5.8 without this change. What it is with this change is 5.63. There is another difference, but I will make it my next motion that will answer this as well.

Chm. Svedjan: Is there any further discussion? Hearing none, are you ready to vote on this motion. I will try it on the voice vote. All in favor to substitute section 16 from .0218 for section 3 of .0216 plus changing the 61.3 to 61.4 and the transit from 1.5 to 1.4. **That motion carries and is adopted.** (Vote 3)

Rep. Delzer: The next motion I would make would be to remove section 4 out of .0216.

Chm. Svedjan: The motion is to remove section 4 out of .0216. Seconded by Rep. Kaldor.
Any discussion?

Rep. Delzer: What this was was in .0216 to try to get some money to townships, we had taken \$1 million from transit because of their enhancement on the stimulus money and moved it to the townships. With these changes and if we adopt .0217, we don't need to do that. That is the reason for the removal of that.

Chm. Svedjan: Any discussion? I will take this on a voice vote. All in favor of removing section 4 out of .0216. **That motion carries and that amendment is adopted.** (Vote 4)

Rep. Delzer: The only other motion that I would have is the one that changes I believe our set aside from \$100 million to \$75 million. That is in section 5 of .0216 and in section 3 of .0218. I believe the only difference in those two is the dollar figure. I would move to change \$100 million to \$75 million in section 5.

Chm. Svedjan: Seconded by Rep. Skarphol. The motion is to change in section 5 the \$100 million to \$75 million.

Rep. Delzer: The reason for that is to keep everything roughly the same, the total dollars out of that. There were some people who were concerned about wanting the \$100 million set aside for next year makes good sense. But when we are putting the \$20 million plus we are putting the \$23 million in on the formula, they were concerned about having the whole \$100 million set aside and the preference was that there would be \$75.

Rep. Glasheim: (33:23) Where did that \$25 million go? It went into the \$20 million grants?

Rep. Delzer: That is pretty much what it amounts to.

Rep. Glasheim: And another \$5 million somewhere else?

Rep. Delzer: That would be rough figures. I would be surprised if this doesn't go to conference committee. We are making some pretty drastic changes.

Rep. Glasheim: (33:56) The \$20 million from the \$120,000, where did that sit?

Rep. Delzer: The \$20 million contingency went towards the 20%. The \$25 million goes to cover the \$20 million that is going out from this biennium. That is roughly what it does.

Rep. Kaldor: I think I understand that as well. I'm wondering if this is also dependent on .0217? If that has to pass in order for what we have been talking about here.

Rep. Delzer: We can come back and visit this number again if .0217 doesn't pass.

Chm. Svedjan: The answer is yes.

Rep. Delzer: If someone has another number they really want there. Some of the people we were dealing with had hesitancy about having the \$100 million there, but they did not have a problem with the \$75,000. I don't care if somebody else has a different number they would prefer there.

Rep. Meyer: In that case. I would propose \$0.

Rep. Delzer: I would very vehemently oppose that. Setting none aside just puts it in the General Fund. If you want to try to add it to the fund, that is your prerogative to try that. But what this does is it sits there with the essence that we think that money, unless something really changes, it is going to be used by Transportation in two years. We had a lot of discussion about this section of whether you want to go ahead and throw \$170 million of stimulus out there. How much work can get done and how much do they actually do? Are you paying more because of things like that? I understand how a lot of people say it is going to cost more in two years too. We also have the situation of what are we going to have for federal funding in two years? We need to have some money set aside to handle roads if we need it in two years.

Chm. Svedjan: Rep. Meyer, do you still want to do that substitute motion?

Rep. Meyer: I disagree with this deal. I am all in favor of saving money; but even when you look at .0217, what we have put up with with the weather, we have got bridges that have washed out. We have got roads where water is running underneath the pavement. We are going to need this to fix the roads now. I don't know how else to put it out there.

Rep. Delzer: If we don't have something there, then the other sections of being out there to cover your FEMA expenses, one third of that, you would have nowhere to get that. We are putting the \$20 million out there to get people going so they can cover things. FEMA will come

back in. They will know where it is. It doesn't hit everybody, but what we are putting out there does hit everybody.

Rep. Kempenich: The cities and counties will keep 100% of the FEMA money too. They shouldn't have to borrow anything. They are going to keep all the FEMA money on top of this. The hardest hit ones will more than likely get FEMA money. (38:06)

Rep. Berg: On the amendment before us now, the question is how much money do we want to save for next biennium?

Chm. Svedjan: I would use the word reserve, but that is me. Go ahead. So the motion is to reduce that \$100 million to reserve for the next biennium; this is money that will be put in the highway distribution fund that will not be released until the next biennium. We had \$100 million and the motion before us is to reduce that to \$75 million?

Rep. Berg: I think we should vote on that. I am opposed to that but for the opposite reason. We had \$120 million; we are replacing that with \$170 million. We left \$20 million in there, \$190. We are at about \$215 million in what we were going to put \$120 general fund dollars in.

Rep. Berg: This is money that will be reserved in the . . . to be used next biennium. I'm opposed to that but for the opposite reason. We're at about \$215 million in what we were going to put \$120 million General Fund dollars in.

Rep. Kaldor: (39:24) I'm not sure if Rep. Meyer's amendment is perfect, but this is the subject of the debate we had in our subsection as well.

Chm. Svedjan: Let me just clarify before we go on. We don't have that motion yet.

Rep. Kaldor: I'm in support of Rep. Delzer's amendment in .0218 or .0217 compared to the original version because it will allow for even more dollars to be invested in the roads today.

I'm going to move later on to put the full \$100 million of general fund dollars in the formula. The point I want to make is that these dollars are not equal. The stimulus dollars that are going into

the road system and the general fund dollars that the Governor had put in his budget are not apples and apples. The federal dollars can be used for new construction and the stimulus dollars can be used for new construction, which would help defray some of the general fund dollars that would have gone for that purpose. The thing that is so important now, given the circumstances we face in the state with the flooding and the winter storms and snow accumulation, is that road maintenance and repair is going to be a significant expense that we don't know the magnitude of at this point in time. I want as much flexibility as possible available to DOT and to the counties, the cities and townships. For purposes of the moment, I would support the initiative of Rep. Delzer on this particular amendment.

Chm. Svedjan: Any further discussion on this motion to reduce the \$100 million to \$75 million.

There being no further discussion, all in favor of that motion say "aye". **The motion carries and that change is adopted. (Vote 5)**

Rep. Delzer: I would oppose this going any lower than this. I have no problem if someone wants to go with \$80 or \$90 or \$100 again, whatever. That is fine. If there aren't any motions like that, I think that covers the differences between .0216 and .0218.

Rep. Kaldor: I am wondering if Rep. Delzer is going to move .0217.

Rep. Delzer: There is one other one that Brady just mentioned to me. On .0216 when we had our discussion, one of the things we were concerned about was if there was more money that went to the unorganized townships and counties whether or not counties ...we offered and adopted an amendment that said if there was such money, it had to be used in the township it was received for. I have since learned that is the way things are in the century code. It is part of .0216. It doesn't hurt to be there. It doesn't have to be there. I guess I would move to remove it. Brady, which one is it? Section 10 of .0216. Mr. Chairman, I would move to remove section 10 only because it is currently covered in the century code.

Chm. Svedjan: Second by Rep. Berg. Any discussion? Seeing none, all in favor of removing section 10 of .0216, say "aye". **Motion carries.** (Vote 6)

Rep. Delzer: I would move .0217.

Chm. Svedjan: You heard the motion.

Rep. Delzer: Are we in the middle of .0216? We haven't adopted that yet? If you want, Mr. Chairman, I will move .0217 be part of .0216.

Chm. Svedjan: If you adopted amendment .0217, wouldn't it become part of .0216 because that is what we are doing. So you are moving .0217. Seconded by Rep. Kempenich. Is there any discussion? You did explain this once. This is the weather related cost sharing amendment.

Rep. Delzer: It is and the information we received is that there are roughly 1,350 organized townships; there are roughly 1,700 total townships. I think the mileages are somewhere in the neighborhood of 43,000 township miles. There are 12,000 unorganized township miles. My understanding of that formula is it is all done by miles on the townships. The county and city one is too complicated for me. It has all the registration of vehicles and a whole bunch of other things so it is pretty hard to explain. 50% of this \$20 million would go to the townships. If this is passed on the floor with a two thirds vote and signed by the Governor, this section would be under an emergency clause so it would go out immediately. 5% again to the incorporated cities off of the 50%, which amounts to \$1 million split between all the cities in the state. The other 45% is done through the counties and the cities. Again the information that I had, it seems to me it was 5.6 for counties and 4.4 for cities.

Chm. Svedjan: Is there any discussion?

Rep. Berg: (46:46) This title says weather-related cost sharing, but there is nothing to do with weather in here. My understanding is it would go through the formula and be paid out, is that correct?

Rep. Delzer: It's not dependent on any more weather. It is meant to go out to cover what has happened this winter that nobody has been used to. It goes out strictly as a grant, no strings tied to it whatsoever.

Rep. Berg: We have a system in place that is pretty thorough. We've applied for federal disaster funds and they are going to pay potentially up to 90% of these costs. We have agreed to cover half of the 6% that the locals are going to pay. From a weather disaster standpoint, the money is in play to cover those things. There are counties that are marginal. I think when you start slicing the pie into declaring disasters, there are always people who are left out. I think this is a reaction to the weather and I think we are being used as legislators (the weather is bad so put another \$20 million in and run it through the formula, run it through the program). I think this \$20 million may mean a lot more two years from now for the very same thing. I don't support this amendment.

Re. Delzer: I cannot disagree with Rep. Berg on any of these statements. That may be what's happening. If we did not have the money, we would not be doing this. Unfortunately or fortunately we have got the money and it will help these townships, cities and counties. We have some problems out there. This isn't taken lightly. It's also a one-time. There is a section in 16 that stays in that says anything in excess of this is considered one-time funding. This is a compromise. It is not something that everybody totally believes in, but I think it will be good for the state to move it forward. I think there are some real concerns out there about how they fund their current situation. This should take care of that. It averages out to roughly \$5,500 to \$5,800 for the townships, which doesn't sound like a lot. But when you have the situation they

are in right now, that is quite a bit. If they get the FEMA money and whatever and some people are going to say it is not enough, but I certainly think it is enough to show our appreciation for what they went through.

Rep. Meyer: I disagree with this synopsis. FEMA will help Fargo, but go to the Western part of the state, where our roads were shot last fall and this has not helped. If we would put in here \$20 million to give to Dunn County, we could use it all up there. This is a miniscule amount of money when we look at what we have gone through. When FEMA comes in, they are not going to give to the counties in the western part of the state, I can just about guarantee that because of our weather-related incidences where snowfall after snowfall after snowfall, didn't hit the level that it's going to be declared a disaster. Unless we get money out there, and I'd like to see the whole \$120 million go out there, like what was in the Governor's budget. That was what we decided last fall, what FEMA decided last fall, before we ever had stimulus dollars to worry about. We were looking at that and that was going to help our counties and our townships and our cities. We looked at adjusting the formula and that is kind of what we came up with. No one saw the winter that was coming. Our costs related to this are through the roof. True, FEMA is going to come in and help Fargo. Rightly so, but I seriously doubt disaster dollars are going to be there to help our township roads and our county roads. This doesn't even begin to warm it up.

Chm. Svedjan: Wasn't the whole state requested for presidential disaster? I don't know that it is an issue between Fargo and Dunn County.

Rep. Meyer: I pulled up the map this morning. True they are considered disaster, but as far as the FEMA funding goes. There is the southwest corner of the state; those are the ones that are iffy on if this FEMA funding is going to count under the disaster declaration. It hasn't been the case of the flooding. I could certainly be wrong and if we are going to get 90% FEMA

funding, then I am much more comfortable with that. We are not talking floods out there as much as we are talking this layer after layer after layer of snow. (52:17)

Rep. Pollert: I think this was in the first half of the session, isn't there \$26 million going to the oil counties for township road maintenance? Besides the \$43 million, there is \$26 million for the oil counties plus the FEMA designation. Kind of sounds like a lot of money to me. It should cover a lot of township roads and problems, but that is my impression.

Chm. Svedjan: Is there any discussion? Seeing none, on the amendment to adopt amendment .0217, adopting it to become part of .0216. **Motion carries. That amendment is adopted. (Vote 7)**

Rep. Kempenich distributed amendment .0204 (Attachment D). This wasn't the bill earlier; there was actually a good part in this that I kind of liked. It was basically the experience part of getting your license. It had that night time, winter conditions and gravel road. Basically all this would do is require the parent or guardian to sign a certificate that they have some experience in this area. Driver's License told me this shouldn't be a problem of working this in. I thought I would bring it up and the committee can do with it what they want. Mr. Chairman, I will move .0204. Rep. Meyer seconded the motion.

Rep. Delzer: I would oppose this amendment. This is purely policy. I think this is going to be a hard bill to explain anyway when we hit the floor. Just thinking selfishly, I would hope not to have to explain this on the floor. I disagree with it. I disagree with the idea of putting it on this particular budget bill. I would rather somebody try on the catchall bill rather than on DOT.

Rep. Thoreson: Not only is it policy, it's bad policy. I hope we would resist this motion.

Rep. Meyer: This has a potential to save a lot of kids lives. I think it is the perfect place to put this. It addresses the DOT. If we would have had this in here, we just had another fatal car

accident up in McKenzie County. The kids driving on gravel roads. Give them the experience.

This is a simple bill.

Rep. Kempenich: I am the one who carried that bill to the floor and killed it. I had a lot of information on that. DOT did a study and it's about 3" thick of statistics. One of the things it did show and why I did not like that bill that came forward was that the teenagers that were getting killed in those statistics were from 17 to 19 years old. The ones getting killed are some of the experience factors on some of these roads. It did make sense and I didn't think this was a drastic policy change because there are no restrictions. When they do driver's training, for the most part, it is in the summertime with good weather. I didn't want to tie the hands of the driver's training part of it. Basically what it is going to require is that the parent or guardian sign off that they have ridden with the kid for an hour or have gotten an hour at least sometime before they get their license (and you can do this because you can get winter and icy roads in a six-month period). That is what the thought process was in doing something like this. Policy, yes, it is, but that is how it works.

Rep. Metcalf: My niece was driving a car. She was 17 on a gravel road and with no experience; she lost control of the car on loose gravel on the edge of the road, rolled it, threw her passenger out and killed her passenger. You want to say that this is bad policy. I think it is good policy.

Rep. Berg: I am going to support this amendment because I'd like to see Rep. Delzer explain it on the floor. I think it is good policy even though there is a problem for Cass County because I don't think we have any gravel roads in Cass County. Maybe I can get that worked out in conference committee.

Chm. Svedjan: Any other discussion? Hearing none, I will take this on a voice vote. All in favor of adopting .0204 to SB 2012, say aye. The chair is uncertain. We will take a roll call

vote. **I believe that motion carries.** 18 ayes, 6 nays, 1 absent. (Vote 8) We now need to adopt .0216 as amended because we built some things into .0216.

Rep. Delzer: I move for adoption of .0216.

Rep. Kempenich: Second.

Chm. Svedjan: Any further discussion?

Rep. Kaldor: I move to further amend it. I have to protect myself. I move to further amend to remove the language in .0216 that restricts the \$75 million to the end of the biennium to be determined by the 62nd legislature. In other words, it would be available this biennium. That would be section 3 of .0218. It is basically on the second page where it states that the State Treasurer may not distribute the funds transferred to the highway distribution funds under this section except as provided by section 4 of the act as determined by the 62nd legislative assembly. It continues to restrict it in the rest of that language. Mr. Chairman, my intent is to remove the language that restricts those dollars into the next biennium so there are no longer in reserve.

Chm. Svedjan: You heard the motion. Seconded by Rep. Meyer.

Rep. Delzer: I think we have had the discussion before. I would vehemently hope that we would not adopt this set of amendments. The same reasons I stated before. I respect Rep. Kaldor's right to bring this forward and I understand we will vote on it but I hope we do not adopt it.

Chm. Svedjan: Any further discussion? Seeing none, I will try this on a voice vote.

Rep. Kaldor: I request a roll call vote.

Chm. Svedjan: Okay, we will take a roll call vote on the motion that relates to section 3 to remove the language that restricts the dollars to the 62nd legislative assembly. You know where it is. **That motion failed.** 11 ayes, 13 nays, 1 absent. (Vote 10).

Rep. Delzer: I move our amendments as amended.

Chm. Svedjan: .0216? We have to adopt the amendments as amended. Seconded by Rep. Kempenich. Any further discussion? Seeing none, I will take this on a voice vote. All in favor of that motion, say "aye". **That motion carries and those amendments are adopted. (Vote 11).**

Rep. Delzer: If there is nothing further, I would move a "do pass" on SB 2012.

Chm. Svedjan: Okay we have a "do pass as amended" to 2012, seconded by Rep.

Kempenich. Is there any discussion? Hearing none, we will take a roll call vote on a "do pass as amended" to SB 2012. **That motion carries** 13 ayes, 11 nays, 1 absent. Representative Delzer, you will carry the bill. (Vote12).

Rep. Kaldor: I am going to request a minority report on section 3 of .0218, the amendment that was defeated.

Chm. Svedjan: Okay, a minority report on section 3 of .0218.

Rep. Kaldor: Whatever we approved, the one I just tried to make. I apologize.

2009 HOUSE STANDING COMMITTEE MINUTES

SB 2012

House Appropriations Committee

Check here for Conference Committee

Hearing Date: April 23, 2009

Recorder Job Number: 12179

Committee Clerk Signature

Holly N. Sand

Minutes:

Chm. Svedjan called the meeting of the House Appropriations Committee to order. Clerk, Holly Sand, called the roll and a quorum was declared.

Rep. Delzer: We're here for SB 2012. We've had the bill. We passed it out a while ago. I think that was a pretty good bill at the time. Since then we have gathered more information about the road and flood damage and the Adjutant General has been able to finalize some of the numbers on what the costs might be.

Rep. Delzer moved to reconsider the Do Pass as Amended motion to SB 2012. **Rep. Skarphol** seconded the motion. The motion carried by voice vote.

Rep. Delzer moved to substitute amendment .0224 for the Majority Report on SB 2012.

Rep. Skarphol seconded the motion.

Chm. Svedjan asked Rep. Delzer to explain amendment .0224.

Rep. Delzer referred the Committee to the footnotes on the Statement of Purpose of Amendment (See Attachment A).

Page 2, Section 4 – State Disaster Relief Fund (3:44)

Page 2, Section 5 – Appropriation – Transfer (4:21)

Page 2, Section 6 – Appropriation – Adjutant General – Budget Approval (4:34)

Page 2, Section 7 – Emergency Snow Removal Grants – Guidelines – Budget Section Report (5:21) For anything in the whole state that has a cost above 200 percent, above the average for the last five years, they will be eligible for half of their costs for the counties and townships through the counties and cities below 5,000 or cities above 5,000 will be 25 percent of the cost – the excess cost, not the whole cost, but the cost above 200 percent. These were the guidelines that were set up except we are doing away with the 400 percent of snow pack requirement. So everybody in the state is eligible if their costs are above 200 percent. We got the numbers from the Adjutant General. The numbers so far are in the neighborhood of \$18 million. We've already appropriated \$2.5 million. We still used \$20 million of this fund for this just so that everybody is comfortable that there will be money enough to cover it.

Chm. Svedjan: For the cities, population of 5,000 or less, it's 50 percent. For cities of 5,000 or more it's 25 percent. (6:54)

Rep. Delzer: Above their costs exceeding 200 percent of their normal for the last five years.

Rep. Delzer continued.

Page 2, Section 8 – Emergency Flood Relief Grants – Guidelines – Budget Section Report – Budget Section Approval (7:23) We figure there is about a \$200 million flood disaster that should hit the 90:10 match. If you do that at 60:40 it's \$12 million for the locals, half of that is \$6 million. If you have a \$50 million disaster declaration in the future that is declared for the costs of repairing the roads from the damage caused by the removal of snow, that would be 75:25. The cost for that local share would be about \$7 million. That's why there's \$13 million listed for this item.

Rep. Berg: The bulk of the disaster received across the state is a result of the flood. We've got estimates that the cost is in the neighborhood of \$200 million total cost to restore the damage back to their original form. When a Presidential Disaster is declared it means that they'll pick up 90 percent. (8:49)

Rep. Delzer: When it hits a certain level and this should hit that level.

Rep. Berg: \$1 million. The local match is 60:40. So, of that 10 percent or in this case if it's \$20 million, the locals would need to pick up 6 percent and the state would pick up 4 percent. What we're saying here is that we'll pick up half of that 6 percent for locals.

Rep. Delzer: Right, as well as the other 4 percent.

Rep. Berg: So if there's \$200 million of public damage across the state, the local impact would be 3 percent.

Rep. Delzer: Right.

Rep. Delzer: The other \$10 million is there for the state's share of their cost – the 4 percent. Usually that is handled by borrowing from the Bank of North Dakota and it is dealt with in a deficiency appropriation. We may have some of that problem coming up two years from now but this should cover part of that.

Rep. Delzer referred the Committee back to the footnotes on the Statement of Purpose of Amendment, Page 3. (10:45)

The footnote I just explained on Page 1 of the Statement of Purpose of Amendment is by itself because it ends up going to the Adjutant General, even though we are doing it in the DOT budget.

Rep. Delzer continued with page 4 of the footnotes on the Statement of Purpose of

Amendment and reviewed the final footnote and the bullets (See Attachment A). (15:00)

Rep. Delzer referred the Committee to Section 3 of the amendment – Appropriation – State Treasurer – Weather-Related Cost-Sharing Program. (16:33)

Rep. Kerzman: The \$52.6 million going to the Devil's Lake Project, that includes \$4.6 million from the General Fund. Does that go into the next biennium? (17:47)

Rep. Delzer: The \$4.6 million General Fund goes into the next biennium and the 25 percent of the excise tax goes into the Highway Fund and goes into the next biennium. The rest goes out this biennium.

Rep. Kerzman: So we're putting \$52.6 million into the next biennium.

Rep. Delzer: Right. It wouldn't be \$52.6 million I don't believe. It would be \$30.5 million and \$4.5 million, but that doesn't go through the formula. Those go directly to DOT.

Rep. Kaldor: I think we probably would have a lot of questions. It's hard to navigate when comparing this to the original amendments and tracking everything. (18:48)

Rep. Delzer: If I explain more, maybe this will help. A lot talk was that there would be \$33 million for the counties and \$20 million for the cities and \$3.5 million for the townships if the \$120 million was in there. What this does is that gives those numbers for the counties and cities out of the \$71 million. It gives \$10 million to the townships out of the \$71 million. Then they also have the growth that's in the regular fund – the regular registration fees, gas tax fees and whatever. So the increase to the counties and cities over the current number is \$41.7 instead of \$33.9. It's \$24.6 for the cities instead of \$20.1 and it's \$15.2 for the townships instead of \$200,000. We also go back to the Senate formula of 61.3 and 1.4 for the transit. Maybe it's \$1.5. Whatever it is, it's the same as it was.

Rep. Kroeber asked Rep. Delzer to repeat the numbers. Rep. Delzer repeated the numbers for the Committee.

Rep. Kaldor: When you say "immediately," you're talking about the 07-09 biennium?

Rep. Delzer: As soon as it's signed into law that money would become available if the Emergency Clause carries. If the Emergency Clause doesn't carry then it would be July 1.

Rep. Wald: Section 6, page 2, I'm assuming we will have one more Budget Section meeting before the end of the biennium? (22:33)

Chm. Svedjan: We generally have one right at the end of the session.

Rep. Wald: So whatever comes in could be approved by the Budget Section as it relates to Section 6. Is my assumption correct?

Rep. Delzer: That's in Section 8. The Budget Section could approve it any time it got above – the approval is if it gets above \$13 million for the FEMA disaster related. The rest of this goes out by rules and guidelines set up by Emergency Management. The \$20 million for snow removal, those rules are already set by Emergency Management. They've already collected a lot of the data. That goes out just as we said in Section 7. In Section 8 is the amount that is half of the FEMA costs. That's what would take Budget Section approval if it gets above \$13 million. There isn't a timeline on when that would happen by the Budget Section but there are reporting requirements for the fourth quarter of 2009 and the third quarter of 2010. The reason we did the third quarter instead of the fourth quarter was because the fourth quarter would be during the organizational session and I didn't think that was a great time to have a report on that. I thought it would be better before that.

Rep. Glassheim: I'm having trouble seeing whether there's any money at all that goes into the Highway Distribution formula for non-weather emergency – normal city and county roads.
(24:23)

Rep. Delzer: There certainly is. It's \$82.5 million for the counties, \$9.8 for the cities, \$10.4 million for the townships and \$5.8 million for transit and \$275.7 for the Department. That's for the 09-11.

Rep. Kaldor: I would think it would be valuable if we had the background documents that Rep. Delzer has because either . . . (25:33)

Rep. Delzer: I received it just a short time ago.

Rep. Kaldor: We need time to digest this if we're going to be expected to approve it.

Chm. Svedjan: We're having copies made as we speak.

Rep. Skarphol: I spent a fair amount of time in meetings on this. In the discussions with the Adjutant General and the Department of Emergency Services about how they decided the distribution should take place. One of the things that was revealed was the fact that two counties in our state merely put their receipts in a box and sent them to the Adjutant General. I find that to be reprehensible. I suggested strongly to the Adjutant General that those counties be billed for the two and a half weeks that it took them to work through those receipts and put those numbers together to credit those counties. One of them was Williams County – the county I live in. You can rest assured that I will chastise those county commissioners; one of them was a former member of this assembly, for that action. The other county was McHenry County. I find it inexcusable. I would recommend that we consider in the future if some entity – political subdivision – does that while we are trying to help them that they should get zero dollars. (25:59)

Rep. Berg: Obviously this is complicated, but it hits key goals that we are facing in ND. What Rep. Delzer has done is separate these issues and not just limited to right now but also what might come up. Rep. Berg asked Rep. Delzer to recap the totals. The bill came over from the Senate with \$120 million General Fund dollars added to it. (27:24)

Rep. Delzer distributed item 99878.01, "Potential Highway Funding – Senate Bill No. 2012" (Attachment B). Rep. Delzer reviewed Attachment B column by column. (28:22)

If you want to see what they really get out of this bill you have to add the \$7.5, \$33.9, \$20.1, and \$10 million (in column 4, "2007-09 Weather-related Cost-Sharing) to the respective amounts in Column 10 (Total 2009-11 Funding). The cost of this package is roughly \$149.6 million. Then you have the normal \$389 million that was in the budget. The \$389 million is not on this sheet anywhere but that's what the bill without the \$120 million would have been through the formula.

Chm. Svedjan: Does that help with the breakout? If you were to number these columns, if you were to add Column 4 with Column 10, that is what gives you the total that goes to each of those areas. (32:01)

Rep. Delzer: Right. The only difference in that would be that Column 8 would have to be added to Column 10 to get the \$275.7. I think the \$7.5 million is in there too but you have to add the \$30.5 to come up to the \$275.7 million.

Rep. Kerzman: Where is the \$176 million of stimulus? Is that in here? (33:10)

Rep. Delzer: It's not in this sheet at all. It's in the amendment on Section 2, but that goes to DOT and is broken out however they were doing it before. That will be over and above that.

Rep. Kerzman: Do the counties and cities get any portion of that at all?

Rep. Delzer: Yes. They get whatever they have the shovel-ready projects for that DOT did. I don't remember exactly what they said that dollar figure split was. If they have projects that qualify and are shovel ready that fit under it, they will get their share of that on the normal type of split that the DOT does with federal highway money.

Rep. Kroeber: The \$30.5 million from the 25 percent and then the Devil's Lake, add those together and that's the \$35 million that goes into the next biennium? Are those the dollars you're talking about? (34:23)

Rep. Delzer: Yes.

Rep. Nelson: Column 4 and Column 10 combined reaches a total for counties of \$116.4 million, is that correct? Rep. Nelson confirmed \$69.9 million for cities, \$20.4 million for townships, public transportation stays at \$5.8 million.

Rep. Nelson: For the State Highway Fund, that \$7.5 million that's in Column 4 is already added in the column 10 totals? (34:49)

Rep. Delzer: I believe the \$275 million is in addition to the \$7.5 million, \$30.5 and the \$4.6 million. Is that right?

Brady Larson, Legislative Council: The \$7.5 million is not in there so that would have to be added to the \$275.7 million.

Rep. Delzer: The \$30.5 million and the \$4.6 million are added?

Mr. Larson: That is correct.

Rep. Nelson: The \$30.5 million and the \$4.6 million would go into the next biennium?

Rep. Delzer: Into the next biennium.

Rep. Kaldor: The Senate version would have had zero appropriated for the weather-related cost sharing. And that is in the 07-09 biennium, so as we had been describing this earlier, we had originally put about \$20 million in the first version.

Rep. Delzer: The first version was \$20 million.

Rep. Kaldor: The \$43 million (footnote 6) that's emergency snow removal and flood-related costs, that also in the 07-09 biennium?

Rep. Delzer: Right.

Rep. Kaldor: When I total that up it looks like it's about a \$538.7 million bill with \$35 million of that deferred until 11-13, does that sum it up?

Rep. Delzer: I haven't done that.

Rep. Kaldor: If the \$30.5 million and the \$4.6 million are in 11-13, I think that's what it comes out to.

Rep. Delzer: No. They're not 11-13, they're 09-11.

Chm. Svedjan: I think Brady can help.

Mr. Larson: There is nothing deferred until the 11-13 biennium. Everything would be 2009-11 unless specified 07-09.

Rep. Kaldor: I think there was confusion earlier.

Rep. Delzer: If I said 11-13 earlier, I apologize.

Rep. Kaldor: Am I reading this right? If I look at this in total, the appropriation would be \$71.5 million plus the \$43 million for 07-09?

Mr. Larson: That is correct.

Rep. Kaldor: If you added that to the \$424.2 million you would get the total of what we're adding for all costs in this existing biennium and 09-11?

Mr. Larson: That is correct. The \$43 million can be spent in the 09-11 biennium also.

Rep. Kaldor: I know this is not a hearing, but those of us in the minority who have never seen this before, we would probably like some input from the entities that are going to have to implement and deliver the services from these expenditures or appropriations. (38:51)

Chm. Svedjan: So you want testimony from the counties, cities, townships and the state?

Rep. Kaldor: I'm assuming they have probably given input to devise this. I don't know. A part of me wants to know what they are thinking. I think this looks pretty good. I want to be more certain about how things . . .

Chm. Svedjan: You want to know if they can spend all this money in that amount of time? How long do you want to be here? Who do you have in mind specifically?

Rep. Kaldor: DOT for first cut.

Rep. Delzer: I can respect their concerns and discussions, but in all likelihood this is not the final product and this will likely go to Conference Committee. I think there will be lots of time for discussion.

Rep. Kaldor: I respect that but maybe we want to really fight for this in Conference Committee and I want to have the tools to make the case for what we want to do. I don't know that I want a lengthy explanation.

Francis Ziegler, Director, Department of Transportation approached the podium.

Mr. Ziegler: This is the first time we have seen this. However, I will add that the Department of Transportation has had letters to the leadership telling the leadership where we stand with certain issues such as Devil's Lake and flooding issues. Those issues have been addressed in here. Very specifically, the letter to the leadership, the Department had a shortfall of \$31 million and that is covered in here now. I haven't had a chance to comprehend the rest of the issues. The April 8th document indicated where we were and the concerns we had. It covers that.

Chm. Svedjan: Did you have anyone else in mind?

Rep. Kaldor: It appears probably nobody else has had a chance to review this either so maybe counties?

Chm. Svedjan: Is there anyone here from the counties who would like to (laughter). . .

Rep. Berg: I realize this is an important piece of legislation and we want to make sure everyone understands what's in there. We're under a timeframe. We want to get this rolling. I would rather not open this up to a hearing. If it's something that we need to act on in the

morning, . . . , this is probably the most critical piece of legislation we've got right now. I would like people to feel comfortable. (43:04)

Chm. Svedjan: What are you saying?

Rep. Berg: I'm saying it's up to you.

Chm. Svedjan: Thank you.

Rep. Kaldor: I appreciate Rep. Berg's overture to put this on tomorrow morning. I promise not to have a Minority Report. I think this is a really good step but we owe it to ourselves to have a better understanding of the impact.

Rep. Skarphol: We're at that point in time that we need to make a decision and move on. If you find fault with this, if we vote on it now, we can talk about it tomorrow, but I challenge you to find fault with this. When you look at the numbers and what we're adding, I think we vote on it now and if you find a serious problem with it tomorrow that you can point out to us, I would vote to reconsider our action tomorrow. For now we need to vote. (44:16)

Rep. Glassheim: Some of you may have seen some of these over the past few weeks, but some of us have just now seen them as has the DOT which I find odd. I don't want to put people on the spot, but my comfort level would be greater if I felt that DOT thought there were sufficient funds to do what they need to; if the counties felt there were sufficient funds. . . It looks good to me but I want people who know something about this – not me – to look at it and see if it does what needs to be done. I think it's o.k., but I don't know that and I would like to hear someone else. I would like to hear them speak briefly about the funding levels and whether they seem to be adequate.

Rep. Delzer: A lot of this came together in the last couple of days and I don't think this has been done quietly or in the blind. The amendments were asked for and written today. This is the first time a lot of it have seen the actual amendment. I would respectfully request that we

act on this and reconsider it if we have to. If there is something that comes out that we haven't dealt with there will be plenty of time to visit with the individuals involved before we go into conference committee.

Chm. Svedjan: I would also like to proceed with this with the understanding that it is not my intent that this be railroaded. When you take a look at the comparisons of what was in the bill that we passed out on April 9, the differences are stark. There is a tremendous amount of money as compared to just a few days ago. It would be my preference, in the interest of wanting to be fair about this too, that we act on this bill today, with the assumption that we can attach these amendments. If there are serious concerns, I will be sure that is communicated to leadership and we can decide thereafter whether we need to bring it back here or if we can solve the issues sufficiently in Conference Committee. We have a motion that amendments .0224 be substituted for the Majority Report.

Rep. Kaldor: The substitute motion is far superior to the Majority Report and I will support the motion, but I may not support the bill.

The motion to adopt amendment .0224 in place of the Majority Report which was attached on April 9 carried by a roll call vote of 25 yeas, 0 nays and 0 absent and not voting.

Rep. Delzer moved a Do Pass as Amended. Rep. Skarphol seconded the motion.

Rep. Berg: If I understand this right, we are spending \$170 million stimulus money, \$120 million that came over through the formula, plus \$30 million in General Fund money. My concern is where this puts us two years from now. I think this \$200 million that is going to be

disaster flood-related is really \$200 million of road construction that's on top of all of this other money. One of the reasons North Dakota is in the shape it's in, one of the reasons we had \$120 million to put into General Fund spending which we've never had, is because of a longer approach to roads and state spending. I just want to sound a concern that we are going to force everyone to gear up and I'm not sure we will be able to put any money over and above the gas tax and the registration fees two years from now. (50:22)

Rep. Delzer: I'd like to echo those same concerns but not just on the DOT budget. We've got it on a lot of things that we did this time that when you look at our spending level compared to what it has been in the past, sustainability is a real question. Roads in the winter we just went through that makes a difference. Sometimes you have to look at that. Part of being here is setting priorities and roads are a good priority. I personally have voted against enough stuff to fund this. I don't know that everybody can say that and that's fine. Everyone has their prerogative for everything that they do here, and I respect that. Sustainability is a real problem. When you look back in the early '80s the legislature did the same number of things that we are doing now, and I hope we can sustain it much better than we did then. I will support this bill.

Rep. Nelson: Not looking at the whole budget and keeping the conversation surrounding the DOT budget, there's not a bigger need in North Dakota this year. Every sector of our economy that is growing this state, whether it be agriculture, the oil industry, the manufacturing industry, the tourism industry, depends on the infrastructure of roads and they are in desperate need of help. I don't think there is any question that this bill is needed at this point in time. Just driving up to the capitol should give you a little bit of an idea of what the streets are like in the capitol city and the state. Imagine what it's like outside of here where things are not identified as well. That's why the counties and townships came to make their case. For commerce to continue, this is probably the most important thing we can do. I think we should be proud and I comment

Rep. Delzer for his work and the people who worked on these amendments because this is needed. I can't imagine there is anyone in the audience that will be unsatisfied with the result of this legislation. I think we can happily support it.

Rep. Skarphol: We are all assuming that next winter will be a lot better. I did not find this past winter that unusual from my childhood days. I think we have become very used to the winters we have had for the past fifteen years. One of the counties that wanted to have its name in the paper chastised one of our members for what he's tried to do here, but for the last decade they neglected to collect their mill levy for emergency purposes. I think our counties better be thinking really hard about their actions because if we have three successive winters like we just had we're not going to be able to do this every time.

Chm. Svedjan: I've been concerned about sustainability before we even talked about SB 2012. This bill adds to that concern. Or at least in a big way, with the passage of SB 2012, we will have addressed what is truly a priority in this state. As we engage in our conference committee action on all the other bills – whether they are bills with an appropriation or whether they are budget bills, I would challenge you all to help determine what is not a priority like this one because we can help pay for this through our actions from here until day 80. (4:56)

Rep. Glassheim: Do we know how much the total package is above the Governor's budget?

Rep. Delzer: I could compare it to the Senate budget, not the Governor's budget. I don't know how much that changed. If you look at Page 1 of the Statement of Purpose of Amendment, the bill total from the Executive Budget was \$1,130,182,250. The Senate version was \$1,189,687. Our total is \$1,302,115,558.

Chm. Svedjan: That's total funds.

Rep. Delzer: Total funds.

Chm. Svedjan: So it's just a bit over \$1.3 billion.

Rep. Kaldor: \$176 million would be stimulus money.

Chm. Svedjan: That's correct.

The Do Pass as Amended motion carried by a roll call vote of 24 yeas, 1 nay and 0 absent and not voting. Rep. Delzer will carry the bill.

Chm. Svedjan adjourned the meeting.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

Page 13, after line 13, insert:

"SECTION 14. DISTRICT OFFICE SITE EVALUATION. The department of transportation shall review its district office locations, for the biennium beginning July 1, 2009, and ending June 30, 2011. For the location the department identifies as having the highest potential property value, the department shall obtain the services of an appraiser to determine the highest and best use of the property of that location and the estimated market value of the property if all or a portion of the property is sold.

SECTION 15. LEGISLATIVE INTENT - COLLOCATION OF DISTRICT OFFICE EQUIPMENT AND STORAGE. The department of transportation should consider collocating storage of highway district equipment, salt, sand, and other items with storage space of political subdivisions used for highway-related equipment and supplies, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 16. MOTOR VEHICLE REGISTRATION FEES STUDY. During the 2009-10 interim, the department of transportation shall conduct a study of the feasibility and desirability of basing motor vehicle registration fees on the value of motor vehicles to generate the same level of revenue currently being received. The department of transportation shall report its findings and recommendations, along with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

Date: 4/9/09
 Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2012

Full House Appropriations Committee

Check here for Conference Committee

withdrawn

Legislative Council Amendment Number .0218

Action Taken Adopt Amendment .0218

Motion Made By Delzer Seconded By Kemperich

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kemperich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glassheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

April 7, 2009

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 24-01 and a new section to chapter 54-27 of the North Dakota Century Code, relating to the name of United States Highway 85 and transportation funding reports;"

Page 1, line 6, remove "and" and replace "a transfer" with "transfers; to provide for legislative council studies; to provide borrowing authority; and to provide legislative intent"

Page 1, line 16, replace "24,194,030" with "20,047,015" and replace "151,520,269" with "147,373,254"

Page 1, line 17, replace "29,107,351" with "18,107,351" and replace "203,805,014" with "192,805,014"

Page 1, line 18, replace "96,855,896" with "39,167,450" and replace "645,576,994" with "587,888,548"

Page 1, line 20, replace "166,810,878" with "93,975,417" and replace "1,069,968,378" with "997,132,917"

Page 1, line 21, replace "3.00" with "2.00" and replace "1,055.50" with "1,054.50"

Page 1, replace lines 22 through 24 with:

"SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the department of transportation, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Highway infrastructure	\$170,126,497
Grants to rural transit programs	<u>5,956,174</u>
Total federal funds	\$176,082,671

The department of transportation may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated under this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

SECTION 3. APPROPRIATION - CONTINGENCY FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$20,000,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of matching federal highway construction funds, for the biennium beginning July 1, 2009, and ending June 30, 2011. Moneys appropriated under this section may only be spent subject to budget section

approval to match federal highway construction funds or federal emergency relief funds if amounts appropriated in section 1 of this Act are not sufficient. The funds provided in this section are considered one-time funding.

SECTION 4. TRANSFER - TOWNSHIP HIGHWAY AID FUND. The state treasurer shall transfer the sum of \$1,000,000 from the public transportation fund to the township highway aid fund, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 5. APPROPRIATION - TRANSFER - HIGHWAY TAX DISTRIBUTION FUND - EXCEPTION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000,000, which the office of management and budget shall transfer to the highway tax distribution fund during the biennium beginning July 1, 2009, and ending June 30, 2011. Notwithstanding section 54-27-19, the state treasurer may not distribute the funds transferred to the highway tax distribution fund under this section except as provided under section 6 of this Act or as determined by the sixty-second legislative assembly. The funds transferred under this section are available for use as determined by the sixty-second legislative assembly for transportation purposes or for other state government programs based on anticipated revenues and appropriations of the general fund and state highway fund for the 2011-13 biennium. The appropriation provided in this section is considered one-time funding.

SECTION 6. FEDERAL HIGHWAY EMERGENCY RELIEF FUNDING - LOCAL MATCHING - EXCEPTION - REPORTING. A political subdivision receiving federal emergency relief funding for road repairs or improvements may apply to the department of emergency services for reimbursement of up to fifty percent of the local match required to receive the federal emergency relief funding. The department of emergency services shall review requests for reimbursement and provide a listing of approved requests to the state treasurer. Notwithstanding section 54-27-19, the state treasurer shall distribute funding for each approved reimbursement request to the respective political subdivision from funds transferred to the highway tax distribution fund under section 5 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011. Each political subdivision requesting reimbursement under this section must submit the request in accordance with rules developed by the department of emergency services by February 1, 2010, for calendar year 2009 projects and by February 1, 2011, for calendar year 2010 projects. The department of emergency services shall report to the budget section regarding the amount and use of funds provided for calendar year 2009 and shall report to the sixty-second legislative assembly regarding the amount and use of funds for calendar year 2010.

SECTION 7. POLITICAL SUBDIVISIONS - FEDERAL EMERGENCY RELIEF FUNDING - BORROWING AUTHORITY. A political subdivision may borrow funds from the Bank of North Dakota for the purpose of providing up to fifty percent of the matching funds required to receive federal emergency relief funding for road projects or up to five percent of the total road project amount for which federal emergency relief funding is to be received, whichever is less, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 8. HIGHWAY FUNDING - ONE-TIME FUNDING. Any highway funding received by the state, counties, cities, and townships in excess of the amounts received through distributions from the highway tax distribution fund under section 54-27-19 or existing federal highway aid programs is considered one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 3, replace lines 4 through 10 with:

"SECTION 10. TOWNSHIP HIGHWAY AID FUNDING - USES. Any funding distributed from the township highway aid fund in excess of the amount of distributions resulting from motor vehicle fuel taxes and registration fees deposited in the fund to counties with unorganized townships must be used by these counties for the maintenance of unorganized township roads in the county for which the funding was received for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 11. A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

Theodore Roosevelt expressway - United States highway 85.
Notwithstanding any previous designation, the department shall designate United States highway 85 as the Theodore Roosevelt expressway and at a minimum shall place signs along the highway designating that name and may use any appropriate signs donated to the department."

Page 13, after line 13, insert:

"SECTION 18. A new section to chapter 54-27 of the North Dakota Century Code is created and enacted as follows:

Report on transportation funding and expenditures. **Each county, city, and township shall provide to the tax commissioner an annual report on funding and expenditures relating to transportation projects and programs. The report must be provided within thirty-one days after the close of a calendar year. The report must contain by fund the beginning balance, revenues by major source, expenditures by major category, the ending balance, and any other information requested by the tax commissioner.**

SECTION 19. LEGISLATIVE COUNCIL STUDY - FARGO DISTRICT OFFICE SITE. During the 2009-10 interim, the legislative council shall consider studying the feasibility and desirability of relocating the Fargo district office facility. The study, if conducted, must include a review of the estimated value of the current site property, the best use of the current property, and potential locations for a new district office facility. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 20. LEGISLATIVE COUNCIL STUDY - FEDERAL TRANSPORTATION MATCHING FUNDS. During the 2009-10 interim, the legislative council shall consider studying the potential options for matching federal highway construction funding. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 21. LEGISLATIVE INTENT - HIGHWAY-RELATED FUNDING ALLOCATIONS. It is the intent of the sixty-first legislative assembly that the department of transportation allocate highway-related funding to township, city, county, and state road projects to the extent possible in a proportion similar to distribution proportions of state highway tax distribution fund allocations to these entities for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 13, after line 15, insert:

"SECTION 23. EMERGENCY. Section 2 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98031.0216 FN 3

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2012 - Department of Transportation - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$151,520,269	\$151,520,269	(\$4,147,015)	\$147,373,254
Operating expenses	203,805,014	203,805,014	(11,000,000)	192,805,014
Capital assets	588,690,866	645,576,994	(\$7,688,446)	587,888,548
Grants	66,166,101	69,066,101		69,066,101
Transfer to highway tax dist. fund	120,000,000	120,000,000	(20,000,000)	100,000,000
Federal fiscal stimulus funds			176,082,671	176,082,671
Contingency funding			20,000,000	20,000,000
Total all funds	\$1,130,182,250	\$1,189,968,378	\$103,247,210	\$1,293,215,588
Less estimated income	1,010,182,250	1,069,968,378	103,247,210	1,173,215,588
General fund	\$120,000,000	\$120,000,000	\$0	\$120,000,000
FTE	1054.50	1055.50	(1.00)	1054.50

Department No. 801 - Department of Transportation - Detail of House Changes

	Removes Salary Equity Funding ¹	Removes New FTE Position ²	Provides Funding for New FTE Position ³	Reduces Operating Expenses Funding ⁴	Reduces Fleet Services Estimated Income ⁵	Reduces Funding for Information Technology Projects ⁶
Salaries and wages	(\$4,200,000)	(\$89,333)	\$142,318			
Operating expenses				(2,500,000)	(5,000,000)	(3,500,000)
Capital assets			(142,318)			
Grants						
Transfer to highway tax dist. fund						
Federal fiscal stimulus funds						
Contingency funding						
Total all funds	(\$4,200,000)	(\$89,333)	\$0	(\$2,500,000)	(\$5,000,000)	(\$3,500,000)
Less estimated income	(4,200,000)	(89,333)	0	(2,500,000)	(5,000,000)	(3,500,000)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	(1.00)	0.00	0.00	0.00	0.00

	Removes Funding for Fargo District Building ⁷	Appropriates Federal Fiscal Stimulus Funds ⁸	Removes General Fund Transfer ⁹	Removes Highway-Related Funding ¹⁰	Provides Contingency Funding ¹¹	Adds Transfer to Highway Tax Distribution Fund ¹²
Salaries and wages						
Operating expenses						
Capital assets	(660,000)			(56,886,128)		
Grants						
Transfer to highway tax dist. fund			(120,000,000)			100,000,000
Federal fiscal stimulus funds		176,082,671				
Contingency funding					20,000,000	
Total all funds	(\$660,000)	\$176,082,671	(\$120,000,000)	(\$56,886,128)	\$20,000,000	\$100,000,000
Less estimated income	(660,000)	176,082,671	0	(56,886,128)	0	0
General fund	\$0	\$0	(\$120,000,000)	\$0	\$20,000,000	\$100,000,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Total House Changes
Salaries and wages	(\$4,147,015)
Operating expenses	(11,000,000)
Capital assets	(\$7,688,446)
Grants	
Transfer to highway tax dist. fund	(20,000,000)
Federal fiscal stimulus funds	176,082,671
Contingency funding	20,000,000
Total all funds	\$103,247,210
Less estimated income	103,247,210
General fund	\$0
FTE	(1.00)

¹ This amendment removes funding added in the executive budget for state employee salary equity adjustments.

² This amendment removes 1 FTE driver's license examiner position added in the executive budget and related funding from the state highway fund of \$89,333.

³ Funding of \$142,318 is transferred from the capital assets line item to the salaries and wages line item for a new title VI coordinating FTE position added by the Senate.

⁴ Funding for operating expenses is reduced by \$2,500,000 from the state highway fund.

⁵ This amendment reduces the amount of estimated income to be received by Fleet Services from state agencies for motor pool costs by \$5 million.

⁶ This amendment reduces funding for information technology projects to provide a total of \$5,377,437 to be used for projects as prioritized by the department. Projects included in the executive recommendation were the driver's license mainframe project (\$7,500,000), asset management software (\$540,000), registration notification renewal card printer replacement (\$374,400), position information questionnaire rewrite (\$241,837), and department electronic forms solution (\$221,200).

⁷ Funding included in the executive budget for an equipment storage building in the Fargo district is removed.

⁸ This amendment appropriates federal fiscal stimulus funds from the American Recovery and Reinvestment Act of 2009 available for highway infrastructure investment (\$170,126,497) and grants to rural transit programs (\$5,956,174).

⁹ This amendment removes the \$120 million transfer from the general fund to the highway tax distribution fund included in the executive budget.

¹⁰ This amendment removes funding added by the Senate for highway-related activities that was anticipated to be available in the state highway fund as a result of the \$120 million transfer from the general fund to the highway tax distribution fund.

¹¹ This amendment provides a general fund contingency appropriation of \$20 million to be used for matching federal highway funds for state or local projects.

¹² This amendment provides for a \$100 million transfer from the general fund to the highway tax distribution fund with the use of funds to be determined by the sixty-second Legislative Assembly. A section is also added to provide that the funds transferred to the highway tax distribution fund may be used during the 2009-11 biennium to reimburse political subdivisions for up to half of the local matching funds cost to receive federal highway emergency relief funding.

This amendment also:

- Removes Section 4 relating to the appropriation of additional funding available in the state highway fund.
- Removes Section 5 relating to the authorization to hire additional full-time employees.
- Removes Section 7 relating to the appropriation of additional funding received by Fleet Services.
- Adds a section designating United States Highway 85 as the Theodore Roosevelt Expressway.
- Adds sections to provide for Legislative Council studies regarding the Fargo district office facility location and potential options for matching federal highway funds.
- Adds a section providing direction regarding the use of transportation-related funding.
- Transfers \$1 million from the public transportation fund to the township highway aid fund.
- Adds a new section to North Dakota Century Code Chapter 54-27 regarding reporting requirements of political subdivisions on the use of transportation funding.
- Adds a section to allow political subdivisions to borrow funds from the Bank of North Dakota to provide a portion of matching funds required to receive federal emergency relief funding.
- Adds a section to provide that any funding received by the state, counties, cities, and townships in excess of the amounts received through the highway tax distribution fund are considered one-time funding.
- Adds a section to provide that any funding distributed from the township highway aid fund from sources other than motor fuel taxes and registration fees be used by counties for the maintenance of unorganized township roads in the county for which the funding was received.
- Add a section requiring counties, cities, and townships to provide an annual report to the Tax Commissioner on transportation program funding.
- Adds an emergency section.

Date: 4/9/09
 Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2012

Full House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number 0216

Action Taken adopt Amendment 0216

Motion Made By Berg Seconded By Delzer

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glasheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 24-01 and a new section to chapter 54-27 of the North Dakota Century Code, relating to the name of United States Highway 85 and transportation funding reports;" and after "54-27-19.1" insert ", 57-40.3-70"

Page 1, line 6, remove "and" and replace "a transfer" with "transfers; to provide for legislative council studies; to provide borrowing authority; to provide legislative intent; to provide an effective date; and to provide an expiration date"

Page 1, line 16, replace "24,194,030" with "20,047,015" and replace "151,520,269" with "147,373,254"

Page 1, line 17, replace "29,107,351" with "18,107,351" and replace "203,805,014" with "192,805,014"

Page 1, line 18, replace "96,855,896" with "62,167,450" and replace "645,576,994" with "610,888,548"

Page 1, line 20, replace "166,810,878" with "116,975,417" and replace "1,069,968,378" with "1,020,132,917"

Page 1, line 21, replace "3.00" with "2.00" and replace "1,055.50" with "1,054.50"

Page 1, replace lines 22 through 24 with:

"SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the department of transportation, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Highway infrastructure	\$170,126,497
Grants to rural transit programs	<u>5,956,174</u>
Total federal funds	\$176,082,671

The department of transportation may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated under this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

SECTION 3. APPROPRIATION - TRANSFER - HIGHWAY TAX DISTRIBUTION FUND - EXCEPTION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$75,000,000, which the office of management and budget shall transfer to the highway tax distribution fund during the biennium beginning July 1, 2009, and ending June 30, 2011.

Notwithstanding section 54-27-19, the state treasurer may not distribute the funds transferred to the highway tax distribution fund under this section except as provided under section 4 of this Act or as determined by the sixty-second legislative assembly. The funds transferred under this section are available for use as determined by the sixty-second legislative assembly for transportation purposes or for other state government programs based on anticipated revenues and appropriations of the general fund and state highway fund for the 2011-13 biennium. The appropriation provided in this section is considered one-time funding.

SECTION 4. FEDERAL HIGHWAY EMERGENCY RELIEF FUNDING - LOCAL MATCHING - EXCEPTION - REPORTING. A political subdivision receiving federal emergency relief funding for road repairs or improvements may apply to the department of emergency services for reimbursement of up to fifty percent of the local match required to receive the federal emergency relief funding. The department of emergency services shall review requests for reimbursement and provide a listing of approved requests to the state treasurer. Notwithstanding section 54-27-19, the state treasurer shall distribute funding for each approved reimbursement request to the respective political subdivision from funds transferred to the highway tax distribution fund under section 3 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011. Each political subdivision requesting reimbursement under this section must submit the request in accordance with rules developed by the department of emergency services by February 1, 2010, for calendar year 2009 projects and by February 1, 2011, for calendar year 2010 projects. The department of emergency services shall report to the budget section regarding the amount and use of funds provided for calendar year 2009 and shall report to the sixty-second legislative assembly regarding the amount and use of funds for calendar year 2010.

SECTION 5. POLITICAL SUBDIVISIONS - FEDERAL EMERGENCY RELIEF FUNDING - BORROWING AUTHORITY. A political subdivision may borrow funds from the Bank of North Dakota for the purpose of providing up to fifty percent of the matching funds required to receive federal emergency relief funding for road projects or up to five percent of the total road project amount for which federal emergency relief funding is to be received, whichever is less, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 6. HIGHWAY FUNDING - ONE-TIME FUNDING. Any highway funding received by the state, counties, cities, and townships in excess of the amounts received through distributions from the highway tax distribution fund under section 54-27-19 or existing federal highway aid programs is considered one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 2, remove lines 1 through 29

Page 3, replace lines 4 through 10 with:

"SECTION 8. A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

Theodore Roosevelt expressway - United States highway 85.
Notwithstanding any previous designation, the department shall designate United States highway 85 as the Theodore Roosevelt expressway and at a minimum shall place signs along the highway designating that name and may use any appropriate signs donated to the department."

Page 9, line 26, replace "three-tenths" with "four-tenths"

Page 10, line 1, replace "five-tenths" with "four-tenths"

Page 13, after line 13, insert:

"SECTION 15. A new section to chapter 54-27 of the North Dakota Century Code is created and enacted as follows:

Report on transportation funding and expenditures. Each county, city, and township shall provide to the tax commissioner an annual report on funding and expenditures relating to transportation projects and programs. The report must be provided within thirty-one days after the close of a calendar year. The report must contain by fund the beginning balance, revenues by major source, expenditures by major category, the ending balance, and any other information requested by the tax commissioner.

SECTION 16. AMENDMENT. Section 57-40.3-10 of the North Dakota Century Code is amended and reenacted as follows:

57-40.3-10. (Effective through June 30, 2009 2011) Transfer of revenue. All moneys collected and received under this chapter after moneys are deposited in the state aid distribution fund under section 57-39.2-26.1 must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited as follows:

1. Ten percent to the highway fund.
2. ~~Ninety~~ Ten percent to the highway tax distribution fund.
3. ~~Eighty~~ percent to the state general fund.

(Effective after June 30, 2009 2011) Transfer of revenue. All moneys collected and received under this chapter must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited to the general fund.

SECTION 17. LEGISLATIVE COUNCIL STUDY - FARGO DISTRICT OFFICE SITE. During the 2009-10 interim, the legislative council shall consider studying the feasibility and desirability of relocating the Fargo district office facility. The study, if conducted, must include a review of the estimated value of the current site property, the best use of the current property, and potential locations for a new district office facility. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 18. LEGISLATIVE COUNCIL STUDY - FEDERAL TRANSPORTATION MATCHING FUNDS. During the 2009-10 interim, the legislative council shall consider studying the potential options for matching federal highway construction funding. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 19. LEGISLATIVE INTENT - HIGHWAY-RELATED FUNDING ALLOCATIONS. It is the intent of the sixty-first legislative assembly that the department of transportation allocate highway-related funding to township, city, county,

and state road projects to the extent possible in a proportion similar to distribution proportions of state highway tax distribution fund allocations to these entities for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 13, after line 15, insert:

"SECTION 21. EMERGENCY. Section 2 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98031.0218 FN 4

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2012 - Department of Transportation - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$151,520,269	\$151,520,269	(\$4,147,015)	\$147,373,254
Operating expenses	203,805,014	203,805,014	(11,000,000)	192,805,014
Capital assets	588,690,866	645,576,994	(34,688,446)	610,888,548
Grants	66,166,101	69,066,101		69,066,101
Transfer to highway tax dist. fund	120,000,000	120,000,000	(45,000,000)	75,000,000
Federal fiscal stimulus funds			176,082,671	176,082,671
Total all funds	\$1,130,182,250	\$1,189,968,378	\$81,247,210	\$1,271,215,588
Less estimated income	1,010,182,250	1,069,968,378	126,247,210	1,196,215,588
General fund	\$120,000,000	\$120,000,000	(\$45,000,000)	\$75,000,000
FTE	1054.50	1055.50	(1.00)	1054.50

Department No. 801 - Department of Transportation - Detail of House Changes

	Removes Salary Equity Funding ¹	Removes New FTE Position ²	Provides Funding for New FTE Position ³	Reduces Operating Expenses Funding ⁴	Reduces Fleet Services Estimated Income ⁵	Reduces Funding for Information Technology Projects ⁶
Salaries and wages	(\$4,200,000)	(\$89,333)	\$142,318			
Operating expenses				(2,500,000)	(5,000,000)	(3,500,000)
Capital assets			(142,318)			
Grants						
Transfer to highway tax dist. fund						
Federal fiscal stimulus funds						
Total all funds	(\$4,200,000)	(\$89,333)	\$0	(\$2,500,000)	(\$5,000,000)	(\$3,500,000)
Less estimated income	(4,200,000)	(89,333)	0	(2,500,000)	(5,000,000)	(3,500,000)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	(1.00)	0.00	0.00	0.00	0.00
	Removes Funding for Fargo District Building ⁷	Appropriates Federal Fiscal Stimulus Funds ⁸	Removes General Fund Transfer ⁹	Removes Highway-Related Funding ¹⁰	Provides Additional Highway Funding ¹¹	Adds Transfer to Highway Tax Distribution Fund ¹²
Salaries and wages						
Operating expenses						
Capital assets	(660,000)			(56,886,128)	23,000,000	
Grants						
Transfer to highway tax dist. fund			(120,000,000)			75,000,000
Federal fiscal stimulus funds		176,082,671				
Total all funds	(\$660,000)	\$176,082,671	(\$120,000,000)	(\$56,886,128)	\$23,000,000	\$75,000,000
Less estimated income	(660,000)	176,082,671	0	(56,886,128)	23,000,000	0
General fund	\$0	\$0	(\$120,000,000)	\$0	\$0	\$75,000,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Total House Changes
Salaries and wages	(\$4,147,015)
Operating expenses	(11,000,000)
Capital assets	(34,688,446)
Grants	
Transfer to highway tax dist. fund	(45,000,000)
Federal fiscal stimulus funds	176,082,671
Total all funds	\$81,247,210
Less estimated income	126,247,210
General fund	(\$45,000,000)
FTE	(1.00)

¹ This amendment removes funding added in the executive budget for state employee salary equity adjustments.

² This amendment removes 1 FTE driver's license examiner position added in the executive budget and related funding from the state highway fund of \$89,333.

³ Funding of \$142,318 is transferred from the capital assets line item to the salaries and wages line item for a new title VI coordinating FTE position added by the Senate.

⁴ Funding for operating expenses is reduced by \$2,500,000 from the state highway fund.

⁵ This amendment reduces the amount of estimated income to be received by Fleet Services from state agencies for motor pool costs by \$5 million.

⁶ This amendment reduces funding for information technology projects to provide a total of \$5,377,437 to be used for projects as prioritized by the department. Projects included in the executive recommendation were the driver's license mainframe project (\$7,500,000), asset management software (\$540,000), registration notification renewal card printer replacement (\$374,400), position information questionnaire rewrite (\$241,837), and department electronic forms solution (\$221,200).

⁷ Funding included in the executive budget for an equipment storage building in the Fargo district is removed.

⁸ This amendment appropriates federal fiscal stimulus funds from the American Recovery and Reinvestment Act of 2009 available for highway infrastructure investment (\$170,126,497) and grants to rural transit programs (\$5,956,174).

⁹ This amendment removes the \$120 million transfer from the general fund to the highway tax distribution fund included in the executive budget.

¹⁰ This amendment removes funding added by the Senate for highway-related activities that was anticipated to be available in the state highway fund as a result of the \$120 million transfer from the general fund to the highway tax distribution fund.

¹¹ This amendment provides additional funding for highway projects from funds received through the highway tax distribution fund and motor vehicle excise tax collections deposited in the highway fund.

¹² This amendment provides for a \$75 million transfer from the general fund to the highway tax distribution fund with the use of funds to be determined by the 62nd Legislative Assembly. A section is also added to provide that the funds transferred to the highway tax distribution fund may be used during the 2009-11 biennium to reimburse political subdivisions for up to half of the local matching funds cost to receive federal highway emergency relief funding.

This amendment also:

- Removes Section 4 relating to the appropriation of additional funding available in the state highway fund.
- Removes Section 5 relating to the authorization to hire additional full-time employees.
- Removes Section 7 relating to the appropriation of additional funding received by Fleet Services.
- Adds a section designating United States Highway 85 as the Theodore Roosevelt Expressway.
- Adds sections to provide for Legislative Council studies regarding the Fargo district office facility location and potential options for matching federal highway funds.
- Adds a section providing direction regarding the use of transportation-related funding.
- Adds a new section to North Dakota Century Code Chapter 54-27 regarding reporting requirements of political subdivisions on the use of transportation funding.
- Adds a section to allow political subdivisions to borrow funds from the Bank of North Dakota to provide a portion of matching funds required to receive federal emergency relief funding.
- Adds a section to provide that any funding received by the state, counties, cities, and townships in excess of the amounts received through the highway tax distribution fund are considered one-time funding.
- Adds a section requiring counties, cities, and townships to provide an annual report to the Tax Commissioner on transportation program funding.
- Adjusts the highway tax distribution fund formula to increase the state share by 0.1 percent and decrease the public transportation share by 0.1 percent.
- Adds a section providing that 10 percent of motor vehicle excise tax collections be deposited in the highway fund, 10 percent in the highway tax distribution fund, and the remaining 80 percent in the general fund rather than 100 percent in the general fund. The section is effective for the 2009-11 biennium only.
- Adds an emergency section.

Date: 4/9/09
 Roll Call Vote #: 3

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2012

Full House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken add p. 9, line 24, p 10 line 1 to .0216 Amend.
add Section 16 on .0218 and

Motion Made By Delzer ^{TBD} Seconded By Berg
remove Section 3 out of .0216.

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glassheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment Vote - carries

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

Date: 4/9/09
 Roll Call Vote #: 4

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2012

Full House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number TBD

Action Taken remove section 4 from amend. 0216

Motion Made By Delzer Seconded By Kaldor

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glassheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment Vice Vote - Carries

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

Date: 4/9/09
 Roll Call Vote #: 5

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2012

Full House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number TBD

Action Taken \$100 m. to \$75m. - Section 5-(.0212)

Motion Made By Delzer Seconded By Skarphol

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glasheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment Vote carries

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

Date: 4/9/09
 Roll Call Vote #: 6

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2012

Full House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number TBD

Action Taken unanimous Action 10 of .0216

Motion Made By Delzer Seconded By Berg

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kemperich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glassheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment Voice Vote - carries

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

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

Page 1, line 2, after the semicolon insert "to provide an appropriation to the state treasurer;"

Page 1, line 6, remove "and" and after "transfer" insert "; and to declare an emergency"

Page 2, after line 2, insert:

"SECTION 3. APPROPRIATION - STATE TREASURER - WEATHER-RELATED COST-SHARING PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$20,000,000, or so much of the sum as may be necessary, to the state treasurer for the purpose of providing weather-related cost-sharing funds to political subdivisions, for the period beginning with the effective date of this Act and ending June 30, 2009. The state treasurer shall distribute the funds appropriated under this section to political subdivisions before June 30, 2009, as follows:

1. Fifty percent to townships in accordance with the formula used to distribute funds to townships under section 54-27-19.1, except that organized townships are not required to provide matching funds to receive distributions under this section.
2. Five percent equally among the incorporated cities.
3. Forty-five percent to counties and cities in accordance with the formula used to distribute funds to counties and cities under subsection 2 of section 54-27-19."

Page 13, after line 15, insert:

"SECTION 16. EMERGENCY. Section 3 of this Act is declared to be an emergency measure."

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

Page 1, line 2, after the second comma insert "39-06-17,"

Page 1, line 4, after "disasters" insert ", restricted operators' licenses,"

Page 9, after line 13, insert:

"SECTION 10. AMENDMENT. Section 39-06-17 of the North Dakota Century Code is amended and reenacted as follows:

39-06-17. Restricted licenses - Penalty for violation.

1. The director, upon issuing an operator's license or a temporary restricted operator's license pursuant to section 39-06.1-11, has authority to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the director may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.
2. The director may either issue a special restricted license or may set forth such restrictions upon the usual license form. The director shall likewise restrict licenses pursuant to the requirements of section 39-16.1-09.
3. A restricted operator's license or permit to operate the parent's or guardian's automobile, or an automobile which is equipped with dual controls and while accompanied by a qualified instructor, may be issued to any child, who is at least fourteen years of age, and otherwise qualified, upon the written recommendation of the parent or guardian. A child may operate an automobile that is not the parent's or guardian's to take the road test. No operator's license may be issued until the child, accompanied by the parent or guardian, appears in person and satisfies the director that:
 - a. The child is at least fourteen years of age.
 - b. The child is qualified to operate an automobile safely.
 - c. It is necessary for the child to drive the parent's or guardian's automobile without being accompanied by an adult.
 - d. The child has:
 - (1) Completed a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or
 - (2) Successfully completed a course at an approved commercial driver training school.
 - e. The child has driving experience of at least one hour at night, one hour during winter conditions, and one hour on a gravel, dirt, or loose

surface highway to which the parent or guardian of the child must attest.

The parent or guardian at all times is responsible for any and all damages growing out of the negligent operation of a motor vehicle by any such child. The provisions of this subsection do not authorize the child to drive a commercial truck, motorbus, or taxicab except the holder of a class D license, fourteen or fifteen years of age, may drive a farm motor vehicle having a gross weight of fifty thousand pounds [22679.62 kilograms] when used to transport agricultural products, farm machinery, or farm supplies to or from a farm when so operated within one hundred fifty miles [241.40 kilometers] of the driver's farm.

4. The director may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee is entitled to a hearing as upon a suspension or revocation under this chapter.
5. It is a class B misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to that person other than restrictions imposed under subsection 6. If the restricted license was issued under section 39-06.1-11 and the underlying suspension was imposed for a violation of section 39-08-01 or equivalent ordinance, or is governed by chapter 39-20, punishment is as provided in subsection 2 of section 39-06-42 and upon receiving notice of the conviction the director shall revoke, without opportunity for hearing, the licensee's restricted license and shall extend the underlying suspension for a like period of not more than one year. The director may not issue a restricted license for the extended period of suspension imposed under this subsection. If the conviction referred to in this section is reversed by an appellate court, the director shall restore the person to the status held by the person prior to the conviction, including restoration of driving privileges if appropriate.
6. A restricted license issued under subsection 3 to a child at least fourteen years of age to operate a parent's or guardian's automobile authorizes the licenseholder to drive the type or class of motor vehicle specified on the restricted license only under the following conditions:
 - a. A restricted licenseholder must be in possession of the license while operating the motor vehicle.
 - b. An individual holding a restricted driver's license driving a motor vehicle may not carry more passengers than the vehicle manufacturer's suggested passenger capacity."

Renumber accordingly

Date: 4/9/09
 Roll Call Vote #: 8

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2012

Full House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number .0204

Action Taken Adopt Amendment .0204

Motion Made By Kempenich Seconded By Meyer

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan		✓			
Vice Chairman Kempenich	✓				
Rep. Skarphol	✓		Rep. Kroeber	✓	
Rep. Wald	✓		Rep. Onstad	✓	
Rep. Hawken	✓		Rep. Williams		✓
Rep. Klein	✓				
Rep. Martinson	✓				
Rep. Delzer		✓	Rep. Glassheim	✓	✓
Rep. Thoreson		✓	Rep. Kaldor	✓	✓
Rep. Berg	✓		Rep. Meyer	✓	
Rep. Dosch		✓			
Rep. Pollert	✓		Rep. Ekstrom	✓	
Rep. Bellew		✓	Rep. Kerzman	✓	✓
Rep. Kreidt	✓		Rep. Metcalf	✓	
Rep. Nelson	✓			✓	
Rep. Wieland	✓				

Total (Yes) 18 No 6

Absent 1

Floor Assignment Voice Vote - ~~roll~~

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

Date: 4/9/09
 Roll Call Vote #: 9

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2012

Full House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken adopt amendment, 0216 to amended

Motion Made By Delzer Seconded By Kempnich

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempnich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glassheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 4/9/09
 Roll Call Vote #: 11

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2012

Full House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number TBP

Action Taken adopt, 02/14 is amended

Motion Made By Delzer Seconded By Kempernich

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glassheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment Vote - carries

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

Date: 4/9/09
 Roll Call Vote #: 12

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2012

Full House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number 7BD

Action Taken No Pass as Amended

Motion Made By Delzer Seconded By Kempnich

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempnich	✓				
Rep. Skarphol	✓		Rep. Kroeber		✓
Rep. Wald	✓		Rep. Onstad		✓
Rep. Hawken	✓		Rep. Williams		✓
Rep. Klein	✓				
Rep. Martinson	✓				
Rep. Delzer	✓		Rep. Glasheim		✓
Rep. Thoreson		✓	Rep. Kaldor		✓
Rep. Berg	✓		Rep. Meyer		✓
Rep. Dosch	✓				
Rep. Pollert	✓		Rep. Ekstrom		✓
Rep. Bellew		✓	Rep. Kerzman		✓
Rep. Kreidt	✓		Rep. Metcalf		✓
Rep. Nelson	✓				
Rep. Wieland	✓				

Total (Yes) 13 No 11

Absent 1

Floor Assignment Delzer

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

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

Page 1, line 2, after the semicolon insert "to provide an appropriation to the state treasurer; to create and enact a new section to chapter 24-01 and a new section to chapter 54-27 of the North Dakota Century Code, relating to the name of United States Highway 85 and transportation funding reports;"; after "39-04-19" insert ", 39-06-17", and after "54-27-19.1" insert ", 57-40.3-10"

Page 1, line 4, after "disasters" insert ", restricted operators' licenses,"

Page 1, line 6, remove "and" and replace "a transfer" with "transfers; to provide for legislative council studies; to provide borrowing authority; to provide legislative intent; to provide an effective date; to provide an expiration date; and to declare an emergency"

Page 1, line 16, replace "24,194,030" with "20,047,015" and replace "151,520,269" with "147,373,254"

Page 1, line 17, replace "29,107,351" with "18,107,351" and replace "203,805,014" with "192,805,014"

Page 1, line 18, replace "96,855,896" with "62,167,450" and replace "645,576,994" with "610,888,548"

Page 1, line 20, replace "166,810,878" with "116,975,417" and replace "1,069,968,378" with "1,020,132,917"

Page 1, line 21, replace "3.00" with "2.00" and replace "1,055.50" with "1,054.50"

Page 1, replace lines 22 through 24 with:

"SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the department of transportation, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Highway infrastructure	\$170,126,497
Grants to rural transit programs	<u>5,956,174</u>
Total federal funds	\$176,082,671

The department of transportation may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated under this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

SECTION 3. APPROPRIATION - TRANSFER - HIGHWAY TAX DISTRIBUTION FUND - EXCEPTION. There is appropriated out of any moneys in the

general fund in the state treasury, not otherwise appropriated, the sum of \$75,000,000, which the office of management and budget shall transfer to the highway tax distribution fund during the biennium beginning July 1, 2009, and ending June 30, 2011. Notwithstanding section 54-27-19, the state treasurer may not distribute the funds transferred to the highway tax distribution fund under this section except as provided under section 4 of this Act or as determined by the sixty-second legislative assembly. The funds transferred under this section are available for use as determined by the sixty-second legislative assembly for transportation purposes or for other state government programs based on anticipated revenues and appropriations of the general fund and state highway fund for the 2011-13 biennium. The appropriation provided in this section is considered one-time funding.

SECTION 4. APPROPRIATION - STATE TREASURER - WEATHER-RELATED COST-SHARING PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$20,000,000, or so much of the sum as may be necessary, to the state treasurer for the purpose of providing weather-related cost-sharing funds to political subdivisions, for the period beginning with the effective date of this Act and ending June 30, 2009. The state treasurer shall distribute the funds appropriated under this section to political subdivisions before June 30, 2009, as follows:

1. Fifty percent to townships in accordance with the formula used to distribute funds to townships under section 54-27-19.1, except that organized townships are not required to provide matching funds to receive distributions under this section.
2. Five percent equally among the incorporated cities.
3. Forty-five percent to counties and cities in accordance with the formula used to distribute funds to counties and cities under subsection 2 of section 54-27-19.

SECTION 5. FEDERAL HIGHWAY EMERGENCY RELIEF FUNDING - LOCAL MATCHING - EXCEPTION - REPORTING. A political subdivision receiving federal emergency relief funding for road repairs or improvements may apply to the department of emergency services for reimbursement of up to fifty percent of the local match required to receive the federal emergency relief funding. The department of emergency services shall review requests for reimbursement and provide a listing of approved requests to the state treasurer. Notwithstanding section 54-27-19, the state treasurer shall distribute funding for each approved reimbursement request to the respective political subdivision from funds transferred to the highway tax distribution fund under section 3 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011. Each political subdivision requesting reimbursement under this section must submit the request in accordance with rules developed by the department of emergency services by February 1, 2010, for calendar year 2009 projects and by February 1, 2011, for calendar year 2010 projects. The department of emergency services shall report to the budget section regarding the amount and use of funds provided for calendar year 2009 and shall report to the sixty-second legislative assembly regarding the amount and use of funds for calendar year 2010.

SECTION 6. POLITICAL SUBDIVISIONS - FEDERAL EMERGENCY RELIEF FUNDING - BORROWING AUTHORITY. A political subdivision may borrow funds from the Bank of North Dakota for the purpose of providing up to fifty percent of the matching funds required to receive federal emergency relief funding for road projects or up to five percent of the total road project amount for which federal emergency relief funding is to be received, whichever is less, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 7. HIGHWAY FUNDING - ONE-TIME FUNDING. Any highway funding received by the state, counties, cities, and townships in excess of the amounts

received through distributions from the highway tax distribution fund under section 54-27-19 or existing federal highway aid programs is considered one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 2, remove lines 1 through 29

Page 3, replace lines 4 through 10 with:

"SECTION 9. A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

Theodore Roosevelt expressway - United States highway 85.
Notwithstanding any previous designation, the department shall designate United States highway 85 as the Theodore Roosevelt expressway and at a minimum shall place signs along the highway designating that name and may use any appropriate signs donated to the department."

Page 9, after line 13, insert:

"SECTION 12. AMENDMENT. Section 39-06-17 of the North Dakota Century Code is amended and reenacted as follows:

39-06-17. Restricted licenses - Penalty for violation.

1. The director, upon issuing an operator's license or a temporary restricted operator's license pursuant to section 39-06.1-11, has authority to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the director may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.
2. The director may either issue a special restricted license or may set forth such restrictions upon the usual license form. The director shall likewise restrict licenses pursuant to the requirements of section 39-16.1-09.
3. A restricted operator's license or permit to operate the parent's or guardian's automobile, or an automobile which is equipped with dual controls and while accompanied by a qualified instructor, may be issued to any child, who is at least fourteen years of age, and otherwise qualified, upon the written recommendation of the parent or guardian. A child may operate an automobile that is not the parent's or guardian's to take the road test. No operator's license may be issued until the child, accompanied by the parent or guardian, appears in person and satisfies the director that:
 - a. The child is at least fourteen years of age.
 - b. The child is qualified to operate an automobile safely.
 - c. It is necessary for the child to drive the parent's or guardian's automobile without being accompanied by an adult.
 - d. The child has:

- (1) Completed a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or
- (2) Successfully completed a course at an approved commercial driver training school.

e. The child has driving experience of at least one hour at night, one hour during winter conditions, and one hour on a gravel, dirt, or loose surface highway to which the parent or guardian of the child must attest.

The parent or guardian at all times is responsible for any and all damages growing out of the negligent operation of a motor vehicle by any such child. The provisions of this subsection do not authorize the child to drive a commercial truck, motorbus, or taxicab except the holder of a class D license, fourteen or fifteen years of age, may drive a farm motor vehicle having a gross weight of fifty thousand pounds [22679.62 kilograms] when used to transport agricultural products, farm machinery, or farm supplies to or from a farm when so operated within one hundred fifty miles [241.40 kilometers] of the driver's farm.

4. The director may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee is entitled to a hearing as upon a suspension or revocation under this chapter.
5. It is a class B misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to that person other than restrictions imposed under subsection 6. If the restricted license was issued under section 39-06.1-11 and the underlying suspension was imposed for a violation of section 39-08-01 or equivalent ordinance, or is governed by chapter 39-20, punishment is as provided in subsection 2 of section 39-06-42 and upon receiving notice of the conviction the director shall revoke, without opportunity for hearing, the licensee's restricted license and shall extend the underlying suspension for a like period of not more than one year. The director may not issue a restricted license for the extended period of suspension imposed under this subsection. If the conviction referred to in this section is reversed by an appellate court, the director shall restore the person to the status held by the person prior to the conviction, including restoration of driving privileges if appropriate.
6. A restricted license issued under subsection 3 to a child at least fourteen years of age to operate a parent's or guardian's automobile authorizes the licenseholder to drive the type or class of motor vehicle specified on the restricted license only under the following conditions:
 - a. A restricted licenseholder must be in possession of the license while operating the motor vehicle.
 - b. An individual holding a restricted driver's license driving a motor vehicle may not carry more passengers than the vehicle manufacturer's suggested passenger capacity."

Page 9, line 26, replace "three-tenths" with "four-tenths"

Page 10, line 1, replace "five-tenths" with "four-tenths"

Page 13, after line 13, insert:

"**SECTION 17.** A new section to chapter 54-27 of the North Dakota Century Code is created and enacted as follows:

Report on transportation funding and expenditures. Each county, city, and township shall provide to the tax commissioner an annual report on funding and expenditures relating to transportation projects and programs. The report must be provided within thirty-one days after the close of a calendar year. The report must contain by fund the beginning balance, revenues by major source, expenditures by major category, the ending balance, and any other information requested by the tax commissioner.

SECTION 18. AMENDMENT. Section 57-40.3-10 of the North Dakota Century Code is amended and reenacted as follows:

57-40.3-10. (Effective through June 30, 2009 2011) Transfer of revenue. All moneys collected and received under this chapter after moneys are deposited in the state aid distribution fund under section 57-39.2-26.1 must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited as follows:

1. Ten percent to the highway fund.
2. Ninety Ten percent to the highway tax distribution fund.
3. Eighty percent to the state general fund.

(Effective after June 30, 2009 2011) Transfer of revenue. All moneys collected and received under this chapter must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited to the general fund.

SECTION 19. LEGISLATIVE COUNCIL STUDY - FARGO DISTRICT OFFICE SITE. During the 2009-10 interim, the legislative council shall consider studying the feasibility and desirability of relocating the Fargo district office facility. The study, if conducted, must include a review of the estimated value of the current site property, the best use of the current property, and potential locations for a new district office facility. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 20. LEGISLATIVE COUNCIL STUDY - FEDERAL TRANSPORTATION MATCHING FUNDS. During the 2009-10 interim, the legislative council shall consider studying the potential options for matching federal highway construction funding. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 21. LEGISLATIVE INTENT - HIGHWAY-RELATED FUNDING ALLOCATIONS. It is the intent of the sixty-first legislative assembly that the department of transportation allocate highway-related funding to township, city, county, and state road projects to the extent possible in a proportion similar to distribution proportions of state highway tax distribution fund allocations to these entities for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 13, after line 15, insert:

"SECTION 23. EMERGENCY. Sections 2 and 4 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98031.0219 FN 4

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2012 - Department of Transportation - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$151,520,269	\$151,520,269	(\$4,147,015)	\$147,373,254
Operating expenses	203,805,014	203,805,014	(11,000,000)	192,805,014
Capital assets	588,690,866	645,576,994	(34,688,446)	610,888,548
Grants	66,166,101	69,066,101		69,066,101
Transfer to highway tax dist. fund	120,000,000	120,000,000	(45,000,000)	75,000,000
Federal fiscal stimulus funds			176,082,671	176,082,671
Total all funds	\$1,130,182,250	\$1,189,968,378	\$81,247,210	\$1,271,215,588
Less estimated income	1,010,182,250	1,069,968,378	126,247,210	1,196,215,588
General fund	\$120,000,000	\$120,000,000	(\$45,000,000)	\$75,000,000
FTE	1054.50	1055.50	(1.00)	1054.50

Department No. 801 - Department of Transportation - Detail of House Changes

	Removes Salary Equity Funding¹	Removes New FTE Position²	Provides Funding for New FTE Position³	Reduces Operating Expenses Funding⁴	Reduces Fleet Services Estimated Income⁵	Reduces Funding for Information Technology Projects⁶
Salaries and wages	(\$4,200,000)	(\$89,333)	\$142,318			
Operating expenses				(2,500,000)	(5,000,000)	(3,500,000)
Capital assets			(142,318)			
Grants						
Transfer to highway tax dist. fund						
Federal fiscal stimulus funds						
Total all funds	(\$4,200,000)	(\$89,333)	\$0	(\$2,500,000)	(\$5,000,000)	(\$3,500,000)
Less estimated income	(4,200,000)	(89,333)	0	(2,500,000)	(5,000,000)	(3,500,000)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	(1.00)	0.00	0.00	0.00	0.00
	Removes Funding for Fargo District Building⁷	Appropriates Federal Fiscal Stimulus Funds⁸	Removes General Fund Transfer⁹	Removes Highway-Related Funding¹⁰	Provides Additional Highway Funding¹¹	Adds Transfer to Highway Tax Distribution Fund¹²
Salaries and wages						
Operating expenses						
Capital assets	(660,000)			(56,886,128)	23,000,000	
Grants						
Transfer to highway tax dist. fund			(120,000,000)			75,000,000
Federal fiscal stimulus funds		176,082,671				
Total all funds	(\$660,000)	\$176,082,671	(\$120,000,000)	(\$56,886,128)	\$23,000,000	\$75,000,000
Less estimated income	(660,000)	176,082,671	0	(56,886,128)	23,000,000	0
General fund	\$0	\$0	(\$120,000,000)	\$0	\$0	\$75,000,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Total House Changes
Salaries and wages	(\$4,147,015)
Operating expenses	(11,000,000)
Capital assets	(34,688,446)
Grants	
Transfer to highway tax dist. fund	(45,000,000)
Federal fiscal stimulus funds	176,082,671
Total all funds	\$81,247,210
Less estimated income	126,247,210
General fund	(\$45,000,000)
FTE	(1.00)

¹ This amendment removes funding added in the executive budget for state employee salary equity adjustments.

² This amendment removes 1 FTE driver's license examiner position added in the executive budget and related funding from the state highway fund of \$89,333.

³ Funding of \$142,318 is transferred from the capital assets line item to the salaries and wages line item for a new title VI coordinating FTE position added by the Senate.

⁴ Funding for operating expenses is reduced by \$2,500,000 from the state highway fund.

⁵ This amendment reduces the amount of estimated income to be received by Fleet Services from state agencies for motor pool costs by \$5 million.

⁶ This amendment reduces funding for information technology projects to provide a total of \$5,377,437 to be used for projects as prioritized by the department. Projects included in the executive recommendation were the driver's license mainframe project (\$7,500,000), asset management software (\$540,000), registration notification renewal card printer replacement (\$374,400), position information questionnaire rewrite (\$241,837), and department electronic forms solution (\$221,200).

⁷ Funding included in the executive budget for an equipment storage building in the Fargo district is removed.

⁸ This amendment appropriates federal fiscal stimulus funds from the American Recovery and Reinvestment Act of 2009 available for highway infrastructure investment (\$170,126,497) and grants to rural transit programs (\$5,956,174).

⁹ This amendment removes the \$120 million transfer from the general fund to the highway tax distribution fund included in the executive budget.

¹⁰ This amendment removes funding added by the Senate for highway-related activities that was anticipated to be available in the state highway fund as a result of the \$120 million transfer from the general fund to the highway tax distribution fund.

¹¹ This amendment provides additional funding for highway projects from funds received through the highway tax distribution fund and motor vehicle excise tax collections deposited in the highway fund.

¹² This amendment provides for a \$75 million transfer from the general fund to the highway tax distribution fund with the use of funds to be determined by the 62nd Legislative Assembly. A section is also added to provide that the funds transferred to the highway tax distribution fund may be used during the 2009-11 biennium to reimburse political subdivisions for up to half of the local matching funds cost to receive federal highway emergency relief funding.

This amendment also:

- Removes Section 4 relating to the appropriation of additional funding available in the state highway fund.
 - Removes Section 5 relating to the authorization to hire additional full-time employees.
 - Removes Section 7 relating to the appropriation of additional funding received by Fleet Services.
 - Adds a section designating United States Highway 85 as the Theodore Roosevelt Expressway.
 - Adds sections to provide for Legislative Council studies regarding the Fargo district office facility location and potential options for matching federal highway funds.
 - Adds a section providing direction regarding the use of transportation-related funding.
 - Adds a new section to North Dakota Century Code Chapter 54-27 regarding reporting requirements of political subdivisions on the use of transportation funding.
 - Adds a section to allow political subdivisions to borrow funds from the Bank of North Dakota to provide a portion of matching funds required to receive federal emergency relief funding.
 - Adds a section to provide that any funding received by the state, counties, cities, and townships in excess of the amounts received through the highway tax distribution fund are considered one-time funding.
 - Adds a section requiring counties, cities, and townships to provide an annual report to the Tax Commissioner on transportation program funding.
 - Adjusts the highway tax distribution fund formula to increase the state share by 0.1 percent and decrease the public transportation share by 0.1 percent.
 - Adds a section providing that 10 percent of motor vehicle excise tax collections be deposited in the highway fund, 10 percent in the highway tax distribution fund, and the remaining 80 percent in the general fund rather than 100 percent in the general fund. The section is effective for the 2009-11 biennium only.
 - Adds a section appropriating \$20 million from the general fund to the State Treasurer for weather-related cost-sharing distributions to political subdivisions for the remainder of the 2007-09 biennium.
- Adds a section amending NDCC Section 39-06-17 relating to restricted drivers' licenses.
Adds an emergency section.

REPORT OF STANDING COMMITTEE (MAJORITY)

SB 2012, as engrossed: Appropriations (Rep. K. Svedjan, Chairman) A MAJORITY of your committee (Reps. Svedjan, Kempenich, Skarphol, Wald, Hawken, Martinson, Delzer, Berg, Dosch, Pollert, Kreidt, Nelson, Wieland) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 2, after the semicolon insert "to provide an appropriation to the state treasurer; to create and enact a new section to chapter 24-01 and a new section to chapter 54-27 of the North Dakota Century Code, relating to the name of United States Highway 85 and transportation funding reports;"; after "39-04-19" insert " 39-06-17", and after "54-27-19.1" insert " 57-40.3-10"

Page 1, line 4, after "disasters" insert " , restricted operators' licenses,"

Page 1, line 6, remove "and" and replace "a transfer" with "transfers; to provide for legislative council studies; to provide borrowing authority; to provide legislative intent; to provide an effective date; to provide an expiration date; and to declare an emergency"

Page 1, line 16, replace "24,194,030" with "20,047,015" and replace "151,520,269" with "147,373,254"

Page 1, line 17, replace "29,107,351" with "18,107,351" and replace "203,805,014" with "192,805,014"

Page 1, line 18, replace "96,855,896" with "62,167,450" and replace "645,576,994" with "610,888,548"

Page 1, line 20, replace "166,810,878" with "116,975,417" and replace "1,069,968,378" with "1,020,132,917"

Page 1, line 21, replace "3.00" with "2.00" and replace "1,055.50" with "1,054.50"

Page 1, replace lines 22 through 24 with:

"SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the department of transportation, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Highway infrastructure	\$170,126,497
Grants to rural transit programs	<u>5,956,174</u>
Total federal funds	\$176,082,671

The department of transportation may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated under this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

SECTION 3. APPROPRIATION - TRANSFER - HIGHWAY TAX DISTRIBUTION FUND - EXCEPTION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$75,000,000, which the office of management and budget shall transfer to the highway tax distribution fund during the biennium beginning July 1, 2009, and ending June 30, 2011. Notwithstanding section 54-27-19, the state treasurer may not distribute the funds transferred to the highway tax distribution fund under this section except as provided under section 4 of this Act or as determined by the sixty-second legislative assembly. The funds transferred under this section are available for use as determined by the sixty-second legislative assembly for transportation purposes or for other state government programs based on anticipated revenues and appropriations of the general fund and state highway fund for the 2011-13 biennium. The appropriation provided in this section is considered one-time funding.

SECTION 4. APPROPRIATION - STATE TREASURER - WEATHER-RELATED COST-SHARING PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$20,000,000, or so much of the sum as may be necessary, to the state treasurer for the purpose of providing weather-related cost-sharing funds to political subdivisions, for the period beginning with the effective date of this Act and ending June 30, 2009. The state treasurer shall distribute the funds appropriated under this section to political subdivisions before June 30, 2009, as follows:

1. Fifty percent to townships in accordance with the formula used to distribute funds to townships under section 54-27-19.1, except that organized townships are not required to provide matching funds to receive distributions under this section.
2. Five percent equally among the incorporated cities.
3. Forty-five percent to counties and cities in accordance with the formula used to distribute funds to counties and cities under subsection 2 of section 54-27-19.

SECTION 5. FEDERAL HIGHWAY EMERGENCY RELIEF FUNDING - LOCAL MATCHING - EXCEPTION - REPORTING. A political subdivision receiving federal emergency relief funding for road repairs or improvements may apply to the department of emergency services for reimbursement of up to fifty percent of the local match required to receive the federal emergency relief funding. The department of emergency services shall review requests for reimbursement and provide a listing of approved requests to the state treasurer. Notwithstanding section 54-27-19, the state treasurer shall distribute funding for each approved reimbursement request to the respective political subdivision from funds transferred to the highway tax distribution fund under section 3 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011. Each political subdivision requesting reimbursement under this section must submit the request in accordance with rules developed by the department of emergency services by February 1, 2010, for calendar year 2009 projects and by February 1, 2011, for calendar year 2010 projects. The department of emergency services shall report to the budget section regarding the amount and use of funds provided for calendar year 2009 and shall report to the sixty-second legislative assembly regarding the amount and use of funds for calendar year 2010.

SECTION 6. POLITICAL SUBDIVISIONS - FEDERAL EMERGENCY RELIEF FUNDING - BORROWING AUTHORITY. A political subdivision may borrow funds from the Bank of North Dakota for the purpose of providing up to fifty percent of the matching funds required to receive federal emergency relief funding for road projects or up to five percent of the total road project amount for which federal emergency relief

funding is to be received, whichever is less, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 7. HIGHWAY FUNDING - ONE-TIME FUNDING. Any highway funding received by the state, counties, cities, and townships in excess of the amounts received through distributions from the highway tax distribution fund under section 54-27-19 or existing federal highway aid programs is considered one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011."

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2. The director may either issue a special restricted license or may set forth such restrictions upon the usual license form. The director shall likewise restrict licenses pursuant to the requirements of section 39-16.1-09.
3. A restricted operator's license or permit to operate the parent's or guardian's automobile, or an automobile which is equipped with dual controls and while accompanied by a qualified instructor, may be issued to any child, who is at least fourteen years of age, and otherwise qualified, upon the written recommendation of the parent or guardian. A child may operate an automobile that is not the parent's or guardian's to take the road test. No operator's license may be issued until the child, accompanied by the parent or guardian, appears in person and satisfies the director that:
 - a. The child is at least fourteen years of age.
 - b. The child is qualified to operate an automobile safely.
 - c. It is necessary for the child to drive the parent's or guardian's automobile without being accompanied by an adult.

- d. The child has:
 - (1) Completed a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or
 - (2) Successfully completed a course at an approved commercial driver training school.
- e. The child has driving experience of at least one hour at night, one hour during winter conditions, and one hour on a gravel, dirt, or loose surface highway to which the parent or guardian of the child must attest.

The parent or guardian at all times is responsible for any and all damages growing out of the negligent operation of a motor vehicle by any such child. The provisions of this subsection do not authorize the child to drive a commercial truck, motorbus, or taxicab except the holder of a class D license, fourteen or fifteen years of age, may drive a farm motor vehicle having a gross weight of fifty thousand pounds [22679.62 kilograms] when used to transport agricultural products, farm machinery, or farm supplies to or from a farm when so operated within one hundred fifty miles [241.40 kilometers] of the driver's farm.

- 4. The director may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee is entitled to a hearing as upon a suspension or revocation under this chapter.
- 5. It is a class B misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to that person other than restrictions imposed under subsection 6. If the restricted license was issued under section 39-06.1-11 and the underlying suspension was imposed for a violation of section 39-08-01 or equivalent ordinance, or is governed by chapter 39-20, punishment is as provided in subsection 2 of section 39-06-42 and upon receiving notice of the conviction the director shall revoke, without opportunity for hearing, the licensee's restricted license and shall extend the underlying suspension for a like period of not more than one year. The director may not issue a restricted license for the extended period of suspension imposed under this subsection. If the conviction referred to in this section is reversed by an appellate court, the director shall restore the person to the status held by the person prior to the conviction, including restoration of driving privileges if appropriate.
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1. Ten percent to the highway fund.
2. ~~Ninety~~ Ten percent to the highway tax distribution fund.
3. Eighty percent to the state general fund.

(Effective after June 30, 2009 2011) Transfer of revenue. All moneys collected and received under this chapter must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited to the general fund.

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Renumber accordingly

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A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

VR
4/15/09
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PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

Page 1, line 2, after the semicolon insert "to provide an appropriation to the state treasurer; to create and enact a new section to chapter 24-01 and a new section to chapter 54-27 of the North Dakota Century Code, relating to the name of United States Highway 85 and transportation funding reports;" after "39-04-19" insert ", 39-06-17", and after "54-27-19.1" insert ", 57-40.3-10"

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Page 1, line 21, replace "3.00" with "2.00" and replace "1,055.50" with "1,054.50"

Page 1, replace lines 22 through 24 with:

"SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the department of transportation, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Highway infrastructure	\$170,126,497
Grants to rural transit programs	<u>5,956,174</u>
Total federal funds	\$176,082,671

The department of transportation may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated under this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

SECTION 3. APPROPRIATION - TRANSFER - HIGHWAY TAX DISTRIBUTION FUND - EXCEPTION. There is appropriated out of any moneys in the

2078

general fund in the state treasury, not otherwise appropriated, the sum of \$75,000,000, which the office of management and budget shall transfer to the highway tax distribution fund for the biennium beginning July 1, 2009, and ending June 30, 2011. The appropriation provided in this section is considered one-time funding.

SECTION 4. APPROPRIATION - STATE TREASURER - WEATHER-RELATED COST-SHARING PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$20,000,000, or so much of the sum as may be necessary, to the state treasurer for the purpose of providing weather-related cost-sharing funds to political subdivisions, for the period beginning with the effective date of this Act and ending June 30, 2009. The state treasurer shall distribute the funds appropriated under this section to political subdivisions before June 30, 2009, as follows:

1. Fifty percent to townships in accordance with the formula used to distribute funds to townships under section 54-27-19.1, except that organized townships are not required to provide matching funds to receive distributions under this section.
2. Five percent equally among the incorporated cities.
3. Forty-five percent to counties and cities in accordance with the formula used to distribute funds to counties and cities under subsection 2 of section 54-27-19.

SECTION 5. POLITICAL SUBDIVISIONS - FEDERAL EMERGENCY RELIEF FUNDING - BORROWING AUTHORITY. A political subdivision may borrow funds from the Bank of North Dakota for the purpose of providing up to fifty percent of the matching funds required to receive federal emergency relief funding for road projects or up to five percent of the total road project amount for which federal emergency relief funding is to be received, whichever is less, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 6. HIGHWAY FUNDING - ONE-TIME FUNDING. Any highway funding received by the state, counties, cities, and townships in excess of the amounts received through distributions from the highway tax distribution fund under section 54-27-19 or existing federal highway aid programs is considered one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 2, remove lines 1 through 29

Page 3, replace lines 4 through 10 with:

"SECTION 8. A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

Theodore Roosevelt expressway - United States highway 85.
Notwithstanding any previous designation, the department shall designate United States highway 85 as the Theodore Roosevelt expressway and at a minimum shall place signs along the highway designating that name and may use any appropriate signs donated to the department."

Page 9, after line 13, insert:

"SECTION 11. AMENDMENT. Section 39-06-17 of the North Dakota Century Code is amended and reenacted as follows:

39-06-17. Restricted licenses - Penalty for violation.

1. The director, upon issuing an operator's license or a temporary restricted operator's license pursuant to section 39-06.1-11, has authority to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the director may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.
2. The director may either issue a special restricted license or may set forth such restrictions upon the usual license form. The director shall likewise restrict licenses pursuant to the requirements of section 39-16.1-09.
3. A restricted operator's license or permit to operate the parent's or guardian's automobile, or an automobile which is equipped with dual controls and while accompanied by a qualified instructor, may be issued to any child, who is at least fourteen years of age, and otherwise qualified, upon the written recommendation of the parent or guardian. A child may operate an automobile that is not the parent's or guardian's to take the road test. No operator's license may be issued until the child, accompanied by the parent or guardian, appears in person and satisfies the director that:
 - a. The child is at least fourteen years of age.
 - b. The child is qualified to operate an automobile safely.
 - c. It is necessary for the child to drive the parent's or guardian's automobile without being accompanied by an adult.
 - d. The child has:
 - (1) Completed a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or
 - (2) Successfully completed a course at an approved commercial driver training school.
 - e. The child has driving experience of at least one hour at night, one hour during winter conditions, and one hour on a gravel, dirt, or loose surface highway to which the parent or guardian of the child must attest.

The parent or guardian at all times is responsible for any and all damages growing out of the negligent operation of a motor vehicle by any such child. The provisions of this subsection do not authorize the child to drive a commercial truck, motorbus, or taxicab except the holder of a class D license, fourteen or fifteen years of age, may drive a farm motor vehicle having a gross weight of fifty thousand pounds [22679.62 kilograms] when used to transport agricultural products, farm machinery, or farm supplies to or from a farm when so operated within one hundred fifty miles [241.40 kilometers] of the driver's farm.

4. The director may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee is entitled to a hearing as upon a suspension or revocation under this chapter.

- 5. It is a class B misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to that person other than restrictions imposed under subsection 6. If the restricted license was issued under section 39-06.1-11 and the underlying suspension was imposed for a violation of section 39-08-01 or equivalent ordinance, or is governed by chapter 39-20, punishment is as provided in subsection 2 of section 39-06-42 and upon receiving notice of the conviction the director shall revoke, without opportunity for hearing, the licensee's restricted license and shall extend the underlying suspension for a like period of not more than one year. The director may not issue a restricted license for the extended period of suspension imposed under this subsection. If the conviction referred to in this section is reversed by an appellate court, the director shall restore the person to the status held by the person prior to the conviction, including restoration of driving privileges if appropriate.
- 6. A restricted license issued under subsection 3 to a child at least fourteen years of age to operate a parent's or guardian's automobile authorizes the licenseholder to drive the type or class of motor vehicle specified on the restricted license only under the following conditions:
 - a. A restricted licenseholder must be in possession of the license while operating the motor vehicle.
 - b. An individual holding a restricted driver's license driving a motor vehicle may not carry more passengers than the vehicle manufacturer's suggested passenger capacity."

Page 9, line 26, replace "three-tenths" with "four-tenths"

Page 10, line 1, replace "five-tenths" with "four-tenths"

Page 13, after line 13, insert:

"SECTION 16. A new section to chapter 54-27 of the North Dakota Century Code is created and enacted as follows:

Report on transportation funding and expenditures. Each county, city, and township shall provide to the tax commissioner an annual report on funding and expenditures relating to transportation projects and programs. The report must be provided within thirty-one days after the close of a calendar year. The report must contain by fund the beginning balance, revenues by major source, expenditures by major category, the ending balance, and any other information requested by the tax commissioner.

SECTION 17. AMENDMENT. Section 57-40.3-10 of the North Dakota Century Code is amended and reenacted as follows:

57-40.3-10. (Effective through June 30, 2009 2011) Transfer of revenue. All moneys collected and received under this chapter after moneys are deposited in the state aid distribution fund under section 57-39.2-26.1 must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited as follows:

- 1. Ten percent to the highway fund.

2. Ninety Ten percent to the highway tax distribution fund.

3. Eighty percent to the state general fund.

(Effective after June 30, 2009 2011) Transfer of revenue. All moneys collected and received under this chapter must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited to the general fund.

SECTION 18. LEGISLATIVE COUNCIL STUDY - FARGO DISTRICT OFFICE SITE. During the 2009-10 interim, the legislative council shall consider studying the feasibility and desirability of relocating the Fargo district office facility. The study, if conducted, must include a review of the estimated value of the current site property, the best use of the current property, and potential locations for a new district office facility. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 19. LEGISLATIVE COUNCIL STUDY - FEDERAL TRANSPORTATION MATCHING FUNDS. During the 2009-10 interim, the legislative council shall consider studying the potential options for matching federal highway construction funding. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 20. LEGISLATIVE INTENT - HIGHWAY-RELATED FUNDING ALLOCATIONS. It is the intent of the sixty-first legislative assembly that the department of transportation allocate highway-related funding to township, city, county, and state road projects to the extent possible in a proportion similar to distribution proportions of state highway tax distribution fund allocations to these entities for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 13, after line 15, insert:

"SECTION 22. EMERGENCY. Sections 2 and 4 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98031.0222 FN 6

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2012 - Department of Transportation - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$151,520,269	\$151,520,269	(\$4,147,015)	\$147,373,254
Operating expenses	203,805,014	203,805,014	(11,000,000)	192,805,014
Capital assets	588,690,866	645,576,994	11,361,554	656,938,548
Grants	66,166,101	69,066,101		69,066,101
Transfer to highway tax dist. fund	120,000,000	120,000,000	(45,000,000)	75,000,000
Federal fiscal stimulus funds			176,082,671	176,082,671
Total all funds	\$1,130,182,250	\$1,189,968,378	\$127,297,210	\$1,317,265,588
Less estimated income	1,010,182,250	1,069,968,378	172,297,210	1,242,265,588
General fund	\$120,000,000	\$120,000,000	(\$45,000,000)	\$75,000,000
FTE	1054.50	1055.50	(1.00)	1054.50

Department No. 801 - Department of Transportation - Detail of House Changes

	Removes Salary Equity Funding¹	Removes New FTE Position²	Provides Funding for New FTE Position³	Reduces Operating Expenses Funding⁴	Reduces Fleet Services Estimated Income⁵	Reduces Funding for Information Technology Projects⁶
Salaries and wages	(\$4,200,000)	(\$89,333)	\$142,318			
Operating expenses				(2,500,000)	(5,000,000)	(3,500,000)
Capital assets			(142,318)			
Grants						
Transfer to highway tax dist. fund						
Federal fiscal stimulus funds						
Total all funds	(\$4,200,000)	(\$89,333)	\$0	(\$2,500,000)	(\$5,000,000)	(\$3,500,000)
Less estimated income	(4,200,000)	(89,333)	0	(2,500,000)	(5,000,000)	(3,500,000)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	(1.00)	0.00	0.00	0.00	0.00
	Removes Funding for Fargo District Building⁷	Appropriates Federal Fiscal Stimulus Funds⁸	Removes General Fund Transfer⁹	Removes Highway-Related Funding¹⁰	Provides Additional Highway Funding¹¹	Adds Transfer to Highway Tax Distribution Fund¹²
Salaries and wages						
Operating expenses						
Capital assets	(660,000)			(56,886,128)	69,050,000	
Grants						
Transfer to highway tax dist. fund			(120,000,000)			75,000,000
Federal fiscal stimulus funds		176,082,671				
Total all funds	(\$660,000)	\$176,082,671	(\$120,000,000)	(\$56,886,128)	\$69,050,000	\$75,000,000
Less estimated income	(660,000)	176,082,671	0	(56,886,128)	69,050,000	0
General fund	\$0	\$0	(\$120,000,000)	\$0	\$0	\$75,000,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Total House Changes
Salaries and wages	(\$4,147,015)
Operating expenses	(11,000,000)
Capital assets	11,361,554
Grants	
Transfer to highway tax dist. fund	(45,000,000)
Federal fiscal stimulus funds	176,082,671
Total all funds	\$127,297,210
Less estimated income	172,297,210
General fund	(\$45,000,000)
FTE	(1.00)

¹ This amendment removes funding added in the executive budget for state employee salary equity adjustments.

² This amendment removes 1 FTE driver's license examiner position added in the executive budget and related funding from the state highway fund of \$89,333.

³ Funding of \$142,318 is transferred from the capital assets line item to the salaries and wages line item for a new title VI coordinating FTE position added by the Senate.

⁴ Funding for operating expenses is reduced by \$2,500,000 from the state highway fund.

⁵ This amendment reduces the amount of estimated income to be received by Fleet Services from state agencies for motor pool costs by \$5 million.

⁶ This amendment reduces funding for information technology projects to provide a total of \$5,377,437 to be used for projects as prioritized by the department. Projects included in the executive recommendation were the driver's license mainframe project (\$7,500,000), asset management software (\$540,000), registration notification renewal card printer replacement (\$374,400), position information questionnaire rewrite (\$241,837), and department electronic forms solution (\$221,200).

⁷ Funding included in the executive budget for an equipment storage building in the Fargo district is removed.

⁸ This amendment appropriates federal fiscal stimulus funds from the American Recovery and Reinvestment Act of 2009 available for highway infrastructure investment (\$170,126,497) and grants to rural transit programs (\$5,956,174).

⁹ This amendment removes the \$120 million transfer from the general fund to the highway tax distribution fund included in the executive budget.

¹⁰ This amendment removes funding added by the Senate for highway-related activities that was anticipated to be available in the state highway fund as a result of the \$120 million transfer from the general fund to the highway tax distribution fund.

¹¹ This amendment provides additional funding for highway projects from funds received through the highway tax distribution fund and motor vehicle excise tax collections deposited in the highway fund.

¹² This amendment provides for a \$75 million transfer from the general fund to the highway tax distribution fund for distribution to the state and political subdivisions during the 2009-11 biennium.

This amendment also:

- Removes Section 4 relating to the appropriation of additional funding available in the state highway fund.
- Removes Section 5 relating to the authorization to hire additional full-time employees.
- Removes Section 7 relating to the appropriation of additional funding received by Fleet Services.
- Adds a section designating United States Highway 85 as the Theodore Roosevelt Expressway.
- Adds sections to provide for Legislative Council studies regarding the Fargo district office facility location and potential options for matching federal highway funds.
- Adds a section providing direction regarding the use of transportation-related funding.
- Adds a new section to North Dakota Century Code Chapter 54-27 regarding reporting requirements of political subdivisions on the use of transportation funding.
- Adds a section to allow political subdivisions to borrow funds from the Bank of North Dakota to provide a portion of matching funds required to receive federal emergency relief funding.
- Adds a section to provide that any funding received by the state, counties, cities, and townships in excess of the amounts received through the highway tax distribution fund are considered one-time funding.
- Adds a section requiring counties, cities, and townships to provide an annual report to the Tax Commissioner on transportation program funding.
- Adjusts the highway tax distribution fund formula to increase the state share by 0.1 percent and decrease the public transportation share by 0.1 percent.
- Adds a section providing that 10 percent of motor vehicle excise tax collections be deposited in the highway fund, 10 percent in the highway tax distribution fund, and the remaining 80 percent in the general fund rather than 100 percent in the general fund. The section is effective for the 2009-11 biennium only.
- Adds a section appropriating \$20 million from the general fund to the State Treasurer for weather-related cost-sharing distributions to political subdivisions for the remainder of the 2007-09 biennium.
- Adds a section amending Section 39-06-17 relating to restricted drivers licenses.
- Adds an emergency section.

REPORT OF STANDING COMMITTEE (MINORITY)

SB 2012, as engrossed: Appropriations (Rep. K. Svedjan, Chairman) A MINORITY of your committee (Reps. Kaldor, Kroeber, Onstad, Williams, Glassheim, S. Meyer, Ekstrom, Kerzman, Metcalf) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 2, after the semicolon insert "to provide an appropriation to the state treasurer; to create and enact a new section to chapter 24-01 and a new section to chapter 54-27 of the North Dakota Century Code, relating to the name of United States Highway 85 and transportation funding reports;" after "39-04-19" insert "39-06-17", and after "54-27-19.1" insert "57-40.3-10"

Page 1, line 4, after "disasters" insert ", restricted operators' licenses,"

Page 1, line 6, remove "and" and replace "a transfer" with "transfers; to provide for legislative council studies; to provide borrowing authority; to provide legislative intent; to provide an effective date; to provide an expiration date; and to declare an emergency"

Page 1, line 16, replace "24,194,030" with "20,047,015" and replace "151,520,269" with "147,373,254"

Page 1, line 17, replace "29,107,351" with "18,107,351" and replace "203,805,014" with "192,805,014"

Page 1, line 18, replace "96,855,896" with "108,217,450" and replace "645,576,994" with "656,938,548"

Page 1, line 20, replace "166,810,878" with "163,025,417" and replace "1,069,968,378" with "1,066,182,917"

Page 1, line 21, replace "3.00" with "2.00" and replace "1,055.50" with "1,054.50"

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The department of transportation may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated under this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

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ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98031.0222 FN 6

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

The reports of the majority and the minority were placed on the Seventh order of business on the calendar for the succeeding legislative day.

Date: 4/23/09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2012

Full House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Motion to Monahan 2012 Do Pass

Motion Made By Delzer Seconded By Skarphol

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glassheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Vote - carries

Attachment A
4/23/09
2012

98031.0224
Title.
Fiscal No. 8

Prepared by the Legislative Council staff for
Representative Delzer
April 23, 2009

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

Page 1, line 2, after the semicolon insert "to provide an appropriation to the state treasurer; to provide for budget section reports; to create and enact a new section to chapter 24-01 and a new section to chapter 54-27 of the North Dakota Century Code, relating to the name of United States Highway 85 and transportation funding reports;," after "39-04-19" insert ", 39-06-17", and after "54-27-19.1" insert ", 57-40.3-10"

Page 1, line 4, after "disasters" insert ", restricted operators' licenses,"

Page 1, line 6, remove "and" and replace "a transfer" with "transfers; to provide for legislative council studies; to create and enact a state disaster relief fund; to provide legislative intent; to provide an effective date; to provide an expiration date; and to declare an emergency"

Page 1, line 16, replace "24,194,030" with "20,047,015" and replace "151,520,269" with "147,373,254"

Page 1, line 17, replace "29,107,351" with "18,107,351" and replace "203,805,014" with "192,805,014"

Page 1, line 18, replace "96,855,896" with "122,267,450" and replace "645,576,994" with "670,988,548"

Page 1, line 19, replace "16,653,601" with "14,853,601" and replace "69,066,101" with "67,266,101"

Page 1, line 20, replace "166,810,878" with "175,275,417" and replace "1,069,968,378" with "1,078,432,917"

Page 1, line 21, replace "3.00" with "2.00" and replace "1,055.50" with "1,054.50"

Page 1, replace lines 22 through 24 with:

"SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the department of transportation, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Highway infrastructure	\$170,126,497
Grants to rural transit programs	5,956,174
Total federal funds	\$176,082,671

The department of transportation may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated under this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be

replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

SECTION 3. APPROPRIATION - STATE TREASURER - WEATHER-RELATED COST-SHARING PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$71,500,000, or so much of the sum as may be necessary, to the state treasurer for the purpose of providing weather-related cost-sharing funds to political subdivisions, for the period beginning with the effective date of this Act and ending June 30, 2009. The state treasurer shall distribute the funds appropriated under this section to political subdivisions before June 30, 2009, as follows:

1. Ten million to townships in accordance with the formula used to distribute funds to townships under section 54-27-19.1, except that organized townships are not required to provide matching funds to receive distributions under this section.
2. Fifty-four million to counties and cities in accordance with the formula used to distribute funds to counties and cities under subsection 2 of section 54-27-19.
3. Seven million five hundred thousand to the state highway fund.

SECTION 4. State disaster relief fund - Creation - Uses. There is created in the state treasury a state disaster relief fund. Moneys in the fund are to be used subject to legislative appropriations for providing funding for defraying the expenses of state disasters, including providing funds required to match federal funds for expenses associated with presidential-declared disasters in the state. Any interest or other fund earnings must be deposited in the fund.

SECTION 5. APPROPRIATION - TRANSFER. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$43,000,000, which the office of management and budget shall transfer to the state disaster relief fund during the period beginning with the effective date of this Act and ending June 30, 2009.

SECTION 6. APPROPRIATION - ADJUTANT GENERAL - BUDGET SECTION APPROVAL. There is appropriated out of any moneys in the state disaster relief fund in the state treasury, not otherwise appropriated, the sum of \$43,000,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of providing emergency relief funding, for the period beginning with the effective date of this Act and ending June 30, 2011. The adjutant general may use up to \$20,000,000 of the funds appropriated in this section for the purpose of providing emergency snow removal grants to counties, cities, and townships in accordance with section 7 of this Act. The adjutant general may use up to \$23,000,000 of the funds appropriated in this section for paying costs relating to the 2009 flood disaster in accordance with section 8 of this Act.

SECTION 7. EMERGENCY SNOW REMOVAL GRANTS - GUIDELINES - BUDGET SECTION REPORT. A political subdivision may apply to the department of emergency services for an emergency snow removal grant for reimbursement of a portion of the costs incurred by the political subdivision for the period January 2009 through March 2009 that exceed two hundred percent of the average costs incurred for these months in 2004 through 2008, as follows:

1. For counties and townships, fifty percent of the excess costs.
2. For cities with a population of five thousand or less, fifty percent of the excess costs.

3. For cities with a population of more than five thousand, twenty-five percent of the excess costs.

Each political subdivision requesting reimbursement under this section must submit the request in accordance with rules developed by the department of emergency services. The department of emergency services shall distribute these grants prior to June 30, 2009, and shall report to the budget section regarding the grants awarded under this section.

SECTION 8. EMERGENCY FLOOD RELIEF GRANTS - GUIDELINES - BUDGET SECTION REPORT - BUDGET SECTION APPROVAL. A political subdivision receiving federal emergency relief funding for road repairs or improvements relating to the 2009 flood disaster may apply to the department of emergency services for an emergency flood relief grant of up to fifty percent of the local match required to receive the federal emergency relief funding. Each political subdivision requesting reimbursement under this section must submit the request in accordance with rules developed by the department of emergency services. The department of emergency services may distribute up to \$13,000,000 of grants under this section. Any additional grant expenditures require budget section approval. The department of emergency services shall report to the budget section on grants awarded under this section in the fourth quarter of calendar year 2009 and the third quarter of calendar year 2010.

SECTION 9. APPROPRIATION - TRANSFER - STATE HIGHWAY FUND. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,600,000, which the office of management and budget shall transfer to the state highway fund for the purpose of defraying the expenses of highway projects in the Devils Lake area, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 10. USE OF HIGHWAY FUNDING - REPORT TO THE BUDGET SECTION. The department of transportation shall coordinate with the department of emergency services to compile information regarding the use of state, federal, emergency, and other highway funding by the department of transportation, counties, cities, and townships during the biennium beginning July 1, 2009, and ending June 30, 2011. The department of transportation shall provide periodic reports to the budget section regarding the use of funds during the 2009-10 interim.

SECTION 11. HIGHWAY FUNDING - ONE-TIME FUNDING. Any highway funding received by the state, counties, cities, and townships in excess of the amounts received through distributions from the highway tax distribution fund under section 54-27-19 or existing federal highway aid programs is considered one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 2, remove lines 1 through 29

Page 3, replace lines 4 through 10 with:

"SECTION 13. A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

Theodore Roosevelt expressway - United States highway 85.
Notwithstanding any previous designation, the department shall designate United States highway 85 as the Theodore Roosevelt expressway and at a minimum shall place signs along the highway designating that name and may use any appropriate signs donated to the department."

"SECTION 16. AMENDMENT. Section 39-06-17 of the North Dakota Century Code is amended and reenacted as follows:

39-06-17. Restricted licenses - Penalty for violation.

1. The director, upon issuing an operator's license or a temporary restricted operator's license pursuant to section 39-06.1-11, has authority to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the director may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.
2. The director may either issue a special restricted license or may set forth such restrictions upon the usual license form. The director shall likewise restrict licenses pursuant to the requirements of section 39-16.1-09.
3. A restricted operator's license or permit to operate the parent's or guardian's automobile, or an automobile which is equipped with dual controls and while accompanied by a qualified instructor, may be issued to any child, who is at least fourteen years of age, and otherwise qualified, upon the written recommendation of the parent or guardian. A child may operate an automobile that is not the parent's or guardian's to take the road test. No operator's license may be issued until the child, accompanied by the parent or guardian, appears in person and satisfies the director that:
 - a. The child is at least fourteen years of age.
 - b. The child is qualified to operate an automobile safely.
 - c. It is necessary for the child to drive the parent's or guardian's automobile without being accompanied by an adult.
 - d. The child has:
 - (1) Completed a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or
 - (2) Successfully completed a course at an approved commercial driver training school.
 - e. The child has driving experience of at least one hour at night, one hour during winter conditions, and one hour on a gravel, dirt, or loose surface highway to which the parent or guardian of the child must attest.

The parent or guardian at all times is responsible for any and all damages growing out of the negligent operation of a motor vehicle by any such child. The provisions of this subsection do not authorize the child to drive a commercial truck, motorbus, or taxicab except the holder of a class D license, fourteen or fifteen years of age, may drive a farm motor vehicle having a gross weight of fifty thousand pounds [22679.62 kilograms] when used to transport agricultural products, farm machinery, or farm supplies to or from a farm when so operated within one hundred fifty miles [241.40 kilometers] of the driver's farm.

4. The director may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee is entitled to a hearing as upon a suspension or revocation under this chapter.
5. It is a class B misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to that person other than restrictions imposed under subsection 6. If the restricted license was issued under section 39-06.1-11 and the underlying suspension was imposed for a violation of section 39-08-01 or equivalent ordinance, or is governed by chapter 39-20, punishment is as provided in subsection 2 of section 39-06-42 and upon receiving notice of the conviction the director shall revoke, without opportunity for hearing, the licensee's restricted license and shall extend the underlying suspension for a like period of not more than one year. The director may not issue a restricted license for the extended period of suspension imposed under this subsection. If the conviction referred to in this section is reversed by an appellate court, the director shall restore the person to the status held by the person prior to the conviction, including restoration of driving privileges if appropriate.
6. A restricted license issued under subsection 3 to a child at least fourteen years of age to operate a parent's or guardian's automobile authorizes the licenseholder to drive the type or class of motor vehicle specified on the restricted license only under the following conditions:
 - a. A restricted licenseholder must be in possession of the license while operating the motor vehicle.
 - b. An individual holding a restricted driver's license driving a motor vehicle may not carry more passengers than the vehicle manufacturer's suggested passenger capacity."

Page 13, after line 13, insert:

"SECTION 21. A new section to chapter 54-27 of the North Dakota Century Code is created and enacted as follows:

Report on transportation funding and expenditures. Each county, city, and township shall provide to the tax commissioner an annual report on funding and expenditures relating to transportation projects and programs. The report must be provided within thirty-one days after the close of a calendar year. The report must contain by fund the beginning balance, revenues by major source, expenditures by major category, the ending balance, and any other information requested by the tax commissioner.

SECTION 22. AMENDMENT. Section 57-40.3-10 of the North Dakota Century Code is amended and reenacted as follows:

57-40.3-10. (Effective through June 30, 2009 2011) Transfer of revenue. All moneys collected and received under this chapter after moneys are deposited in the state aid distribution fund under section 57-39.2-26.1 must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited as follows:

1. ~~For~~ Twenty-five percent to the highway fund.
2. ~~Ninety~~ Seventy-five percent to the state general fund.

(Effective after June 30, 2009 2011) Transfer of revenue. All moneys collected and received under this chapter must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited to the general fund.

SECTION 23. LEGISLATIVE COUNCIL STUDY - FARGO DISTRICT OFFICE SITE. During the 2009-10 interim, the legislative council shall consider studying the feasibility and desirability of relocating the Fargo district office facility. The study, if conducted, must include a review of the estimated value of the current site property, the best use of the current property, and potential locations for a new district office facility. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 24. LEGISLATIVE COUNCIL STUDY - FEDERAL TRANSPORTATION MATCHING FUNDS. During the 2009-10 interim, the legislative council shall consider studying the potential options for matching federal highway construction funding. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 25. LEGISLATIVE INTENT - HIGHWAY-RELATED FUNDING ALLOCATIONS. It is the intent of the sixty-first legislative assembly that the department of transportation allocate highway-related funding to township, city, county, and state road projects to the extent possible in a proportion similar to distribution proportions of state highway tax distribution fund allocations to these entities for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 13, after line 15, insert:

"SECTION 27. EMERGENCY. Sections 2, 3, 4, 5, 6, 7, and 8 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98031.0224 FN 8

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2012 - Summary of House Action

	Executive Budget	Senate Version	House Changes	House Version
Adjutant General				
Total all funds	\$0	\$0	\$43,000,000	\$43,000,000
Less estimated income	0	0	43,000,000	43,000,000
General fund	\$0	\$0	\$0	\$0
Department of Transportation				
Total all funds	\$1,130,182,250	\$1,189,968,378	\$69,147,210	\$1,259,115,588
Less estimated income	1,010,182,250	1,069,968,378	184,547,210	1,254,515,588
General fund	\$120,000,000	\$120,000,000	(\$115,400,000)	\$4,600,000
Bill total				
Total all funds	\$1,130,182,250	\$1,189,968,378	\$112,147,210	\$1,302,115,588
Less estimated income	1,010,182,250	1,069,968,378	227,547,210	1,297,515,588
General fund	\$120,000,000	\$120,000,000	(\$115,400,000)	\$4,600,000

Senate Bill No. 2012 - Adjutant General - House Action

	Executive Budget	Senate Version	House Changes	House Version
Disaster relief			\$43,000,000	\$43,000,000
Total all funds	\$0	\$0	\$43,000,000	\$43,000,000
Less estimated income	0	0	43,000,000	43,000,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

Department No. 540 - Adjutant General - Detail of House Changes

	Adds Funding for Disaster Relief ¹	Total House Changes
Disaster relief	\$43,000,000	\$43,000,000
Total all funds	\$43,000,000	\$43,000,000
Less estimated income	43,000,000	43,000,000
General fund	\$0	\$0
FTE	0.00	0.00

¹ This amendment provides a \$43 million appropriation from the state disaster relief fund to the adjutant general. Of the total funding, \$20 million is to be used for emergency snow removal grants for the remainder of the 2007-09 biennium and \$23 million is to be used to pay costs of the 2009 flood disaster during the 2009-11 biennium. Sections are also added to provide guidelines for the distribution of these grants.

Senate Bill No. 2012 - Department of Transportation - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$151,520,269	\$151,520,269	(\$4,147,015)	\$147,373,254
Operating expenses	203,805,014	203,805,014	(11,000,000)	192,805,014
Capital assets	588,690,866	645,576,994	25,411,554	670,988,548
Grants	66,166,101	69,066,101	(1,800,000)	67,266,101
Transfer to highway tax dist. fund	120,000,000	120,000,000	(120,000,000)	
Federal fiscal stimulus funds			176,082,671	176,082,671
Transfer to highway fund			4,600,000	4,600,000
Total all funds	\$1,130,182,250	\$1,189,968,378	\$69,147,210	\$1,259,115,588
Less estimated income	1,010,182,250	1,069,968,378	184,547,210	1,254,515,588
General fund	\$120,000,000	\$120,000,000	(\$115,400,000)	\$4,600,000
FTE	1054.50	1055.50	(1.00)	1054.50

Department No. 801 - Department of Transportation - Detail of House Changes

	Removes Salary Equity Funding¹	Removes New FTE Position²	Provides Funding for New FTE Position³	Reduces Operating Expenses Funding⁴	Reduces Fleet Services Estimated Income⁵	Reduces Funding for Information Technology Projects⁶
Salaries and wages	(\$4,200,000)	(\$89,333)	\$142,318			
Operating expenses				(2,500,000)	(5,000,000)	(3,500,000)
Capital assets			(142,318)			
Grants						
Transfer to highway tax dist. fund						
Federal fiscal stimulus funds						
Transfer to highway fund						
Total all funds	(\$4,200,000)	(\$89,333)	\$0	(\$2,500,000)	(\$5,000,000)	(\$3,500,000)
Less estimated income	(4,200,000)	(89,333)	0	(2,500,000)	(5,000,000)	(3,500,000)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	(1.00)	0.00	0.00	0.00	0.00
	Removes Funding for Fargo District Building⁷	Appropriates Federal Fiscal Stimulus Funds⁸	Removes General Fund Transfer⁹	Removes Highway-Related Funding¹⁰	Adjusts Highway Funding¹¹	Transfers Funding to Highway Fund¹²
Salaries and wages						
Operating expenses						
Capital assets	(660,000)			(56,886,128)	30,500,000	
Grants				(1,800,000)		
Transfer to highway tax dist. fund			(120,000,000)			
Federal fiscal stimulus funds		176,082,671				
Transfer to highway fund						4,600,000
Total all funds	(\$660,000)	\$176,082,671	(\$120,000,000)	(\$58,686,128)	\$30,500,000	\$4,600,000
Less estimated income	(660,000)	176,082,671	0	(58,686,128)	30,500,000	0
General fund	\$0	\$0	(\$120,000,000)	\$0	\$0	\$4,600,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds Funding for Devils Lake Projects ¹³	Total House Changes
Salaries and wages		(\$4,147,015)
Operating expenses		(11,000,000)
Capital assets	52,600,000	25,411,554
Grants		(1,800,000)
Transfer to highway tax dist. fund		(120,000,000)
Federal fiscal stimulus funds		176,082,671
Transfer to highway fund		4,600,000
Total all funds	\$52,600,000	\$69,147,210
Less estimated income	52,600,000	184,547,210
General fund	\$0	(\$115,400,000)
FTE	0.00	(1.00)

¹ This amendment removes funding added in the executive budget for state employee salary equity adjustments.

² This amendment removes 1 FTE driver's license examiner position added in the executive budget and related funding from the state highway fund of \$89,333.

³ Funding of \$142,318 is transferred from the capital assets line item to the salaries and wages line item for a new title VI coordinating FTE position added by the Senate.

Funding for operating expenses is reduced by \$2,500,000 from the state highway fund.

⁵ This amendment reduces the amount of estimated income to be received by Fleet Services from state agencies for motor pool costs by \$5 million.

⁶ This amendment reduces funding for information technology projects to provide a total of \$5,377,437 to be used for projects as prioritized by the department. Projects included in the executive recommendation were the driver's license mainframe project (\$7,500,000), asset management software (\$540,000), registration notification renewal card printer replacement (\$374,400), position information questionnaire rewrite (\$241,837), and department electronic forms solution (\$221,200).

⁷ Funding included in the executive budget for an equipment storage building in the Fargo district is removed.

⁸ This amendment appropriates federal fiscal stimulus funds from the American Recovery and Reinvestment Act of 2009 available for highway infrastructure investment (\$170,126,497) and grants to rural transit programs (\$5,956,174).

⁹ This amendment removes the \$120 million transfer from the general fund to the highway tax distribution fund included in the executive budget.

¹⁰ This amendment removes funding added by the Senate for highway-related activities that was anticipated to be available in the state highway fund as a result of the \$120 million transfer from the general fund to the highway tax distribution fund. The amendment also removes \$1.8 million from the grants line item that was anticipated to be distributed to transit programs as a result of the general fund transfer.

¹¹ This amendment provides \$30.5 million of additional funding for highway projects due to depositing 25 percent of motor vehicle excise tax collections in the state highway fund for the 2009-11 biennium.

A transfer of \$4.6 million is provided from the general fund to the state highway fund for highway projects in the Devils Lake area.

This amendment provides \$4.6 million of funding from the highway fund and \$48 million from federal funds for highway projects in the Devils Lake area.

This amendment also:

- Removes Section 4 relating to the appropriation of additional funding available in the state highway fund.
- Removes Section 5 relating to the authorization to hire additional full-time employees.
- Removes Section 7 relating to the appropriation of additional funding received by Fleet Services.
- Adds a section designating United States Highway 85 as the Theodore Roosevelt Expressway.
- Adds sections to provide for Legislative Council studies regarding the Fargo district office facility location and potential options for matching federal highway funds.
- Adds a section providing direction regarding the use of transportation-related funding.
- Adds a new section to North Dakota Century Code (NDCC) Chapter 54-27 regarding reporting requirements of political subdivisions on the use of transportation funding.
- Adds a section to provide that any funding received by the state, counties, cities, and townships in excess of the amounts received through the highway tax distribution fund are considered one-time funding.
- Adds a section requiring counties, cities, and townships to provide an annual report to the Tax Commissioner on transportation program funding.
- Adds a section providing that 25 percent of motor vehicle excise tax collections be deposited in the state highway fund rather than 100 percent in the general fund. The section is effective for the 2009-11 biennium only.
- Adds a section appropriating \$71.5 million from the general fund to the State Treasurer for weather-related cost-sharing distributions to political subdivisions for the remainder of the 2007-09 biennium.
- Adds sections to create a state disaster relief fund and provide a \$43 million transfer from the general fund to the state disaster relief fund.
- Adds a section amending NDCC Section 39-06-17 relating to restricted drivers' licenses.
- Adds an emergency section.

Date: 4/23/09
 Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2012

Full House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Subst amend. 0224 of Maj. Report

Motion Made By Delzer Seconded By Skarphol

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓	/			
Vice Chairman Kempenich	✓	/			
Rep. Skarphol	✓	/	Rep. Kroeber	✓	/
Rep. Wald	✓	/	Rep. Onstad	✓	/
Rep. Hawken	✓	/	Rep. Williams	✓	/
Rep. Klein	✓	/			
Rep. Martinson	✓	/			
Rep. Delzer	✓	/	Rep. Glassheim	✓	/
Rep. Thoreson	✓	/	Rep. Kaldor	✓	/
Rep. Berg	✓	/	Rep. Meyer	✓	/
Rep. Dosch	✓	/			
Rep. Pollert	✓	/	Rep. Ekstrom	✓	/
Rep. Bellew	✓	/	Rep. Kerzman	✓	/
Rep. Kreidt	✓	/	Rep. Metcalf	✓	/
Rep. Nelson	✓	/			
Rep. Wieland	✓	/			

Total (Yes) 29 No 0

Absent 0

Floor Assignment _____

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

VR
4/24/09
1081b

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

Page 1, line 2, after the semicolon insert "to provide an appropriation to the state treasurer; to provide for budget section reports; to provide for a state disaster relief fund; to create and enact a new section to chapter 24-01 and a new section to chapter 54-27 of the North Dakota Century Code, relating to the name of United States Highway 85 and transportation funding reports;"; after "39-04-19" insert ", 39-06-17", and after "54-27-19.1" insert ", 57-40.3-10"

Page 1, line 4, after "disasters" insert ", restricted operators' licenses,"

Page 1, line 6, remove "and" and replace "a transfer" with "transfers; to provide for legislative council studies; to provide legislative intent; to provide an effective date; to provide an expiration date; and to declare an emergency"

Page 1, line 16, replace "24,194,030" with "20,047,015" and replace "151,520,269" with "147,373,254"

Page 1, line 17, replace "29,107,351" with "18,107,351" and replace "203,805,014" with "192,805,014"

Page 1, line 18, replace "96,855,896" with "122,267,450" and replace "645,576,994" with "670,988,548"

Page 1, line 19, replace "16,653,601" with "14,853,601" and replace "69,066,101" with "67,266,101"

Page 1, line 20, replace "166,810,878" with "175,275,417" and replace "1,069,968,378" with "1,078,432,917"

Page 1, line 21, replace "3.00" with "2.00" and replace "1,055.50" with "1,054.50"

Page 1, replace lines 22 through 24 with:

"SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the department of transportation, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Highway infrastructure	\$170,126,497
Grants to rural transit programs	<u>5,956,174</u>
Total federal funds	\$176,082,671

The department of transportation may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated under this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be

2 of 10

replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

SECTION 3. APPROPRIATION - STATE TREASURER - WEATHER-RELATED COST-SHARING PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$71,500,000, or so much of the sum as may be necessary, to the state treasurer for the purpose of providing weather-related cost-sharing funds, for the period beginning with the effective date of this Act and ending June 30, 2009. The state treasurer shall distribute the funds appropriated under this section before June 30, 2009, as follows:

1. Ten million to townships in accordance with the formula used to distribute funds to townships under section 54-27-19.1, except that organized townships are not required to provide matching funds to receive distributions under this section.
2. Fifty-four million to counties and cities in accordance with the formula used to distribute funds to counties and cities under subsection 2 of section 54-27-19.
3. Seven million five hundred thousand to the state highway fund.

SECTION 4. State disaster relief fund - Creation - Uses. There is created in the state treasury a state disaster relief fund. Moneys in the fund are to be used subject to legislative appropriations for providing funding for defraying the expenses of state disasters, including providing funds required to match federal funds for expenses associated with presidential-declared disasters in the state. Any interest or other fund earnings must be deposited in the fund.

SECTION 5. APPROPRIATION - TRANSFER. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$43,000,000, which the office of management and budget shall transfer to the state disaster relief fund during the period beginning with the effective date of this Act and ending June 30, 2009.

SECTION 6. APPROPRIATION - ADJUTANT GENERAL - BUDGET SECTION APPROVAL. There is appropriated out of any moneys in the state disaster relief fund in the state treasury, not otherwise appropriated, the sum of \$43,000,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of providing emergency relief funding, for the period beginning with the effective date of this Act and ending June 30, 2011. The adjutant general may use up to \$20,000,000 of the funds appropriated in this section for the purpose of providing emergency snow removal grants to counties, cities, and townships in accordance with section 7 of this Act. The adjutant general may use up to \$23,000,000 of the funds appropriated in this section for paying costs relating to the 2009 flood disaster in accordance with section 8 of this Act.

SECTION 7. EMERGENCY SNOW REMOVAL GRANTS - GUIDELINES - BUDGET SECTION REPORT. A political subdivision may apply to the department of emergency services for an emergency snow removal grant for reimbursement of a portion of the costs incurred by the political subdivision for the period January 2009 through March 2009 that exceed two hundred percent of the average costs incurred for these months in 2004 through 2008, as follows:

1. For counties and townships, fifty percent of the excess costs.
2. For cities with a population of five thousand or less, fifty percent of the excess costs.

- 3. For cities with a population of more than five thousand, twenty-five percent of the excess costs.

Each political subdivision requesting reimbursement under this section must submit the request in accordance with rules developed by the department of emergency services. The department of emergency services shall distribute these grants prior to June 30, 2009, and shall report to the budget section regarding the grants awarded under this section.

SECTION 8. EMERGENCY FLOOD RELIEF GRANTS - GUIDELINES - BUDGET SECTION REPORT - BUDGET SECTION APPROVAL. A political subdivision receiving federal emergency relief funding for road repairs or improvements relating to the 2009 flood disaster may apply to the department of emergency services for an emergency flood relief grant of up to fifty percent of the local match required to receive the federal emergency relief funding. Each political subdivision requesting reimbursement under this section must submit the request in accordance with rules developed by the department of emergency services. The department of emergency services may distribute up to \$13,000,000 of grants under this section. Any additional grant expenditures require budget section approval. The department of emergency services shall report to the budget section on grants awarded under this section in the fourth quarter of calendar year 2009 and the third quarter of calendar year 2010.

SECTION 9. APPROPRIATION - TRANSFER - STATE HIGHWAY FUND. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,600,000, which the office of management and budget shall transfer to the state highway fund for the purpose of defraying the expenses of highway projects in the Devils Lake area, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 10. USE OF HIGHWAY FUNDING - REPORT TO THE BUDGET SECTION. The department of transportation shall coordinate with the department of emergency services to compile information regarding the use of state, federal, emergency, and other highway funding by the department of transportation, counties, cities, and townships during the biennium beginning July 1, 2009, and ending June 30, 2011. The department of transportation shall provide periodic reports to the budget section regarding the use of funds during the 2009-10 interim.

SECTION 11. HIGHWAY FUNDING - ONE-TIME FUNDING. Any highway funding received by the state, counties, cities, and townships in excess of the amounts received through distributions from the highway tax distribution fund under section 54-27-19 or existing federal highway aid programs is considered one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 2, remove lines 1 through 29

Page 3, replace lines 4 through 10 with:

"**SECTION 13.** A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

Theodore Roosevelt expressway - United States highway 85.
Notwithstanding any previous designation, the department shall designate United States highway 85 as the Theodore Roosevelt expressway and at a minimum shall place signs along the highway designating that name and may use any appropriate signs donated to the department."

Page 9, after line 13, insert:

"SECTION 16. AMENDMENT. Section 39-06-17 of the North Dakota Century Code is amended and reenacted as follows:

39-06-17. Restricted licenses - Penalty for violation.

1. The director, upon issuing an operator's license or a temporary restricted operator's license pursuant to section 39-06.1-11, has authority to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the director may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.
2. The director may either issue a special restricted license or may set forth such restrictions upon the usual license form. The director shall likewise restrict licenses pursuant to the requirements of section 39-16.1-09.
3. A restricted operator's license or permit to operate the parent's or guardian's automobile, or an automobile which is equipped with dual controls and while accompanied by a qualified instructor, may be issued to any child, who is at least fourteen years of age, and otherwise qualified, upon the written recommendation of the parent or guardian. A child may operate an automobile that is not the parent's or guardian's to take the road test. No operator's license may be issued until the child, accompanied by the parent or guardian, appears in person and satisfies the director that:
 - a. The child is at least fourteen years of age.
 - b. The child is qualified to operate an automobile safely.
 - c. It is necessary for the child to drive the parent's or guardian's automobile without being accompanied by an adult.
 - d. The child has:
 - (1) Completed a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or
 - (2) Successfully completed a course at an approved commercial driver training school.
 - e. The child has driving experience of at least one hour at night, one hour during winter conditions, and one hour on a gravel, dirt, or loose surface highway to which the parent or guardian of the child must attest.

The parent or guardian at all times is responsible for any and all damages growing out of the negligent operation of a motor vehicle by any such child. The provisions of this subsection do not authorize the child to drive a commercial truck, motorbus, or taxicab except the holder of a class D license, fourteen or fifteen years of age, may drive a farm motor vehicle having a gross weight of fifty thousand pounds [22679.62 kilograms] when used to transport agricultural products, farm machinery, or farm supplies to or from a farm when so operated within one hundred fifty miles [241.40 kilometers] of the driver's farm.

4. The director may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee is entitled to a hearing as upon a suspension or revocation under this chapter.
5. It is a class B misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to that person other than restrictions imposed under subsection 6. If the restricted license was issued under section 39-06.1-11 and the underlying suspension was imposed for a violation of section 39-08-01 or equivalent ordinance, or is governed by chapter 39-20, punishment is as provided in subsection 2 of section 39-06-42 and upon receiving notice of the conviction the director shall revoke, without opportunity for hearing, the licensee's restricted license and shall extend the underlying suspension for a like period of not more than one year. The director may not issue a restricted license for the extended period of suspension imposed under this subsection. If the conviction referred to in this section is reversed by an appellate court, the director shall restore the person to the status held by the person prior to the conviction, including restoration of driving privileges if appropriate.
6. A restricted license issued under subsection 3 to a child at least fourteen years of age to operate a parent's or guardian's automobile authorizes the licenseholder to drive the type or class of motor vehicle specified on the restricted license only under the following conditions:
 - a. A restricted licenseholder must be in possession of the license while operating the motor vehicle.
 - b. An individual holding a restricted driver's license driving a motor vehicle may not carry more passengers than the vehicle manufacturer's suggested passenger capacity."

Page 12, after line 17, insert:

"SECTION 19. A new section to chapter 54-27 of the North Dakota Century Code is created and enacted as follows:

Report on transportation funding and expenditures. Each county, city, and township shall provide to the tax commissioner an annual report on funding and expenditures relating to transportation projects and programs. The report must be provided within thirty-one days after the close of a calendar year. The report must contain by fund the beginning balance, revenues by major source, expenditures by major category, the ending balance, and any other information requested by the tax commissioner.

SECTION 20. AMENDMENT. Section 57-40.3-10 of the North Dakota Century Code is amended and reenacted as follows:

57-40.3-10. (Effective through June 30, 2009 2011) Transfer of revenue. All moneys collected and received under this chapter after moneys are deposited in the state aid distribution fund under section 57-39.2-26.1 must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited as follows:

1. ~~Ten~~ Twenty-five percent to the highway fund.
2. Ninety ~~Seventy-five~~ percent to the state general fund.

Wof/D

(Effective after June 30, 2009 2011) Transfer of revenue. All moneys collected and received under this chapter must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited to the general fund."

Page 13, after line 13, insert:

"SECTION 23. LEGISLATIVE COUNCIL STUDY - FARGO DISTRICT OFFICE SITE. During the 2009-10 interim, the legislative council shall consider studying the feasibility and desirability of relocating the Fargo district office facility. The study, if conducted, must include a review of the estimated value of the current site property, the best use of the current property, and potential locations for a new district office facility. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 24. LEGISLATIVE COUNCIL STUDY - FEDERAL TRANSPORTATION MATCHING FUNDS. During the 2009-10 interim, the legislative council shall consider studying the potential options for matching federal highway construction funding. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 25. LEGISLATIVE INTENT - HIGHWAY-RELATED FUNDING ALLOCATIONS. It is the intent of the sixty-first legislative assembly that the department of transportation allocate highway-related funding to township, city, county, and state road projects to the extent possible in a proportion similar to distribution proportions of state highway tax distribution fund allocations to these entities for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 13, after line 15, insert:

"SECTION 27. EMERGENCY. Sections 2, 3, 4, 5, 6, 7, and 8 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98031.0225 FN 8

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2012 - Summary of House Action

	Executive Budget	Senate Version	House Changes	House Version
Adjutant General				
Total all funds	\$0	\$0	\$43,000,000	\$43,000,000
Less estimated income	0	0	43,000,000	43,000,000
General fund	\$0	\$0	\$0	\$0
Department of Transportation				
Total all funds	\$1,130,182,250	\$1,189,968,378	\$69,147,210	\$1,259,115,588
Less estimated income	1,010,182,250	1,069,968,378	184,547,210	1,254,515,588
General fund	\$120,000,000	\$120,000,000	(\$115,400,000)	\$4,600,000
Bill total				
Total all funds	\$1,130,182,250	\$1,189,968,378	\$112,147,210	\$1,302,115,588
Less estimated income	1,010,182,250	1,069,968,378	227,547,210	1,297,515,588
General fund	\$120,000,000	\$120,000,000	(\$115,400,000)	\$4,600,000

Senate Bill No. 2012 - Adjutant General - House Action

	Executive Budget	Senate Version	House Changes	House Version
Disaster relief			\$43,000,000	\$43,000,000
Total all funds	\$0	\$0	\$43,000,000	\$43,000,000
Less estimated income	0	0	43,000,000	43,000,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

Department No. 540 - Adjutant General - Detail of House Changes

	Adds Funding for Disaster Relief ¹	Total House Changes
Disaster relief	\$43,000,000	\$43,000,000
Total all funds	\$43,000,000	\$43,000,000
Less estimated income	43,000,000	43,000,000
General fund	\$0	\$0
FTE	0.00	0.00

¹ This amendment provides a \$43 million appropriation from the state disaster relief fund to the adjutant general. Of the total funding, \$20 million is to be used for emergency snow removal grants for the remainder of the 2007-09 biennium and \$23 million is to be used to pay costs of the 2009 flood disaster during the 2009-11 biennium. Sections are also added to provide guidelines for the distribution of these grants.

Senate Bill No. 2012 - Department of Transportation - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$151,520,269	\$151,520,269	(\$4,147,015)	\$147,373,254
Operating expenses	203,805,014	203,805,014	(11,000,000)	192,805,014
Capital assets	588,690,866	645,576,994	25,411,554	670,988,548
Grants	66,166,101	69,066,101	(1,800,000)	67,266,101
Transfer to highway tax dist. fund	120,000,000	120,000,000	(120,000,000)	
Federal fiscal stimulus funds			176,082,671	176,082,671
Transfer to highway fund			4,600,000	4,600,000
Total all funds	\$1,130,182,250	\$1,189,968,378	\$69,147,210	\$1,259,115,588
Less estimated income	1,010,182,250	1,069,968,378	184,547,210	1,254,515,588
General fund	\$120,000,000	\$120,000,000	(\$115,400,000)	\$4,600,000
FTE	1054.50	1055.50	(1.00)	1054.50

Department No. 801 - Department of Transportation - Detail of House Changes

	Removes Salary Equity Funding¹	Removes New FTE Position²	Provides Funding for New FTE Position³	Reduces Operating Expenses Funding⁴	Reduces Fleet Services Estimated Income⁵	Reduces Funding for Information Technology Projects⁶
Salaries and wages	(\$4,200,000)	(\$89,333)	\$142,318			
Operating expenses				(2,500,000)	(5,000,000)	(3,500,000)
Capital assets			(142,318)			
Grants						
Transfer to highway tax dist. fund						
Federal fiscal stimulus funds						
Transfer to highway fund						
Total all funds	(\$4,200,000)	(\$89,333)	\$0	(\$2,500,000)	(\$5,000,000)	(\$3,500,000)
Less estimated income	(4,200,000)	(89,333)	0	(2,500,000)	(5,000,000)	(3,500,000)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	(1.00)	0.00	0.00	0.00	0.00

	Removes Funding for Fargo District Building⁷	Appropriates Federal Fiscal Stimulus Funds⁸	Removes General Fund Transfer⁹	Removes Highway-Related Funding¹⁰	Adjusts Highway Funding¹¹	Transfers Funding to Highway Fund¹²
Salaries and wages						
Operating expenses						
Capital assets	(660,000)			(56,886,128)	30,500,000	
Grants				(1,800,000)		
Transfer to highway tax dist. fund			(120,000,000)			
Federal fiscal stimulus funds		176,082,671				
Transfer to highway fund						4,600,000
Total all funds	(\$660,000)	\$176,082,671	(\$120,000,000)	(\$58,686,128)	\$30,500,000	\$4,600,000
Less estimated income	(660,000)	176,082,671	0	(58,686,128)	30,500,000	0
General fund	\$0	\$0	(\$120,000,000)	\$0	\$0	\$4,600,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds Funding for Devils Lake Projects ¹³	Total House Changes
Salaries and wages		(\$4,147,015)
Operating expenses		(11,000,000)
Capital assets	52,600,000	25,411,554
Grants		(1,800,000)
Transfer to highway tax dist. fund		(120,000,000)
Federal fiscal stimulus funds		176,082,671
Transfer to highway fund		4,600,000
Total all funds	\$52,600,000	\$69,147,210
Less estimated income	52,600,000	184,547,210
General fund	\$0	(\$115,400,000)
FTE	0.00	(1.00)

- ¹ This amendment removes funding added in the executive budget for state employee salary equity adjustments.
- ² This amendment removes 1 FTE driver's license examiner position added in the executive budget and related funding from the state highway fund of \$89,333.
- ³ Funding of \$142,318 is transferred from the capital assets line item to the salaries and wages line item for a new title VI coordinating FTE position added by the Senate.
- ⁴ Funding for operating expenses is reduced by \$2,500,000 from the state highway fund.
- ⁵ This amendment reduces the amount of estimated income to be received by Fleet Services from state agencies for motor pool costs by \$5 million.
- ⁶ This amendment reduces funding for information technology projects to provide a total of \$5,377,437 to be used for projects as prioritized by the department. Projects included in the executive recommendation were the driver's license mainframe project (\$7,500,000), asset management software (\$540,000), registration notification renewal card printer replacement (\$374,400), position information questionnaire rewrite (\$241,837), and department electronic forms solution (\$221,200).
- ⁷ Funding included in the executive budget for an equipment storage building in the Fargo district is removed.
- ⁸ This amendment appropriates federal fiscal stimulus funds from the American Recovery and Reinvestment Act of 2009 available for highway infrastructure investment (\$170,126,497) and grants to rural transit programs (\$5,956,174).
- ⁹ This amendment removes the \$120 million transfer from the general fund to the highway tax distribution fund included in the executive budget.
- ¹⁰ This amendment removes funding added by the Senate for highway-related activities that was anticipated to be available in the state highway fund as a result of the \$120 million transfer from the general fund to the highway tax distribution fund. The amendment also removes \$1.8 million from the grants line item that was anticipated to be distributed to transit programs as a result of the general fund transfer.
- ¹¹ This amendment provides \$30.5 million of additional funding for highway projects due to depositing 25 percent of motor vehicle excise tax collections in the state highway fund for the 2009-11 biennium.
- ¹² A transfer of \$4.6 million is provided from the general fund to the state highway fund for highway projects in the Devils Lake area.
- ¹³ This amendment provides \$4.6 million of funding from the highway fund and \$48 million from federal funds for highway projects in the Devils Lake area.

This amendment also:

- Removes Section 4 relating to the appropriation of additional funding available in the state highway fund.
- Removes Section 5 relating to the authorization to hire additional full-time employees.
- Removes Section 7 relating to the appropriation of additional funding received by Fleet Services.
- Adds a section designating United States Highway 85 as the Theodore Roosevelt Expressway.
- Adds sections to provide for Legislative Council studies regarding the Fargo district office facility location and potential options for matching federal highway funds.
- Adds a section providing direction regarding the use of transportation-related funding.
- Adds a new section to North Dakota Century Code (NDCC) Chapter 54-27 regarding reporting requirements of political subdivisions on the use of transportation funding.
- Adds a section to provide that any funding received by the state, counties, cities, and townships in excess of the amounts received through the highway tax distribution fund are considered one-time funding.
- Adds a section requiring counties, cities, and townships to provide an annual report to the Tax Commissioner on transportation program funding.
- Adds a section providing that 25 percent of motor vehicle excise tax collections be deposited in the state highway fund rather than 100 percent in the general fund. The section is effective for the 2009-11 biennium only.
- Adds a section appropriating \$71.5 million from the general fund to the State Treasurer for weather-related cost-sharing distributions to political subdivisions for the remainder of the 2007-09 biennium.
- Adds sections to create a state disaster relief fund and provide a \$43 million transfer from the general fund to the state disaster relief fund.
- Adds a section amending NDCC Section 39-06-17 relating to restricted drivers' licenses.
- Adds an emergency section.

Date: 4/23/09
 Roll Call Vote #: 3

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2012

Full House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass & Amended

Motion Made By Delzer Seconded By Skarphol

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓	/			
Vice Chairman Kempenich	✓	/			
Rep. Skarphol	✓	/	Rep. Kroeber	✓	/
Rep. Wald	✓	/	Rep. Onstad	✓	/
Rep. Hawken	✓	/	Rep. Williams	✓	/
Rep. Klein	✓	/			
Rep. Martinson	✓	/			
Rep. Delzer	✓	/	Rep. Glasheim	✓	/
Rep. Thoreson	✓	/	Rep. Kaldor	✓	/
Rep. Berg	✓	/	Rep. Meyer	✓	/
Rep. Dosch	✓	/			
Rep. Pollert	✓	/	Rep. Ekstrom	✓	/
Rep. Bellew		/	Rep. Kerzman	✓	/
Rep. Kreidt	✓	/	Rep. Metcalf	✓	/
Rep. Nelson	✓	/			
Rep. Wieland	✓	/			

Total (Yes) 24 No 1

Absent 0

Floor Assignment Rep. Delzer

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

REPORT OF STANDING COMMITTEE

SB 2012, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (24 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2012 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide an appropriation to the state treasurer; to provide for budget section reports; to provide for a state disaster relief fund; to create and enact a new section to chapter 24-01 and a new section to chapter 54-27 of the North Dakota Century Code, relating to the name of United States Highway 85 and transportation funding reports;"; after "39-04-19" insert ", 39-06-17", and after "54-27-19.1" insert ", 57-40.3-10"

Page 1, line 4, after "disasters" insert ", restricted operators' licenses,"

Page 1, line 6, remove "and" and replace "a transfer" with "transfers; to provide for legislative council studies; to provide legislative intent; to provide an effective date; to provide an expiration date; and to declare an emergency"

Page 1, line 16, replace "24,194,030" with "20,047,015" and replace "151,520,269" with "147,373,254"

Page 1, line 17, replace "29,107,351" with "18,107,351" and replace "203,805,014" with "192,805,014"

Page 1, line 18, replace "96,855,896" with "122,267,450" and replace "645,576,994" with "670,988,548"

Page 1, line 19, replace "16,653,601" with "14,853,601" and replace "69,066,101" with "67,266,101"

Page 1, line 20, replace "166,810,878" with "175,275,417" and replace "1,069,968,378" with "1,078,432,917"

Page 1, line 21, replace "3.00" with "2.00" and replace "1,055.50" with "1,054.50"

Page 1, replace lines 22 through 24 with:

"SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the department of transportation, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Highway infrastructure	\$170,126,497
Grants to rural transit programs	<u>5,956,174</u>
Total federal funds	\$176,082,671

The department of transportation may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated under this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be

replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

SECTION 3. APPROPRIATION - STATE TREASURER - WEATHER-RELATED COST-SHARING PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$71,500,000, or so much of the sum as may be necessary, to the state treasurer for the purpose of providing weather-related cost-sharing funds, for the period beginning with the effective date of this Act and ending June 30, 2009. The state treasurer shall distribute the funds appropriated under this section before June 30, 2009, as follows:

1. Ten million to townships in accordance with the formula used to distribute funds to townships under section 54-27-19.1, except that organized townships are not required to provide matching funds to receive distributions under this section.
2. Fifty-four million to counties and cities in accordance with the formula used to distribute funds to counties and cities under subsection 2 of section 54-27-19.
3. Seven million five hundred thousand to the state highway fund.

SECTION 4. State disaster relief fund - Creation - Uses. There is created in the state treasury a state disaster relief fund. Moneys in the fund are to be used subject to legislative appropriations for providing funding for defraying the expenses of state disasters, including providing funds required to match federal funds for expenses associated with presidential-declared disasters in the state. Any interest or other fund earnings must be deposited in the fund.

SECTION 5. APPROPRIATION - TRANSFER. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$43,000,000, which the office of management and budget shall transfer to the state disaster relief fund during the period beginning with the effective date of this Act and ending June 30, 2009.

SECTION 6. APPROPRIATION - ADJUTANT GENERAL - BUDGET SECTION APPROVAL. There is appropriated out of any moneys in the state disaster relief fund in the state treasury, not otherwise appropriated, the sum of \$43,000,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of providing emergency relief funding, for the period beginning with the effective date of this Act and ending June 30, 2011. The adjutant general may use up to \$20,000,000 of the funds appropriated in this section for the purpose of providing emergency snow removal grants to counties, cities, and townships in accordance with section 7 of this Act. The adjutant general may use up to \$23,000,000 of the funds appropriated in this section for paying costs relating to the 2009 flood disaster in accordance with section 8 of this Act.

SECTION 7. EMERGENCY SNOW REMOVAL GRANTS - GUIDELINES - BUDGET SECTION REPORT. A political subdivision may apply to the department of emergency services for an emergency snow removal grant for reimbursement of a portion of the costs incurred by the political subdivision for the period January 2009 through March 2009 that exceed two hundred percent of the average costs incurred for these months in 2004 through 2008, as follows:

1. For counties and townships, fifty percent of the excess costs.

2. For cities with a population of five thousand or less, fifty percent of the excess costs.
3. For cities with a population of more than five thousand, twenty-five percent of the excess costs.

Each political subdivision requesting reimbursement under this section must submit the request in accordance with rules developed by the department of emergency services. The department of emergency services shall distribute these grants prior to June 30, 2009, and shall report to the budget section regarding the grants awarded under this section.

SECTION 8. EMERGENCY FLOOD RELIEF GRANTS - GUIDELINES - BUDGET SECTION REPORT - BUDGET SECTION APPROVAL. A political subdivision receiving federal emergency relief funding for road repairs or improvements relating to the 2009 flood disaster may apply to the department of emergency services for an emergency flood relief grant of up to fifty percent of the local match required to receive the federal emergency relief funding. Each political subdivision requesting reimbursement under this section must submit the request in accordance with rules developed by the department of emergency services. The department of emergency services may distribute up to \$13,000,000 of grants under this section. Any additional grant expenditures require budget section approval. The department of emergency services shall report to the budget section on grants awarded under this section in the fourth quarter of calendar year 2009 and the third quarter of calendar year 2010.

SECTION 9. APPROPRIATION - TRANSFER - STATE HIGHWAY FUND. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,600,000, which the office of management and budget shall transfer to the state highway fund for the purpose of defraying the expenses of highway projects in the Devils Lake area, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 10. USE OF HIGHWAY FUNDING - REPORT TO THE BUDGET SECTION. The department of transportation shall coordinate with the department of emergency services to compile information regarding the use of state, federal, emergency, and other highway funding by the department of transportation, counties, cities, and townships during the biennium beginning July 1, 2009, and ending June 30, 2011. The department of transportation shall provide periodic reports to the budget section regarding the use of funds during the 2009-10 interim.

SECTION 11. HIGHWAY FUNDING - ONE-TIME FUNDING. Any highway funding received by the state, counties, cities, and townships in excess of the amounts received through distributions from the highway tax distribution fund under section 54-27-19 or existing federal highway aid programs is considered one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 2, remove lines 1 through 29

Page 3, replace lines 4 through 10 with:

"SECTION 13. A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

Theodore Roosevelt expressway - United States highway 85.
Notwithstanding any previous designation, the department shall designate United States highway 85 as the Theodore Roosevelt expressway and at a minimum shall

place signs along the highway designating that name and may use any appropriate signs donated to the department."

Page 9, after line 13, insert:

"SECTION 16. AMENDMENT. Section 39-06-17 of the North Dakota Century Code is amended and reenacted as follows:

39-06-17. Restricted licenses - Penalty for violation.

1. The director, upon issuing an operator's license or a temporary restricted operator's license pursuant to section 39-06.1-11, has authority to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the director may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.
2. The director may either issue a special restricted license or may set forth such restrictions upon the usual license form. The director shall likewise restrict licenses pursuant to the requirements of section 39-16.1-09.
3. A restricted operator's license or permit to operate the parent's or guardian's automobile, or an automobile which is equipped with dual controls and while accompanied by a qualified instructor, may be issued to any child, who is at least fourteen years of age, and otherwise qualified, upon the written recommendation of the parent or guardian. A child may operate an automobile that is not the parent's or guardian's to take the road test. No operator's license may be issued until the child, accompanied by the parent or guardian, appears in person and satisfies the director that:
 - a. The child is at least fourteen years of age.
 - b. The child is qualified to operate an automobile safely.
 - c. It is necessary for the child to drive the parent's or guardian's automobile without being accompanied by an adult.
 - d. The child has:
 - (1) Completed a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or
 - (2) Successfully completed a course at an approved commercial driver training school.
 - e. The child has driving experience of at least one hour at night, one hour during winter conditions, and one hour on a gravel, dirt, or loose surface highway to which the parent or guardian of the child must attest.

The parent or guardian at all times is responsible for any and all damages growing out of the negligent operation of a motor vehicle by any such child. The provisions of this subsection do not authorize the child to drive a commercial truck, motorbus, or taxicab except the holder of a class D license, fourteen or fifteen years of age, may drive a farm motor vehicle

having a gross weight of fifty thousand pounds [22679.62 kilograms] when used to transport agricultural products, farm machinery, or farm supplies to or from a farm when so operated within one hundred fifty miles [241.40 kilometers] of the driver's farm.

4. The director may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee is entitled to a hearing as upon a suspension or revocation under this chapter.
5. It is a class B misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to that person other than restrictions imposed under subsection 6. If the restricted license was issued under section 39-06.1-11 and the underlying suspension was imposed for a violation of section 39-08-01 or equivalent ordinance, or is governed by chapter 39-20, punishment is as provided in subsection 2 of section 39-06-42 and upon receiving notice of the conviction the director shall revoke, without opportunity for hearing, the licensee's restricted license and shall extend the underlying suspension for a like period of not more than one year. The director may not issue a restricted license for the extended period of suspension imposed under this subsection. If the conviction referred to in this section is reversed by an appellate court, the director shall restore the person to the status held by the person prior to the conviction, including restoration of driving privileges if appropriate.
6. A restricted license issued under subsection 3 to a child at least fourteen years of age to operate a parent's or guardian's automobile authorizes the licenseholder to drive the type or class of motor vehicle specified on the restricted license only under the following conditions:
 - a. A restricted licenseholder must be in possession of the license while operating the motor vehicle.
 - b. An individual holding a restricted driver's license driving a motor vehicle may not carry more passengers than the vehicle manufacturer's suggested passenger capacity."

Page 12, after line 17, insert:

"SECTION 19. A new section to chapter 54-27 of the North Dakota Century Code is created and enacted as follows:

Report on transportation funding and expenditures. Each county, city, and township shall provide to the tax commissioner an annual report on funding and expenditures relating to transportation projects and programs. The report must be provided within thirty-one days after the close of a calendar year. The report must contain by fund the beginning balance, revenues by major source, expenditures by major category, the ending balance, and any other information requested by the tax commissioner.

SECTION 20. AMENDMENT. Section 57-40.3-10 of the North Dakota Century Code is amended and reenacted as follows:

57-40.3-10. (Effective through June 30, 2009 2011) Transfer of revenue. All moneys collected and received under this chapter after moneys are deposited in the state aid distribution fund under section 57-39.2-26.1 must be transmitted monthly by

the director of the department of transportation to the state treasurer to be transferred and credited as follows:

1. ~~Ten~~ Twenty-five percent to the highway fund.
2. ~~Ninety~~ Seventy-five percent to the state general fund.

(Effective after June 30, 2009 2011) Transfer of revenue. All moneys collected and received under this chapter must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited to the general fund."

Page 13, after line 13, insert:

"SECTION 23. LEGISLATIVE COUNCIL STUDY - FARGO DISTRICT OFFICE SITE. During the 2009-10 interim, the legislative council shall consider studying the feasibility and desirability of relocating the Fargo district office facility. The study, if conducted, must include a review of the estimated value of the current site property, the best use of the current property, and potential locations for a new district office facility. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 24. LEGISLATIVE COUNCIL STUDY - FEDERAL TRANSPORTATION MATCHING FUNDS. During the 2009-10 interim, the legislative council shall consider studying the potential options for matching federal highway construction funding. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 25. LEGISLATIVE INTENT - HIGHWAY-RELATED FUNDING ALLOCATIONS. It is the intent of the sixty-first legislative assembly that the department of transportation allocate highway-related funding to township, city, county, and state road projects to the extent possible in a proportion similar to distribution proportions of state highway tax distribution fund allocations to these entities for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 13, after line 15, insert:

"SECTION 27. EMERGENCY. Sections 2, 3, 4, 5, 6, 7, and 8 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98031.0225 FN 8

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

2009 SENATE APPROPRIATIONS

CONFERENCE COMMITTEE

SB 2012

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2012

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 04-25-09

Recorder Job Number: 12271 and 12272

Committee Clerk Signature

Alice Delzer (Amendments)

Minutes:

Chairman Wardner called the conference committee to order on SB 2012 at 3:30 pm in regards to department of transportation. Let the record show that all conferees are present:

Senators: Wardner, Stenehjem, Warner; Representatives: Delzer, Carlson, Kaldor. Joe Morrissette, OMB and Brady Larson, Legislative Council also present.

Chairman Wardner, We are going to try to go through it in what I think is an efficient way. We will start with the engrossed Senate bill. When we are done with that we will start with the amendments in section 2, we will talk about the stimulus dollars which won't take too long, and then to section 3, the weather related costs programs, then to 4,5,6, 7 and 8 which talks about the disaster programs, and then sections 9, 10, 11 and 13. I will tell you that section 16 which is the reinstated license, leave until last. It is a side issue and we will keep going down the line until we are done. Then we will pull the highway tax distribution and the highway fund which is in existence today, the weather, the disaster, the stimulus money and kind of pull it together so we can see it in one picture. We are working off of the .0200 version of the bill.

Rep. Delzer, I am looking at the statement of purpose of our amendment relates to the sections that we would have removed. It looks to me like the first one we did out of here was remove section 4 which listed a certain amount of federal dollars and says any additional money would be appropriated in the department of transportation. Our thought on that was if

they get more money than what we appropriated all they would have to do is come before the emergency commission and budget section and request approval.

Chairman Wardner, what about sections 2 and 3 which have to do with the 120 M?

Rep. Delzer, We would have removed those.

Chairman Wardner, that is important as we go through these that everybody on the committee understands 120 M was removed, because when Representative Delzer goes through the other parts of it you need to be aware of that, that's not in there when he talks about the other issues.

Delzer, we removed section 5. We had a number of entities visit with us with concerns about the language that allows unlimited fulltime equivalent hiring by the department. So we removed that because we figure if there is something they can come to the emergency commission and justify cause to hire them they would still have that route to go that route. Anything that would be hired onto that would be scrutinized by the next legislature again before it would be automatically added to the numbers. # 6 we left in – the line item transfers. # 7 we took out, the fleet services upper limit saying anything above that if they are going to get more we also reduced fleet services by 5M in our amendments. Anything above that they need to come to the budget section.

Chairman Wardner, I believe that is it on the removals. Any question from the committee on the removals that you would like to ask. If not we will move to the amendments. We are talking about amendments .0225, section 2. Rep. Delzer, would you make comment on section 2.

(6.08) .

Rep. Delzer, section 2 is the stimulus funds, brought forth, explained the stimulus.

Section 3 talks about weather related cost sharing, the country side, the snow removal the flooding, relief, this section here allocates out of the 07-09 biennium, this is money that would

be if the emergency clause carries, 10M would go to the townships, 54M to county and cities and 7 1/2 M to state highway fund.

Senator Stemejhem, how did you come up with those numbers?

Delzer, the 10M costs going on with the townships, kind of the number that they needed to cover that, it was actually part of our the first amendment we did, we basically took the number at 1 point for counties and cities.

Senator Stemejhem, who figured that number and where did it come from.

Delzer, a group of us got together and listened to different items and we came up with it. And the 54 basically counties and cities share of the increase that was in the Governor's budget. It was their whole increase.

Senator Stemejhem, 34.5 % of 120M, how would it be their share.

Delzer, the increase of their share, from last biennium to next biennium it's the increase amount from those two. 33.9M and 20.1M.

Chairman Wardner, if we take the amount of the money for the counties and cities last biennium, with what we sent over to the House we should come up with that 54.

Delzer, this is not in your order those numbers are on this sheet.

Chairman Wardner, any other questions on the weather related costs, hat was a total of 71.5 M. Is this where you talked about the needs of the state?

Delzer, the excess costs for this winter, same as local.

Chairman Wardner, section 4,5,6,7, and 8 disaster relief.

Delzer, before the House passed over the disaster relief package, it has nothing to do with it but this creates the same fund, section 5, appropriates out of the General fund 43 M to that fund, section 6 appropriates 43 M, of that 20M is to be used for providing emergency snow removal grants to counties, cities, and townships . Section 7 of the act, 23 M appropriated to

defraying the cost of the 2009 flood disaster. In section 8 of the bill covers half the local share of that it ends up being 6M. If you have a 50M disaster declaration for fixing roads for the damage that was caused by snow removal, at a 75-25% split half of the local costs there is 7M, that's 13 M of that 23, you see in section 8 anything in excess would have to be appropriated by the budget section. The other 10M that is there would cover our State wide match, that is how we come up with the 23M.

Chairman Wardner, the snow removal grants go out right away. 20M right away,

Delzer, emergency clause is 2 through 8 in this amendment.

Senator Stemejhem, can you explain the percentages in section 7.

Delzer, what we did had a number of meetings, we had some in the House side with emergency management as well, they got some numbers for us what they thought the cost would be for the whole state and then we based it the same way it was based in the past.

Cities of 5000 or less get 50%, cities with 5,000 or more get 25%.

Senator Stemejhem, how is that fair.

Delzer, their tax base is bigger. Most of that goes to the 16 big cities. It is not flood dollars that is weather related costs. This is the way it has been done in the past.

Senator Stemejhem, did you look at city populations . I want to ask council to put city population down here for us please.

Delzer, I do have a list of the likely split of cities, and counties, it hasn't been shared with the public, I will share it with you.

Chairman Wardner, any more questions.

Senator Warner, I understand 200% of average costs is 50% of excess, is that 50% of 200%.

Delzer, what it does, the million dollars in Senator Taylor's bill, and the 1.5 M deficiency appropriation which also falls under this.

Senator Stemehjem, you calculated and deducted anyone that received money from that 2.5M.

Delzer, it means it means there is 22 ½ M total for snow removal, what the general told us, he said it will be at least 19 M but he would be much more comfortable with a 20M figure. We figured we would leave 22 in there because it would stay in the fund if it isn't used.

Wardner, it would go back to state disaster relief fund.

Senator Stemehjem, did they show you the plan how the split, whatever formula and criteria to distribute this.

Delzer, it will be 50% for cities under 5000 for Jan, Feb and March. Above 5000 it will be 25% \

Senator Stemehjem, who ever applies for this money needs to know here is what our average is for how many years.

Delzer, those are kept track off. Most of the counties are at the 400 already. It expands to cover everyone in the state.

Representatives Carlson, we had 33 counties, snow disaster, started at 16 then went to 33, and then impacted 43 of the counties, some had 210%, and didn't have the 400% of average snow, counties were split, we went to the methodology of the 200%, so basically all counties will be in the formula. I understand Senator Stemehjem's concern, how do you decide who gets what and when and how they will calculate that formula.

Senator Stemehjem, I thought it when they were talking 43 counties it was water related not snow.

Delzer, it was it up to 33 for snow related at 400%, 43 at 300% and the rest of the state at 200%.

Carlson, the 2.5M put in is just for the month of January, it was early it was bad, February and March, they were separate, if you look at the costs it looks like we're pretty close on the first month, the charts are still coming in. Our number when it went to the 20M when we put the bill in.

Chairman Wardner, let's move on to section 9, no, continue with section 8.

Delzer, section 8, says anyone that qualifies for federal emergency relief can get half of their local match covered. It is set up by the Department of Emergency Management . If there was a need for over 13,000 they have to come to the budget section. That is for disaster relief for flood, road damage from snow removal.

Carlson, it was confusing, there are 3 components. Not all 3 have federal matching, snow removal has nothing, the snow disaster repair and that is where we applied for the money, they didn't give us much hope that we will get it, and the 3rd one is the FEMA match. It is hard to separate those but the roads are shot, we tried to separate in our mind the 3 numbers.

Delzer, it is part of the reason for the 64 to go out early, even if it qualifies for FEMA later on.

Chairman Wardner, any questions on section 8.

Delzer, section 9, some late stuff came from Devils' Lake area, they need to raise some roads up there, there was 33M in the original budget, of that we needed to add 1.7M in spending authority and also have the authority for 9.7M hopefully of Federal money from the 1937 match, there was the problem with that it might not come back for several years, they also needed 2.3M in General fund money to match that 9.7, then there was also emergency relief funding of 9.7 for the Devils Lake roadways and they need 2.3 match for that. The 4.6 is a match for these two items. We also give them 25% excise tax to cover over above what they need for the federal match. If not enough, they have borrowing authority, use up to 10M, they

claim this 1937 has 70M set aside, can be used up to 10M a year, the BIA gets what they want to do first, their project is like 50M. That is the reason for that.

Delzer, there is also another 24 that they ask for. There will be some state match for that.

Senator Stemejhjem, when you talk excise tax, is the whole works needed to take care of the Devils Lake situation.

Delzer, no not quite all of it, about 20M is needed. The formula that came over from the Senate the information we got they is they needed 262M. With excise tax 280M.

Senator Stemejhjem, concerned about how the excise tax relates to Devils Lake.

Chairman Wardner, the 4.6 went into the highway fund and then kicked right out to Devils Lake.

Delzer, if they didn't need it for Devils Lake, it would stay in the Highway Dept. I wouldn't feel very comfortable if they didn't spend it on Devils Lake.

Delzer, section 10 we want to know what is going on in the townships and cities.

Senator Stemejhjem, I think that was my suggestion from the Senate over to you, we have the same type of reporting requirement. I will be offering another idea maybe the DOT doesn't need to be involved.

Delzer, Section 11, basically says anything extra they get is considered one time funding. Section 13, Highway 85 change the highway to Roosevelt Expressway, put the legislation in expressing that and adopted by the House side.

Chairman Wardner, highway funding. In due time we will get to restricted licenses.

Delzer, Section 19. We don't put undue work on everybody. Section 20 is shifting 25% of excise tax.

Delzer, section 23. Study, one biennium the eastern had concerns, the sandpiles, it has been studied by the department. They prefer a Legislative study, they were going to build a storage shed at that location. And it is a council study.

Senator Warner, any consumer services, like drivers license.

Delzer, the thought is to keep some of it there and move some of it.

Senator Warner, as long as it is convenient for the public.

Delzer, some of the concerns were with trucks coming in and out near West Acres. Section 24 part of the issue how do we have something that grows to match the federal road Tax dollars, we need to have some idea how to invest study to look at different ways that isn't stagnant like the road tax. One idea is registration by value instead of age and weight.

That is going to be a natural part of a study. Section 27 is emergency clause. That was when this was put together before we had the information to put together the amendments that we had, that was the language we put in there. I don't know if this committee needs to do anything with that. It depends on what this committee decides to go ahead with. If one county got extra stimulus dollars, maybe the DOT can spread it around to other counties.

Senator Warner, does that mean entities which are not eligible for stimulus money would be compensated for not getting it?

Delzer, it is trying to say that the Dept. treat everyone fair. It is just legislative intent.

The last one is the emergency clause, 2 through 8. Explains each.

Chairman Wardner, you didn't talk about the federal aid dollars. We are aware of those and understand those. Go to sheet now. #2.

Potential Highway Funding. If I recall if you take column 4 and add to column 10 give you the overall impact of state dollars is that correct.

Delzer that is right. Add column 5 as disaster impact.

Chairman, on top of these dollars you would have the stimulus dollars to the counties and cities and you would have the normal federal dollars. The stimulus is not listed on here, but in the bill.

Carlson, in explaining our actions. I haven't fully figured out the reason for the Senate to have the distribution formula. That is the way it came to us with a new formula. It moved money around why that is so much better than the one we had before.

Chairman I think it was it wasn't quite equable between cities and counties.

Delzer thinks maybe it came out of the studies.

Senator Stemejhem, the story is in the interim they had some meeting around the state with the entities that make up the cities, the counties, the townships, a couple of legislators were involved, for whatever reason, maybe put everybody in the formula, this is the way they came up with the numbers, when they added townships came out of the hide of counties and cities, I didn't think that was fair, we sent it over to you with an adjustment. But anyway in an effort to compromise that is where the numbers are.

Delzer, this changed it takes the \$3 that was going to transit, and puts into the registration group and takes the first 5.5M and gives that to DOT. We tried to make a small change.

Carlson, did this not come out of interim transportation group. As far as having a number of legislators involved. It was a small number.

Senator Stemejhem, he looked down at the column, might want to use a one in front of all them zeros.

Chairman Wardner, the 4th area, I'd like Representative Delzer to go to page 2, statement of purpose of amendments, kind of non highway fund issues . Go over those. Before we recess we still have the driver's license issue next time.

Delzer, on page 3 of the Statement of Purposes, we took one out. Shift from for salary and wages. The department also built their operating expenses based on 4.75 gas and 5.25 diesel, he went through the statement of purpose page 3. On the technology side they removed 3.50M out of the request.

Carlson, has some concerns on driver's license main frame project. There is still a great deal of confusion over real ID, that project could sit on hold. I do believe that money comes directly out of the highway fund, not completed to anyone's satisfaction. Before I support the IT project. I have concerns about it, that is direct highway fund money,

Delzer, mentions discussions he has had, 5 out of 8 say not to pull it all, as a conference committee we may want more information on it. Have a discussion on it. He continues describing the sections.

Senator Stemehjem, asks on this 4.6, is it tied to that 48M.

Delzer, not tied up that way.

Chairman Wardner, thanks Rep. Delzer, we got through a lot of info there, the only issue we haven't gone over is the driver's license part and that won't take long.

Delzer, the person that wanted to add that brought that to me, he took it to full committee and the full committee adopted it on a split vote, and better than half of appropriation committee supported it, the whole house killed the further restrictions on graduated drivers license.

Chairman, as we go through these issues, when we come to consensus, we will take a straw vote and then at the end we'll do one blanket motion.

Senator Stemehjem, director Ziegler passed out information that he is concerned with in the bill. He gives a handout to the committee.

Chairman, I don't think we will get through this bill tonight.

Senator Stemehjem, talk about some of these issues. I can wait till Monday too.

Only a certain amount of Mondays left, I propose we come back here at 6:00, motion passes we will be back at 6:00. Go to Roughrider at 6:00 pm we are in recess until then.

Started up at 6:00 with new job # 12272.

Chairman Wardner, called the conference committee back to order re SB 2012. All conferees were present. The first thing we will do is to take up the restricted license on page 4 of amendments section 16. And when we are done we will take a straw poll.

Delzer, section 16 was brought forward by one of the Representatives on the government ops section. He visited with me about that, I told him this one is different than the budget so I asked him to bring it down and attempt to put it on in full committee. The only thing it adds to that section E of the things that are required to give restricted drivers license. It says, the child has driving experience of at least 1 hour at night, 1 hour lose road and one hour of winter driving conditions to which the parent or guardian must attest. It was brought down to full committee. It was discussed. It was moved, the vote was taken 14 to 10 or whatever, we did have reports on this bill sat on the floor for a week, reconsidered the bill, and put the .0225 amendment on, no motion to take this out at that time, so it was left in, the validity of us doing that, appropriation doing policy, there were some concerns. It is up to us, I don't know how the House feels about it, personally I oppose this.

Rep. Kaldor, I may have voted for it in full committee, but having the benefit speaking with the policy committee afterwards I think we were too zealous.

Carlson, I am still trying to heal up from their actions. We had a discussion similar to this on a regular bill that was defeated, on the graduated driver's license. This is sort of the backdoor way to put it on and I don't think it's the right way to do it.

Chairman, I will accept a motion whether to have the amendment in or out, the chair would entertain a motion.

Senator Stemehjem, You have to have your permit for 6 months, turn the right age in spring, I don't know if they would have different road conditions to practice in, but anyway I make a motion to remove this. Second by Senator Warner. All in favor signify by saying aye. It passes. Section 16 will be out of the bill.

Chairman Wardner, we will discuss sections 4 5, 6,7, and 8. The Disaster fund. Is there any discussion, any more clarification? If we can get that off the table that would be great.

We have the 43M out of general funds, OMB has a state disaster relief fund, then it is moved to the Adjutant General who has a emergency relief fund, of that 43M, 20 M goes to snow removal grants, to go out before June 30 of 2009, I believe for the months of January, February and March, there are formulas for cities, 5000 or less get up to 50% of excess costs, over the 200, and if you are a city of 50,000 or more you get 25% then you have counties and townships, and they can get 50% of the excess costs. Any comments?

Delzer, I believe its population of 5000 or more, goes to 50%, the townships will be done through the counties, the counties present their costs to the Dept. of Emergency Services.

Senator Stemehjem, the bill says over 5,000 is only 25%. Can we get these populations where the divisions, where that line is, some get 25% and some get 50%. I don't think that's fair. Also, we were discussing these flood and snow related damages and DES, handing out the money, I'd like to see the formula how they determine it. We need to have something we need to follow how we do it.

Chairman Wardner, would we go to the emergency service people? Representative Carlson already asked for that information.

Allen, Could you pass those population numbers out so we have the information for Monday.

Carlson, they have a standard formula that they use. We asked that very question when debating in the house. A comment, on the 43M. This money doesn't help our situation, it is

probably the most important money we can spend, we tried to figure out the right numbers, General Spynczynatyk and Greg Wills were a tremendous resource for developing these numbers, a very detailed spread sheet, we understand the 90/10 and we backed our numbers down from that, states obligations, the townships can't afford to deal with all the disasters. It is important for us to address and fully understand and keep this money in the bill. It is vital for rebuilding those areas. Most of us don't understand, when a bridge goes out they fix 100 yards to either side of the bridge, someone has to fix the rest of the road, we think these are good numbers and hope to take that off the table early next week.

Delzer, with this population number we have, this again is just for the snow removal.

Chairman Wardner, as far as money from the feds, there probably won't be any, it is just this money.

Delzer, we have been turned down twice, we hope we will get a disaster declaration for the costs of fixing the roads that were damaged in snow removal. It's estimated at somewhere in the neighborhood of 50M.

Chairman, there are two other areas that have some snow removal disaster dollars in a couple places.

Delzer, the ½ share of the local match from FEMA, if there is a disaster, the flood would be 90/10 match.

Delzer, the deficiency appropriation has 1.5 M in it. Senator Taylor's bill has a million in it. It will be used in the same way in the department as this money. In established formulas.

Carlson, this money goes out right away. They don't have the money to do what they need to do right now. it makes the numbers look funny, we have that all reconciled in the emergency clause.

Chairman, let's move to flood disaster. Of the 23M that goes to flood disaster, that 13M goes to flood disaster, how to match federal dollars and what is federal dollars, it's important to understand for the locals.

Delzer, if you had just a disaster at 90/10 split, the local share of that 10% is 6% half of that is 3%, that is roughly 6M. That is if it's 200M. Then we took the 50M declaration we are hoping to get, that would be a 75/25 split, half of that 60% local, 40 % state, out of that 25% is 15% local, pay half 7 and a half, of that comes up to 3.75 M. That is right around 10 M dollars, we increase that by 3 M just in case the number got larger than they were, if it goes over 13 M they need to come to the budget section. The rest of that money is to be there to cover the states share. If we weren't in session, they would borrow from the bank of ND.

Chairman, we know where the money is going and what it will be used for.

Delzer, if not used it would remain in disaster fund, unfortunately it won't cover everything.

Senator Stemejhjem, as we start to look at these two disaster pieces I would hope the committee considers looking at some kind of reasonable time frame, there has to be an end to this someplace.

Chairman, you're suggesting we put some language in there regarding time. A

Senator Stemejhjem, I don't expect them to have it all in by next week, but a year from now they should have made their requests.

Carlson, I don't think that is a problem, we just are making our last payment on the '97 flood for Grand Forks, it needs to be a realistic date. We could have the same thing next winter.

Chairman, the chair is going to put down that we are 90% in agreement subject to change.

We will move on. I am going to move to section 10 of the amendments. We'll discuss

Highway funding report to budget section.

Senator Stemehjem, Part of this comes from the chatter in the halls, this county has all this money in reserve, and some are spending some are not, we wanted a report of where these entities are sitting as far as the dollars are concerned. Understand the dollars that are going out to the counties are just these highway dollars, whatever happens to 1304, those dollars go out there, people come to me feel a little more comfortable, how they use these dollars. The same kind of report in 1304, the difference is oil producing people do their reporting on their fiscal year, DOT does it on the calendar year, it is not suppose to be a complicated thing. They are kind of together. They want to have a handle on how they are going out. I would be happy to come with a proposed amendment.

Delzer, section 19 is a report on transportation funds, all three should be mixed together.

Senator Warner, I think this is a good idea. A statistical thing like a number of dollars per road, or amount for political subdivision, per capita, any thoughts on that.

Senator Stemehjem, it would be my vision it would be much simpler than what you are suggesting. Not a big report. Budget for this county is this, state gives them this. Certainly the council could work something up.

Senator Warner, so it would be just budget per legal subdivision, that's the level of detail.

Senator Stemehjem, I suspect county and townships, and cities.

Chairman, do we need both the DOT and Emergency Services to be involved in it.

Senator Stemehjem, I suspect DOT would want to be a part of it. I am willing to wait two years and address it next session. Just need something simply to look at.

Representative Kaldor, The document Senator Stemehjem, handed out contains the same information. What it does, it removes the transportation reference.

Chairman, the DOT would like to be out of it.

Senator Stemehjem, I am not so sure they would not be upset with the change I am suggesting that those numbers they report to the tax department be the area of all the reports. I am not looking some big complicated thing, just something easy to do.

Allen, on section 10, is a onetime report, next biennium with all the emergency funding going out, the intent was with what the grants were for snow removal and flood emergency funds, and section 17 a new statutory ongoing report that would report to the tax commissioner.

Senator Stemehjem, I stand corrected on that.

Delzer, when I look at those they are quite a bit different. I don't know if I am comfortable with the DOT being left out of it.

Chairman, we will look at proposed amendment when Senator Stemehjem, brings it in.

Carlson, this happens to be one of my pet peeves on studies. I hope we do something with it when we get it. I wouldn't want to count the ones we have placed in legislation in the last thousand bills we have heard. It is easier to count roads and miles, we need to focus on what we're going to do with it when we get it back.

Chairman, point well taken. Move to section 19. One of the things being questioned is the time, its 31 days. What is the House arguments for 31 days.

Delzer, I think this is the one that deals with 1304, we don't have a problem of changing the date.

Chairman, I am talking about the time, 30 days, what have they done in 1304.

Senator Stemehjem, there is nothing magical about the 30 days. DOT thinks that is too short a time. I have no problem changing it.

Allen, within 90 days of each fiscal year. The county the fiscal year is on a calendar basis.

Senator Stemehjem, Before Dec 31st?

Delzer, if 1304 covers that do we need to be redundant and have it done again.

Chairman, 90 days ok with the committee. Go at least one more section. Move to section 11, highway funding.

Delzer, just a statement saying anything over what is normally considered base funding and the normal is considered one time funding.

Chairman, any comments. Everyone ok with that. You've got to have some victories when you go through h a bill like this. Next, Section 13.

Delzer, this came from someone in the western part of the state that is familiar with what is now called the can am highway, has those signs on it and they would now like it to be called the Theodor Roosevelt Expressway, DOT says they can do it.

Senator Warner, is there a technical definition of expressway rather than highway.

Delzer, I think this may be the way to get a 100 mile speed limit.

Senator Warner, I have never heard expressway used except for circumventing a city.

Chairman, asks Ziegler to explain expressway.

Francis Ziegler, this is from a national prospective, not only in ND but SD and up into Canada. That was the name selected but there is no connotation as to type of facility this is going to be.

Chairman, I will be supporting it.

Carlson, the only question I have is I would like to have some kind of statement from DOT, we have over the session named the highways, now we are doing an amendment to a bill, it might be a fine name, now we are changing the name, I question whether that is the process we use with amendments with someone's names. We have normally done a formal procedure.

Chairman, I agree with you, doing it this way, is not the correct , it is the north south transportation quarter between Regina Canada to gulf of Mexico.

Delzer, there have been discussions on this, the public did have input, it did have a hearing in that sense. There was not a group in here. This was not put on at the end. There was plenty of time for people to put their input on it.

Senator Stemejhem, is it a different name in SD and Canada.

Chairman, it changes to a different name when it gets into SD. I want to remind you a stadium built on state land. Sweat and blood. We will have a meeting on Monday. Any comments before we leave tonight. We are in recess until Monday.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2012 conference committee

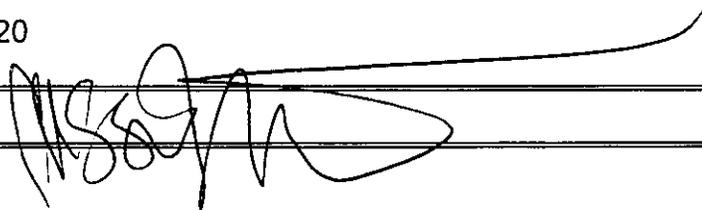
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: April 27, 2009

Recorder Job Number: 12320

Committee Clerk Signature



Minutes:

Senator Wardner called the conference committee to order on SB 2012 in regards to department of transportation. All conferees are present: **Senators Wardner, Stenehjem, Warner; Representatives Delzer, Carlson, and Kaldor. Joe Morrissette, OMB and Brady Larson, Legislative Council** were also present.

Brady Larson, Dept. of Emergency Service, explained to the committee how grants are given to political subdivisions. (See attached #1)

Sen. Wardner went over the bill with the committee section by section. (00:07-34:07)

Francis Ziegler, Director of the DOT, handed out and went over a map with the committee. See attachment #2. (34:20- 37:30)

Rep. Delzer- I know there was a fair amount of concerns about this being put on in the appropriations committee and the house and if we do decide to keep it, if a patch goes over from Williston on hwy 2 to 16 that probably needs to be listed that way. Are any of these other ones renamed what they are?

Sen. Wardner- I am not sure. Do you have information on Ports-to-Plains, Heartland Expressway and TR (Theodore Roosevelt) Expressway?

Francis- the coalition has been working on this so we will have to check into that.

Sen. Wardner went back to the bill to go over section by section (40:11- 64:28)

Sen. Wardner- We will leave this open and come back for discussion now that we have gone over the entire bill and figure out things on the open areas.

Senator Wardner closed the conference committee.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2012 conference committee

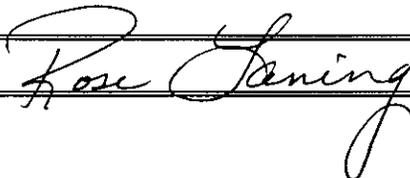
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: April 28, 2009 – 10:30 am

Recorder Job Number: 12337

Committee Clerk Signature



Minutes:

Senator Wardner called the conference committee to order on SB 2012 regarding the Department of Transportation. The minutes are to reflect that all conferees are present:

Senators Wardner, Stenehjem, Warner; Representatives Delzer, Carlson, and Kaldor.

Tammy Dolan, OMB and Brady Larson, Legislative Council was also present.

Senator Wardner: We will be working on Section 3, but first we will go over the grants where we have the money that goes for snow removal. We have the smaller communities of 5000 or less at 50% of the excess cost and the larger cities are 25%. I guess we are wondering why that can't be 50% across the board. (Francis Ziegler handed out Conference Committee Information – see attached #1)

Representative Delzer: When you add in all the other things that go out there, the large cities receive the most money. Out of the \$20 million that would go to the cities, the largest receives \$13.5 million. I am not sure we need to go to 50% on this.

Senator Stenehjem: When you look at the miles of roadways that are in the larger cities verses the smaller cities that takes more maintenance. That is probably part of why when you take a per miles basis of the money that has to go out. You would spend more money in the larger cities because you have more roads, traffic signals, and other infrastructure needs. If you look at it in a dollar for dollar basis, that is why that is probably is. When you look at the

snow related costs, they didn't have half the costs in the big cities as they had in the smaller cities. It just is not a good comparison.

Senator Warner: I think one of the distinctions that we need to make is that cities over 5000 tend to have commercial and industrial properties which broaden their tax base. I have 23 named communities in my district and you can't buy socks in more than two of them. There really isn't very much commercial and industrial infrastructure in the rural areas. I realize it's an unpopular argument but there just isn't a lot of wherewithal to raise the revenue to support that kind of thing. If we can bring additional money to bring the major cities up to 50% I think I would favor that. I would hope that we could resist the current appropriation that is just redistributing the expense of the smaller communities.

Senator Wardner: It would be my thought that we would hold harmless the smaller cities at 50% of excess costs and we would increase – it is our feeling that there is enough money to take care of both.

Senator Warner: Do we have budget number to hold them harmless?

Senator Wardner: I don't have those numbers. Is there enough money to put the large cities at 50% of excess cost?

General Sprynczynatyk: Yes, based on the following. Right now there are three bills and (inaudible) that provides various levels of funding for emergency snow removal for 2009. The emergency commission provided \$100,000 directly to the agency back in January or February time frame. Then HB 1023 which provided a deficiency appropriation, increased the amount to \$1.5 million, and then SB 2393 added another \$1 million to the program that was put in place in January. Those three actions provided \$2.5 million. In addition, as I read SB 2012 it would provide an additional \$20 million for snow removal/recovery programming. That \$20 million

brings it down to \$22.5 million which would be adequate to provide 50% of the cost to all political subdivisions as we know it today.

Senator Wardner In reality there will be 22.5 million in that fund.

General Sprynczynatyk: That is correct if SB 2012 provides \$20 million as it is written.

Representative Delzer: You can do that but that takes away from the money that is there for the states share. We put a little extra in there in case there are more costs that come in than what we thought. Anything we have to be cognizant of the fact we are trying to get to the point where we don't have (inaudible) deficiency appropriation coming at us next time. Anything you give over what is there would take away the reserve that is there to cover the states cost. If the money isn't used for the snow removal it stays in the disaster fund to be used for match or states cost in an emergency.

Senator Wardner When you talk about the cities getting this money, are you talking about the stimulus dollars to the 13 big cities?

Delzer: No, I'm talking about section 3 of the bill and the highway distribution money. The part that goes to the cities mostly goes to the larger cities and rightfully so.

Senator Warner: How do we account for the money which is expended during the 07-09 biennium under this bill, in budget status report, does that show up?

Brady Larson: For 07-09 appropriation included in this bill, it will be a reduction for the 09-11 biennium. It won't actually show up in the detail for the 09-11 bill listings because it will be just a reduction to the beginning balance.

Senator Warner: Is that the same way we would normally handle the deficiency appropriations?

Brady Larson: Yes.

Senator Warner: So this is in a sense a deficiency appropriation?

Brady Larson: Correct.

Representative Delzer: Procedurally you could call it that; I certainly wouldn't call it that because this unforeseen happenings that we are trying to help, but mechanically it's the same.

Senator Wardner: We will probably be referring back to this. We will move on to Section 3.

Here we are going to be talking about the whole funding package and how it fits together.

Representative Delzer: Do you have 99878? Section 3 puts out a weather related cost sharing program to the sum of \$71.5 million. There is \$10 million to the townships in accordance to the formula of 54-27-19.1, which is their formula of how their share of the money has always been divided. I believe it is done a per mile basis. It's also in the bill with the changes the Senate sent over having to do with the formula. Then #2 of Section 3 is \$54 million to the counties and cities in accordance with the formula (inaudible).

Senator Wardner: How did you come up with that \$54 million?

Representative Delzer: It's the number that was the increase in the Governor's proposal. That does not take into account the fact that the normal growth, which is in column 10, is over and above this. The cities would have an increase of 24.6 instead of the 20.1 and the counties the increase would be 41.7 instead of 33.9. The only thing we didn't run through the formula itself is the growth. Now that's the distribution formula. This money here is being distributed by the formula that they use after the distribution formula. The 7.5 was for the state for their costs incurred during the winter of 09.

Senator Wardner: (looking at the handout) That 71.5, when you add the 33.9 that went to the counties and the 20.1 that went to the cities, that adds up to 54 and so you are saying that 54 was the number that people felt was important to go to the political subs?

Rep. Kaldor: We ran smaller numbers a couple of time and did not do well with it.

Representative Delzer: That's what is in the bill right now. All the talk was about, the 10 million for the townships, of what's going on out there. I think the townships are very solid.

Senator Wardner: For the townships, I think they were at 13 something.

Representative Delzer: The Governor's proposal would have raised them from 10.2 to 13.6. The bill without the 120 raises them to 10.4 and this 10 million in section 3 is on top of the 10.4. This would be 10.6 more than senate sent over.

Discussion: A discussion continued among the committee members regarding the numbers on the chart and understanding them as well as what formula was used or should be used and how it works into it. There was also a discussion regarding the fact that those numbers didn't match up to the ones from DOT. It was stated that the committee has to use the numbers they are given. The committee continued to discuss what numbers they should start figuring from.

There was concern voiced about keeping the cities and counties whole. It was agreed that the Senate and the House both need to bring proposals to the table to look at on Section 3 and discuss the 4.6 M to the highway fund, and also the 3.5 M motor vehicle excise tax. The current budget was discussed in regards to this bill.

Senator Wardner: Adjourned for both sides to come back with amendments.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2012 conference committee

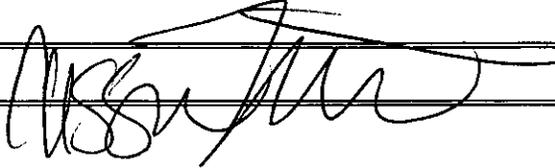
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: April 28, 2009 – 2:00 pm

Recorder Job Number: 12341

Committee Clerk Signature



Minutes:

Senator Wardner called the conference committee to order on SB 2012 at 2:00 pm in regards to department of transportation. The minutes are to reflect that all conferees are present:

Senators Wardner, Stenehjem, Warner; Representatives Delzer, Carlson, and Kaldor.

Joe Morrissette, OMB and **Brady Larson**, Legislative Council was also present.

Brady Larson handed out List of Proposed Changes to Engrossed Senate Bill No. 2012 - see attached #1.

Senator Wardner: The Department of Transportation gave a memo to us earlier that had a couple of amendments we need to consider and put on. I'd like to start building amendments.

Francis Ziegler, Director, DOT – (Explained the amendment working from the April 25, 2009 document.) We had an unbalanced budget and so they took and corrected the document with an amendment that balances the budget. We had less revenue and more expenditure.

Senator Wardner: There was more money spent on paper than there was income so we cut back on the expenses. Move to the 2nd one - attachment B in same document.

Francis Ziegler: This is the same as first one but adds however, it adds \$7.5 M for spending authority for 09-11.

Rep. Delzer: I don't think we do. We're carrying it forward and if there was a position where they needed it they can always come to the emergency commission and explain why they used it before or afterwards. It's just a double check for them to come back again.

Senator Wardner: I don't have problem putting on that amendment – as long as they report back on how they spent it.

Senator Stenehjem: This \$7.5 M – what is it for – DOT's formulated expenses? They have many extra expenses, especially when winter sets in snow removal, fuel, overtime, etc. Then they won't have money for the summer road construction projects. That's why they need that authority given to them – to cover winter.

Rep. Delzer: Maybe we should take the \$7.5 M away.

Senator Wardner: Brady, we're going to put the language in, and if the money happens to come out in later on in meetings, then you'll just adjust it.

Senator Stenehjem: They'll just come to the Emergency Commission and ask for it.

Rep. Delzer: Is that so bad?

Senator Wardner: The only problem is we have everyone coming to the emergency commission. Pretty soon that commission will have to meet every week.

Francis Ziegler: 2nd part was equity funding. It's been removed from this budget. OMB gives us spending authority for equity or whatever it turns out to be. The 3rd is the general fund spending authority of \$7.5 M. (continues explaining the amendment.) Section 10 (item 4 on narrative) To remove DOT at beginning of sentence. If DES is distributing the money, it seems logical that they'd do the report also. But the eaerlier language wants us to do the reports.

Senator Wardner- The mechanics are you get information, you sit down with them and kick out numbers. Are they getting numbers from some groups also?

Rep. Delzer: This is also about the 71 M - they should decide who gives the report in the end.

Senator Wardner- The adjutant general will administer the grant and you'd have to get info from weather sharing.

Senator Wardner- the commissioner said they would collect the information

Senator Wardner went over council sheets with committee(see attachment #1)

Brady Larson read and explained #6.

Sen. Wardner closed the discussion.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2012 conference committee

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: April 28, 2009 – 7:00 pm

Recorder Job Number: 12361

Committee Clerk Signature

Minutes:

Senator Wardner: Called the conference committee to order on SB 2012 in regards to the Department of Transportation. The minutes are to reflect that all conferees are present:

Senators Wardner, Stenehjem, Warner; Representatives Delzer, Carlson, and Kaldor.

Joe Morrissette, OMB and **Brady Larson**, Legislative Council was also present.

Senator Wardner: Handed out a colored chart showing the Highway Tax Distribution Fund

(See Attached # 1)

5.57 **Representative Delzer:** Are you talking about all the changes that were made on the House side?

Senator Wardner: Yes.

Representative Delzer: When we did this in the House, we left the transit out because they really don't have a whole lot of money related cost. I am wondering why the Senate wants to put that back in?

Senator Wardner: Last year they were at about 5.7, it was a flat budget, and they felt they needed something for operation and they didn't feel they were going to get much out of the stimulus money. I guess we had a kind heart and we delivered a present. It's their share of the \$120 M.

Representative Carlson: Even though we are not running this technically through the formula, we are using the formula to get our numbers. I understand that. You have to explain to me this offline 6.8.

????: Explained the offline 6.8.

Representative Carlson: Was the excise tax always going to the highway fund?

Senator Stenehjem: If we could get it over to the distribution side.

Representative Carlson: I guess I would be anxious to hear why you would like to do that.

Representative Delzer: The reason we put it on this side is because in essence we are taking this out, the ones that don't get anything are the DOT, and we needed it to make the DOT whole. Because of the \$120M along with the changes that we had. That is why we needed it there. You can make your statement of why you'd like to move it over.

Senator Stenehjem: If you put the excise tax into the highway fund you are going to have to come up with basically the 30.5 million or move it over to the distribution side to make up for stuff that is under the green line. It is general fund money. You're going to have to replace that 30.5 with general fund money. It is just moving the excise tax over to the distribution side. We're going to be back discussing this in two more years.

Representative Carlson: On the stimulus, it was my understanding, I understand the first three numbers, but the state doesn't get \$176 M. That is the total money in the stimulus, but the state gets like \$119 M. Right? (someone answers yes) It all runs through them and then goes out to these areas. (someone answers yes) Clarifies numbers on the chart.

Senator Wardner: It flows out from DOT to the counties. Their net is \$117 M to \$118 M.

Senator Stenehjem: This chart gives the basic idea of what we're talking about. There are two things that are missing on this chart that you don't see. Part of that stimulus money is \$4 M to go on the counties ledger side that they are going to get for bridges someplace and there

is \$4 M that are going to the states for bridges, and there is \$5.1M for TE(Transportation Enhancement) projects. It is in the \$176 M but it is not on the chart.

Representative Carlson: I guess I am not concerned about that, I am more concerned about the regular money that we will get year in and year out. I am thinking that this is nothing but a one year harvest on the stimulus money. Did anyone calculate what they got last time?

Brady Larson: It is in Column 3.

Representative Carlson: (Talked about percentages of increase in the counties, cities, transit, townships, and state)

Senator Wardner: The total for the state then was about \$902 M.

Representative Delzer: That would be the counties and cities.

Senator Stenehjem: Last time they got \$221,700,000 and this time they are going to get 117,750,000 plus \$90.8 M. That is almost 100%.

Senator Wardner: In reality there is just about \$54 M in that (inaudible) that ends up going over to the counties and the cities.

Representative Delzer: Urban stimulus is not in the bill. That is a direct shot.

Representative Kaldor: When we carry down to the very bottom of the chart, the 1,247.7 M, does that show in the SOP (Statement of Purpose) for the House amendments- the 1.302 billion?

Senator Wardner: It would be similar.

Representative Kaldor: That is a \$54 million dollars difference. I am trying to sort that out. I'm comparing it to the statement of purpose.

Representative Kaldor: I think it is the difference between counties and cities.

Representative Delzer: I was going to mention that it doesn't show the disaster funds.

Representative Carlson: I got a lot of emails saying we were tearing up the budget and I didn't know we had reached an agreement on anything. I think it is our job to balance the whole budget and I was a little disappointed that that type of the process starts to happen before we even complete our discussion. I think now it is time that amendments get made and we run them by this committee and see what happens. You understand where we are at and I think we understand where you are at.

Senator Stenehjem: As 2012 left the Senate there was plenty of support into making a four year transportation plan out of the money that was available to the state. Obviously the Senate saw that the House had a different approach and whatever powers to be decided that we are going to spend all of the money in one biennium. In an effort to do that, the proposal before you makes sure that everyone gets every nickel that they were promised and that they agreed to before they looked at changing the formula from 63 to 37 and changed it to the new one that you see in this bill. The Governor told them to plug in another 120 million dollars and everyone was happy. What you see before you has 120 million dollars in it plus it has 43 million dollars for flood and 4.6 million dollars in it for Devils' Lake. So there is even extra money added to it for that. In light of doing all of that from the Senate side, I would still beg you guys to consider moving the excise tax, part of the money over to be used on side of the distribution formula.

Representative Delzer: If we start doing something different – this covers everyone the way that it is. I think we should just run it the way it is.

Representative Carlson: (Clarifies) why move it?

Senator Stenehjem: We've never turned in general fund money to fund DOT or giving to cities and counties in that manner. It is the wishes of this legislature to start doing that. We may as well provide a stream of revenue that is going to come in here. They are not going to be able

to keep making it on gas tax and motor vehicle registrations. I've studied this for a few bienniums and it is not going to happen. If we're going to do this, let's put it on the right side.

Representative Carlson: The history of this has been interesting from the House's perspective. We are aware that there was a divided committee report. It was a big commitment. I want you to know that the first time the stimulus money came down, the Governor's office supplied it 100 million dollars. They said we are taking 100 million and putting it aside so we can have a 4 year plan. We want that plan and when we tried to run it, we just didn't have the muster to hold it. Then the next one was that maybe we'll go 40-60 and it didn't go well, so we put it all in there. It was a 1-1 match.

Senator Stenehjem: There is no match here.

Representative Carlson: This is a big step and I think that we are really close to final resolution here. I am sure we will talk about that.

Senator Stenehjem: If you recall last session there was 10% of the excise tax kind of ran through on that side.

Representative Carlson: Let's do our amendments and get it done.

Senator Wardner: Get amendments, and go over them tomorrow. Adjourned.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2012 conference committee

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: April 29, 2009

Recorder Job Number: 12384

Committee Clerk Signature



Minutes:

Senator Wardner called the conference committee to order on SB 2012 at 7:00 pm in regards to department of transportation. The minutes are to reflect that all conferees are present:

Senators Wardner, Stenehjem, Warner; Representatives Delzer, Carlson, and Kaldor.

Joe Morrissette, OMB and **Brady Larson**, Legislative Council was also present.

Senator Wardner: Handed out amendment 98031.0228 and is discussing the changes between the House and the Senate versions. Page 2, section 3 is the language that says money will be appropriated out of the state treasury to the motor vehicle excise tax collection. Section 3, item 2 – number is changed from \$54 M to \$41 M.

Senator Warner: Is this considered biennium specific or are we making a permanent policy change?

Rep. Delzer: This is funding that goes out strictly as a onetime shot to use right now.

Senator Wardner: In that section - #4 - \$1M to public transportation fund. As far as the townships, they stay at \$10M and the state stays at \$7.5 M. Section 7 has changes – it gets rid of language that says the cities that are over 500,000 will be able to get 25%. It changes the language that just says counties, townships and cities that 200% costs and anything that exceeds that is 50%. Section 9 has to do with the state \$7.5 M portion and the transits \$1 M.

Brady Larson, Legislative Council: This section provides appropriation for the weather

related distributions to the highway fund and the public transportation – the \$7.5M. This provides the appropriation immediately but also provides the department of transportation with the ability to spend their portion - \$7.5 M during the 09-11 biennium for highway projects.

Senator Wardner: The money goes out this biennium and they can continue the appropriation into the 09-11 biennium.

Senator Stenehjem: Going back to section 3 – it goes from \$54M down to \$41.4M. What also happens with that \$41.4 M – the normal distribution out of the \$300 M. We said yesterday that the \$82 M that comes out of the normal collections of things, there's another \$7.9 M and another \$4.4 M that you would have to actually add to that \$41 M to make that the right number to what they're going to get in increased funding.

Senator Wardner: In section 8, we talked about the 50%.

Rep. Delzer: We changed the language a little more reflect our intent. It is half of the FEMA related costs. We had language in there that would've restricted it to the roads only and we've made it so it's half of the FEMA related costs.

Senator Wardner - Move to page 4 of amendment - section 15.

Brady Larson: Currently the department of transportation may sell road materials under section 24-02-35.1 and deposit those funds into the state highway fund. Currently, they cannot exceed \$200,000/year for deposits. What this would do is provide them with deposits of up to \$1M/year.

Senator Wardner: Section 16 is out. Now we can move to page 5 – our old section 25 is out. This is a different section. It used to be section 24.

Brady Larson: Our section 25 was section 24.

Rep. Kaldor: Did you note also section 20 is changed? That was formerly section 19 in our legislation. It's the 90 day thing.

Senator Wardner: Thank you. No I did not. The reporting time has gone from 31 days to 90 days. Everyone check the emergency section 27 – sections 2,3,4,5,6,7,8 & 9.

Rep. Carlson: Those are crucial parts of bill to get the money out. We need to make sure that gets transmitted to everybody on both sides that this bill needs that 2/3 because that's crucial or that money is going to sit there until the end of the biennium.

Senator Wardner: Statement of purpose – page 2. These amendments do not change anything except the two items that came over from the House. Everything stays the same except item #6 which removes the funding for the information technology project. Then turn to page 3 and you'll see a narrative of it. Any questions? The last change is number 10.

Brady Larson: Note #10 in the statement of purpose of amendment. The amount being reduced for highway related funding is increased by \$9 M. This was at the request of the Department of Transportation and was voted on yesterday. This will more accurately reflect the amount of funding available for highway projects.

Senator Wardner: There are the changes. The chair is open for a motion at this time before we go into discussion.

Rep. Delzer: I would move that the House recede from its amendments and this conference committee adopt amendments 98031.0228.

Senator Stenehjem seconded.

No Discussion.

A Roll Call vote was taken. Yea: 6 Nay: 0 Absent: 0

Senator Wardner adjourned the conference committee on SB 2012.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

That the House recede from its amendments as printed on pages 1474-1479 of the Senate Journal and pages 1680-1685 of the House Journal and that Engrossed Senate Bill No. 2012 be amended as follows:

Page 1, line 2, after the semicolon insert "to provide an appropriation to the state treasurer; to provide for budget section reports; to provide for a state disaster relief fund; to create and enact a new section to chapter 24-01 and a new section to chapter 54-27 of the North Dakota Century Code, relating to the name of United States highway 85 and transportation funding reports;"; after "sections" insert "24-02-35.2,", and after "54-27-19.1" insert ", 57-40.3-10"

Page 1, line 4, after "disasters" insert ", the proceeds from the sale of road materials,"

Page 1, line 6, remove "and" and replace "a transfer" with "transfers; to provide for legislative council studies; to provide an effective date; to provide an expiration date; and to declare an emergency"

Page 1, line 16, replace "24,194,030" with "20,047,015" and replace "151,520,269" with "147,373,254"

Page 1, line 17, replace "29,107,351" with "14,107,351" and replace "203,805,014" with "188,805,014"

Page 1, line 18, replace "96,855,896" with "113,267,450" and replace "645,576,994" with "661,988,548"

Page 1, line 19, replace "16,653,601" with "14,853,601" and replace "68,266,101" with "67,266,101"

Page 1, line 20, replace "166,810,878" with "162,275,417" and replace "1,069,968,378" with "1,065,432,917"

Page 1, line 21, replace "3.00" with "2.00" and replace "1,055.50" with "1,054.50"

Page 1, replace lines 22 through 24 with:

"SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the department of transportation, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Highway infrastructure	\$170,126,497
Grants to rural transit programs	<u>5,956,174</u>
Total federal funds	\$176,082,671

The department of transportation may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated under this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

SECTION 3. APPROPRIATION - STATE TREASURER -

WEATHER-RELATED COST-SHARING PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury attributable to motor vehicle excise tax collections during the 2007-09 biennium, not otherwise appropriated, the sum of \$59,900,000, or so much of the sum as may be necessary, to the state treasurer for the purpose of providing weather-related cost-sharing funds, for the period beginning with the effective date of this Act and ending June 30, 2009. The state treasurer shall distribute the funds appropriated under this section before June 30, 2009, as follows:

1. Ten million dollars to townships in accordance with the formula used to distribute funds to townships under section 54-27-19.1, except that organized townships are not required to provide matching funds to receive distributions under this section.
2. Forty-one million four hundred thousand dollars to counties and cities in accordance with the formula used to distribute funds to counties and cities under subsection 2 of section 54-27-19.
3. Seven million five hundred thousand dollars to the state highway fund.
4. One million dollars to the public transportation fund to be distributed in accordance with section 39-04.2-04.

SECTION 4. State disaster relief fund - Creation - Uses. There is created in the state treasury a state disaster relief fund. Moneys in the fund are to be used subject to legislative appropriations for providing funding for defraying the expenses of state disasters, including providing funds required to match federal funds for expenses associated with presidential-declared disasters in the state. Any interest or other fund earnings must be deposited in the fund.

SECTION 5. APPROPRIATION - TRANSFER. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$43,000,000, which the office of management and budget shall transfer to the state disaster relief fund during the period beginning with the effective date of this Act and ending June 30, 2009.

SECTION 6. APPROPRIATION - ADJUTANT GENERAL - BUDGET

SECTION APPROVAL. There is appropriated out of any moneys in the state disaster relief fund in the state treasury, not otherwise appropriated, the sum of \$43,000,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of providing emergency relief funding, for the period beginning with the effective date of this Act and ending June 30, 2011. The adjutant general may use up to \$20,000,000 of the funds appropriated in this section for the purpose of providing emergency snow removal grants to counties, cities, and townships in accordance with section 7 of this Act. The adjutant general may use up to \$23,000,000 of the funds appropriated in this section for paying costs relating to the 2009 flood disaster, snow removal damage to roads, and other disasters in accordance with section 8 of this Act.

SECTION 7. EMERGENCY SNOW REMOVAL GRANTS - GUIDELINES -

BUDGET SECTION REPORT. A county, township, or city may apply to the department of emergency services for an emergency snow removal grant for reimbursement of up to fifty percent of the costs incurred by the county, township, or city for the period January 2009 through March 2009 that exceeds two hundred percent of the average costs incurred for these months in 2004 through 2008.

Each county, township, or city requesting reimbursement under this section must submit the request in accordance with rules developed by the department of emergency services. The department of emergency services shall distribute these grants prior to June 30, 2009, and shall report to the budget section regarding the grants awarded under this section.

SECTION 8. EMERGENCY DISASTER RELIEF GRANTS - GUIDELINES - BUDGET SECTION REPORT - BUDGET SECTION APPROVAL. A political subdivision receiving federal emergency relief funding relating to disasters occurring from January 2009 through June 2009 may apply to the department of emergency services for an emergency relief grant of up to fifty percent of the local match required to receive the federal emergency relief funding. Each political subdivision requesting reimbursement under this section must submit the request in accordance with rules developed by the department of emergency services. The department of emergency services may distribute up to \$13,000,000 of grants under this section. Any additional grant expenditures require budget section approval. The department of emergency services shall report to the budget section on grants awarded under this section in the fourth quarter of calendar year 2009 and the third quarter of calendar year 2010. Any funds provided for by the department of emergency services in this section that are not distributed to political subdivisions may be used to match federal disaster relief funds received for state purposes, subject to budget section approval.

SECTION 9. APPROPRIATION - EXEMPTION. There is appropriated out of any moneys in the state highway fund in the state treasury, not otherwise appropriated, the sum of \$7,500,000, or so much of the sum as may be necessary, and out of any moneys in the public transportation fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the department of transportation for highway projects and public transportation grants, for the period beginning with the effective date of this Act and ending June 30, 2009. Funds appropriated in this section are not subject to section 54-44.1-11 and any unexpended funds may be spent by the department of transportation during the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 10. APPROPRIATION - TRANSFER - STATE HIGHWAY FUND. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,600,000, which the office of management and budget shall transfer to the state highway fund for the purpose of defraying the expenses of highway projects in the Devils Lake area, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 11. USE OF HIGHWAY FUNDING - REPORT TO THE BUDGET SECTION. The department of transportation shall coordinate with the department of emergency services to compile information regarding the use of state, federal, emergency, and other highway funding by the department of transportation, counties, cities, and townships during the period beginning with the effective date of this Act and ending June 30, 2011. The department of transportation shall provide periodic reports to the budget section regarding the use of funds during the 2009-10 interim.

SECTION 12. HIGHWAY FUNDING - ONE-TIME FUNDING. Any highway funding received by the state, counties, cities, and townships in excess of the amounts received through distributions from the highway tax distribution fund under section 54-27-19 or existing federal highway aid programs is considered one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 3, replace lines 4 through 10 with:

"**SECTION 14.** A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

Theodore Roosevelt expressway - United States highway 85.

Notwithstanding any previous designation, the department shall designate United States highway 85 from the South Dakota border to the junction of United States highway 2 and United States highway 2 from the Montana border to the junction of United States highway 85 as the Theodore Roosevelt expressway and at a minimum shall place signs along the highway designating that name and may use any appropriate signs donated to the department.

SECTION 15. AMENDMENT. Section 24-02-35.2 of the North Dakota Century Code is amended and reenacted as follows:

24-02-35.2. Deposit of sale proceeds - Continuing appropriation. The proceeds from any sale of road materials made under section 24-02-35.1 must be deposited in the department of transportation fund. An amount not to exceed the total sum of the sales under section 24-02-35.1, but not to exceed ~~two hundred thousand~~ one million dollars a year, may be withdrawn upon voucher of the department for purchasing road materials. All moneys deposited in the fund pursuant to this section are hereby appropriated to the department for the purposes of this section."

Page 12, after line 17, insert:

"**SECTION 20.** A new section to chapter 54-27 of the North Dakota Century Code is created and enacted as follows:

Report on transportation funding and expenditures. Each county, city, and township shall provide to the tax commissioner an annual report on funding and expenditures relating to transportation projects and programs. The report must be provided within ninety days after the close of a calendar year. The report must contain by fund the beginning balance, revenues by major source, expenditures by major category, the ending balance, and any other information requested by the tax commissioner.

SECTION 21. AMENDMENT. Section 57-40.3-10 of the North Dakota Century Code is amended and reenacted as follows:

57-40.3-10. (Effective through June 30, 2009 2011) Transfer of revenue. All moneys collected and received under this chapter after moneys are deposited in the state aid distribution fund under section 57-39.2-26.1 must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited as follows:

1. ~~Ten~~ Twenty-five percent to the highway fund.
2. ~~Ninety~~ Seventy-five percent to the state general fund.

(Effective after June 30, 2009 2011) Transfer of revenue. All moneys collected and received under this chapter must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited to the general fund."

Page 13, after line 13, insert:

"SECTION 24. LEGISLATIVE COUNCIL STUDY - FARGO DISTRICT OFFICE SITE. During the 2009-10 interim, the legislative council shall consider studying the feasibility and desirability of relocating the Fargo district office facility. The study, if conducted, must include a review of the estimated value of the current site property, the best use of the current property, and potential locations for a new district office facility. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 25. LEGISLATIVE COUNCIL STUDY - FEDERAL TRANSPORTATION MATCHING FUNDS. During the 2009-10 interim, the legislative council shall consider studying the potential options for matching federal highway construction funding. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Page 13, after line 15, insert:

"SECTION 27. EMERGENCY. Sections 2, 3, 4, 5, 6, 7, 8, and 9 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98031.0228 FN 3

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2012 - Summary of Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Adjutant General						
Total all funds	\$0	\$0	\$43,000,000	\$43,000,000	\$43,000,000	\$0
Less estimated income	0	0	43,000,000	43,000,000	43,000,000	0
General fund	\$0	\$0	\$0	\$0	\$0	\$0
Department of Transportation						
Total all funds	\$1,130,182,250	\$1,189,968,378	\$56,147,210	\$1,246,115,588	\$1,259,115,588	(\$13,000,000)
Less estimated income	1,010,182,250	1,069,968,378	171,547,210	1,241,515,588	1,254,515,588	(13,000,000)
General fund	\$120,000,000	\$120,000,000	(\$115,400,000)	\$4,600,000	\$4,600,000	\$0
Bill total						
Total all funds	\$1,130,182,250	\$1,189,968,378	\$99,147,210	\$1,289,115,588	\$1,302,115,588	(\$13,000,000)
Less estimated income	1,010,182,250	1,069,968,378	214,547,210	1,284,515,588	1,297,515,588	(13,000,000)
General fund	\$120,000,000	\$120,000,000	(\$115,400,000)	\$4,600,000	\$4,600,000	\$0

Senate Bill No. 2012 - Adjutant General - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Disaster relief			\$43,000,000	\$43,000,000	\$43,000,000	
Total all funds	\$0	\$0	\$43,000,000	\$43,000,000	\$43,000,000	\$0
Less estimated income	0	0	43,000,000	43,000,000	43,000,000	0
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Department No. 540 - Adjutant General - Detail of Conference Committee Changes

	Adds Funding for Disaster Relief ¹	Total Conference Committee Changes
Disaster relief	\$43,000,000	\$43,000,000
Total all funds	\$43,000,000	\$43,000,000
Less estimated income	43,000,000	43,000,000
General fund	\$0	\$0
FTE	0.00	0.00

¹ This amendment provides a \$43 million appropriation from the state disaster relief fund to the Adjutant General. Of the total funding, \$20 million is to be used for emergency snow removal grants for the remainder of the 2007-09 biennium and \$23 million is to be used to pay costs relating to the January through June 2009 disasters. Sections are also added to provide guidelines for the use and distribution of these funds.

Senate Bill No. 2012 - Department of Transportation - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$151,520,269	\$151,520,269	(\$4,147,015)	\$147,373,254	\$147,373,254	
Operating expenses	203,805,014	203,805,014	(15,000,000)	188,805,014	192,805,014	(4,000,000)
Capital assets	588,690,866	645,576,994	16,411,554	661,988,548	670,988,548	(9,000,000)
Grants	66,166,101	69,066,101	(1,800,000)	67,266,101	67,266,101	
Transfer to highway tax dist. fund	120,000,000	120,000,000	(120,000,000)			
Federal fiscal stimulus funds			176,082,671	176,082,671	176,082,671	
Transfer to highway fund			4,600,000	4,600,000	4,600,000	
Total all funds	\$1,130,182,250	\$1,189,968,378	\$56,147,210	\$1,246,115,588	\$1,259,115,588	(\$13,000,000)
Less estimated income	1,010,182,250	1,069,968,378	171,547,210	1,241,515,588	1,254,515,588	(13,000,000)
General fund	\$120,000,000	\$120,000,000	(\$115,400,000)	\$4,600,000	\$4,600,000	\$0
FTE	1054.50	1055.50	(1.00)	1054.50	1054.50	0.00

Department No. 801 - Department of Transportation - Detail of Conference Committee Changes

	Removes Salary Equity Funding ¹	Removes New FTE Position ²	Provides Funding for New FTE Position ³	Reduces Operating Expenses Funding ⁴	Reduces Fleet Services Estimated Income ⁵	Removes Funding for Information Technology Project ⁶
Salaries and wages	(\$4,200,000)	(\$89,333)	\$142,318			
Operating expenses				(2,500,000)	(5,000,000)	(7,500,000)
Capital assets			(142,318)			
Grants						
Transfer to highway tax dist. fund						
Federal fiscal stimulus funds						
Transfer to highway fund						
Total all funds	(\$4,200,000)	(\$89,333)	\$0	(\$2,500,000)	(\$5,000,000)	(\$7,500,000)
Less estimated income	(4,200,000)	(89,333)	0	(2,500,000)	(5,000,000)	(7,500,000)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	(1.00)	0.00	0.00	0.00	0.00
	Removes Funding for Fargo District Building ⁷	Appropriates Federal Fiscal Stimulus Funds ⁸	Removes General Fund Transfer ⁹	Removes Highway-Related Funding ¹⁰	Adjusts Highway Funding ¹¹	Transfers Funding to Highway Fund ¹²
Salaries and wages						
Operating expenses						
Capital assets	(660,000)			(65,886,128)	30,500,000	
Grants				(1,800,000)		
Transfer to highway tax dist. fund			(120,000,000)			
Federal fiscal stimulus funds		176,082,671				
Transfer to highway fund						4,600,000
Total all funds	(\$660,000)	\$176,082,671	(\$120,000,000)	(\$67,686,128)	\$30,500,000	\$4,600,000
Less estimated income	(660,000)	176,082,671	0	(67,686,128)	30,500,000	0
General fund	\$0	\$0	(\$120,000,000)	\$0	\$0	\$4,600,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds Funding for Devils Lake Projects ¹³	Total Conference Committee Changes
Salaries and wages		(\$4,147,015)
Operating expenses		(15,000,000)
Capital assets	52,600,000	16,411,554
Grants		(1,800,000)
Transfer to highway tax dist. fund		(120,000,000)
Federal fiscal stimulus funds		176,082,671
Transfer to highway fund		4,600,000
Total all funds	\$52,600,000	\$56,147,210
Less estimated income	52,600,000	171,547,210
General fund	\$0	(\$115,400,000)
FTE	0.00	(1.00)

¹ This amendment removes funding added in the executive budget for state employee salary equity adjustments, the same amount removed by the House.

² This amendment removes 1 FTE driver's license examiner position added in the executive budget and related funding from the state highway fund of \$89,333. This position was also removed by the House.

³ Funding of \$142,318 is transferred from the capital assets line item to the salaries and wages line item for a new title VI coordinating FTE position added by the Senate. This transfer was also included in the House amendments.

⁴ Funding for operating expenses is reduced by \$2,500,000 from the state highway fund, the same amount reduced by the House.

This amendment reduces the amount of estimated income to be received by Fleet Services from state agencies for motor pool costs \$5 million, the same amount reduced by the House.

⁶ This amendment removes \$7.5 million for the driver's license information technology project. A total of \$1,377,437 remains for asset management software (\$540,000), registration notification renewal card printer replacement (\$374,400), position information questionnaire rewrite (\$241,837), and department electronic forms solution (\$221,200). The House removed \$3.5 million of funding for information technology projects.

⁷ Funding included in the executive budget for an equipment storage building in the Fargo district is removed. The House amendments also removed funding for the Fargo district equipment storage building.

⁸ This amendment appropriates federal fiscal stimulus funds from the American Recovery and Reinvestment Act of 2009 available for highway infrastructure investment (\$170,126,497) and grants to rural transit programs (\$5,956,174). This is the same amount that was appropriated by the House.

⁹ This amendment removes the \$120 million transfer from the general fund to the highway tax distribution fund included in the executive budget. This transfer was also removed in the House amendments.

¹⁰ This amendment removes funding added by the Senate for highway-related activities that was anticipated to be available in the state highway fund as a result of the \$120 million transfer from the general fund to the highway tax distribution fund. The amendment also removes \$1.8 million from the grants line item that was anticipated to be distributed to transit programs as a result of the general fund transfer. An adjustment is also made to reflect anticipated actual funding for highway projects. The House amendments removed \$58,686,128 for highway projects and \$1,800,000 for transit program grants.

¹¹ This amendment provides \$30.5 million of additional funding for highway projects due to deposits in the state highway fund from motor vehicle excise taxes. The House amendments provided the same amount.

¹² A transfer of \$4.6 million is provided from the general fund to the state highway fund for highway projects in the Devils Lake area. This transfer was also provided for in the House amendments.

¹³ This amendment provides \$4.6 million of funding from the state highway fund and \$48 million from federal funds for highway projects in the Devils Lake area, the same amount that was provided in the House amendments.

This amendment also:

- Removes Section 4 relating to the appropriation of additional funding available in the state highway fund. This section was also removed by the House.
- Removes Section 5 relating to the authorization to hire additional full-time employees. This section was also removed by the House.
- Removes Section 7 relating to the appropriation of additional funding received by Fleet Services. This section was also removed by the House.
- Adds a section designating parts of United States Highways 2 and 85 as the Theodore Roosevelt Expressway. A similar section was also added by the House.
- Adds sections to provide for Legislative Council studies regarding the Fargo district office facility location and potential options for matching federal highway funds. These sections were also added by the House.
- Adds a new section to North Dakota Century Code (NDCC) Chapter 54-27 regarding reporting requirements of political subdivisions on the use of transportation funding. This section was also included in the House amendments.
- Adds a section to provide that any funding received by the state, counties, cities, and townships in excess of the amounts received through the highway tax distribution fund are considered one-time funding. This section was also included in the House amendments.
- Adds a section providing that 25 percent of motor vehicle excise tax collections be deposited in the state highway fund rather than 100 percent in the general fund. The section is effective for the 2009-11 biennium only. This section was also included in the House amendments.
- Adds a section appropriating \$59.9 million from 2007-09 motor vehicle excise tax collections to the State Treasurer for weather-related cost-sharing distributions to political subdivisions for the remainder of the 2007-09 biennium. The House amendments had included \$71.5 million from the general fund for weather-related cost-sharing distributions to political subdivisions.
- Adds a section appropriating \$7.5 million from the state highway fund for highway projects and \$1 million from the public transportation fund for grants to public transit programs resulting from 2007-09 weather-related cost-sharing funds deposited in these funds.
- Adds sections to create a state disaster relief fund and provide a \$43 million transfer from the general fund to the state disaster relief fund. This transfer was also included in the House amendments.
- Adds a section to amend NDCC Section 24-02-35.2 relating to the proceeds from sales of road materials by the Department of Transportation.
- Adds an emergency section.

0228

2911

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number SB 2012 (~~as~~ engrossed):

Date: April 29, 2009

Your Conference Committee Senate Appropriations

For the Senate:

For the House:

	YES / NO			YES / NO	
<u>Wardner</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Dehner</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Stenehjem</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Carlson</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Warner</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Kaldor</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 1474 - 1479

and place _____ on the Seventh order.

adopt/further amendments as follows, and place _____ on the Seventh order.

having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

~~(Engrossed)~~ SB 2012 was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Rep Dehner

SECONDED BY: Sen Stenehjem

VOTE COUNT 6 YES 0 NO 0 ABSENT

REPORT OF CONFERENCE COMMITTEE

SB 2012, as engrossed: Your conference committee (Sens. Wardner, Stenehjem, Warner and Reps. Delzer, Carlson, Kaldor) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1474-1479, adopt amendments as follows, and place SB 2012 on the Seventh order:

That the House recede from its amendments as printed on pages 1474-1479 of the Senate Journal and pages 1680-1685 of the House Journal and that Engrossed Senate Bill No. 2012 be amended as follows:

Page 1, line 2, after the semicolon insert "to provide an appropriation to the state treasurer; to provide for budget section reports; to provide for a state disaster relief fund; to create and enact a new section to chapter 24-01 and a new section to chapter 54-27 of the North Dakota Century Code, relating to the name of United States highway 85 and transportation funding reports;"; after "sections" insert "24-02-35.2,", and after "54-27-19.1" insert ", 57-40.3-10"

Page 1, line 4, after "disasters" insert ", the proceeds from the sale of road materials,"

Page 1, line 6, remove "and" and replace "a transfer" with "transfers; to provide for legislative council studies; to provide an effective date; to provide an expiration date; and to declare an emergency"

Page 1, line 16, replace "24,194,030" with "20,047,015" and replace "151,520,269" with "147,373,254"

Page 1, line 17, replace "29,107,351" with "14,107,351" and replace "203,805,014" with "188,805,014"

Page 1, line 18, replace "96,855,896" with "113,267,450" and replace "645,576,994" with "661,988,548"

Page 1, line 19, replace "16,653,601" with "14,853,601" and replace "69,066,101" with "67,266,101"

Page 1, line 20, replace "166,810,878" with "162,275,417" and replace "1,069,968,378" with "1,065,432,917"

Page 1, line 21, replace "3.00" with "2.00" and replace "1,055.50" with "1,054.50"

Page 1, replace lines 22 through 24 with:

"SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the department of transportation, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Highway infrastructure	\$170,126,497
Grants to rural transit programs	<u>5,956,174</u>
Total federal funds	\$176,082,671

The department of transportation may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in

excess of the amounts appropriated under this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

SECTION 3. APPROPRIATION - STATE TREASURER - WEATHER-RELATED COST-SHARING PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury attributable to motor vehicle excise tax collections during the 2007-09 biennium, not otherwise appropriated, the sum of \$59,900,000, or so much of the sum as may be necessary, to the state treasurer for the purpose of providing weather-related cost-sharing funds, for the period beginning with the effective date of this Act and ending June 30, 2009. The state treasurer shall distribute the funds appropriated under this section before June 30, 2009, as follows:

1. Ten million dollars to townships in accordance with the formula used to distribute funds to townships under section 54-27-19.1, except that organized townships are not required to provide matching funds to receive distributions under this section.
2. Forty-one million four hundred thousand dollars to counties and cities in accordance with the formula used to distribute funds to counties and cities under subsection 2 of section 54-27-19.
3. Seven million five hundred thousand dollars to the state highway fund.
4. One million dollars to the public transportation fund to be distributed in accordance with section 39-04.2-04.

SECTION 4. State disaster relief fund - Creation - Uses. There is created in the state treasury a state disaster relief fund. Moneys in the fund are to be used subject to legislative appropriations for providing funding for defraying the expenses of state disasters, including providing funds required to match federal funds for expenses associated with presidential-declared disasters in the state. Any interest or other fund earnings must be deposited in the fund.

SECTION 5. APPROPRIATION - TRANSFER. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$43,000,000, which the office of management and budget shall transfer to the state disaster relief fund during the period beginning with the effective date of this Act and ending June 30, 2009.

SECTION 6. APPROPRIATION - ADJUTANT GENERAL - BUDGET SECTION APPROVAL. There is appropriated out of any moneys in the state disaster relief fund in the state treasury, not otherwise appropriated, the sum of \$43,000,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of providing emergency relief funding, for the period beginning with the effective date of this Act and ending June 30, 2011. The adjutant general may use up to \$20,000,000 of the funds appropriated in this section for the purpose of providing emergency snow removal grants to counties, cities, and townships in accordance with section 7 of this Act. The adjutant general may use up to \$23,000,000 of the funds appropriated in this section for paying costs relating to the 2009 flood disaster, snow removal damage to roads, and other disasters in accordance with section 8 of this Act.

SECTION 7. EMERGENCY SNOW REMOVAL GRANTS - GUIDELINES - BUDGET SECTION REPORT. A county, township, or city may apply to the department of emergency services for an emergency snow removal grant for reimbursement of up to fifty percent of the costs incurred by the county, township, or city for the period January 2009 through March 2009 that exceeds two hundred percent of the average costs incurred for these months in 2004 through 2008.

Each county, township, or city requesting reimbursement under this section shall submit the request in accordance with rules developed by the department of emergency services. The department of emergency services shall distribute these grants prior to June 30, 2009, and shall report to the budget section regarding the grants awarded under this section.

SECTION 8. EMERGENCY DISASTER RELIEF GRANTS - GUIDELINES - BUDGET SECTION REPORT - BUDGET SECTION APPROVAL. A political subdivision receiving federal emergency relief funding relating to disasters occurring from January 2009 through June 2009 may apply to the department of emergency services for an emergency relief grant of up to fifty percent of the local match required to receive the federal emergency relief funding. Each political subdivision requesting reimbursement under this section shall submit the request in accordance with rules developed by the department of emergency services. The department of emergency services may distribute up to \$13,000,000 of grants under this section. Any additional grant expenditures require budget section approval. The department of emergency services shall report to the budget section on grants awarded under this section in the fourth quarter of calendar year 2009 and the third quarter of calendar year 2010. Any funds provided for by the department of emergency services in this section which are not distributed to political subdivisions may be used to match federal disaster relief funds received for state purposes, subject to budget section approval.

SECTION 9. APPROPRIATION - EXEMPTION. There is appropriated out of any moneys in the state highway fund in the state treasury, not otherwise appropriated, the sum of \$7,500,000, or so much of the sum as may be necessary, and out of any moneys in the public transportation fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the department of transportation for highway projects and public transportation grants, for the period beginning with the effective date of this Act and ending June 30, 2009. Funds appropriated in this section are not subject to section 54-44.1-11 and any unexpended funds may be spent by the department of transportation during the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 10. APPROPRIATION - TRANSFER - STATE HIGHWAY FUND. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,600,000, which the office of management and budget shall transfer to the state highway fund for the purpose of defraying the expenses of highway projects in the Devils Lake area, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 11. USE OF HIGHWAY FUNDING - REPORT TO THE BUDGET SECTION. The department of transportation shall coordinate with the department of emergency services to compile information regarding the use of state, federal, emergency, and other highway funding by the department of transportation, counties, cities, and townships during the period beginning with the effective date of this Act and ending June 30, 2011. The department of transportation shall provide periodic reports to the budget section regarding the use of funds during the 2009-10 interim.

SECTION 12. HIGHWAY FUNDING - ONE-TIME FUNDING. Any highway funding received by the state, counties, cities, and townships in excess of the amounts

received through distributions from the highway tax distribution fund under section 54-27-19 or existing federal highway aid programs is considered one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 2, remove lines 1 through 29

Page 3, replace lines 4 through 10 with:

"SECTION 14. A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

Theodore Roosevelt expressway - United States highway 85. Notwithstanding any previous designation, the department shall designate United States highway 85 from the South Dakota border to the junction of United States highway 2 and United States highway 2 from the Montana border to the junction of United States highway 85 as the Theodore Roosevelt expressway and at a minimum shall place signs along the highway designating that name and may use any appropriate signs donated to the department.

SECTION 15. AMENDMENT. Section 24-02-35.2 of the North Dakota Century Code is amended and reenacted as follows:

24-02-35.2. Deposit of sale proceeds - Continuing appropriation. The proceeds from any sale of road materials made under section 24-02-35.1 must be deposited in the department of transportation fund. An amount not to exceed the total sum of the sales under section 24-02-35.1, but not to exceed ~~two hundred thousand~~ one million dollars a year, may be withdrawn upon voucher of the department for purchasing road materials. All moneys deposited in the fund pursuant to this section are hereby appropriated to the department for the purposes of this section."

Page 12, after line 17, insert:

"SECTION 20. A new section to chapter 54-27 of the North Dakota Century Code is created and enacted as follows:

Report on transportation funding and expenditures. Each county, city, and township shall provide to the tax commissioner an annual report on funding and expenditures relating to transportation projects and programs. The report must be provided within ninety days after the close of a calendar year. The report must contain by fund the beginning balance, revenues by major source, expenditures by major category, the ending balance, and any other information requested by the tax commissioner.

SECTION 21. AMENDMENT. Section 57-40.3-10 of the North Dakota Century Code is amended and reenacted as follows:

57-40.3-10. (Effective through June 30, 2009 2011) Transfer of revenue. All moneys collected and received under this chapter after moneys are deposited in the state aid distribution fund under section 57-39.2-26.1 must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited as follows:

1. ~~Ten~~ Twenty-five percent to the highway fund.
2. ~~Ninety~~ Seventy-five percent to the state general fund.

(Effective after June 30, ~~2009~~ 2011) **Transfer of revenue.** All moneys collected and received under this chapter must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited to the general fund."

Page 13, after line 13, insert:

SECTION 24. LEGISLATIVE COUNCIL STUDY - FARGO DISTRICT OFFICE SITE. During the 2009-10 interim, the legislative council shall consider studying the feasibility and desirability of relocating the Fargo district office facility. The study, if conducted, must include a review of the estimated value of the current site property, the best use of the current property, and potential locations for a new district office facility. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 25. LEGISLATIVE COUNCIL STUDY - FEDERAL TRANSPORTATION MATCHING FUNDS. During the 2009-10 interim, the legislative council shall consider studying the potential options for matching federal highway construction funding. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Page 13, after line 15, insert:

SECTION 27. EMERGENCY. Sections 2, 3, 4, 5, 6, 7, 8, and 9 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98031.0228 FN 3

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

Engrossed SB 2012 was placed on the Seventh order of business on the calendar.

4-27-09
Attachment #1

DEPARTMENT OF TRANSPORTATION BUDGET SB 2012

INVENTORY OF THE BILL

1. Sections removed from Engrossed Senate Bill 2012

- Section 2 - \$120 million transferred from the General Fund to Highway Tax Distribution Fund.
- Section 3 - \$120 million is one time funding for the biennium 2009 – 2011.
- Section 4 - Appropriation of additional finding available in the State Highway Fund.
- Section 5 - Authorization to hire additional full-time employees.
- Section 7 – Appropriation of additional funding received by Fleet Services.

2. House Amendments to Engrossed Senate Bill 2012 (98031.0225)

- Section 2 – Federal Fiscal Stimulus Funds – Funding Approval.
- Section 3 – Weather Related Cost Sharing Program.

- Section 4
- Section 5
- Section 6 – Disaster Relief Program (\$43 million) Snow Removal and Flood Disaster.
- Section 7
- Section 8

- Section 9 - \$4.6 million transfer from the General Fund to the State Highway Fund for Devils Lake Area roads.

- Section 10 – Use of Highway Funding – Reports to the Budget Section.

- Section 11 – Statement of One Time Funding for Highways.

- Section 13 – Naming Highway 85 – Theodore Roosevelt Expressway

- Section 16 – Restricted Licenses – Penalty for violation.

- Section 19 – Report on transportation funding and expenditures (31 days)

- Section 20 – One biennium transfer of the 25% of the Motor Vehicle Excess Tax to the Highway Fund. 75% is transferred to the General Fund.

- Section 23 – Fargo District Office Site. Study

PORTS TO PLAINS ALLIANCE



4-28-09
10:30 AM

CONFERENCE COMMITTEE INFORMATION

April 28, 2009

North Dakota Department of Transportation - Francis G. Ziegler, P.E., Director

SB 2012

NDDOT Position on Inventory of Bill:

1. \$7.5 M weather related cost sharing for DOT should be included in 2009-2011 budget with an emergency clause for 07-09 use. (money DOT spent for extreme winter came from summer road material budget)
2. Section 10 - funding is being distributed by DES therefore DES should compile information and report information from DOT, cities, counties and townships.
3. Section 13 - No state on entire corridor has renamed this road. Highway 2 through the state of North Dakota is already named the 164th Infantry Memorial Highway.
4. Section 23 - Funding is needed for the study of the Fargo District site and if a move is contemplated \$13-\$15 M is ultimately needed for new facility.

NDDOT Comments on Statement of Purpose:

1. Item 2 - Currently there is about a one month wait for CDL testing statewide due to demand; many customer complaints; positions intended to improve service due to more CDL classes offered around the state increasing demand on examiners
2. Items 4 & 5 - Okay if any deficiency can be covered by emergency commission.
3. Item 6 - current DL3 system is 30 years old, on mainframe and written in COBAL
 - SITAC rated it 3rd of 7 projects for special funded agencies
 - ITD recommended rewrite
 - DOT currently patching system together like the legislature and BND.
 - If REAL ID repealed tomorrow, DL3 is still needed
4. Item 11-former memo to leadership dated 4/8/2009; DOT needs \$31.5M to continue operations and match federal aid. Currently all districts are reporting serious distress on roads; more than can be fixed with federal aid; additional and tougher load restrictions being imposed.

April 28, 2009 2:00 PM /

Prepared by the Legislative Council staff
for SB 2012 Conference Committee
April 28, 2009

LISTING OF PROPOSED CHANGES TO ENGROSSED SENATE BILL NO. 2012

Department of Transportation

Adopted funding changes:

Description	FTE	General Fund	Special Funds	Total
1 Remove funding added in the executive budget for state employee salary equity adjustments			(\$4,200,000)	(\$4,200,000)
2 Appropriate federal fiscal stimulus funding			\$176,082,671	\$176,082,671
3 Remove \$120 million transfer from the general fund to the highway tax distribution fund		(\$120,000,000)		(\$120,000,000)
4 Remove funding for highway projects (56,886,128) and transit program grants (\$1,800,000) as a result of the removal of the \$120 million general fund transfer			(\$58,686,128)	(\$58,686,128)
5 Transfer \$4.6 million from the general fund to the highway fund for Devils Lake area road projects		\$4,600,000		\$4,600,000
6 Provide spending authority for \$4.6 million general fund transfer and federal highway funding (\$48 million) associated with highway projects in the Devils Lake area highway projects			\$52,600,000	\$52,600,000
Total proposed funding changes		<u>(\$115,400,000)</u>	<u>\$165,796,543</u>	<u>\$50,396,543</u>

Other adopted changes

- 1 Remove section 3 of engrossed SB 2012 designating the \$120 million transfer from the general fund to the highway tax distribution fund as one-time funding.
- 2 Remove section 4 of engrossed SB 2012 authorizing the Department of Transportation to spend any additional funding deposited in the highway fund.
- 3 Remove section 5 of engrossed SB 2012 providing authorization to hire additional FTE highway construction positions if it is cost-effective.
- 4 Remove section 7 of engrossed SB 2012 authorizing the Department of Transportation to spend any additional funding received by State Fleet Services.

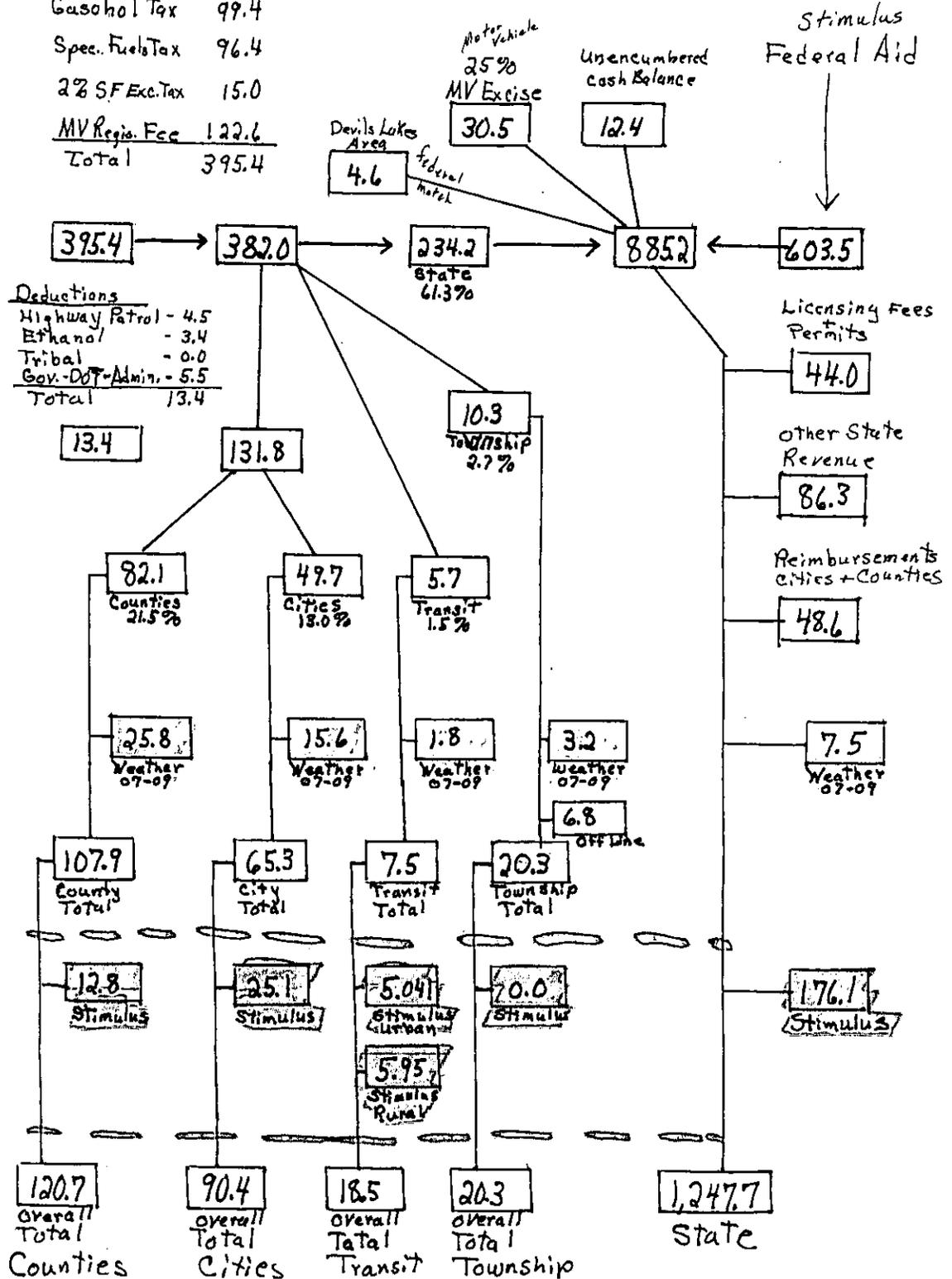
- 5 Include Section 2 of the House amendments relating to the appropriation of federal fiscal stimulus funds.
- 6 Include Section 9 of the House amendments providing a \$4.6 million transfer from the general fund to the highway fund for Devils Lake area highway projects.
- 7 Remove Section 16 of the House amendments relating to restricted driver's licenses.
- 8 Include Section 19 of the House amendments relating to the reporting of transportation funding and expenditures by political subdivisions. Revise the section to allow political subdivisions up to 90 days to provide reports.
- 9 Remove section 25 of the House amendments providing intent on the distributions of highway funding.

Highway Tax Distribution Fund

Motor Vehicle - Tax Fees

Gasoline Tax	62.0
Gasohol Tax	99.4
Spec. Fuels Tax	96.4
2% SF Exc. Tax	15.0
MV Regis. Fee	122.6
Total	395.4

Highway Fund



Section 24 – Legislative Council Study – Federal Transportation Match

Section 25 – Legislative Intent – Highway Related Funding Allocations

Section 27 – Emergency. Sections 2,3,4,5,6,7, and 8 of the amendments.

3. Statement of Purpose

1. Removes funding added in the executive budget for state employee salary equity adjustments.
2. Removes 1 FTE, Driver's License Examiner position.
3. Funding of \$142,318 for title VI coordinator added.
4. Operating expense reduced \$2,500,000.
5. Fleet Services reduced \$5 million for state motor pool
6. Reduces the funding for information technology projects 3.5 million.
7. Funding for the Fargo District Building is removed \$660,000. (Section 23)
8. Appropriates the \$176,082,671 Federal Stimulus money.
9. Removes \$120 Million General Fund Transfer
10. Removes the State Highway Fund portion of the \$120 Million.
11. Adjust Highway Funding \$30.5 million from Motor Vehicle Excess Tax. (Section 20)
12. Transfers \$4.6 million to the Highway Fund from General Fund (Section 9)
13. Provides the \$4.6 million from the Highway Fund and the \$48 million from Federal Funds for Highway projects in the Devils Lake Area.

4. Other Possible Issues

2009 TESTIMONY

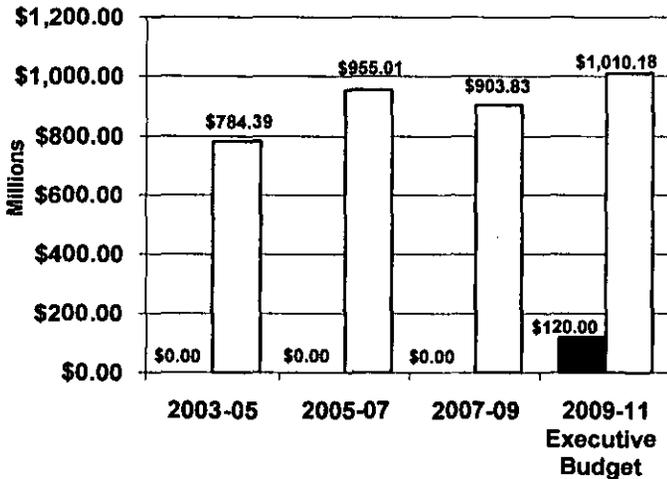
SB 2012

**Department 801 - Department of Transportation
 Senate Bill No. 2012**

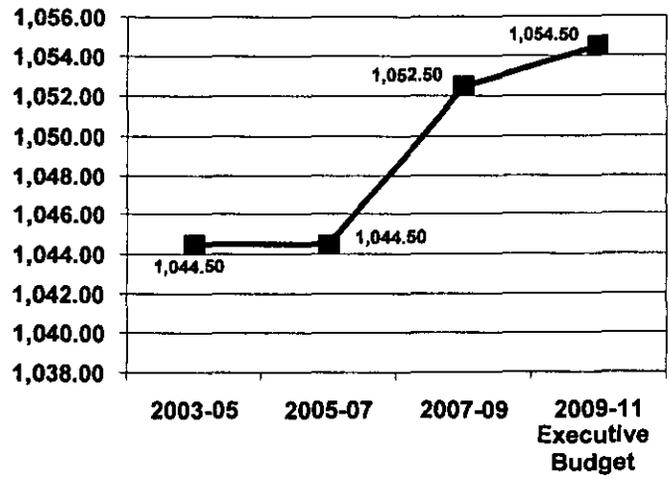
	FTE Positions	General Fund	Other Funds	Total
2009-11 Executive Budget	1,054.50	\$120,000,000	\$1,010,182,250	\$1,130,182,250
2007-09 Legislative Appropriations	1,052.50	0	903,825,446	903,825,446 ¹
Increase (Decrease)	2.00	\$120,000,000	\$106,356,804	\$226,356,804

¹The 2007-09 appropriation amounts include \$667,946 of other funds for the agency's share of the \$10 million funding pool appropriated to the Office of Management and Budget for special market equity adjustments for classified employees. The 2007-09 appropriation amounts do not include \$53,985,790 of additional special funds authority resulting from Emergency Commission action during the 2007-09 biennium.

Agency Funding



FTE Positions



■ General Fund □ Other Funds

Ongoing and One-Time General Fund Appropriations

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2009-11 Executive Budget	\$0	\$120,000,000	\$120,000,000
2007-09 Legislative Appropriations	0	0	0
Increase (Decrease)	\$0	\$120,000,000	\$120,000,000

First House Action

Attached is a summary of first house changes.

Executive Budget Highlights

	General Fund	Other Funds	Total
1. Provides \$3,885,000 from the highway fund, \$189,000 from the motor vehicle operating fund, and \$126,000 from the Fleet Services fund to address salary equity issues, including \$200,000 for the related second-year salary increases		\$4,200,000	\$4,200,000
2. Adds 2 FTE driver's license examiner positions from the highway fund		\$178,666	\$178,666
3. Increases funding for Fleet Services due in part to vehicle purchases, fuel costs, and repairs		\$16,143,756	\$16,143,756
4. Provides for the following anticipated changes in federal highway aid:			
Federal Highway Administration formula funds		\$47,200,000	\$47,200,000
Emergency relief		31,200,000	31,200,000
Federal rail funds		(6,300,000)	(6,300,000)
National Highway Traffic Safety Administration		4,400,000	4,400,000

Federal transit funds	1,600,000	1,600,000
Total	\$78,100,000	\$78,100,000
5. Provides one-time funding from the highway fund for the replacement of the department's mainframe driver's license computer system	\$7,500,000	\$7,500,000
6. Provides a one-time transfer from the general fund to the highway tax distribution fund for infrastructure repairs and improvements of the state and political subdivisions. (The executive budget anticipates that the state highway fund will receive \$75,936,000, or 63.28 percent, of the \$120 million; however, inadvertently, did not increase the department's appropriation by this amount.)	\$120,000,000	\$120,000,000

Other Sections in Bill

Section 5 authorizes the Department of Transportation to hire additional FTE positions for the construction and maintenance of highways if the department determines that it is more cost-effective to hire the positions rather than contract for the services. The department must report any additional positions hired to the Office of Management and Budget and the Legislative Council.

Section 6 authorizes the director of the Department of Transportation to transfer funds between the operating and capital assets budget line items when it is cost-effective for construction and maintenance of highways. The department must report transfers to the Office of Management and Budget and the Legislative Council.

Continuing Appropriations

There are no continuing appropriations for this agency.

Major Related Legislation

Senate Bill No. 2054 - This bill removes the limitation that Department of Transportation agreements with tribal governments may not exceed \$25,000.

Senate Bill No. 2147 - This bill authorizes two design-build method contracts for highway or bridge projects and provides for a report to the Legislative Council.

Senate Bill No. 2223 - This bill appropriates \$125,000 from the general fund for the development of two public transportation coordination pilot projects.

House Bill No. 1153 - This bill relates to motor vehicle registration fee collection agreements with home rule cities and deposits of certain fees.

House Bill No. 1407 - This bill changes the collection and distribution of highway-related funding.

Highway Tax Distribution Fund Changes

The attached memorandum summarizes the highway tax distribution fund changes being made in Senate Bill No. 2012.

ATTACH:2

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2012 - Funding Summary**

	Executive Budget	Senate Changes	Senate Version
Department of Transportation			
Salaries and wages	\$151,520,269		\$151,520,269
Operating expenses	203,805,014		203,805,014
Capital assets	588,690,866	56,886,128	645,576,994
Grants	66,166,101	2,900,000	69,066,101
Transfer to highway tax dist. fund	120,000,000		120,000,000
Total all funds	\$1,130,182,250	\$59,786,128	\$1,189,968,378
Less estimated income	1,010,182,250	59,786,128	1,069,968,378
General fund	\$120,000,000	\$0	\$120,000,000
FTE	1054.50	1.00	1055.50
Bill Total			
Total all funds	\$1,130,182,250	\$59,786,128	\$1,189,968,378
Less estimated income	1,010,182,250	59,786,128	1,069,968,378
General fund	\$120,000,000	\$0	\$120,000,000
FTE	1054.50	1.00	1055.50

Senate Bill No. 2012 - Department of Transportation - Senate Action

	Executive Budget	Senate Changes	Senate Version
Salaries and wages	\$151,520,269		\$151,520,269
Operating expenses	203,805,014		203,805,014
Capital assets	588,690,866	56,886,128	645,576,994
Grants	66,166,101	2,900,000	69,066,101
Transfer to highway tax dist. fund	120,000,000		120,000,000
Total all funds	\$1,130,182,250	\$59,786,128	\$1,189,968,378
Less estimated income	1,010,182,250	59,786,128	1,069,968,378
General fund	\$120,000,000	\$0	\$120,000,000
FTE	1054.50	1.00	1055.50

Department 801 - Department of Transportation - Detail of Senate Changes

	Adds Highway- Related Funding ¹	Adds Grant Funding for Public Transit Programs ²	Adds a FTE Position ³	Total Senate Changes
Salaries and wages				
Operating expenses				
Capital assets	56,886,128			56,886,128
Grants		2,900,000		2,900,000
Transfer to highway tax dist. fund				
Total all funds	\$56,886,128	\$2,900,000	\$0	\$59,786,128
Less estimated income	56,886,128	2,900,000	0	59,786,128
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	1.00	1.00

The capital assets line item is increased to allow the Department of Transportation to spend additional money deposited in the highway fund as a result of the transfer of \$120 million from the general fund to the highway tax distribution fund.

² The grants line item is increased to allow the Department of Transportation to provide additional grant funding for public transit programs as a result of the transfer of \$120 million from the general fund to the highway tax distribution fund.

³ The department is authorized an additional FTE position for coordination of the department's Title VI and nondiscrimination program as required for delivery of federal programs. Additional funding is not being provided for the position.

This amendment also adds the following sections:

- Provides additional appropriation authority for Fleet Services if additional revenue becomes available.
- Amends North Dakota Century Code (NDCC) Section 24-02-44 relating to the department's authority to borrow funds to respond to disasters.
- Amends NDCC Sections 39-04-19, 54-27-19, 54-27-19.1, 57-43.1-06, and 57-43.2-04.2 relating to the collection and distribution of highway related revenues.
- Repeals NDCC Section 39-04.2-03 relating to the registration fee for public transportation. The \$3 fee is added to the motor vehicle registration fee schedules for deposit in the highway tax distribution fund.

SENATE APPROPRIATIONS COMMITTEE

January 19, 2009

8:30 a.m. – Harvest Room

North Dakota Department of Transportation

Francis G. Ziegler, P.E., Director

SB 2012

Good morning, Mr. Chairman and members of the committee. I'm Francis Ziegler, Director of the North Dakota Department of Transportation (NDDOT). Thank you for giving me the opportunity to present information to you this morning. Today we will discuss important elements of the NDDOT.

- Employees
- Strategic Plan & Performance Measures
- Accomplishments and Challenges
- State Transportation Funding
- Budget Overview
 - 2007-09 Appropriation
 - 2009-2011 Budget
- Border Crossing, Drivers License Security and Identity Preservation

Employees

Hiring and Retention of Employees

As in any agency, our employees are the backbone of our organization and the reason for our success. The department uses various means to recruit and retain quality employees. However, recruitment and retention of Engineering Technicians, Transportation Engineers, and Transportation Technicians continues to be a challenge for the department. At this time, our department is short a total of five Engineering Technicians, three Transportation Engineers, and seven Transportation Technicians (Equipment Operators). Filling these vacancies poses a challenge as we do not have many applicants for these positions. Some applicants turn down a job due to non-competitive wages/benefits or location of the offer. We also face the same hiring challenges in the drivers license area as we try to keep up with the demand for commercial drivers license examiners, especially in the western part of the state where we have moved FTEs to meet area needs. The NDDOT strongly supports the employee equity funding as outlined in the Governor's budget recommendation.

To maintain NDDOT service levels and prepare for the future, we have had to underfill positions and continue to provide cross functional training in the department.

We are also continuing to administer our financial aid grant program in addition to providing internship opportunities across the organization. To further enhance recruitment, we are introducing SB 2086 to request an increase in tuition reimbursement. NDDOT is also working to inspire interest in transportation careers by bringing the AASHTO Transportation and Civil Engineering Program (TRAC) into North Dakota high schools. Currently the program is in 20 high schools and middle schools across the state.

Strategic Plan & Performance Measures

Strategic Plan

The North Dakota Department of Transportation's Strategic Plan was initially developed in 1997 and is in its fifth iteration with the 2008 – 2013 Strategic Plan. The plan guides the department through an improvement process that positively affects our employees, customers and stakeholders. A copy of the department's current strategic plan is included with this testimony.

Performance Measures

In 2004, the department identified five significant Performance Measure outcome areas that were directly tied to our strategic goals and customer satisfaction areas. The 2008 report continues to help the department leaders to revise strategies to better enhance our products and services. A copy of the 2008 Performance Measures Report Card is included with this testimony.

Major Accomplishments 2007 – 2009

The state's transportation department works daily to provide a system that safely moves people and goods. The NDDOT had many accomplishments, and I will highlight some of the major ones today.

Customer Satisfaction rating increases

In 2008, the Customer Satisfaction Survey showed an increase in overall customer satisfaction. When asked a single question during the survey on how the department is doing overall, almost 84 percent said they were satisfied or very satisfied. Five categories are in the 90 percentile satisfaction rating: overall safety, highway signing, rest area cleanliness, and the Drivers License and Traffic Safety and Motor Vehicle Division's customer service.

The department works on continuous improvements to maintain, rehabilitate or reconstruct segments of our highway network to provide a quality system. Some of the major projects completed this biennium include the following:

- **Over 1,300 Miles Improved** - This past biennium about \$580 million was invested in approximately 440 construction and maintenance projects throughout the state. Approximately 1,340 miles of state highways were constructed, reconstructed or received preventive maintenance measures.
- **Four-laning US 2 from Minot to Williston** - On October 9, 2008, a ribbon-cutting ceremony was held celebrating the completion of the 97 mile US 2 four-lane corridor between Minot and Williston.

- **Liberty Memorial Bridge** - The new Liberty Memorial Bridge was dedicated to all military veterans on November 11, 2008.
- **Six-laning I-29 in Fargo Area** - The I-29 reconstruction projects through Fargo were started in 2000 and completed in 2007. Eight miles of I-29 were expanded through Fargo.

Other Major Accomplishments Include:

- Paving and reconstruction of US 83-Broadway in Minot
- Reconstruction of US 12 from Scranton to Hettinger
- Rehabilitation and paving ND 200 from Beulah to Hazen
- Improvements on I-29 from Bowsmount north to Pembina
- Paving and bridgework on I-94 from South Heart to Dickinson
- Paving on I-94 from Buffalo to Wheatland
- Paving on US 281 north of Edgeley and reconstruction and paving in Jamestown
- Bridge construction, widening and reconstruction of US 281 near New Rockford
- Designed and bid the Drayton Bridge
- Administration of a state public transit program which includes strategic planning to study statewide transit needs and enhance the regionalization concept.

We were able to accomplish all of these projects thanks to your support of the department and our programs. The tasks were completed successfully due to the hard work of our staff and our strong work environment. As an example of our strong work environment, NDDOT was named Best Place to Work for Young Professionals in Bismarck-Mandan by the local Young Professionals Network. The NDDOT then went on to be voted the “Best Place to Work” in the entire state by the North Dakota Young Professionals Network.

Challenges

NDDOT has many accomplishments to be proud of and as we work to provide a safe transportation system, we also face many challenges.

North Dakota’s Transportation System Condition

The NDDOT, counties, cities, and townships all face major challenges in maintaining and improving their road, bridge, and street network. Following is a brief overview of some of these challenges.

- **Upper Great Plains Technical Institute (UGPTI) Workshops and Needs Study** – In the spring of 2008, the UGPTI hosted a series of eight regional transportation workshops and one statewide meeting. About 500 people attended the workshops including a cross-section of participants (including legislators) representing a variety of transportation interests. The purpose of the workshops was to inform participants, solicit input, and encourage future involvement. Some of the major findings and challenges identified include:

- Transportation infrastructure and personal mobility are critical to economic development.
- Customer expectations related to highways and transit systems are increasing.
- Demands on the transportation system have increased significantly due to agriculture production, processing and energy development.
- Inflation has had a significant impact on the purchasing power of transportation dollars. Reduced purchasing power results in deferred maintenance.
- The Federal Highway Trust Fund is not generating adequate revenue to support expenditures.
- Increased funding is needed by all jurisdictions to meet current and future needs.

As a result of public input, and the need for additional transportation funding by all jurisdictions, the steering committee recommended a revenue enhancement proposal. Following is an overview of the transportation needs that were used as a basis for recommending additional state revenue for transportation.

Table 1, which was prepared by the UGPTI, provides an overview of the revenue needed to maintain existing roadway and bridge conditions in North Dakota. The table does not include needs for system expansion or operational expenditures for snow removal, signing, mowing, or other maintenance activities indirectly relating to roadway surface condition.

The table shows the annual needs for roads and bridges on the state system are about \$243 million. There are also substantial needs on the local road and street networks. The county needs are approximately \$160 million, urban streets \$71 million, townships \$36 million and small city streets \$30 million.

The table also shows the current average annual funding levels and annual revenue shortfalls for maintaining the existing condition of roads and bridges.

	Annual Needs	Present Average Annual Funding	Inflation	2007 Buying Power	2008 Difference
State System	Roads & Bridges \$242.9 M	Federal & State \$148 M	15%	\$125.8 M	\$117 M
County	Roads & Bridges \$159.5 M	Federal, State & Local Mill Levies \$75.6 M ¹	15%	\$64.3 M	\$95.6 M
Urban	Streets \$70.7 M	Federal & State \$52.3 M ²	15%	\$44.4 M	\$26.3 M
Townships	Roads \$36.3 M	State & Local Mill Levies \$24.7 M	15%	\$21 M	\$15.3 M
Small Cities	Streets \$29.7 M	Special Assessments NA	15%	NA	NA
Transit	\$13.7 M	State & Local Match \$13.2 M	15%	\$11.2 M	\$2.5 M

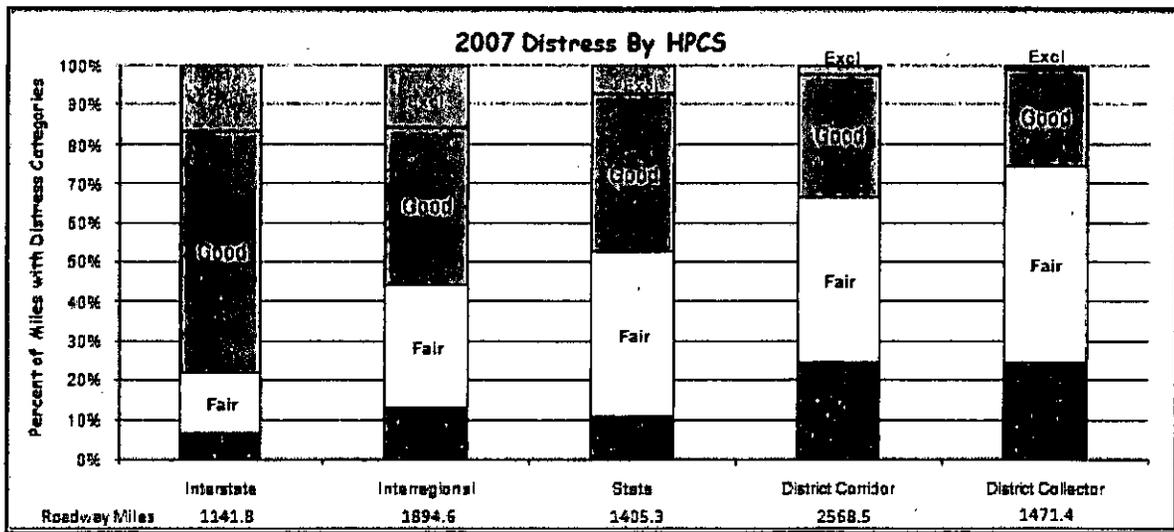
¹Does not include oil/gas/coal impact fund; ²Does not include local revenue generated for transportation; NA: Not available

- **Roadway & Bridge Condition**

To ensure our investments are appropriate, the NDDOT continuously monitors the state transportation system.

- **State Highway System Condition** - As a result of an aggressive pavement preservation program, the NDDOT has been making strides in improving the condition of the state highway network. This is predominantly true for the upper tiers of the Highway Performance Classification System (HPCS). Figure 1 illustrates that, based on distress ratings; almost 80 percent of the Interstate system is classified in the excellent and good category. About 55 percent of the Interregional system is rated excellent and good and about 48 percent of the state corridors fall into the same category. The top three tiers; Interstate, Interregional, and State Corridors, comprise about 52 percent of the roadway miles on the state system. However, these roadways carry about 86 percent of the truck traffic and 84 percent of the total vehicle miles traveled on the state system.

Figure 1

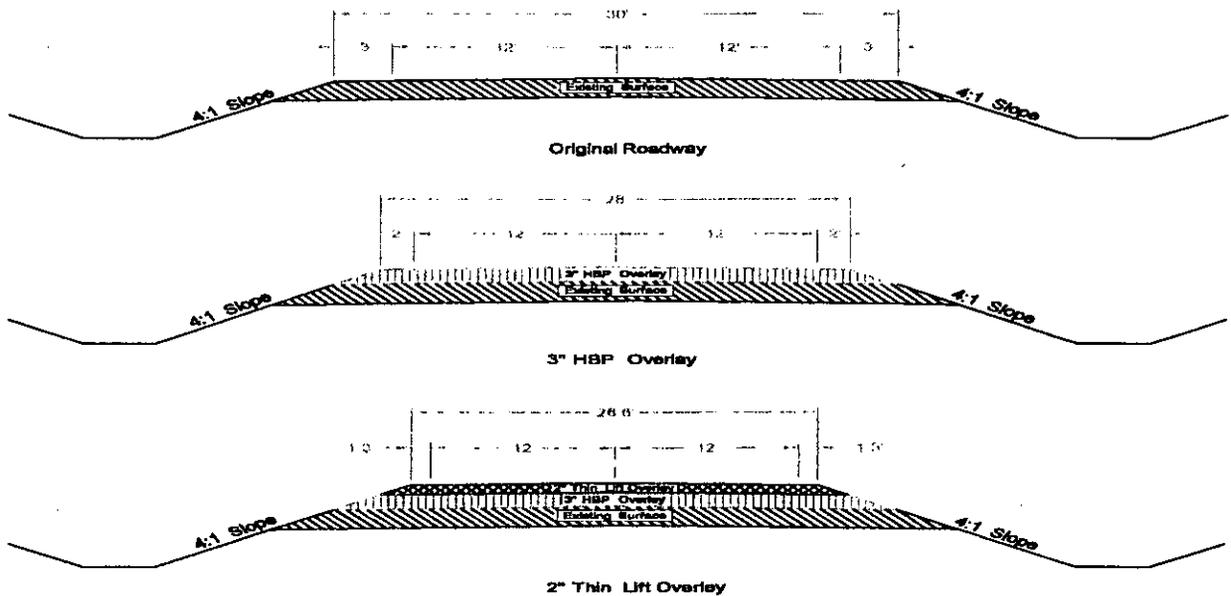


The challenge occurs on preserving the condition of the lower two tiers, the district corridors and collectors. The chart shows that about 67 percent of the district corridors and 73 percent of the district collectors are in fair to poor condition. The district corridors and collectors make up 48 percent of the roadway miles on the state system but carry only 16 percent of the traffic.

- **Pavement Preservation Program** – To help manage the effective use of resources, the department has implemented a pavement preservation program. This program emphasizes timely maintenance of the roadway surface to improve ride quality and extend the life of the roadway surface. We are concerned that many of these maintenance options are short-term fixes that improve ride quality and distress, but will not provide the service level needed for long-term performance of the highway network.

Thin lift overlays are one of the options that have been incorporated to improve the condition of the roadway surface. However, these fixes cannot be utilized forever. Every time a roadway is overlaid, shoulder width is reduced and the roadway surface becomes narrower. Figure 2 illustrates what happens to the width of the roadway surface when the road is overlaid. At some point in time, overlays can no longer be used without impacting service of the roadway to the motoring public. There are segments of many ND highways where we can no longer use thin lift overlays. The last time we overlaid segments of some of these roadways we received some negative feedback from the public. Although they agree the roadway surface has improved, they are concerned about safety due to the narrower roadway and lack of shoulders.

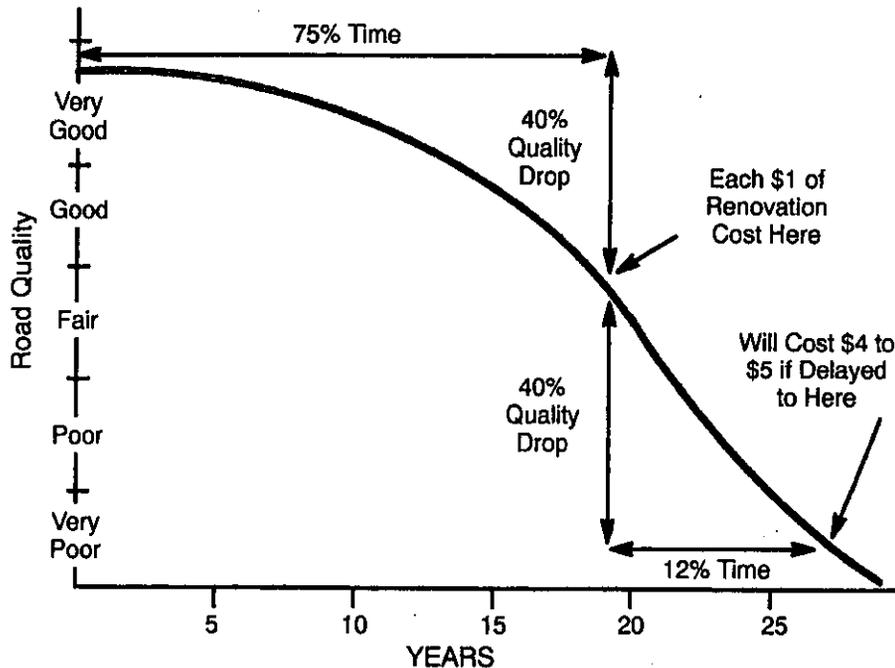
Figure 2 – Impact of Thin Lift Overlays on Roadway and Shoulder Width



A thin lift overlay costs about \$118,000 per mile. If thin lift overlays can no longer be applied and asphalt surfacing reconstruction is needed, the cost could approach \$780,000 per mile.

Investment Levels Impacting Pavement Condition - In the past, we have shared with you the Road Deterioration vs. Time Chart below which illustrates the impact of deferring timely maintenance. Timely maintenance is the key to getting the maximum life out of our pavements. For every dollar not spent on timely maintenance, \$4 to \$5 will be needed for complete reconstruction a few years later. The DOT is applying these principals through its Pavement Preservation Program.

Road Deterioration vs. Time Chart



SOURCE: American Public Works Association

- The illustrations in Appendix A and B on pages 26 and 27 show the impacts of applying pavement preservation techniques to the state highway system at different investment levels.
- Appendix A shows the impact on highway conditions for the next 20 years resulting from the increased funding provided in the Executive Budget recommendation.
- This illustration demonstrates the impact the Executive Budget (23 percent increase in roadway funding) would have on maintaining and preserving the highway system. It is assumed that future increases in federal funding will sustain the level used in the analysis to provide funding beyond the next biennium. The 23 percent increase in roadway funding will allow us to maintain the number of miles in the excellent or good condition, but the overall condition will decline as miles in the excellent category fall into the good category. This level of funding will not allow us to meet the goals established in the Highway Performance Classification System (HPCS).

- Appendix B illustrates that the NDDOT would need a 60 percent increase in funding for highway preservation to improve the overall condition rating to meet the goals established in the HPCS.
- Hopefully, future long-term federal funding increases will allow us to preserve and enhance our transportation network.
- While these appendixes show the state system, cities, counties and townships are experiencing similar situations.
- **Bridge Conditions** – With the collapse of the I-35 Bridge in Minneapolis, the condition of our nation’s bridges has received a great deal of attention. Table 2 provides an overview of the condition of North Dakota’s bridges.

Table 2 - North Dakota Bridge System Condition (June 2008)

System	Total Bridges	Number of S.D. or F.O.*	Percent of S.D. or F.O.*
State	1,714	62	3.6%
Urban	104	12	11.5%
County	3,160	854	27.0%
Total	4,978	928	18.6%

***Note:** A bridge designated structurally deficient (S.D.) does not mean that the bridge is unsafe; it means that either the deck or substructure has a condition that warrants attention, which can be as simple as a concrete bridge needing a deck overlay. Functionally obsolete (F.O.) means that some part of the bridge does not meet a design standard such as vertical clearance, deck width, etc. It has nothing to do with the structural integrity of the bridge.

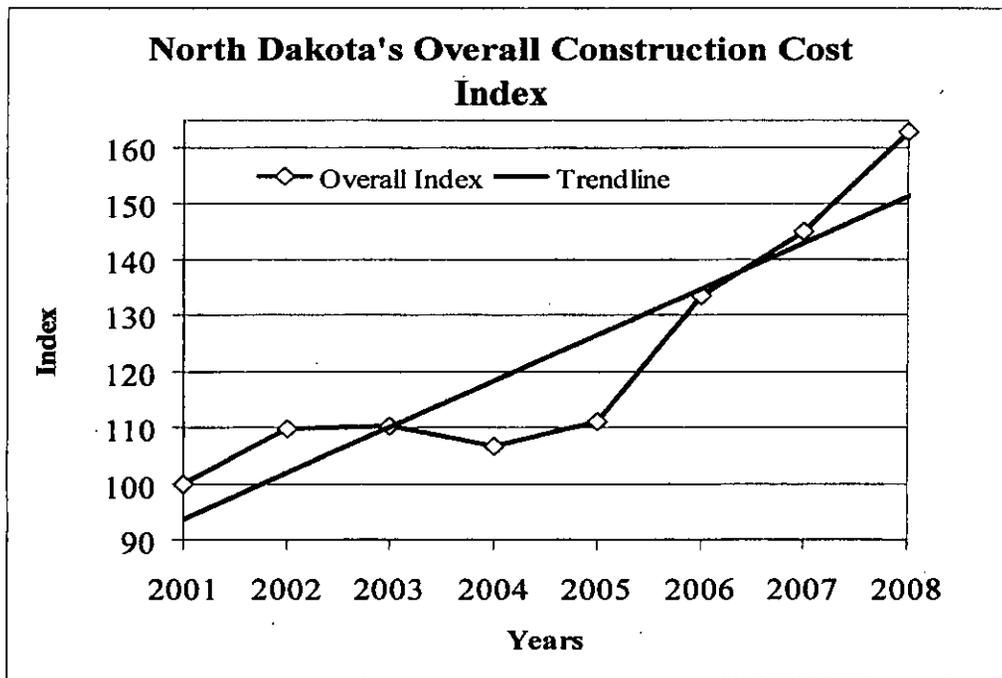
Table 2 shows there are 4,978 bridges in North Dakota and 928, or 18.6 percent of them, are classified as structurally deficient or functionally obsolete. The biggest challenge with bridge replacement and rehabilitation is on the county system. There are 3,160 bridges on the county system and 27 percent of them are structurally deficient or functionally obsolete. The counties receive half of the federal bridge funds, which is about \$5 million per year. Although there are not a large number of structurally deficient or functionally obsolete bridges on the state system these structures are very costly to replace.

- **Impacts of Economic Growth on Roadway Network** – Expansion of oil development, ethanol, biodiesel plants, and wind generating facilities are good news for North Dakota as it represents new jobs, provides additional tax revenue, reduces our nation’s dependence on foreign oil, and supports a growing economy. However, as these industries have grown, the NDDOT, counties, and townships have been faced with challenges of providing and maintaining a road network to serve these industries. Many of these roads were not built to handle the additional truck volumes and the rate of deterioration on several roadways has increased dramatically.

The Statewide Transportation Improvement Program (STIP) has over \$46 million of improvements scheduled on state highways impacted by oil development in the next four years. In addition, \$129 million worth of improvements have been identified on various state highways in the oil impact areas that are not included in the current STIP.

Construction Inflation – Inflation has been one of the greatest challenges facing the transportation industry the past few years. The NDDOT continued to experience major price increases in oil-based products, steel, concrete, equipment, and building materials. Figure 3 shows that North Dakota’s overall construction cost index increased about 47 percent from 2005 to 2008. As a result of inflation, we have had to make adjustments to our Pavement Preservation Program. We have placed an emphasis on pavement preservation construction strategies such as thin lift asphalt overlays, micro-surfacing, and seal coat projects. We are concerned that project delays and cutbacks will impact the long-term performance of the highway network.

Figure 3 – ND Overall Construction Cost Index



Maintenance Costs for Snow and Ice Control – With record snowfalls occurring across the state the NDDOT, counties, cities, and townships are experiencing major challenges in dealing with snow and ice control. Service expectations of the public have increased and they expect roadways to be open 24 hours a day. As a result, employees are working long hours and the costs associated with frequent storms are putting a strain on maintenance budgets.

It is not uncommon for maintenance employees to put in long hours during the winter months. However, this year, the frequency of the storms and the fact that many storms have occurred on weekends and holidays have resulted in a great deal of overtime. In addition, many storms have had a statewide impact. In the Underwood section, there are four employees who worked all 31 days in December, and one of these employees has worked 51 consecutive days.

In December 2008 there were about 18,500 hours of overtime in the districts charged to snow and ice control. This amounts to about \$475,000 in overtime costs.

The increased cost of materials has also had an impact. In 2003, a ton of salt cost about \$34. By 2009, the price has almost doubled more than \$67 per ton. In addition, we are also purchasing more salt. In 2001-2002 we purchased about 16,500 tons of salt per year. In 2007-2008 we purchased just over 27,300 tons. We have also had to hire contractors and rent additional equipment in the areas that have been hit the hardest this winter.

The cost for snow and ice control for a storm covering the entire state is estimated to be about \$1.2 million per day. This includes costs for labor (14 hour day), equipment (trucks & loaders), material, pre-wetting material, shop costs, replacing cutting edges, etc.

The costs associated with record snowfalls are extremely high. However, the districts have had to absorb these costs within their existing budgets. It should also be noted, that utility and other day-to-day operational costs have also increased.

Buildings/Salt and Sand Storage – The use of salt/sand mixtures for snow and ice control has increased and the department does not have adequate facilities to store this material. The environmental concerns associated with the storage of salt and treated sand is a sensitive issue. Many of these stockpiles sit out in the open and are currently being covered with large tarps. The safety issues related to handling these tarps and concerns with salt leaching from these piles to private property has posed major challenges for the department.

In addition to the need for salt and sand storage facilities, we also need to make section building and equipment storage building improvements. During the next biennium, we plan on constructing three section buildings, one equipment storage building, and three salt/sand storage facilities. It is estimated that it will cost about \$2.7 million to make these improvements.

Devils Lake – Rising water in the Devils Lake Basin and roads acting as dams continues to be a major challenge for the NDDOT and local entities. We are continuing to monitor the situation and the NDDOT is currently designing a grade raise project in the Spring Lake area on ND Highway 20. In addition, Central Federal Lands in concert with the Corps of Engineers is also designing a project for Acorn Ridge on ND Highway 20. Of major concern is that a single event, such as record snowfalls, could further elevate the lake level and result in the need to raise additional roadways.

We are anticipating that work on roads-acting-as-dams will commence this coming biennium. We are also anticipating that there will be a delay in the necessary FHWA emergency relief funds for making contractor payments. In order to reduce impact to our existing federal program of projects, we are offering an amendment similar but more expansive than the one passed by the 2001 legislature. The amendment would allow the NDDOT to borrow for the federal component of the contractor payments until being reimbursed by the FHWA. The amendment will be discussed later in this testimony. FHWA does reimburse states for costs incurred by borrowing in this situation. This borrowing would not occur without a determination of eligibility of the work and a project agreement with FHWA. The 2001 amendment only allowed for borrowing of matching funds.

Additional Funding Requests – In addition to maintaining and preserving the current transportation system, the department receives frequent requests for funding special projects and improvements that are not included in the Statewide Transportation Improvement Program (STIP) and cannot be funded with the current operating budget.

On an on-going basis, the DOT receives requests from the public to enhance the state highway network by adding mileage to the system, replacing bridges, constructing bypasses, four-laning and widening existing roadways.

DL3 (Drivers License Master File) needs to be replaced – The department is currently operating an extremely obsolete drivers license system known as DL3. It is a 24-year-old mainframe system that is no longer reliable and very difficult and expensive to maintain. The NDDOT is currently expending approximately \$25,000 - \$30,000 a month on maintenance and the costs are projected to go up an additional 15-20 percent during the next biennium.

DL3 is essential to the issuance of all drivers licenses and is vital for interfacing with other agencies. Some vital aspects of DL3 include:

- The system contains all demographic, licensing and driving record data.
- It interfaces with seven national systems for driver identity and record verification. The drivers license records are accessed by other state agencies, multiple federal agencies, 51 licensing jurisdictions, and a criminal justice information sharing system.

Replacing DL3 continues to be a high priority. The NDDOT's budget contains \$7.5 million for the 2009-2011 biennium for replacing DL3. It is estimated the total project replacement cost is about \$15 million.

State Transportation Funding

Current Allocation of the Highway Tax Distribution Fund

As noted in Section 2 of Senate Bill 2012, this legislative assembly will consider a proposal (SB 2177) that would significantly modify the way highway user revenues are disbursed through the Highway Tax Distribution Fund. Currently, with some exceptions, all motor vehicle registrations (after deduction for motor vehicle program costs) and fuel taxes are deposited into the fund and distributed based on a formula whereby the NDDOT receives 63 percent, the counties receive 23 percent, and the cities receive 14 percent.

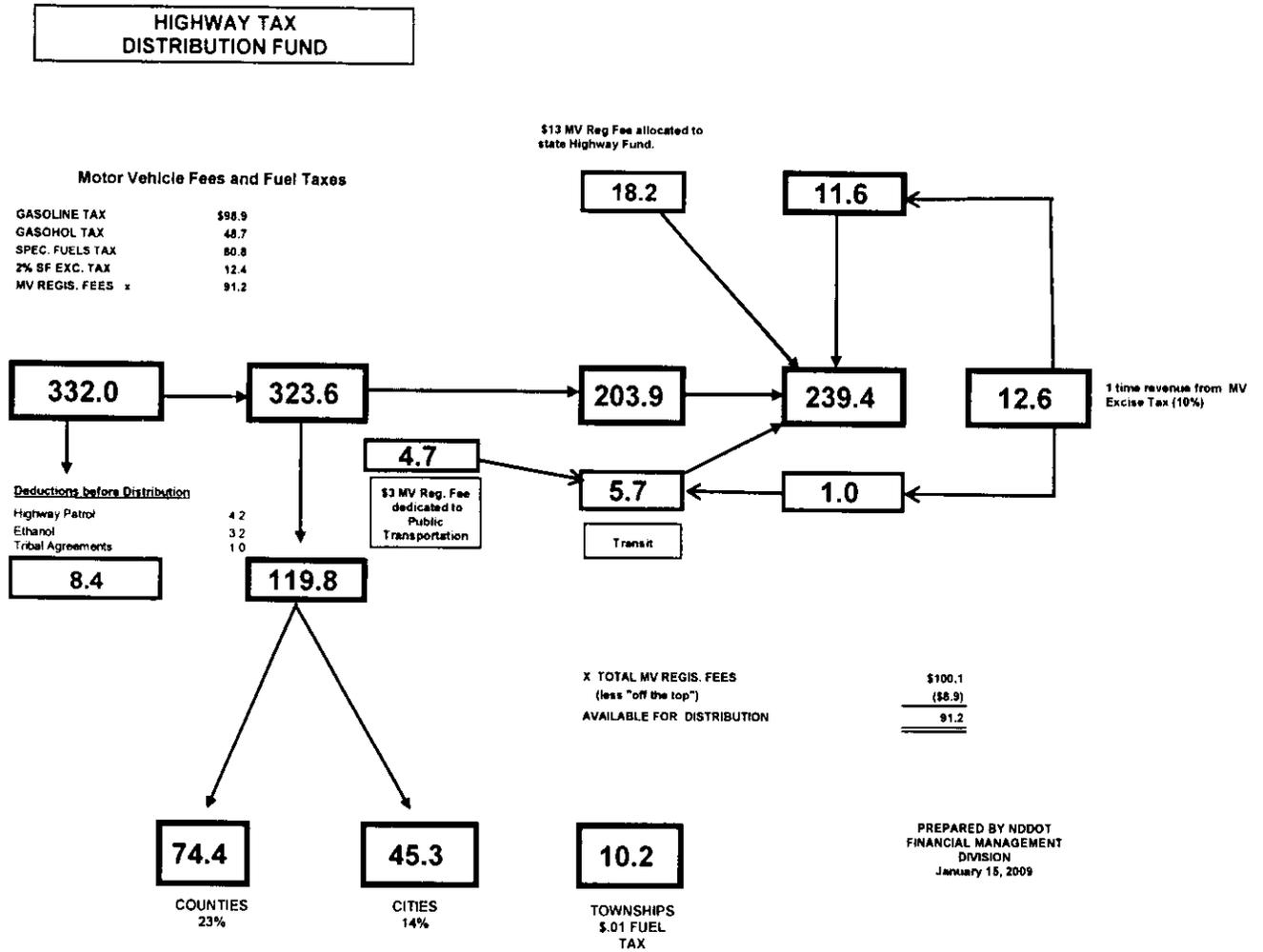
The exceptions, which either never go into the Highway Tax Distribution Fund or are distributed off of the top of the fund before the remainder is allocated, are:

- \$13 dollars of every motor vehicle registration goes directly to the Highway Fund.
- Ten percent of the Motor Vehicle Excise Tax is deposited directly into the State Highway Fund (approximately \$12.6 million); \$1 million of this amount is dedicated to transit. This is a one-biennium provision; this allocation is scheduled to expire on June 30, 2009.
- \$3 of every motor vehicle registration goes directly to the Highway Fund for the Public Transportation programs.
- The Highway Patrol, the Ethanol Production Incentive Fund, and various tribal governments receive a total of about \$8.4 million dollars.
- Townships receive the revenue from one cent of fuel taxes (approximately \$10.2 million).
- The Motor Boat Program and Safety Account receives an amount equal to \$2.50 times the number of motor boats registered with the Game and Fish Department. This is approximately \$200,000 per biennium.
- The State Snowmobile Fund receives an amount equal to the tax on 30 gallons of fuel times the number of snowmobiles registered. This is approximately \$200,000 per biennium.

The chart on the following page shows the estimated distribution of 2007-2009 biennium revenues through the Highway Tax Distribution Fund as provided for under current law.

DEPARTMENT OF TRANSPORTATION 2007 - 2009 BIENNIUM Current Highway Tax Distribution Fund Revenues

(MILLIONS)



Proposed Changes to the Highway Tax Distribution Fund Allocation Formula

This legislative assembly is being asked to consider changes to the allocation formula. The changes bring some of the previously mentioned dedicated allocations into the highway tax distribution fund for distribution through the new formula.

Under the new allocation formula, the DOT is allocated 63.28 percent, the townships receive 2.74 percent, the counties and cities receive 32.45 percent (20.17 and 12.28 percent respectively), and public transportation will receive 1.53 percent. This allocation formula is prescribed in SB 2177 and closely matches the percentage of funds the recipients realized in the 2007-2009 biennium through the Highway Tax Distribution Fund or direct allocations.

The \$13 and \$3 dollar motor vehicle registration fee allocations that were previously dedicated to the State Highway fund and public transportation will now be deposited in the Highway Tax Distribution Fund and distributed by way of the new allocation percentages, as will the one cent of fuel tax currently allotted to the townships.

The allocations for the Highway Patrol and the Ethanol Production Incentive Fund will continue as they currently are; the motor vehicle program costs will also continue to be funded "off the top" before the fund is allocated. The funding to the Motor Boat Program and Safety Account and the State Snowmobile Fund will continue as it currently is.

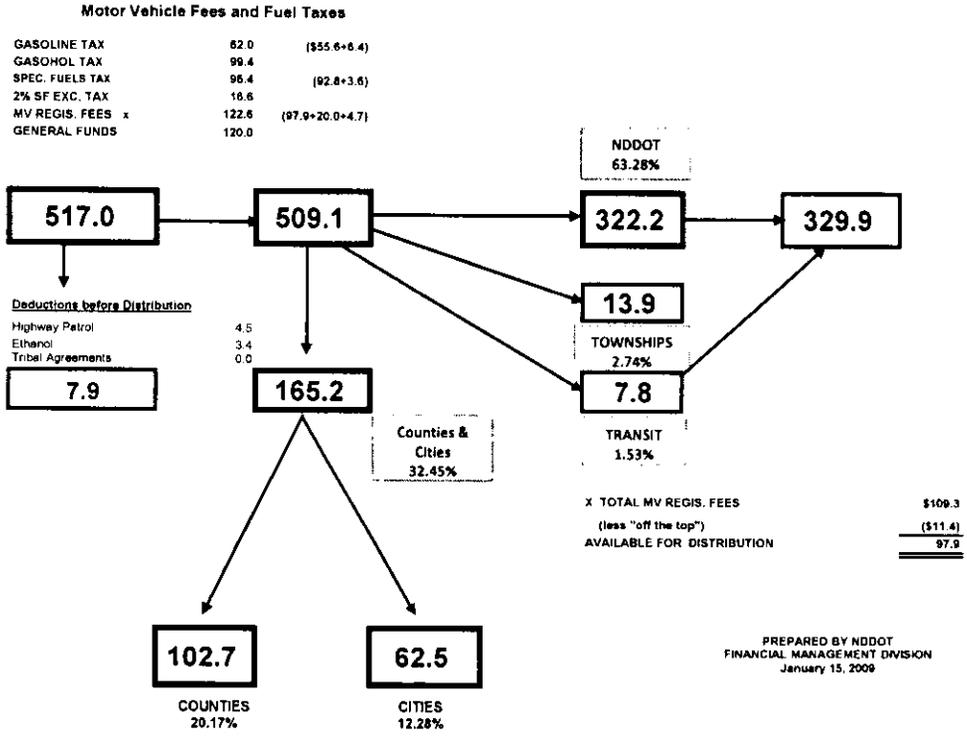
In conjunction with this proposal, SB 2012 provides for a one-time transfer of \$120 million from the State General Fund to be distributed through the Highway Tax Distribution Fund in accordance with the new proposed allocation percentages.

The chart on the following page shows the estimated distribution of 2009-2011 biennium revenues through the Highway Tax Distribution Fund as proposed.

DEPARTMENT OF TRANSPORTATION 2009 - 2011 BIENNIUM Proposed Highway Tax Distribution Fund Revenues

(MILLIONS)

**HIGHWAY TAX
DISTRIBUTION FUND**



Budget Overview

The Executive budget request for the 2009-2011 biennium totals approximately \$1 billion, an increase of \$107.1 million from the present budget. Please refer to the table below.

SB2012 – Budget Overview (Millions)			
Line Item	2005-2007 Biennium Budget	2007-2009 Appropriated Budget	2009-2011 Executive Budget Recommendation
Salaries and Wages	\$112.2	\$127.3	\$151.5
Operating Expenses	\$143.5	\$174.7	\$203.8
Capital Assets	\$656.9	\$548.7	\$588.7
Grants	\$42.4	\$52.4	\$66.2
TOTAL	\$955.0	\$903.1	\$1,010.2

The Office of Management and Budget is going to present an amendment to increase the capital assets portions of SB2012 by approximately \$56.9 million. This addition will provide the NDDOT with the appropriation necessary to utilize our share of the one-time transfer of \$120 million from the state's general fund. As noted in section 2 of SB2012, these additional funds are for the maintenance, repair, and improvement of roads, bridges, and other infrastructure, or for the enhancement of public transportation services. The NDDOT's share of the \$120 million transfer is approximately \$75.9 million. The DOT's base budget request included \$19 million of the appropriation necessary to utilize these additional funds. The \$56.9 million OMB amendment will provide the remaining needed appropriation. After consideration of this amendment, the proposed NDDOT budget is reflected in the following table.

SB2012 with OMB Amendment– Budget Overview (Millions)			
Line Item	2007-2009 Appropriated Budget	2009-2011 Executive Budget as amended	Change from Present Budget
Salaries and Wages	\$127.3	\$151.5	\$24.2
Operating Expenses	\$174.7	\$203.8	\$29.1
Capital Assets	\$548.7	\$645.6	\$96.9
Grants	\$52.4	\$66.2	\$13.8
TOTAL	\$903.1	\$1,067.1	\$164.0

The **salary expense** line has increased \$24.2 million. This increase is attributed to:

- The Executive recommendation for the salary line reflects the recommended compensation package and the cost to continue the current pay plan.
- Salary equity adjustments.
- Two additional FTEs for driver's license examiners.

The **operating expense** line as requested in the Executive budget has increased \$29.1 million from the current biennium. Significant factors in this increase include:

- \$11.7 million for the State Fleet to cover the impact of inflation primarily related to the cost of fuel and vehicle repairs.
- \$6.9 million to cover the increased cost of using State Fleet vehicles. While these costs affect most State Fleet vehicle groups, the majority of the increased costs affect our highway program because of the increased cost of operating the snow plow trucks which are the mainstay of our roadway maintenance operations.
- \$7.5 million for the first half of the drivers license system rewrite.
- \$700,000 for equipment repairs.
- \$2.6 million for National Highway Traffic Safety Administration (NHTSA) contracts.

The **capital assets** line has increased approximately \$96.9 million. The primary factors involved in this increase include:

- \$56.9 million of additional appropriation authority to accommodate the NDDOT share of the \$120 million general fund transfer. This is related to the OMB amendment previously discussed.
- Our budget request removed the \$26 million for bonded projects (Liberty Memorial Bridge and US Highway 2) which have now been completed. While these projects have been essentially completed, bond repayment will continue through June of 2020.
- \$61.3 million is due to the anticipated level of Federal Highway funds, including:
 - \$31.7 million emergency relief funding for Roadways as Dams projects
 - \$29.6 million of anticipated increase in the level of available regular Federal Highway formula funds.
- The executive recommendation provides for an additional \$2.8 million in state funds to be put into the NDDOT's land, buildings, and equipment, such as salt sheds and equipment storage buildings across the state.
- \$3.3 million is to cover the impact of inflation on State Fleet vehicle purchases.

The **grants line** item reflects an overall increase of \$13.8 million. This change is primarily due to the increased availability of federal funding for traffic safety (NHTSA), transit, and local government programs, as well as cooperative programs with the University System.

The following table shows a comparison of the primary revenue sources that support NDDOT's budget.

Comparison of Revenue Sources (Millions)			
Funding Source	2007-2009 Appropriated Budget	2009-2011 Executive Budget Recommendation	Change from Present Budget
General Fund	\$0.0	\$75.9	\$75.9
Federal Funds	\$481.6	\$559.7	\$78.1
Special Funds	\$420.6	\$431.5	\$10.9
Total	\$902.2	\$1,067.1	\$164.9

The \$75.9 million increase in general funds is due to the NDDOT's share of the proposed \$120 million transfer from the general fund.

The \$78.1 million increase in federal funds is due to the increased level of regular federal highway funds and federal emergency relief funding for Roadways as Dams projects.

The \$10.9 million increase in special funding is primarily due to increased highway user revenues to the Highway Distribution Fund and the impact of the proposed changes to the Distribution Fund allocation formula.

Biennium Chart Comparison

We have included charts at the end of our testimony on pages 22-25. These charts allow you to compare our present biennium budget to the 2009-2011 Executive budget (as amended).

The following table shows the status of the current (07-09) biennium appropriation and the projected spending for the balance of the biennium. We expect to fully utilize the current appropriation.

Current Appropriation Status							
Line Item:	2007-2009 Original Appn.	DOT portion State Equity Pool (SB2015)	2007-2009 Appn. Spent in 2005-2007 per 2007 HB1012	Capital Improve. Carryover	Emergency Commission Action	Current Appn. As Adjusted	Projected Spending 2007-2009
Salaries & Wages	\$127.3	\$0.7				\$128.0	\$128.0
Operating Expenses	174.7				2.8	177.5	177.5
Capital Assets	548.7		-3.9		37.6	582.4	582.4
Cap. Improve. Carryover				11.0		11.0	11.0
Grants	52.4				13.3	65.7	65.7
Total Expenditures	\$903.1	\$0.7	-\$3.9	\$11.0	\$53.7	\$964.6	\$964.6
Exp. by Funding Source							
Federal Funds	\$481.6	\$0.1			\$40.2	\$521.9	\$521.9
Special Funds	421.5	0.6	-3.9	11.0	13.5	442.7	442.7

Federal Funding – All states are currently operating under a continuing resolution through March 6, 2009. Under the continuing resolution, states will receive funding based on the 2008 distribution. For 2009, we are anticipating that North Dakota will receive \$229 million and in 2010 we anticipate receiving about \$235 million. However, there are several things happening at the federal level that make it extremely difficult to determine the amount of federal highway funding that will be available.

Federal Highway Trust Fund – Over the past couple of years, more money has been expended from the Federal Highway Trust Fund than has been collected. In September 2008, Congress provided just over \$8 billion from the General Fund to keep the highway trust fund solvent. The latest estimates for 2010 from the Congressional Budget Office, issued just this month, show the Highway Account of the Highway Trust Fund will be \$5.4 billion short of being able to fund the existing highway program at \$41.6 billion. Because the spend out rate of highway funds nationally is about 27 percent in the first year, some say Congress would have to cut nearly four times the \$5.4 billion shortfall in order to keep the Highway Account from going negative. That kind of cut - \$21 billion out of \$41.6 billion, would reduce North Dakota's Federal funding by approximately \$100 million.

The Federal Highway Administration released data that shows between November 2007 and October 2008, Americans drove 100 billion fewer miles than the previous year. The decline in miles driven is widening the gap between federal gas tax revenue collected and the government's commitment to fund highway construction projects.

SAFETEA-LU Expires – The current transportation bill, SAFETEA-LU, expires on September 30, 2009. Therefore, Congress will be preparing a new highway reauthorization bill. There are proposals floating around that could substantially change the structure of the federal highway program. Most of the proposals call for increased funding for highway transportation programs. However, there is no consensus on how to generate the additional revenue, and there are no details on how funds for the new highway program would be distributed. We are continuing to work with our Five-State Coalition, our Transportation Association (AASHTO) and Congressional Delegation to influence the development of the reauthorization legislation.

Economic Stimulus Package – As the nation's economic struggles continue, there are proposals for economic recovery packages that include substantial transportation infrastructure funding.

Senate Bill 2012, as amended by OMB, contains a provision that will enable us to make use of a stimulus package as soon as it would become available. Section 4 of SB2012 provides that "any additional amount in the highway fund that becomes available is appropriated to the Department of Transportation for the purpose of defraying the expenses of that agency..." This would provide for the additional appropriation authority the NDDOT would need to utilize a federal stimulus package.

Border crossing, Drivers License Security and Identity Preservation

Border crossing, drivers license security and identity preservation are items that have come to the forefront since 9-11. State governments throughout the nation are looking at how to meet proposed federal requirements to be implemented for the traveling public. Today, I'd like to give you a brief overview of what has taken place in the Homeland Security requirements since the last legislative session.

- The Western Hemisphere Travel Initiative is in effect. In order for our citizens to return to the U.S. from Canada, Mexico, and the Caribbean by land or sea, they now must have both their drivers license and their birth certificate or a passport. In June of 2009, this will change again to accepting only one document, a passport, passport card, enhanced travel document, or some other "trusted" travel document. For example, an individual traveling into Canada that does not have the proper document will have difficulty returning to the U.S.
- NDDOT requested an extension which allows our citizens to continue to use their drivers licenses for boarding commercial aircraft and entering federal buildings. The extension is valid until December 21, 2009.
- ND applied for and was notified that \$500,000 in fiscal year 2008 FEMA grant dollars are available for securing the driver license issuing process and protecting identities. The funds will be used for Facial Recognition Technology and updating security cameras at the eight major licensing sites. The grant did not commit the State to REAL ID implementation.
- The state has been proactive in many areas to secure our documents and protect against identity theft. We electronically verify social security numbers, birth certificates, other legal documents and our employees are trained in Fraudulent Document Recognition.
- As of December 31, 2009, state drivers licenses and identification cards will no longer be allowed by the airlines as identification to board commercial flights, or enter a federal building unless the state receives an additional extension.
- We continue to monitor the Department of Homeland Security requirements.

Amendments

At several points in my testimony, you've heard me mention various amendments to this bill. I'd like to briefly discuss those amendments.

- The amendments offered by OMB impact three areas:
 - The amendment to Section 1 increases Capital Assets by approximately \$56.9 million to provide the additional appropriation authority necessary to accommodate the NDDOT share of the \$120 million general fund transfer.

- The amendment to Section 4 also reflects the additional capital asset authority and appropriates any additional amounts that become available to the highway fund through state or federal sources. This amendment will allow the NDDOT to quickly utilize additional revenues as they become available; this is especially important given the likelihood of a significant federal stimulus package in the near future.
 - The newly added Section 5 appropriates additional fleet service revenues that may become available. Fleet Service revenues are generated through rental rates that are cost based; the fleet revenue structure is designed to recover only the actual costs of owning and operating the fleet. During periods of high inflation, as was recently experienced with the price of fuel and vehicles, the costs and revenues will rise accordingly. This amendment provides the State Fleet with the ability to apply such revenues to the increased costs as they are intended.
- The NDDOT is offering an amendment to Section 24-02-44 of the North Dakota Century Code. Currently, this section of code allows the NDDOT to borrow from the Bank of North Dakota the funds necessary to provide the state match for federal emergency relief funds. Occasionally, though federal emergency relief funds will be forthcoming, they are not available soon enough to fund the emergency work on a timely basis. This can strain the department's ability to respond to significant disasters. This amendment would allow the NDDOT to borrow the federal portion of the emergency relief funds as well as the state match. The amendment also removes the provision for a deficiency appropriation from the state highway fund as this provision provides no additional revenue.

Conclusion

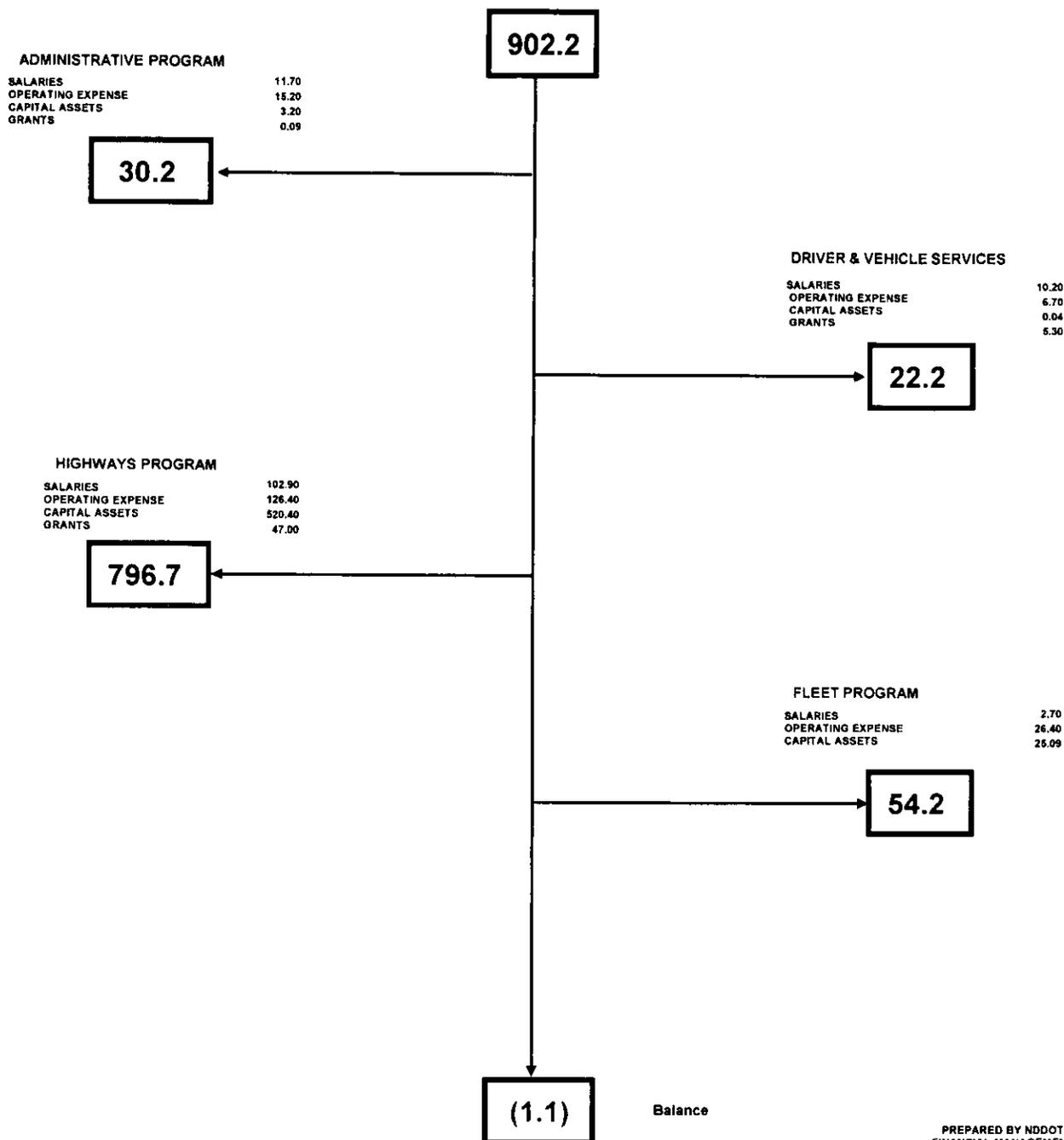
North Dakota's investment in the transportation system is critical to the long-term growth of our economy and is a commitment to the quality of life for all North Dakotans. We have had many accomplishments, and are facing many challenges, as we continue down the path of providing a transportation system that safely moves people and goods.

We appreciate the legislative efforts and look to your leadership to help us continue to be leaders in providing a quality transportation network. A solid transportation system is the backbone to creating continued economic growth for the future of our state.

Thank you again for the opportunity to address you today. I would be happy to answer any questions you may have at this time.

DEPARTMENT OF TRANSPORTATION 2007 - 2009 BIENNIUM ENROLLED HOUSE BILL 1012 EXPENDITURES

(MILLIONS)

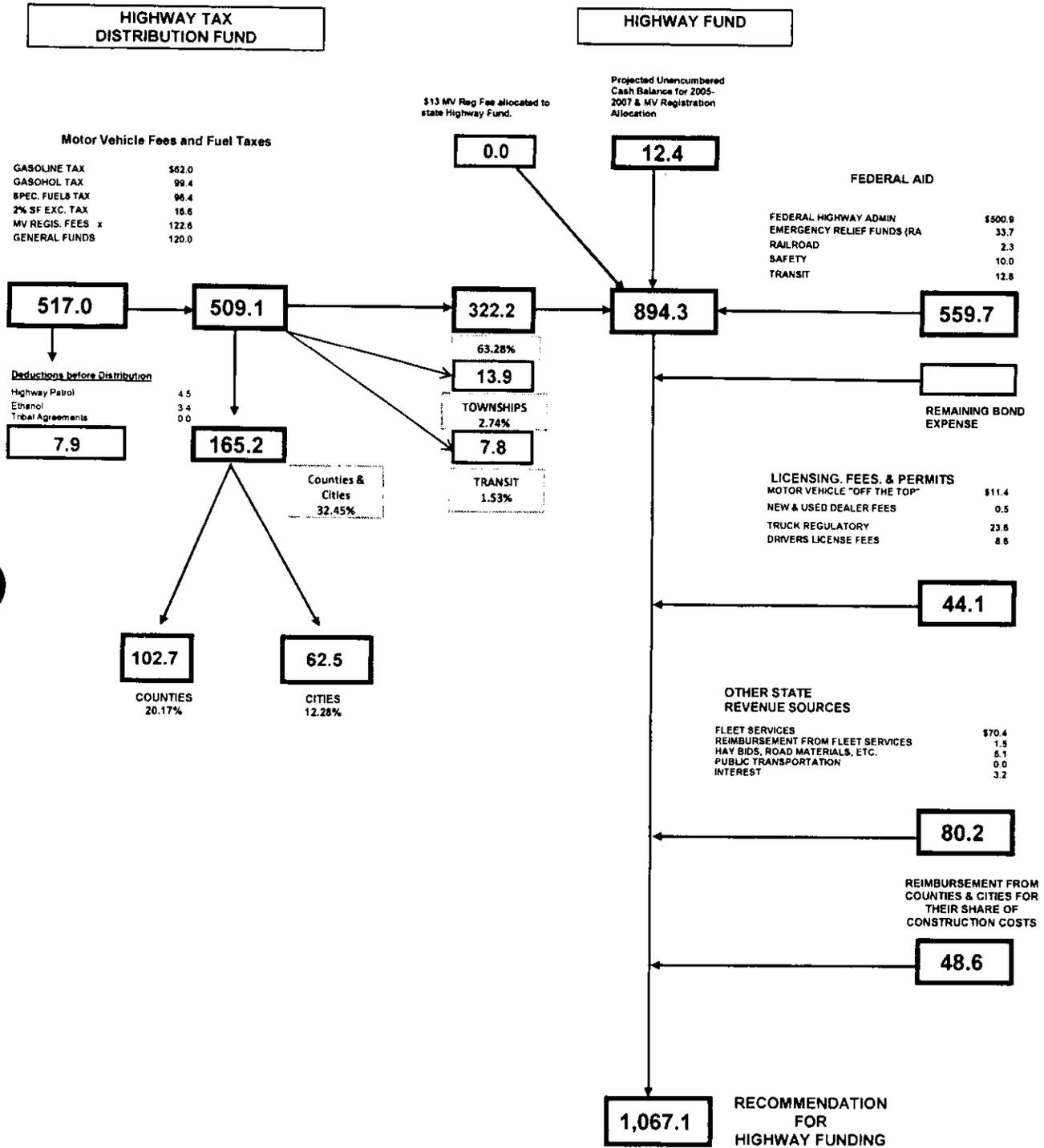


The above balance does not include the salary increases provided in the state-wide salary equity pool.

PREPARED BY NDDOT
FINANCIAL MANAGEMENT
DIVISION
April 27, 2007

DEPARTMENT OF TRANSPORTATION EXECUTIVE RECOMMENDATION 2009 - 2011 BIENNIUM REVENUE

(MILLIONS)

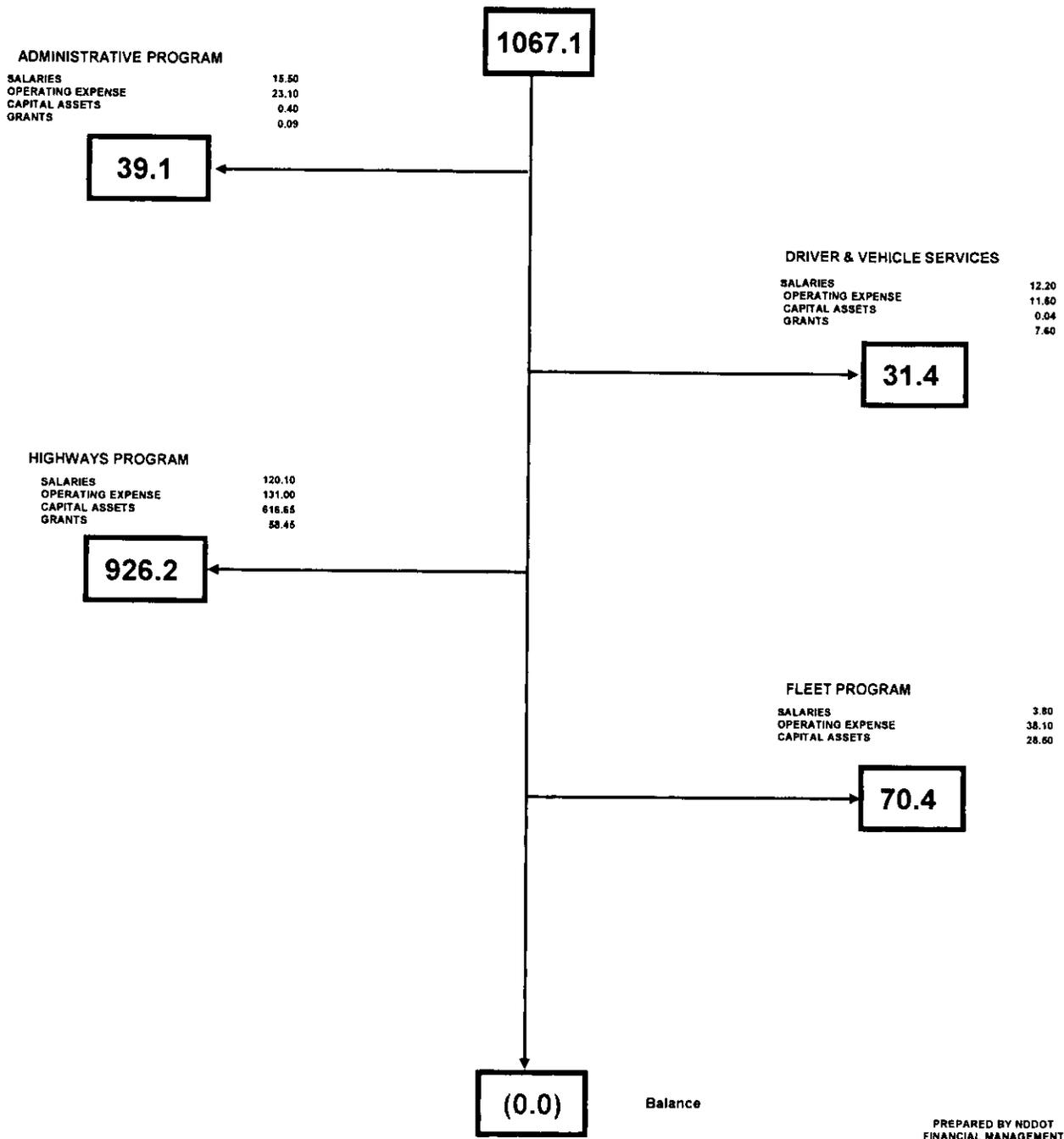


TOTAL MV REGIS. FEES	\$109.3
(less "off the top")	(\$11.4)
AVAILABLE FOR DISTRIBUTION	97.9

PREPARED BY NDDOT
FINANCIAL MANAGEMENT DIVISION
JANUARY 13, 2009

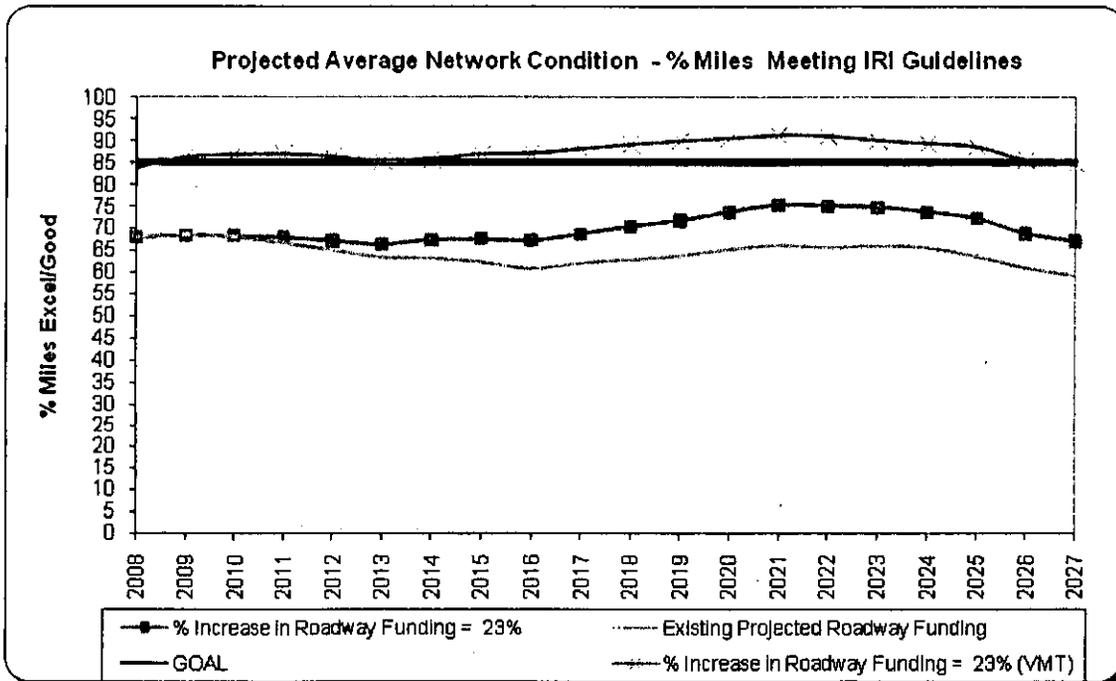
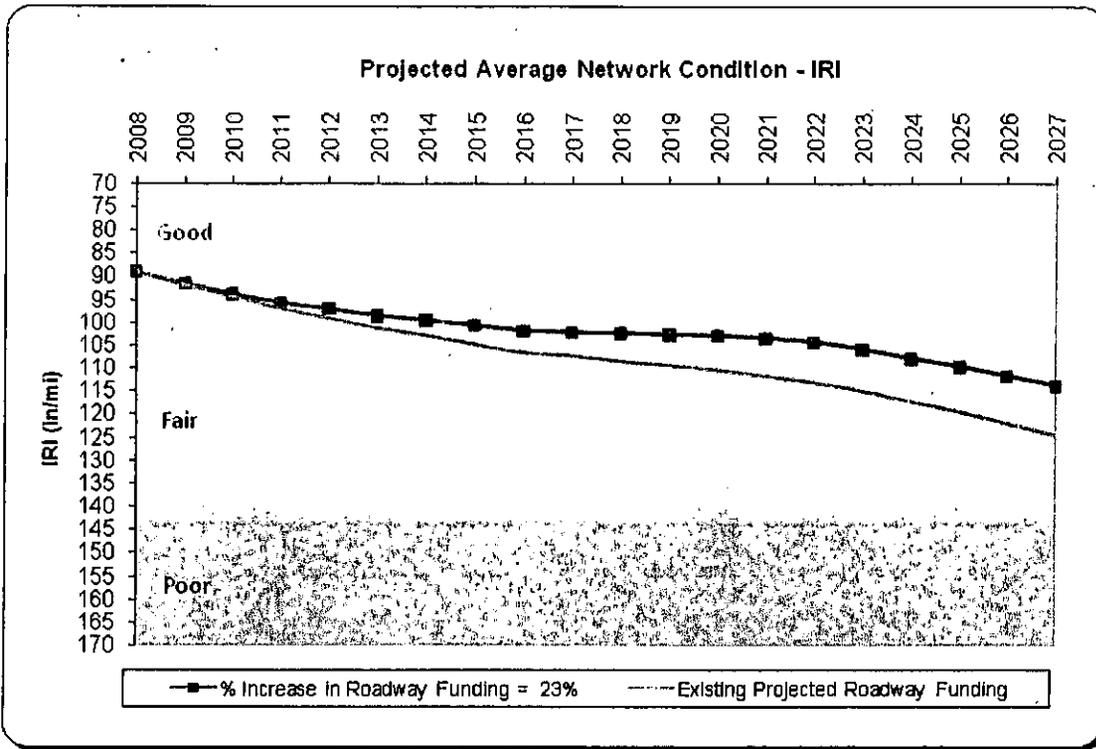
DEPARTMENT OF TRANSPORTATION EXECUTIVE RECOMMENDATION 2009 - 2011 BIENNIUM EXPENDITURES

(MILLIONS)

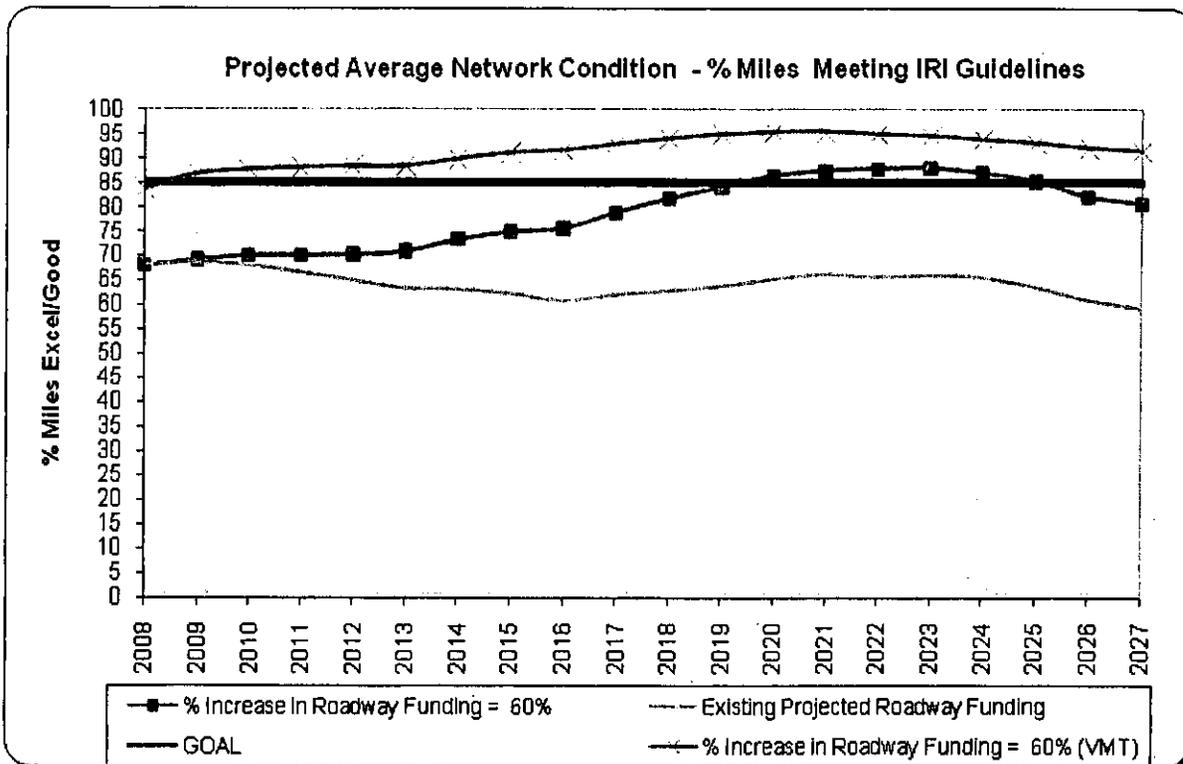
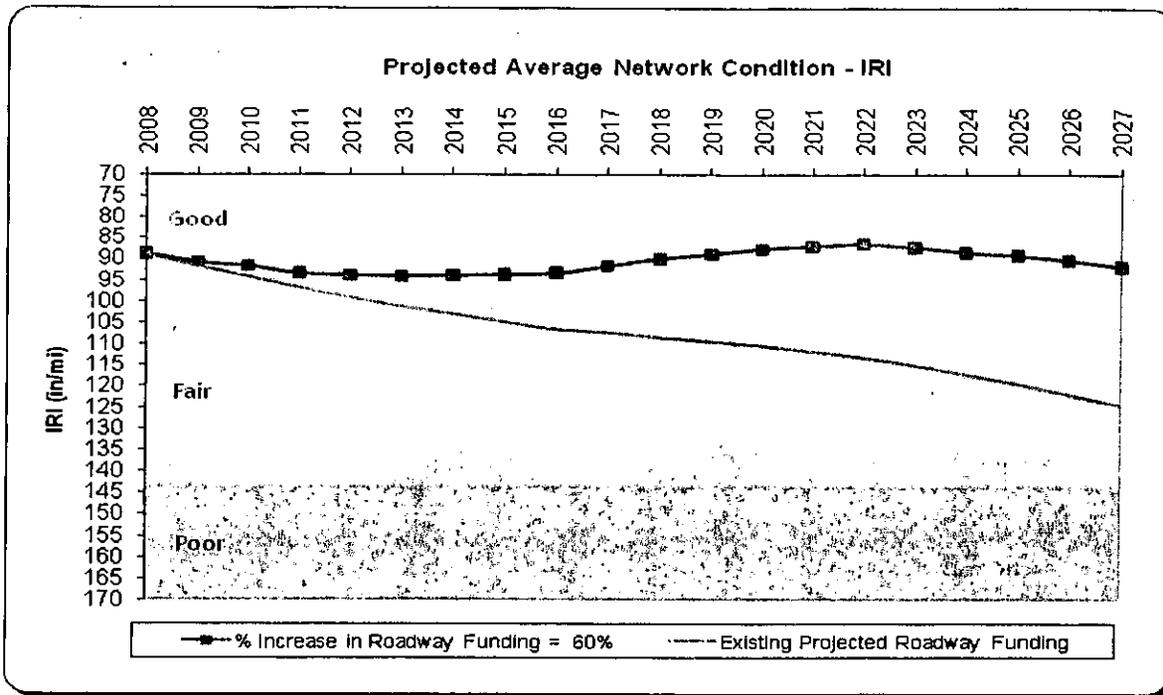


PREPARED BY NDDOT
FINANCIAL MANAGEMENT
DIVISION
JANUARY 13, 2009

Appendix A – Impact of highway conditions by increasing funding 23 percent



Appendix B – Increased funding needed to improve overall highway conditions to meet HPCS goals



HOUSE APPROPRIATIONS – GOVERNMENT OPERATIONS COMMITTEE

March 4, 2009

8:30 a.m. – Medora Room

**North Dakota Department of Transportation
Francis G. Ziegler, P.E., Director**

Engrossed SB 2012

Good morning, Mr. Chairman and members of the committee. I'm Francis Ziegler, Director of the North Dakota Department of Transportation (NDDOT). Today we will respond to this committee's February 18th letter and will discuss important elements of the NDDOT.

- Employees
- Department Mission and Purpose
- Strategic Plan & Performance Measures
- Accomplishments and Challenges
- State Transportation Funding
- Budget Overview
 - 2005-07 Expenditures
 - 2007-09 Appropriation
 - 2009-2011 Budget - Engrossed
- Border Crossing, Drivers License Security and Identity Preservation

*With
exception of the
following pages
same testimony
given to Senate and House*

Employees

Hiring and Retention of Employees

As in any agency, our employees are the backbone of our organization and the reason for our success. The department uses various means to recruit and retain quality employees. We've had to use the recruitment and retention bonuses to keep key staff in place this current biennium. Even with that effort, recruitment and retention of Engineering Technicians, Transportation Engineers, and Transportation Technicians continues to be a challenge for the department. In a report this week to the legislative council, our department was short a total of five Engineering Technicians, two Transportation Engineers, and seven Transportation Technicians (Equipment Operators). Please keep in mind these numbers change often. Filling these vacancies poses a challenge as we do not have many applicants for these positions. Some applicants turn down a job due to non-competitive wages/benefits or location of the offer. We also face the same hiring challenges in the drivers license area as we try to keep up with the demand for commercial drivers license examiners, especially in the western part of the state where we have moved FTEs to meet area needs. The NDDOT strongly supports the employee equity funding as outlined in the Governor's budget recommendation.

The NDDOT is requesting three additional FTEs. In June of 2008, the Federal Highway Administration (FHWA) conducted a compliance review of the Department's Civil Rights Program. The review found the NDDOT was not in compliance with Title VI and ADA requirements in the sub-recipients programs. The consequence of non-compliance is that FHWA will no longer approve federal projects. FHWA recommends adding staff to meet the Title VI compliance requirements. Therefore, we are requesting one additional FTE to be assigned to the Civil Rights Division.

The demand for Commercial Drivers License (CDL) testing has escalated due to the increased demand for trucking in the western part of the state. Even with the decline in oil activity the need for CDL testing had not diminished. New classes are being offered all over the state. TrainND, a University based program, currently has classes in Minot, Williston, Dickinson, New Town Wahpeton, Fargo, and proposed classes for Bismarck, Bottineau, Devils Lake and Jamestown. As such we do not see a decline in CDL demand. Last summer, there was a two month waiting list in the Williston area. To meet the demand for this additional testing, we are requesting two FTE positions for the Drivers License Division.

To maintain NDDOT service levels and prepare for the future, we have had to underfill positions and continue to provide cross functional training in the department.

We are also continuing to administer our financial aid grant program in addition to providing internship opportunities across the organization. To further enhance recruitment, we have introduced SB 2086, which passed in the Senate, to request an increase in tuition reimbursement. NDDOT is also working to inspire interest in transportation careers by bringing the AASHTO Transportation and Civil Engineering Program (TRAC) into North Dakota high schools. Currently the program is in 20 high schools and middle schools across the state.

History, Mission and Purpose

The state created the North Dakota State Highway Department in 1917 and in 1990 the Highway Department was designated the Department of Transportation with the purpose of building and maintaining a transportation system per state Century Code. The Department's mission and purpose is providing a transportation system that safely moves people and goods. Our goals are to:

- Improve the quality and efficiency of transportation systems and services.
- Enhance customer satisfaction.
- Improve traveler and workforce safety.
- Enhance employee recruitment, development and well being.
- Strengthen stakeholder relationships.

Strategic Plan & Performance Measures

Strategic Plan

The North Dakota Department of Transportation's Strategic Plan was initially developed in 1997 and is in its fifth iteration with the 2008 – 2013 Strategic Plan. The plan guides the department through an improvement process that positively affects our employees, customers and stakeholders.

Performance Measures

In 2004, the department identified five significant Performance Measure outcome areas that were directly tied to our strategic goals and customer satisfaction areas. The 2008 report continues to help the department leaders to revise strategies to better enhance our products and services.

The NDDOT is using performance measures and the Strategic Plan to improve efficiencies and provide direction for department operations. We have developed a Highway Performance Classification System (HPCS) tied to investment strategies and a pavement preservation program to achieve desired service standards and improve the overall performance of our highway system. In addition, we are in the process of developing and implementing an asset management program which focuses on business and engineering practices for resource allocation and utilization, with the objective of better decision making based upon quality information and well-defined objectives. In the Motor Vehicle and Drivers License Divisions we have begun to measure process performance. As such, we are looking at all processes for efficiencies, reviewing staffing schedules and locations to see if they are staffed at optimum levels, and looking for ways to identify accuracy checks at the branch offices to reduce paper work at the central office. A copy of the 2008 Performance Measures Report Card and strategic plan has been distributed to all legislators.

The strategic plan and performance measures are tools we utilize to improve efficiency and effectiveness to accomplish our mission.

Major Accomplishments 2007 – 2009

The state's transportation department works daily to provide a system that safely moves people and goods. The NDDOT had many accomplishments, and I will highlight some of the major ones today.

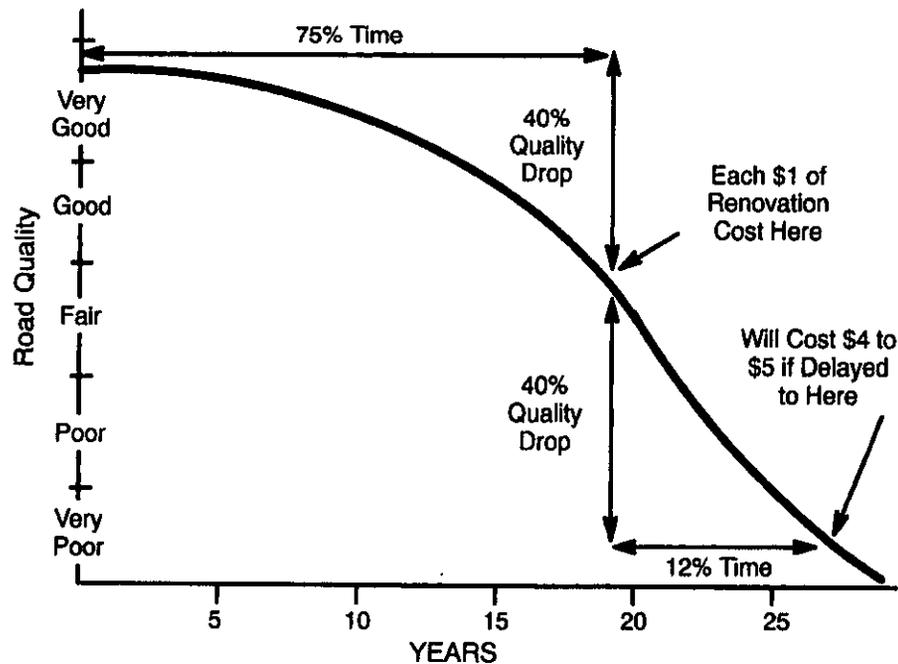
Customer Satisfaction rating increases

In 2008, the Customer Satisfaction Survey showed an increase in overall customer satisfaction. When asked a single question during the survey on how the department is doing overall, almost 84 percent said they were satisfied or very satisfied. Five categories are in the 90 percentile satisfaction rating: overall safety, highway signing, rest area cleanliness, and the Drivers License and Traffic Safety and Motor Vehicle Division's customer service.

The department works on continuous improvements to maintain, rehabilitate or reconstruct segments of our highway network to provide a quality system. Some of the major projects completed this biennium include the following:

- **Over 1,300 Miles Improved** - This past biennium about \$580 million was invested in approximately 440 construction and maintenance projects throughout the state. Approximately 1,340 miles of state highways were constructed, reconstructed or received preventive maintenance measures.
- **Four-laning US 2 from Minot to Williston** - On October 9, 2008, a ribbon-cutting ceremony was held celebrating the completion of the 97 mile US 2 four-lane corridor between Minot and Williston.

Road Deterioration vs. Time Chart



SOURCE: American Public Works Association

- The illustrations in Appendix A and B on pages 30 and 31 show the impacts of applying pavement preservation techniques to the state highway system at different investment levels.
- Appendix A shows the impact on highway conditions for the next 20 years resulting from the increased funding provided in the Executive Budget recommendation.
- This illustration demonstrates the impact the Executive Budget (23 percent increase in roadway funding) would have on maintaining and preserving the highway system. It is assumed that future increases in federal funding will sustain the level used in the analysis to provide funding beyond the next biennium. The 23 percent increase in roadway funding will allow us to maintain the number of miles in the excellent or good condition, but the overall condition will decline as miles in the excellent category fall into the good category. This level of funding will not allow us to meet the goals established in the Highway Performance Classification System (HPCS).
- Appendix B illustrates that the NDDOT would need a 60 percent increase in funding for highway preservation to improve the overall condition rating to meet the goals established in the HPCS.
- Hopefully, future long-term federal funding increases will allow us to preserve and enhance our transportation network.

- While these appendixes show the state system, cities, counties and townships are experiencing similar situations.
- **Bridge Conditions** – With the collapse of the I-35 Bridge in Minneapolis, the condition of our nation’s bridges has received a great deal of attention. Table 2 provides an overview of the condition of North Dakota’s bridges.

Table 2 - North Dakota Bridge System Condition (June 2008)

System	Total Bridges	Number of S.D. or F.O.*	Percent of S.D. or F.O.*
State	1,714	62	3.6%
Urban	104	12	11.5%
County	3,160	854	27.0%
Total	4,978	928	18.6%

*Note: A bridge designated structurally deficient (S.D.) does not mean that the bridge is unsafe; it means that either the deck or substructure has a condition that warrants attention, which can be as simple as a concrete bridge needing a deck overlay. Functionally obsolete (F.O.) means that some part of the bridge does not meet a design standard such as vertical clearance, deck width, etc. It has nothing to do with the structural integrity of the bridge.

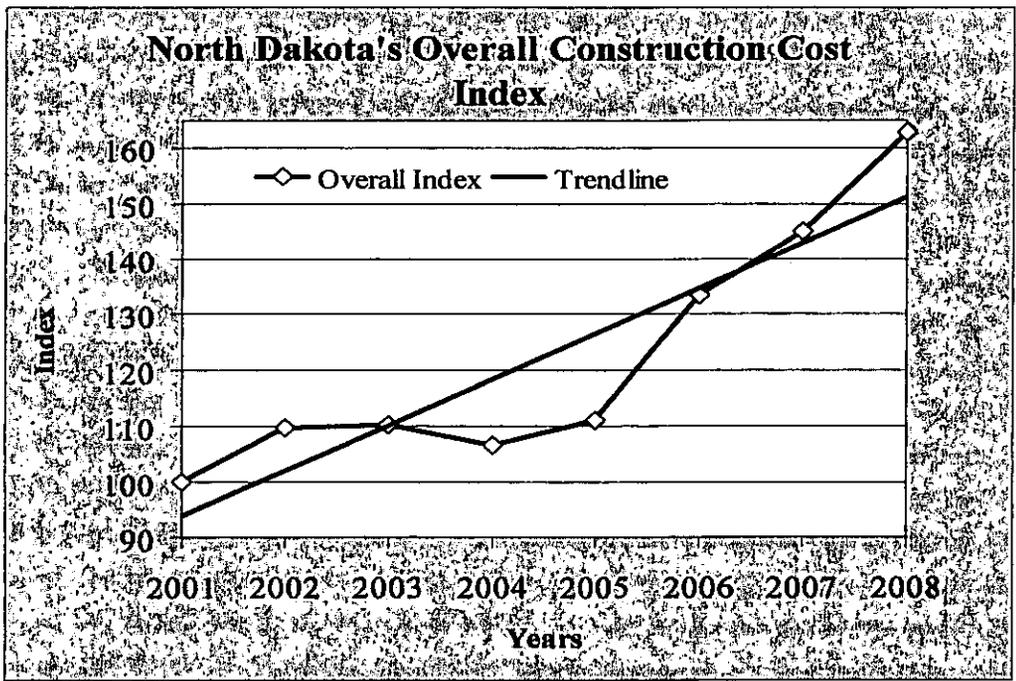
Table 2 shows there are 4,978 bridges in North Dakota and 928, or 18.6 percent of them, are classified as structurally deficient or functionally obsolete. The biggest challenge with bridge replacement and rehabilitation is on the county system. There are 3,160 bridges on the county system and 27 percent of them are structurally deficient or functionally obsolete. The counties receive half of the federal bridge funds, which is about \$5 million per year. Although there are not a large number of structurally deficient or functionally obsolete bridges on the state system these structures are very costly to replace.

- **Impacts of Economic Growth on Roadway Network** – Expansion of oil development, ethanol, biodiesel plants, and wind generating facilities are good news for North Dakota as it represents new jobs, provides additional tax revenue, reduces our nation’s dependence on foreign oil, and supports a growing economy. However, as these industries have grown, the NDDOT, counties, and townships have been faced with challenges of providing and maintaining a road network to serve these industries. Many of these roads were not built to handle the additional truck volumes and the rate of deterioration on several roadways has increased dramatically.

The Statewide Transportation Improvement Program (STIP) has over \$46 million of improvements scheduled on state highways impacted by oil development in the next four years. In addition, \$129 million worth of improvements have been identified on various state highways in the oil impact areas that are not included in the current STIP.

Construction Inflation – Inflation has been one of the greatest challenges facing the transportation industry the past few years. The NDDOT continued to experience major price increases in oil-based products, steel, concrete, equipment, and building materials. Figure 3 shows that North Dakota’s overall construction cost index increased about 47 percent from 2005 to 2008. As a result of inflation, we have had to make adjustments to our Pavement Preservation Program. We have placed an emphasis on pavement preservation construction strategies such as thin lift asphalt overlays, micro-surfacing, and seal coat projects. We are concerned that project delays and cutbacks will impact the long-term performance of the highway network.

Figure 3 – ND Overall Construction Cost Index



As a result of increased costs due to inflation and the lack of adequate revenue, in 2006 and 2007 the department delayed about \$130 million worth of projects. When inflation is taken into consideration it would take about \$148 million, in 2008 dollars, to complete these projects. It is anticipated that North Dakota will receive about \$170 million in federal economic recovery funding. Assuming it would take about \$20 million in engineering costs to design and construct these projects, there would be about \$150 million left for construction. If all the economic recovery money was spent on the state system, it would be equivalent to amount needed to construct the projects that were delayed in 2006 and 2007. We will discuss more details of the economic American Recovery and Reinvestment Act funding later on in this testimony.

Maintenance Costs for Snow and Ice Control – With record snowfalls occurring across the state the NDDOT, counties, cities, and townships are experiencing major challenges in dealing with snow and ice control. Service expectations of the public have increased and they expect roadways to be open 24 hours a day. As a result, employees are working long hours and the costs associated with frequent storms are putting a strain on maintenance budgets.

It is not uncommon for maintenance employees to put in long hours during the winter months. However, this year, the frequency of the storms and the fact that many storms have occurred on weekends and holidays have resulted in a great deal of overtime. In addition, many storms have had a statewide impact. In the Underwood section, there are four employees who worked all 31 days in December, and one of these employees has worked 51 consecutive days.

The following table provides a monthly breakdown of snow and ice control costs from November 2008 – January 2009. During this three month period just over \$12.8 million in costs were attributed to snow and ice control. A storm lasting from January 11-14 cost approximately \$931,000.

**Snow & Ice Control Costs
(Equipment, Labor & Materials)
November 2008 – January 2009**

Month	Total Costs
November 2008	\$2,488,200
December 2008	\$4,737,600
January 2009	\$5,630,900
Total	\$12,856,700

The increased cost of materials has also had an impact. In 2003, a ton of salt cost about \$34. By 2009, the price has almost doubled more than \$67 per ton. In addition, we are also purchasing more salt. In 2001-2002 we purchased about 16,500 tons of salt per year. In 2007-2008 we purchased just over 27,300 tons. We have also had to hire contractors and rent additional equipment in the areas that have been hit the hardest this winter.

The costs associated with record snowfalls are extremely high. The department has nearly exhausted its budget for snow and ice control, and will certainly do so within the next few weeks. It should also be noted, that utility and other day-to-day operational costs have also increased.

Buildings/Salt and Sand Storage – The use of salt/sand mixtures for snow and ice control has increased and the Department does not have adequate facilities to store this material. The environmental concerns associated with the storage of salt and treated sand is a sensitive issue. Many of these stockpiles sit out in the open and are currently being covered with large tarps. The safety issues related to handling these tarps and concerns with salt leaching from these piles to private property has posed major challenges for the department.

In addition to the need for salt and sand storage facilities, we also need to make section building and equipment storage building improvements. During the next biennium, we plan on constructing three section buildings, one equipment storage building, and three salt/sand storage facilities. It is estimated that it will cost about \$2.7 million to make these improvements.

Devils Lake – Rising water in the Devils Lake Basin and roads acting as dams continues to be a major challenge for the NDDOT and local entities. We are continuing to monitor the situation and the NDDOT is currently designing a grade raise project in the Spring Lake area

on ND Highway 20. In addition, Federal Highway Central Federal Lands in concert with the Corps of Engineers are also designing a project for Acorn Ridge on ND Highway 20. Of major concern is that a single event, such as record snowfalls, could further elevate the lake level and result in the need to raise additional roadways.

On January 26, 2009, the lake elevation was at 1447.1 feet. The National Weather Service projected there is a 50 percent chance of Devils Lake and Stump Lake rising above 1451.2 feet this summer.

We are anticipating that work on roads-acting-as-dams will commence this coming biennium. We are also anticipating that there will be a delay in the necessary FHWA emergency relief funds for making contractor payments. In order to reduce impact to our existing federal program of projects an amendment was offered in Engrossed Senate Bill 2012. Section 24-02-44 provides the NDDOT the authority, subject to the approval of the emergency commission, to borrow money from the Bank of North Dakota to advance and match federal emergency relief funds. FHWA does reimburse states for costs incurred by borrowing in this situation. This borrowing would not occur without a determination of eligibility of the work and a project agreement with FHWA.

Additional Funding Requests – In addition to maintaining and preserving the current transportation system, the department receives frequent requests for funding special projects and improvements such as adding mileage to the system, replacing bridges not on the state system, constructing bypasses, four-laning and widening existing roadways. Projects such as these are not included in the Statewide Transportation Improvement Program (STIP) and cannot be funded with the current operating budget. If these requests are granted, it means dropping projects already on the schedule or under design.

DL3 (Drivers License Master File) needs to be replaced – The department is currently operating an extremely obsolete drivers license system known as DL3. It is a 24-year-old mainframe system that is no longer reliable and very difficult and expensive to maintain. The NDDOT is currently expending approximately \$25,000 - \$30,000 a month on maintenance and the costs are projected to go up an additional 15-20 percent during the next biennium.

DL3 is essential to the issuance of all drivers licenses and is vital for interfacing with other agencies. Some vital aspects of DL3 include:

- The system contains all demographic, licensing and driving record data.
- It interfaces with seven national systems for driver identity and record verification. The drivers license records are accessed by other state agencies, multiple federal agencies, 51 licensing jurisdictions, and a criminal justice information sharing system.

Replacing DL3 continues to be a high priority. The NDDOT's budget contains \$7.5 million for the 2009-2011 biennium for replacing DL3. It is estimated the total project replacement cost is about \$15 million.

State Transportation Funding

Current Allocation of the Highway Tax Distribution Fund

The Engrossed version Senate Bill 2012 includes a proposal that would significantly modify the way highway user revenues are disbursed through the Highway Tax Distribution Fund. Currently, with some exceptions, all motor vehicle registrations (after deduction for motor vehicle program costs) and fuel taxes are deposited into the fund and distributed based on a formula whereby the NDDOT receives 63 percent, the counties receive 23 percent, and the cities receive 14 percent.

The exceptions, which either never go into the Highway Tax Distribution Fund or are distributed off of the top of the fund before the remainder is allocated, are:

- \$13 dollars of every motor vehicle registration goes directly to the Highway Fund.
- Ten percent of the Motor Vehicle Excise Tax is deposited directly into the State Highway Fund (approximately \$12.6 million); \$1 million of this amount is dedicated to transit. This is a one-biennium provision; this allocation is scheduled to expire on June 30, 2009.
- \$3 of every motor vehicle registration goes directly to the Public Transportation fund.
- The Highway Patrol, the Ethanol Production Incentive Fund, and various tribal governments receive a total of about \$8.4 million dollars.
- Townships receive the revenue from one cent of fuel taxes (approximately \$10.2 million per biennium).
- The Motor Boat Program and Safety Account receive an amount equal to \$2.50 times the number of motor boats registered with the Game and Fish Department. This is approximately \$200,000 per biennium.
- The State Snowmobile Fund receives an amount equal to the tax on 30 gallons of fuel times the number of snowmobiles registered. This is approximately \$200,000 per biennium.

The chart on the following page shows the estimated distribution of 2007-2009 biennium revenues through the Highway Tax Distribution Fund as provided for under current law.

Proposed Changes to the Highway Tax Distribution Fund Allocation Formula

This legislative assembly is being asked to consider changes to the allocation formula as proposed in the engrossed version of SB 2012. A number of these changes were originally proposed in SB 2177; all changes have now been incorporated into SB 2012. The changes bring some of the previously mentioned dedicated allocations into the highway tax distribution fund for distribution through the new formula.

Under the Engrossed SB 2012 formula, the NDDOT is allocated 61.3 percent, the counties and cities receive 34.5 percent (21.5 and 13.0 percent respectively), the townships receive 2.7 percent, and public transportation will receive 1.5 percent.

The \$13 and \$3 dollar motor vehicle registration fee allocations that were previously dedicated to the State Highway Fund and public transportation will now be deposited in the Highway Tax Distribution Fund and distributed by way of the new allocation percentages, as will the one cent of fuel tax currently allotted to the townships. To offset this reduction, SB 2012 provides \$5.5 million per biennium for the NDDOT to provide administrative assistance to other transferees.

The allocations for the Highway Patrol and the Ethanol Production Incentive Fund will continue as they currently are; the motor vehicle program costs will also continue to be funded "off the top" before the fund is allocated. The funding to the Motor Boat Program and Safety Account and the State Snowmobile Fund will continue as it currently is.

SB 2012 also provides for a one-time transfer of \$120 million from the State General Fund to be distributed through the Highway Tax Distribution Fund in accordance with the new proposed allocation percentages.

The chart on page 16 shows the estimated distribution of 2009-2011 biennium revenues through the Highway Tax Distribution Fund as proposed.

There is another bill that has passed the House of Representatives which prescribes a slightly different mechanism for funding transportation. House Bill 1407, while somewhat similar to SB 2012, provides for a different funding allocation formula and provides motor vehicle excise taxes as a transportation funding source instead of general funds. Table 3 on page 17 shows a comparison between the funding provisions of SB 2012 and HB 1407.

DEPARTMENT OF TRANSPORTATION 2009 - 2011 BIENNIUM ENGROSSED SB 2012

(MILLIONS)

HIGHWAY TAX DISTRIBUTION FUND

Motor Vehicle Fees and Fuel Taxes

GASOLINE TAX	82.0	(\$55.6+8.4)
GASOHOL TAX	99.4	
SPEC. FUELS TAX	96.4	(92.8+3.6)
2% SF EXC. TAX	16.6	
MV REGIS. FEES x	122.6	(97.9+20.0+4.7)
GENERAL FUNDS	120.0	

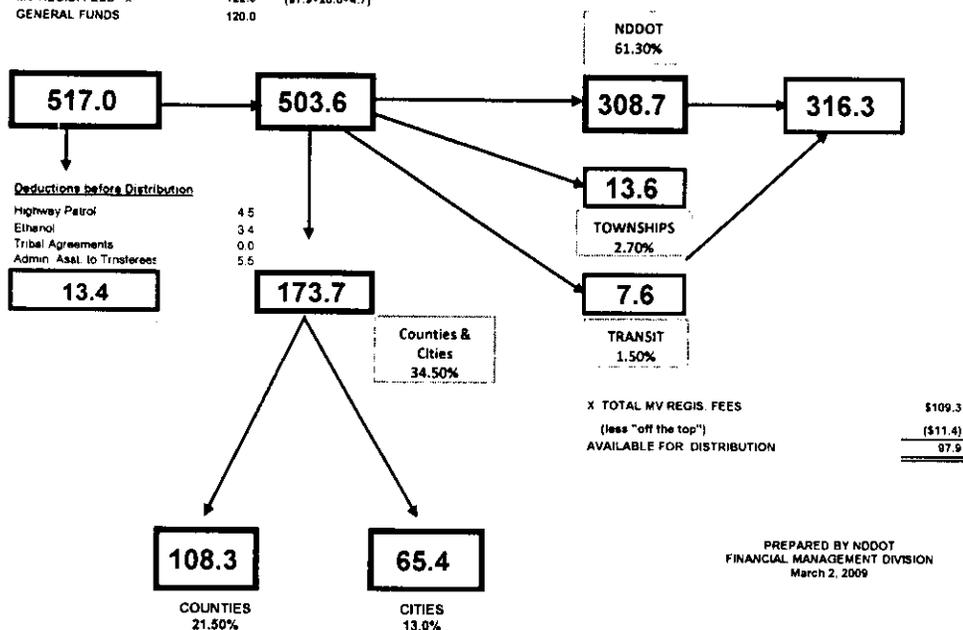


Table 3 – SB 2012 and HB 1407 Funding Comparison					
Major Funding Bill Comparison					
SB 2012			HB 1407		
Formula					
NDDOT	61.30%		NDDOT	63.28%	
Counties	21.50%		Counties	20.17%	
Cities	13.00%		Cities	12.28%	
Townships	2.70%		Townships	2.74%	
Transit	1.50%		Transit	1.53%	
Revenue					
A. \$120 million from the General Fund to the Highway Tax Distribution Fund (one-time transfer)			A. 50% of Motor Vehicle Excise Tax, after payments to the State Aid Distribution Fund, to the Highway Tax Distribution Fund (\$64.8 million, no sunset)		
B. Continues approximately \$3.4 million to the Ethanol Production Incentive Fund (40% of farm vehicle registrations)			B. Discontinues the farm vehicle registration allocation to the Ethanol Production Incentive Fund (\$3.4 million)		

Budget Overview

The following table (Table 4) shows the recent history of the DOT's expenditures and appropriations. During the 05-07 biennium, the DOT expended \$875.6 million. The 07-09 biennium appropriation, as adjusted for emergency commission and capital carryover items, is \$964.6 million. We expect to fully expend that budget by the end of this biennium.

Table 4 – Appropriation History					
Appropriation History					
Line Item:	2005-2007 Biennial Expenses	2007-2009 Appn. As Adjusted *	Bien. To Date Expend. Through 1/31/2009	Projected Spending 2007-2009	2009-2011 Engrossed Budget
Salaries & Wages	\$112.4	\$128.0	\$100.1	\$128.0	151.5
Operating Expenses	136.8	177.5	115.9	177.5	203.8
Capital Assets	574.6	582.4	473.1	582.4	645.6
Cap. Improve Carryover	10.4	11.0	10.9	11.0	
Grants	41.4	65.7	47.2	65.7	69.1
Total Expenditures	\$875.6	\$964.6	\$747.2	\$964.6	\$1,070.0
Exp. by Funding Source					
Federal Funds	\$530.8	\$521.9	\$428.0	\$521.9	\$559.7
Special Funds	344.8	442.7	319.2	442.7	510.3

* The original appropriation has been adjusted for the DOT's portion of the State Equity Pool (SB2015), an Emergency Clause per the 2007 Legislative Session HB 1012, Capital Improvement Carryover, and Emergency Commission actions.

The Executive budget request for the 2009-2011 biennium totals approximately \$1 billion, an increase of \$107.1 million from the present budget. Please refer to the table below.

Budget Overview (Millions)			
Line Item	2005-2007 Biennium Budget	2007-2009 Appropriated Budget	2009-2011 Executive Budget Recommendation
Salaries and Wages	\$112.2	\$127.3	\$151.5
Operating Expenses	\$143.5	\$174.7	\$203.8
Capital Assets	\$656.9	\$548.7	\$588.7
Grants	\$42.4	\$52.4	\$66.2
TOTAL	\$955.0	\$903.1	\$1,010.2

The executive budget request was amended in the Senate. The table on the following page illustrates that the capital asset and grants lines were increased \$56.9 and \$2.9 million respectively (\$59.8 million total). This addition will provide the NDDOT with the appropriation necessary to utilize our share of the one-time transfer of \$120 million from the state's general fund and the net increase in funding for public transportation resulting from the revenue provisions of SB 2012. These additional funds are for the maintenance, repair, and improvement of roads, bridges, and other infrastructure, and for the enhancement of public transportation services. The NDDOT's base budget request included \$19 million of the appropriation necessary to utilize these additional funds. The \$59.8 million Senate amendment will provide the remaining needed appropriation. In addition, the Senate added one additional FTE, but no related budget. This FTE is needed for coordination of the

department's Title VI and non-discrimination program as required for delivery of the our federal aid programs. After consideration of these amendments, the proposed NDDOT budget is reflected in the following table.

NDDOT Budget Overview (Millions)					
Line Item	2007-2009 Enrolled Budget	2009-2011 Executive Budget	Senate Changes	Engrossed SB 2012	Change from Enrolled Budget
Salaries and Wages	\$127.3	\$151.5	\$0.0	\$151.5	\$24.2
Operating Expenses	174.7	203.8	0	203.8	29.1
Capital Assets	548.7	588.7	56.9	645.6	96.9
Grants	52.4	66.2	2.9	69.1	16.7
TOTAL	\$903.1	\$1,010.2	\$59.8	\$1,070.0	\$166.9

The **salary expense** line has increased \$24.2 million. This increase is attributed to:

- The Executive recommendation for the salary line reflects the recommended compensation package and the cost to continue the current pay plan.
- Salary equity adjustments.
- Two additional FTEs for driver's license examiners.
- In addition, we are offering an amendment to SB 2012, (wording located at Appendix C on page 31) to move \$142,318 from the Capital Assets line of the budget to the Salary and Wages line to cover the additional FTE needed to meet Title VI federal requirements.

The **operating expense** line as requested in the Executive budget has increased \$29.1 million from the current biennium. Significant factors in this increase include:

- \$11.7 million for the State Fleet to cover the impact of inflation primarily related to the cost of fuel and vehicle repairs.
- \$6.9 million to cover the increased cost of using State Fleet vehicles. While these costs affect most State Fleet vehicle groups, the majority of the increased costs affect our highway program because of the increased cost of operating the snow plow trucks which are the mainstay of our roadway maintenance operations.
- \$7.5 million for the first half of the drivers license system rewrite.
- \$700,000 for equipment repairs.
- \$2.6 million for National Highway Traffic Safety Administration (NHTSA) contracts.

The **capital assets** line has increased approximately \$96.9 million. The primary factors involved in this increase include:

- \$56.9 million of additional appropriation authority to accommodate the NDDOT share of the \$120 million general fund transfer. This is related to the Senate amendment previously discussed.

- Our budget request removed the \$26 million for bonded projects (Liberty Memorial Bridge and US Highway 2) which have now been completed. While these projects have been essentially completed, bond repayment will continue through June of 2020.
- \$61.3 million is due to the anticipated level of Federal Highway funds, including:
 - \$31.7 million emergency relief funding for Roadways as Dams projects
 - \$29.6 million of anticipated increase in the level of available regular Federal Highway formula funds.
- The executive recommendation provides for an additional \$2.8 million in state funds to be put into the NDDOT's land, buildings, and equipment, such as salt sheds and equipment storage buildings across the state.
- \$3.3 million is to cover the impact of inflation on State Fleet vehicle purchases.

The **grants line** item reflects an overall increase of \$16.7 million. This change is primarily due to the increased availability of federal funding for traffic safety (NHTSA), transit, and local government programs, as well as cooperative programs with the University System. Additionally, \$2.9 million was added in the Senate to enable public transportation to fully utilize the net increase in their funding provided by the new funding proposal contained in SB2012.

The following table shows a comparison of the primary revenue sources that support NDDOT's budget.

Comparison of Revenue Sources (Millions)			
Funding Source	2007-2009 Appropriated Budget	2009-2011 Senate Engrossed Recommendation	Change from Present Budget
General Fund	\$0.0	\$73.6	\$73.6
Federal Funds	\$481.6	\$559.7	\$78.1
Special Funds	\$420.6	\$433.4	\$12.8
Total	\$902.2	\$1,066.7	\$164.5

The \$73.6 million increase in general funds is due to the NDDOT's share of the proposed \$120 million transfer from the general fund.

The \$78.1 million increase in federal funds is due to the increased level of regular federal highway funds and federal emergency relief funding for Roadways as Dams projects.

The \$12.8 million increase in special funding is primarily due to increased highway user revenues to the Highway Distribution Fund and the impact of the proposed changes to the Distribution Fund allocation formula.

Biennium Chart Comparison

We have included charts at the end of our testimony on pages 25-28. These charts allow you to compare our present biennium budget to the 2009-2011 budget as presented in engrossed SB 2012.

Federal Funding – All states are currently operating under a continuing resolution through March 6, 2009. Under the continuing resolution, states will receive funding based on the 2008 distribution. For 2009, we are anticipating that North Dakota will receive \$229 million and in 2010 we anticipate receiving about \$235 million. However, there are several things happening at the federal level that make it extremely difficult to determine the amount of federal highway funding that will be available.

Federal Highway Trust Fund – Over the past couple of years, more money has been expended from the Federal Highway Trust Fund than has been collected. In September 2008, Congress provided just over \$8 billion from the General Fund to keep the highway trust fund solvent. The latest estimates for 2010 from the Congressional Budget Office, issued in January 2009, show the Highway Account of the Highway Trust Fund will be \$5.4 billion short of being able to fund the existing highway program at \$41.6 billion.

The Federal Highway Administration released data that shows between November 2007 and October 2008, Americans drove 100 billion fewer miles than the previous year. The decline in miles driven is widening the gap between federal gas tax revenue collected and the government's commitment to fund highway construction projects.

SAFETEA-LU Expires – The current transportation bill, SAFETEA-LU, expires on September 30, 2009. Therefore, Congress will be preparing a new highway reauthorization bill. There are proposals floating around that could substantially change the structure of the federal highway program. Most of the proposals call for increased funding for highway transportation programs. However, there is no consensus on how to generate the additional revenue, and there are no details on how funds for the new highway program would be distributed. We are continuing to work with our Five-State Coalition, our Transportation Association (AASHTO) and Congressional Delegation to influence the development of the reauthorization legislation.

American Recovery and Reinvestment Act of 2009 – As the nation's economic struggles continue, there are proposals for economic recovery packages that include substantial transportation infrastructure funding.

Engrossed Senate Bill 2012, as amended by OMB, contains a provision that will enable us to make use of a stimulus package as soon as it would become available. Section 4 of SB 2012 provides that "any additional amount in the highway fund that becomes available is appropriated to the Department of Transportation for the purpose of defraying the expenses of that agency..." This would provide for the additional appropriation authority the NDDOT would need to utilize a federal stimulus package.

The NDDOT will work with Gov. Hoeven and the legislature to coordinate fiscal stimulus funding with our agency budget. I'd like to outline for you what we know about the stimulus funding and its distribution at this time:

Highway Program

- \$27.5 Billion Nationally
- **\$170.1 Million for North Dakota**

- 50% must be obligated in 120 days (Obligated means projects are authorized by Federal Highway Administration)
- Remaining 50% must be obligated with one year

Transit Program

- \$11 Billion Nationally
- **\$11 Million in North Dakota**
- 50% must be obligated in 180 days (Federal Transit Authority must authorize projects)
- Remaining 50% must be obligated within one year
- Funds can be used for Transit (Capital projects such as Transit buses and buildings)

American Recovery and Reinvestment Act (ARRA) Overview

- The Department has a process that we follow to establish statewide transportation needs. The process involves the development of a Statewide Transportation Improvement Program (STIP).
- If the funding is not obligated, it will be lost to the state.
- The 120 days starts when the Department receives the funding authority.
- After 50% of the projects are obligated or authorized, they will be bid in two months and work will begin this year. The other 50% must be obligated within one year.
- All federal requirements for the highway program must be met in order for the projects to be completed.
- All stimulus projects will be completed with 100% Federal Funding.
- It is our intent to share this funding with cities and counties.

Border crossing, Drivers License Security and Identity Preservation

Border crossing, drivers license security and identity preservation are items that have come to the forefront since 9-11. State governments throughout the nation are looking at how to meet proposed federal requirements to be implemented for the traveling public. Today, I'd like to give you a brief overview of what has taken place in the Homeland Security requirements since the last legislative session.

- The Western Hemisphere Travel Initiative is in effect. In order for our citizens to return to the U.S. from Canada, Mexico, and the Caribbean by land or sea, they now must have both their drivers license and their birth certificate or a passport. In June of 2009, this will change again to accepting only one document, a passport, passport card, enhanced travel document, or some other "trusted" travel document. For example, an individual traveling into Canada that does not have the proper document will have difficulty returning to the U.S.
- NDDOT requested an extension which allows our citizens to continue to use their drivers licenses for boarding commercial aircraft and entering federal buildings. The extension is valid until December 31, 2009.

- ND applied for and was notified that \$500,000 in fiscal year 2008 FEMA grant dollars are available for securing the driver license issuing process and protecting identities. The funds will be used for Facial Recognition Technology and updating security cameras at the eight major licensing sites. The grant did not commit the State to REAL ID implementation.
- The state has been proactive in many areas to secure our documents and protect against identity theft. We electronically verify social security numbers, birth certificates, other legal documents and our employees are trained in Fraudulent Document Recognition.
- As of December 31, 2009, state drivers licenses and identification cards will no longer be allowed by the airlines as identification to board commercial flights, or enter a federal building unless the state receives an additional extension.
- We continue to monitor the Department of Homeland Security requirements.
- HB 1164 allows the DOT to examine additional documents for proof of identity.

Other bills that may have a fiscal impact on NDDOT

There are a number of bills that are still active which may have a fiscal impact on NDDOT. These bills are:

- SB 2241 – Reduces the fee for over-width vehicles. This would slightly reduce the revenue to the State Highway Fund (\$80,000 per biennium).
- SB 2385 - Provides for a new general license plate issue. The bill provides for a one-time revenue source and corresponding appropriation (\$4.4 million) to cover the cost of the plate issue.
- HB 1182 – Provides for a one point reduction for safety belt use. This would result in one-time computer programming costs of approximately \$9,000. The DOT would need additional appropriation for this.
- SB 1306 – Provides for a statewide 24-7 sobriety program. This would result in additional salary cost of \$20,000 per biennium and an additional one quarter FTE. The DOT would need additional appropriation for this.
- HB 1414 – Provides for a new vehicle license plate for surviving family of a military member who died on active duty during a time of conflict. The DOT would incur a one-time cost for plate development of approximately \$1,500. This cost would be offset against revenues generated under this bill. The DOT would require additional appropriation for the plate development cost.
- HB 1438 – This bill provides for the issuance of a temporary non-resident commercial driver's license. The NDDOT would incur one-time programming costs of approximately \$6,600. Additional appropriation would be required for these costs.
- HB 1407 – This bill provides for a different revenue structure to fund transportation than provided in SB 2012. In the event HB 1407 passes, the appropriation amounts required by NDDOT may differ significantly from those provided in SB 2012.

- SB 2338 – This bill would place approximately \$6.4 million dollars of the Special Fuels Excise Tax into a Highway Rail Grade Crossing Safety Projects Fund and appropriates such funds. This bill would result in a reduction of \$6.4 million of revenue to the Highway Tax Distribution Fund. The NDDOT share of loss to the Highway Tax Distribution Fund would be approximately \$3.9 million (based on a 61.3 percent share of the Highway Tax Distribution Fund as proposed by SB 2012).

Conclusion

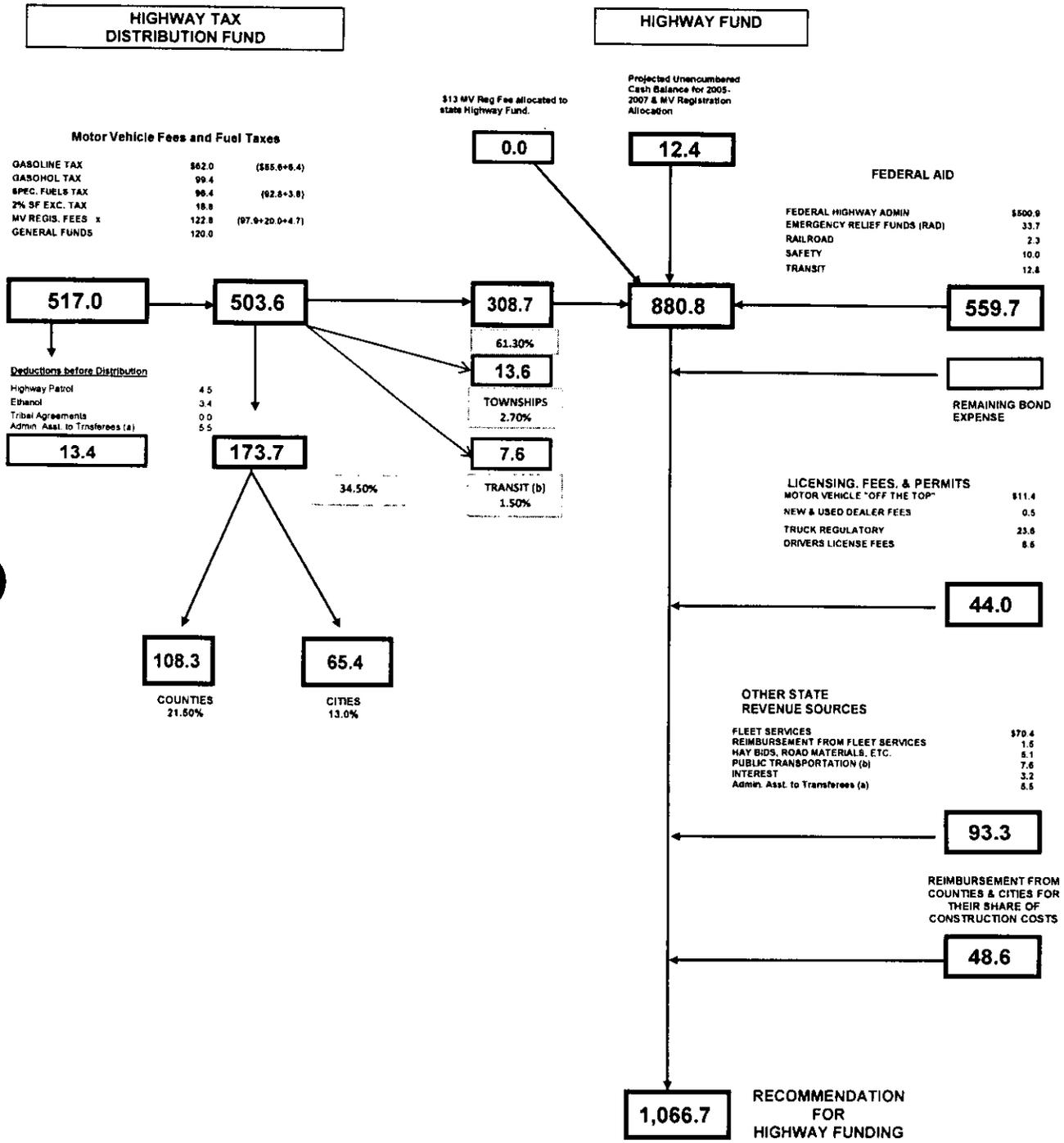
North Dakota's investment in the transportation system is critical to the long-term growth of our economy and is a commitment to the quality of life for all North Dakotans. We have had many accomplishments, and are facing many challenges, as we continue down the path of providing a transportation system that safely moves people and goods.

We appreciate the legislative efforts and look to your leadership to help us continue to be leaders in providing a quality transportation network. A solid transportation system is the backbone to creating continued economic growth for the future of our state.

Thank you again for the opportunity to address you today. I would be happy to answer any questions you may have at this time.

DEPARTMENT OF TRANSPORTATION ENGROSSED SB 2012 2009 - 2011 BIENNIUM REVENUE

(MILLIONS)



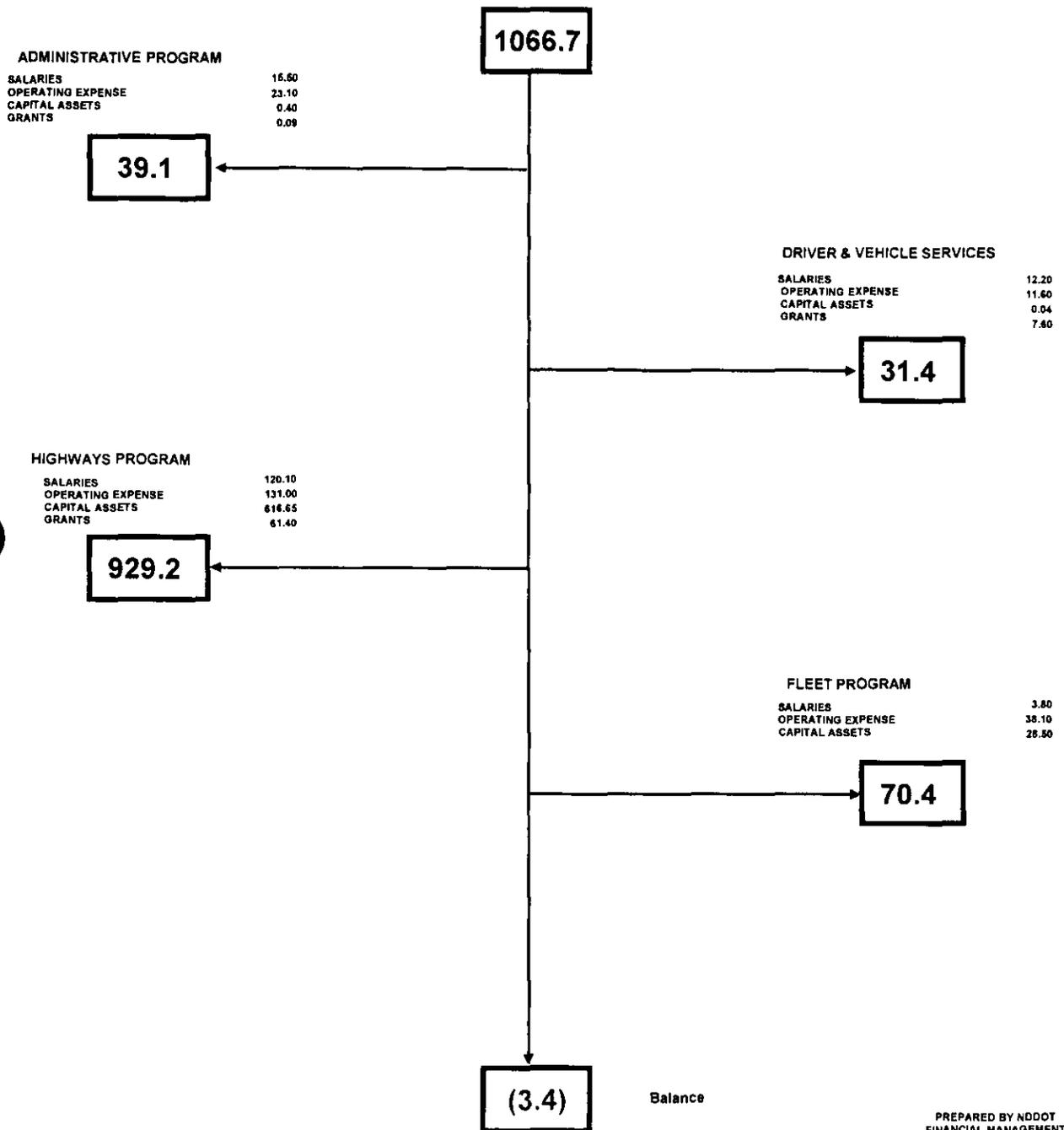
x TOTAL MV REGIS. FEES
(less "off the top")
AVAILABLE FOR DISTRIBUTION

\$109.3
(\$11.4)
97.9

PREPARED BY NDDOT
FINANCIAL MANAGEMENT DIVISION
MARCH 2, 2009

DEPARTMENT OF TRANSPORTATION ENGROSSED SB 2012 2009 - 2011 BIENNIUM EXPENDITURES

(MILLIONS)



PREPARED BY NDDOT
FINANCIAL MANAGEMENT
DIVISION
MARCH 2, 2009

Appendix C

NDDOT PROPOSED AMENDMENT TO SENATE BILL 2012

Page 1, line 16, replace “\$24,194,030” with “\$24,336,348” and replace “\$151,520,269” with “151,662,587”

Page 1, line 18, replace “\$96,855,896” with “\$96,713,578” and replace “\$645,576,994” with “\$645,434,676”

Renumber accordingly.



North Dakota Department of Transportation

Francis G. Ziegler, P.E.
Director

John Hoeven
Governor

March 10, 2009

The Honorable Jeff Delzer
House Appropriations Subcommittee
House Chambers
600 East Boulevard Avenue
Bismarck, ND 58505

Dear Mr. Delzer:

Subject: Follow-up on March 9 Request

We have prepared additional data as a result of questions from members of the subcommittee.

Attached is the following information:

- Attachment 1—List of buildings
- Attachment 2—Chart comparing expenditures to date to the budget request
 - Compares to date salaries, operating expenses, capital assets, and grant expenditures to 2009 biennium recommendations
- Attachment 3—Table illustrating the budget with the \$120 million inserted
- Attachment 4—Copy of the current Statewide Transportation Improvement Program (STIP)
- Attachment 5—American Reinvestment and Recovery Act of 2009 (stimulus) list of projects
- Attachment 6—An explanation of the DL 3 project process
- Attachment 7—State Fleet information

In addition to the above the NDDOT will address with you the appropriation for the ARRA (stimulus) pursuant to guidance from OMB.

We will respond to any additional requests your subcommittee needs to complete work on our appropriation bill—Engrossed SB 2012.

Sincerely,

Francis G. Ziegler, P.E.
Director

01/pa/jam

ATTACHMENT 1

Background of Facility/Building Assessment

NDDOT has a comprehensive evaluation program to assess the condition of our existing facilities in order to assure the most critical needs with our limited resources. Each facility is evaluated using seven major categories. Those categories are: site location, primary systems (foundations, superstructure, exterior walls/doors, roofing), secondary systems (doors, walls, floor, ceiling,) service systems (water, sanitary sewer, plumbing, heating, ventilation system,) fuel source, electrical service, lighting, telecommunications), building safety, building function, and environmental (appearance, oil separator, floor drain, salt handling). Each category has various criteria that is rated between one (meets current standards) to 10 (unsafe health or safety condition). All criteria area assigned a priority multiplier based on weighted scale of importance. The overall criteria ratings are then computed and added up to give an overall building condition rating.

NDDOT 2009-2011 Building Request

Three maintenance section buildings	\$1,442,200
One equipment storage building	\$ 660,000
Salt storage buildings	
One at \$300,000—large urban section	
Five at \$45,000—Rural Section	
Three at \$22,400 Satellite—Rural	\$ 592,200
Buildings Total	<u>\$2,694,400</u>

Building—Capital Repairs

Truck Lifts	
Building Insulation	
Emergency Generator	
Floor Replacement	\$ 663,000
Total	\$3,357,400

Agency: Department of Transportation

Program:

Reporting Level: 00-801-000-00

	Biennium to Date Expenditures January 31, 2009	2007-2009 Biennium Budget	2009-2011 Executive Recommendation	Change from 2007-09
10 Salaries and Wages				
511000 Salaries - Permanent	66,471,640.89	83,309,580	89,873,470	6,563,890
511900 Salary Budget Adjustment		0	4,000,000	4,000,000
512000 Salaries - Other	389,001.52	577,500	0	(577,500)
513000 Temporary Salaries	2,162,855.55	4,021,281	3,985,098	(36,183)
514000 Overtime	5,544,751.35	7,057,790	7,211,738	153,948
516000 Fringe Benefits	25,483,970.17	33,028,034	38,251,742	5,223,708
599110 Salary Increase		0	7,044,962	7,044,962
599160 Benefit Increase		0	1,153,259	1,153,259
Total	100,052,219.48	127,994,185	151,520,269	23,526,084
30 Operating Expenses				
521000 Travel	20,504,482.33	29,292,658	36,163,446	6,870,788
531000 Supplies-IT Software	489,665.56	976,434	1,142,741	166,307
532000 Supplies/Materials-Professional	112,330.28	236,420	216,759	(19,661)
534000 Bldg, Ground, Maintenance	40,320,957.78	64,886,407	72,579,460	7,693,053
535000 Miscellaneous Supplies	2,491,672.89	3,396,779	3,370,798	(25,981)
536000 Office Supplies	415,160.78	573,199	592,138	18,939
541000 Postage	1,193,757.94	1,546,937	1,747,937	201,000
542000 Printing	471,063.28	1,066,730	1,041,894	(24,836)
551000 IT Equip under \$5,000	858,007.05	1,089,122	1,024,322	(64,800)
552000 Other Equipment under \$5,000	1,531,628.07	2,268,137	1,544,667	(723,470)
561000 Utilities	3,130,469.47	3,187,292	2,758,217	(429,075)
571000 Insurance	1,771,785.23	1,613,732	1,463,732	(150,000)
581000 Rentals/Leases-Equip. & Other	237,154.34	643,162	614,662	(28,500)
582000 Rentals/Leases-Bldg./Land	1,470,516.10	2,975,647	2,943,947	(31,700)
591000 Repairs	11,306,375.82	14,383,492	16,880,802	2,497,310
601000 IT-Data Processing	4,028,452.15	6,370,376	5,877,123	(493,253)
602000 IT-Communications	927,190.04	1,130,091	1,146,188	16,097
603000 IT-Contractual Services and Repa	1,573,767.75	1,607,066	9,917,466	8,310,400
611000 Professional Development	866,338.59	1,092,273	1,372,242	279,969
621000 Operating Fees and Services	1,228,839.67	1,165,301	1,826,331	661,030
623000 Fees-Professional Services	20,987,367.03	37,996,408	39,580,142	1,583,734
Total	115,916,982.15	177,497,663	203,805,014	26,307,351

Agency: Department of Transportation

Program:

Reporting Level: 00-801-000-00

	Biennium to Date Expenditures January 31, 2009	2007-2009 Biennium Budget	2009-2011 Executive Recommendation	Change from 2007-09
50 Capital Assets				
682000 Land and Buildings	1,021.50	1,260,000	2,694,400	1,434,400
683000 Other Capital Payments	457,771,790	553,669,390	550,654,177	(3,015,213)
684000 Extraordinary Repairs	1,394,671.08	3,822,105	663,000	(3,159,105)
691000 Equipment over \$5,000	121,972.00	2,033,402	557,383	(1,476,019)
692000 Motor Vehicles	24,697,532.92	32,294,867	33,846,100	1,551,233
693000 IT Equip/Sftware over \$5,000	46,485.00	389,897	275,806	(114,091)
Total	484,033,472.92	593,469,661	588,690,866	(4,778,795)
60 Grants				
Grants To Individuals	38,000.00	40,000	40,000	0
Grants To State Colleges	3,841,840.77	6,318,500	7,733,314	1,414,814
Tribal Grant	15,309.21	62,000	66,826	4,826
Grants To Cities	14,059,238.70	16,783,436	7,233,646	(9,549,790)
Grants To Counties	8,564,899.53	8,988,000	10,254,492	1,266,492
Grants To Townships	12,500.00	0	0	0
Misc. Grants	3,093,411.81	1,275,000	17,197,796	15,922,796
State Public Trans Grants	3,446,329.96	5,650,000	4,650,000	(1,000,000)
Grants To Non-Public Entities	11,087,347.29	23,431,354	14,981,342	(8,450,012)
712000 Grants, Benefits & Claims	44,158,877.27	62,548,290	62,157,416	(390,874)
Tsfr To Federal Fund	0.00	100,000	100,000	0
Tsfr To Atty General Fund	349,148.55	380,000	409,581	29,581
Tsfr To Forest Svc. Fund	0.00	100,000	100,000	0
Tsfr To Highway Patrol. Fund	602,730.00	738,000	795,450	57,450
Tsfr To Health & Lab Fund	590,490.07	792,000	853,654	61,654
Tsfr To Hist. Society Fund	1,103,646.53	400,000	400,000	0
Tsfr To Water Comm Fund	29,625.53	0	750,000	750,000
Tsfr To Parks & Rec. Fund	382,489.05	640,000	0	(640,000)
Tsfr To Tourism	0.00	0	600,000	600,000
722000 Transfers Out	3,058,129.73	3,150,000	4,008,685	858,685
Total	47,217,007.00	65,698,290	66,166,101	467,811
Total Expenditures	747,219,681.55	964,659,799	1,010,182,250	45,522,451

Highway Tax Distribution Fund Revenue	Excluding \$120 Million General Fund Transfer			Including \$120 Million General Fund Transfer	
	2007-09 Enrolled	Current Law	Proposed Changes *	Current Law	Proposed Changes *
DOT	\$203.9	\$223.3	\$240.6	\$298.9	\$314.2
Highway Fund Dedicated	18.2	20.0	0.0	20.0	0.0
DOT Total (Non-Transit)	222.1	243.3	240.6	318.9	314.2
Transit	5.7	4.7	5.8	4.7	7.6
DOT Total (including Transit)	227.8	248.0	246.4	323.6	321.8
Counties	74.4	81.5	82.5	109.1	108.3
Cities	45.3	49.6	49.8	66.4	65.4
Townships	10.2	10.6	10.4	10.6	13.6
Hwy. Tax Distribution Fund Total	\$323.6	\$354.4	\$389.1	\$474.4	\$509.1
Total MV Fees and Fuel Taxes	\$357.7	\$389.7	\$389.1	\$509.7	\$509.1

The Proposed Changes are \$600,000 less in the comparable scenarios, because the proposed changes would allow the \$.01 refund that currently goes to the Townships to be refunded to the tax payer.

* NDDOT amount includes \$5.5 million "off the top" for the Administrative Assistance to Other Transferees.



**STATEWIDE
TRANSPORTATION
IMPROVEMENT
PROGRAM**

**2009 – 2012
Final Document**

Prepared by

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
BISMARCK, NORTH DAKOTA
www.dot.nd.gov**

**DIRECTOR
Francis G Ziegler, P.E.**

November 2008



North Dakota Department of Transportation

Francis G. Ziegler, P.E.
Director

John Hoeven
Governor

November 6, 2008

Mr. Wendall L. Meyer
Division Administrator
Federal Highway Administration
1471 Interstate Loop
Bismarck, ND 58501

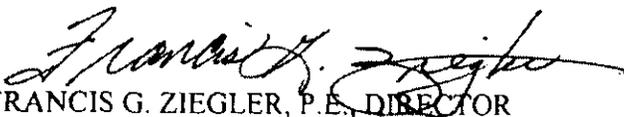
2009-2012 FINAL STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM

Enclosed is North Dakota's 2009-2012 Final Statewide Transportation Improvement Program (STIP). The North Dakota Department of Transportation (NDDOT) takes a great deal of pride in overseeing and coordinating the development of our state's transportation system. North Dakota's transportation system plays a vital role in enhancing economic competitiveness at the local, state, and national level.

The NDDOT continues to operate under a Statewide Strategic Transportation Plan (TransAction) as directed by Governor Hoeven. The overall goal of the "TransAction process" is to develop a shared transportation vision to provide the traveling public with the best possible transportation system across all modes and jurisdictions.

The Final STIP was developed expecting a three-percent increase in obligation limits in 2011 and 2012, and a four-percent construction cost inflation per year. This Final STIP has been developed in accordance with the applicable guidance and regulations. We believe this four-year STIP complies with the intent of our current transportation plan and will assist in carrying out the goals and direction provided so far in the Statewide Strategic Transportation Plan. In addition, the Final STIP supports the NDDOT mission of "Providing a transportation system that safely moves people and goods."

This Final STIP process has been particularly challenging with new requirements to project a four-year program. The recent inflationary impact to highway construction costs has also presented significant challenges. It is our intent to present a financially constrained Final STIP based upon the best projections of federal funds and construction costs available at this time.


FRANCIS G. ZIEGLER, P.E., DIRECTOR

56/sas
Enclosure

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INTRODUCTION

In August 2005, new legislation was enacted through 2009, titled, "Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU)." This STIP was planned with guidance under SAFETEA-LU.

The STIP is a four-year approved program of projects for fiscal years 2009, 2010, 2011 and 2012. The financial budget for these projects is financially constrained based on the projected federal funding levels provided by the SAFETEA-LU. The actual funding level that will be available depends upon Congressional appropriation.

The Metropolitan Planning Organization (MPO) Transportation Improvement Programs (TIPS) should be considered as incorporated into the STIP by reference. However, project summaries have been included in the STIP as informational items. This facilitates citizens' review so that they can view the entire program in one document.

The STIP is also on North Dakota Department of Transportation web site at <http://www.dot.nd.gov/> by clicking on the **Manuals** icon on the left-hand side, and, then clicking on the STIP link in the left-hand column.

Any questions or comments on specific items in the STIP should be directed to your area NDDOT District Office, the NDDOT Office of Transportation Program Services, or the NDDOT Planning and Programming Division. The District Engineers' addresses and telephone numbers are found in the District Maps section inside this STIP.

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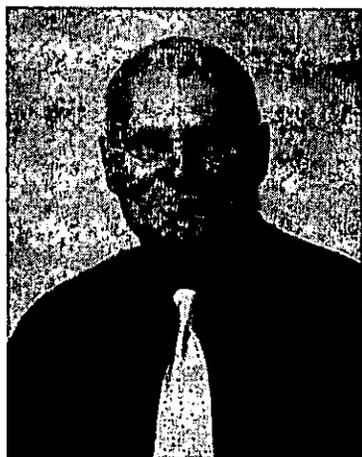
Francis G. Ziegler
Director



Timothy J. Horner
Deputy Director
For Business Support



Grant Levi
Deputy Director
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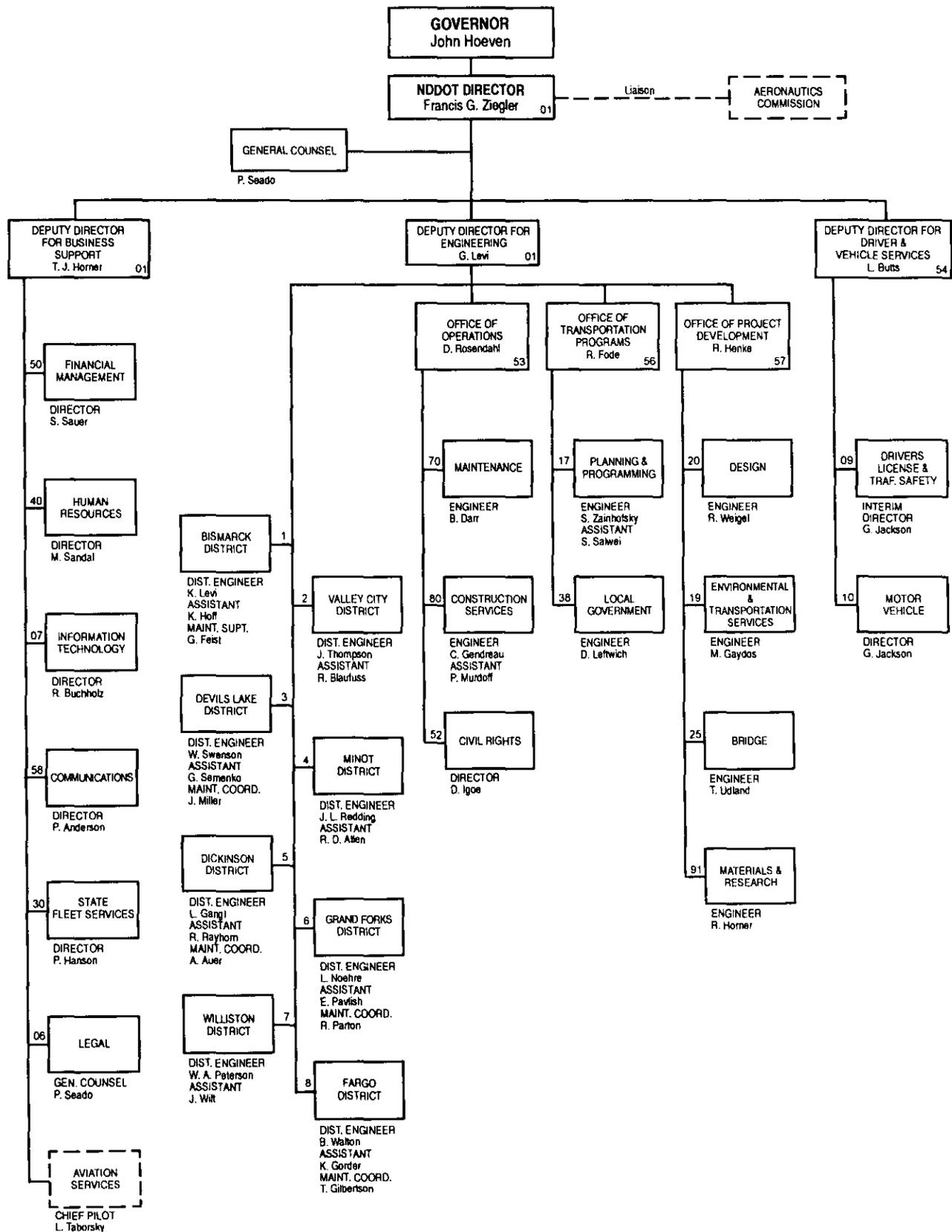


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**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
ORGANIZATION CHART
October 1, 2008**



STIP Development

The Statewide Transportation Improvement Program (STIP) includes all federally-funded highway and transit projects to be constructed in North Dakota. Approval by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) is required.

North Dakota develops a Statewide Transportation Plan. The development of the 2009-2012 STIP includes consideration of elements and policies contained in the Statewide Transportation Plan.

The development of the 2009-2012 STIP includes the Transportation Improvement Programs (TIPS) developed by designated metropolitan planning areas (MPOs). The NDDOT Local Government Division sends each area MPO, the proposed urban/regional program for its review and comments. The MPOs are provided with a copy of the draft STIP, after which, each MPO submits their final TIP. The governor and each respective MPO approve the TIPS prior to incorporating them into the STIP.

The Metropolitan Planning Organization (MPO) TIPS are incorporated into the STIP by reference. Project summaries are also included in the STIP as informational items. This facilitates citizens' review so they are able to view the entire program in a single document. In addition to the Statewide Transportation Plan, the following items were considered in the development of the STIP:

1. Coordination with other urban areas (5,000 to 50,000 populations).
2. Coordination with counties.
3. Informal statewide input from various groups, officials, and NDDOT District Engineers.

Each of the eight NDDOT District Engineers identifies their priority projects in the "STIP Process System" in preparation for the annual STIP update. The "STIP Process System" resides on the state's internet website. The district engineers populate the roadway segments and type of improvements with their project nominations, as well as, recommendations for the construction year and, in some cases, estimated costs. They also prioritize their districts' projects based on the NDDOT Highway Performance Classification System (HPCS), public comments, and the investment strategies outlined below. The Urban and County priorities may be secured in the same manner.

Once the district priorities have been submitted to the NDDOT Planning Division, available federal funding is divided between Interstate and Non-Interstate projects. Selection of projects on the National Highway System and the State Rural Highway System included use of the HPCS, investment strategies, Bridge Management System (BMS) and the Pavement Management System (PMS). The HPCS divides North Dakota highways into five categories; interstate, interregional corridors, state corridors, district corridors, and district collectors. Page 5 illustrates North Dakota's five categories of roadways. Dollars are invested in these facilities according to their performance classification and the department's present investment strategy (Interstate and Non-Interstate). Efforts are made to ensure work is distributed throughout the state, and that the types of work related to the investment strategy.

Work Type	Interstate 45%	Inter-regional 20%	State Dist Corr Dist Coll	Project Development (months)	Scoping	Safety	NEPA
Preventive Maintenance Minor Rehab	27%	26%	36%	6 6 to 12	Limited ADA Yes-ADA	No-SSP Limited- SSP	CATEX CATEX
Structural Overlay Major Rehab	27%	42%	42%	12 to 24 12 to 24	Yes Yes	Limited- SSP 90-1	CATEX CATEX
New or Reconstruction	38%	26%	16%	24 to 36	Yes	90-1 or Full	CATEX EA, EIS
Structures	3%	3%	3%	6 to 12	Yes		CATEX
Safety	5%	3%	3%	6 to 24	Yes		CATEX

* The safety dollars will be prioritized through the Strategic Highway Safety Plan, Comprehensive Highway Safety Program, and by using the analysis from the critical crash rates based on the highway performance classification system.

The BMS provides information to assist in selecting bridge projects. The PMS provides information pertaining to ride, surface conditions, maintenance costs, and a suggested list of roadway sections to be improved. This data along with sound engineering judgment and other considerations is used to develop and program the projects for each year.

Public Involvement Process

In August of each year, the NDDOT distributes news releases to all North Dakota daily and weekly newspapers and broadcast media outlets notifying the public of the Transportation Enhancement (TE) application process and how to locate TE information on the NDDOT web site. NDDOT meets individually with each tribal entity to discuss items and/or concerns of each respective Tribe, and to remind them of the STIP process. See Appendix C.

NDDOT representatives attend the Northern Plains Tribal Technical Assistance Program and the North Dakota League of Cities annual conferences in September of each year. At each of these annual conferences, NDDOT presents information outlining the STIP process, and the coming projects for the next year.

At this time, the NDDOT Local Government Division requests state regional and local urban road projects from cities. In December, the cities provide a list of prioritized state regional and local urban road projects (along with their cost estimates) to the MPOs for their review. Each MPO adheres to the Public Participation Process Plan during the development of the TIP. In each TIP, there is a section under the TIP Program that describes this process. Each MPO keeps a copy of the Public Participation Process Plan for inspection by the public at their respective offices. It is the MPOs responsibility to ensure these prioritized projects submitted are in their Long Range Transportation Plan (LRTP). The MPOs are responsible for reviewing the projects and their costs prior to approving them and submitting the list to NDDOT at this time. NDDOT

Local Government Division also requests that the urban construction priorities be submitted by the thirteen major cities.

NDDOT representatives also attend North Dakota Association of Counties annual meeting in October, and presents an outline of the STIP process, and projects for the upcoming year. The NDDOT distributes a news release to all North Dakota daily and weekly newspapers and broadcast media outlets notifying the public the NDDOT has begun prioritizing the construction projects for the next year. This news release also names the NDDOT district point of contacts should anyone have any questions or concerns regarding the STIP, and directs the public to the NDDOT web site.

By February 1 of each year, the NDDOT Local Government Division submits the proposed list of urban regional projects (state highway projects within the urban city limits) to the three North Dakota MPOs.

The NDDOT distributes a spring news release, tailored to each district, as well as to statewide media, to all North Dakota daily and weekly newspapers and broadcast media outlets in March identifying the major projects in each district, asking for public comments with a two-week comment period and directing the public to the NDDOT website. The website contains a four-year list of proposed projects for work that is proposed to take place within the district boundaries. Any comments received are forwarded to the respective district engineer for review and comment.

Each MPO obtains input for the development of its respective program of projects for its TIP by holding public meetings. Each TIP includes a detailed discussion of the public involvement process for its respective metropolitan area.

A news release advising that the draft STIP is available to the public for review and comment is distributed to all daily and weekly newspapers and broadcast media outlets statewide. A copy of the draft STIP is placed on the NDDOT website for viewing. Comments are due within one month of publication of the draft STIP. The NDDOT also meets with all local tribal entities and discusses the upcoming projects in their respective areas, and also requests to hear any concerns that the tribal entities may have.

Copies of the STIP are also sent to the Bismarck, Fargo, and Grand Forks MPOs; the South Dakota Department of Transportation central office; the Montana Department of Transportation central office; the Minnesota Department of Transportation (MNDOT) central office, the MNDOT Detroit Lakes and Bemidji district offices; the North Dakota Tribal Council chairmen and the Tribal Transportation Planner at each of the four North Dakota reservations; and the Bureau of Indian Affairs (BIA) at Aberdeen, South Dakota.

The final STIP is submitted to FHWA and FTA for approval prior to distribution to the public. A final news release is sent to all North Dakota daily and weekly newspapers and broadcast media outlets notifying the public that the final STIP is available and can be viewed on the NDDOT website. Comments regarding the draft STIP are listed below.

NDDOT received three comments regarding the draft STIP. One comment was received from Willard Tormaschy of Dickinson. He requested the removal of a traffic light located by Wal-Mart on ND 22 in Dickinson.

Response: NDDOT has an agreement with the City of Dickinson to allow the signal placement on ND 22. The City went through an extensive review process prior to the installation and determined that the signal was warranted and necessary. NDDOT reviewed the City's review process and current traffic information and concurred with the City's findings.

Tracy Brown of Bismarck wrote that he would like to see the construction of a sound barrier on the east end of Bismarck near the residential area of I-94, reference point 157.000. He indicated that there was much traffic noise from the interstate highway.

Response: Any Project which is intended to reduce the noise along a particular stretch of roadway must follow the NDDOT Traffic Noise Analysis and Abatement Guidelines. Currently, the NDDOT doesn't have any projects along I-94 which meet the following guideline: "A traffic noise analysis will be conducted for a proposed project for the construction of a highway on a new location or the physical alteration of an existing highway which significantly changes either the horizontal or vertical alignment, or increases the number of through traffic lanes."

If, in the future, the NDDOT changes the horizontal or vertical alignment, or adds additional traffic lanes, a traffic noise analysis will be conducted as part of the Environmental Document.

There was also a telephone call from a citizen from the Grand Forks area who complained about the condition of ND 15 from the junction of ND 32 to Northwood.

Response: The Grand Forks District office is working on the depressed transverse cracks this year and the segment is scheduled for a project in the next few years.

Wallace Johnson of rural Milnor wrote about his concern about drainage and run-off along ND 13 east of Milnor. The highway, ditches and culverts are not handling springs rains and run-offs.

Response: The Fargo District is working with the Hydraulogy section to determine if there is anything we can do to address the issue.

Spenser Ulvestad from Fargo wrote that he is questioning the allocation of \$7 million to the Upper Great Plains Transportation Institute's (UGPTI) building in 2008 and another \$7 million to UGPTI for the period 2009-2011. He is also concerned whether this work should be completed utilizing TE funds.

Response: The financial allocation is actually \$3.5 million for 2009 and \$3.5 million for 2010 rather than \$7 million per year. Of this \$7 million, only \$1 million is federal funding and the remaining \$6 million is local funding.

LEGEND

Many highway projects for the next four years can be found in the various districts. A district map shows a project's location and type of improvement. The adjacent page provides a detailed description of the work involved and the estimated cost of the project. Most of the NDDOT projects for the next four years are shown on the maps. Each map and facing page refers to one of the following districts:

	<u>MAP KEY DESIGNATION</u>
• #1 Bismarck	100's
• #2 Valley City	200's
• #3 Devils Lake	300's
• #4 Minot	400's
• #5 Dickinson	500's
• #6 Grand Forks	600's
• #7 Williston	700's
• #8 Fargo	800's
• #9 Various and Statewide Locations	900's and 1,000's

Specific projects are identified and located with a map number and a corresponding improvement code. The page directly opposite the map lists the following information:

- Map Key
- Funding Sources
- Pending Obligation Limitation
- Highway
- Location
- Length of the Project
- Type of Work (exact description of the type of improvement, not just an overview)
- Fiscal Year
- Construction year
- Total Cost of the Project
- Federal Funds
- State Funds
- Local Funds

Description of Improvement Codes

New Construction - Constructing a new highway on a new location or corridor, example is new grading.

Reconstruction - Regrading or restoring the roadbed and surface, or widening an existing roadbed on the existing highway location.

Surfacing - Placing asphalt or concrete on a previous surface or roadbed includes Portland Concrete Cement (PCC), Hot Bituminous Pavement (HBP), milling, grinding, etc.

Structural - Construction of new structures or reconstruction of existing structures or structural features; such as, substructure, piers, and bridge rails.

Maintenance - Work which would include Interstate Maintenance, and Bridge Preventive Maintenance, and includes concrete pavement repair (CPR), joint seal replacement, drain pipe repairs, seal coats, or striping.

Safety - Work activities that would provide for improved traffic control operations, guidance, upgrading of obsolete roadside features, and improvement of roadside geometrics related to safety.

Miscellaneous Improvements – Construction of new buildings or preservation or reconstruction of existing buildings related to rest areas, and other building, construction, or rehabilitation of transportation related projects funded with transportation enhancement funds; such as, depots, rest areas, etc. Activities in this category would also be those activities constructed off the traveled roadway but within or near the right-of-way intended to either improve the roadside environment right-of-way or provide for alternative modes of transportation; such as, bikeways, drainage repair, fencing; etc.

Municipal - Any construction activities within the urban city limits (new construction, reconstruction, surfacing, curb & gutter, structural, etc.)

Fund Source - An alpha designate is used to designate which category of federal funds will be used with each funding source.

Advance Construction – Project designated with “AC” as part of their fund source implies that the funds for these projects will be bid in the outlying years; however, the federal funds will not be obligated until the following year. Federal Highway allows the state to “borrow” on their next year’s obligation limitation as long as the State meets the requirements for doing so.



Pending -

Projects designed as pending; shown with a P2009 or P, are projects that are programmed for the pending fiscal year shown. These are the first projects that would be shifted to the following fiscal year if Congress does not provide sufficient obligation authority.

Illustrative -

Projects scheduled if specific federal funds are received.

Bonded Projects -

Project designated with “BC” as part of their fund source implies that these projects are bonded, and they will be repaid with federal funds in future years. North Dakota sold bonds for several projects on US 2 and the Liberty Memorial Bridge project to enable the State to move forward with these projects.

Stewardship Agreement

INTERACTION BETWEEN NDDOT AND FHWA

HIGHWAY PROGRAM	NATIONAL HIGHWAY/INTERSTATE SYSTEM						NON-NATIONAL HIGHWAY SYSTEM			OTHER		
	> \$5 MILLION			< \$5 MILLION (S="SMALL PROJECTS")			Project	FHWA Involvement	Obligation (STP)	Project	FHWA Involvement	Obligation (STP)
TYPE OF:	Project	FHWA Involvement	Obligation	Project	FHWA Involvement	Obligation	Project	FHWA Involvement	Obligation (STP)	Project	FHWA Involvement	Obligation (STP)
N D D O T A N D F H W A I N T E R A C T I O N	IM	Full	By Project	SIM	Partial *	By Project	SRT	Partial	By Project			
	CBI	Full	By Project	SBI	Partial *	By Project	SRU	Partial	By Project			
							SRC	Partial	By Project			
	NH	Full	By Project	SNH	Partial *	By Project	SS	Partial	By Project			
	CBN	Full	By Project	S-CBN	Partial *	By Project	SCB	Partial	By Project			
	NHU	Full	By Project	S-NHU	Partial *	By Project	SU	Partial	By Project			
	HPP	Full	By Project	S-HPP	Partial *	By Project	SHP	Partial	By Project			
	HPU	Full	By Project	S-HPU	Partial *	By Project	SPU	Partial	By Project			
	TIP	Full	By Project	S-TIP	Partial *	By Project	STP	Partial	By Project			
	TPU	Full	By Project	S-TPU	Partial *	By Project	STU	Partial	By Project			
	SIB	Full	By Project				SC	Partial	By Project	SO	Partial	By Project
	BRI	Full	By Project	S-BRI	Partial *	By Project	BRS	Partial	By Project			
	BRN	Full	By Project	SBR	Partial *	By Project	BRU	Partial	By Project			
	U-BFN	Full	By Project	U-SBR	Partial *	By Project	BRC	Partial	By Project	BRO	Partial	By Project
	HEN	Full	By Project	SHE	Partial *	By Project	HES	Partial	By Project			
				S-HEU	Partial *	By Project	HEU	Partial	By Project			
							HEC	Partial	By Project	HEO	Partial	By Project
	RSN	Full	By Project	SRS	Partial *	By Project	RSS	Partial	By Project			
				S-RSU	Partial *	By Project	RSU	Partial	By Project			
							RSC	Partial	By Project	RSO	Partial	By Project
	RPN	Full	By Project	SRP	Partial *	By Project	RPS	Partial	By Project	RPO	Partial	By Project
				S-RPU	Partial *	By Project	RPU	Partial	By Project			
							RPC	Partial	By Project	FRS	Partial	By Project
CM	Full	By Project	SCM	Partial *	By Project	CMS	Partial	By Project	FHC	Partial	By Project	
CMU	Full	By Project	S-CMU	Partial *	By Project	U-CMU	Partial	By Project	FHO	Partial	By Project	
TEI	Full	By Project	STI	Partial *	By Project	TES	Partial	By Project	TEO	Partial	By Project	
TEN	Full	By Project	STN	Partial *	By Project	TEU	Partial	By Project				
			S-TNU	Partial *	By Project	TEC	Partial	By Project				
						TET	Partial	By Project	ROM	Full	By Project	
DESIGN STANDARDS	Interstate ----- National Highway System			AASHTO			Rural			AASHTO		
	4-Lane Rural -----			AASHTO			New Construction ----			North Dakota RRR		
	Urban -----			AASHTO			Resurfacing -----			North Dakota RRR and Low		
	2-Lane Rural						Structures -----			Volume Stream Crossing		
	Total Reconstruction			AASHTO			Defense -----			AASHTO/USAF		
	Resurfacing -----			North Dakota RRR			Urban -----			North Dakota Urban		

* Partial / by request. FHWA may request Full Involvement on individual projects.

LEGEND: SEE BACK SIDE.

Revised July 2, 2008

LEGEND

PROJECT PREFIX		
S	=	"Small Projects" - National Highway/Interstate Systems - Costing less than \$5 million
IM	=	Interstate Maintenance - State Project - Includes all I-4R type of work
SIM	=	Interstate Maintenance - "Small" State Project - Includes all I-4R type of work
CBI	=	Coordinated Border Interstate - State Project - Includes all I-4R type of work
SBI	=	Coordinated Border Interstate - "Small" State Project - Includes all I-4R type of work
NH	=	National Highway System - State Project - Includes new construction and RRR-type of work
SNH	=	National Highway System - "Small" State Project - Includes new construction and RRR-type of work
CBN	=	Coordinated Border NHS - State Project - Includes new construction and RRR-type of work
SIB	=	State Infrastructure Bank NHS - State Project - Includes new construction and RRR-type of work
S-CBN	=	Coordinated Border NHS - "Small" State Project - Includes new construction and RRR-type of work
NHU	=	National Highway System - State Urban Project - Includes new construction and RRR-type of work
S-NHU	=	National Highway System - "Small" State Urban Project - Includes new construction and RRR-type of work
HPP	=	High Priority Project NHS - State Project - Includes new construction and RRR-type of work
S-HPP	=	High Priority Project NHS - "Small" State Project - Includes new construction and RRR-type of work
HPU	=	High Priority Project NHS - State Urban Project - Includes new construction and RRR-type of work
S-HPU	=	High Priority Project NHS - "Small" State Urban Project - Includes new construction and RRR-type of work
TIP	=	Transportation Improvement Project NHS - State Project - Includes new construction and RRR-type of work
S-TIP	=	Transportation Improvement Project NHS - "Small" State Project - Includes new construction and RRR-type of work
TPU	=	Transportation Improvement Project NHS - State Urban Project - Includes new construction and RRR-type of work
S-TPU	=	Transportation Improvement Project NHS - "Small" State Urban Project - Includes new construction and RRR-type of work
SS	=	Non-National Highway System - State Rural Project
SCB	=	Coordinated Border - Non-National Highway System - State Rural Project
SU	=	Non-National Highway System - State or City Urban Project
SUP	=	High Priority - Non-National Highway System - State Rural Project
SHU	=	High Priority - Non-National Highway System - State or City Urban Project
STP	=	Transportation Improvement - Non-National Highway System - State Rural Project
SRT	=	Safe Routes to Schools - Non-National Highway System - State Rural Project
SRU	=	Safe Routes to Schools - Non-National Highway System - City Urban Project
SRC	=	Safe Routes to Schools - Non-National Highway System - County Rural Project
STU	=	Transportation Improvement - Non-National Highway System State or City Urban Project
SC	=	Non-National Highway System - County Rural Project
SO	=	Non-National Highway System - County Off-System Project - (Bridge Rehabilitation/Replacement-type of work only)
BRI	=	Bridge Replacement - State Project - Interstate System
S-BRI	=	Bridge Replacement - "Small" State Project - Interstate System
BRN	=	Bridge Replacement - State Project - National Highway System
U-BRN	=	Urban Bridge Replacement - State Project - National Highway System
SBR	=	Bridge Replacement - "Small" State Project - National Highway System
U-SBR	=	Urban Bridge Replacement - "Small" State Project - National Highway System
BRS	=	Bridge Replacement - State Project - Non-National Highway System
BRIU	=	Bridge Replacement - State or City Urban Project - Non-National Highway System
BRC	=	Bridge Replacement - County Project - Non-National Highway System
BRO	=	Bridge Replacement - County Off-System Project
HEN	=	High Hazard Elimination - State Safety Project - National Highway System
SHE	=	High Hazard Elimination - "Small" State Safety Project - National Highway System
S-HEU	=	High Hazard Elimination - "Small" State Urban Safety Project - National Highway System
HES	=	High Hazard Elimination - State Safety Project - Non-National Highway System
HIEU	=	High Hazard Elimination - State or City Urban Safety Project - Non-National Highway System
HEC	=	High Hazard Elimination - County Safety Project - Non-National Highway System - (County major collector)
HEO	=	High Hazard Elimination - County Off-System Safety Project
RSN	=	Railroad Crossing Hazard Elimination - State Safety Project - National Highway System
SRS	=	Railroad Crossing Hazard Elimination - "Small" State Safety Project - National Highway System
S-RSU	=	Railroad Crossing Hazard Elimination - "Small" State Urban Safety Project - National Highway System
RSS	=	Railroad Crossing Hazard Elimination - State Safety Project - Non-National Highway System
RSU	=	Railroad Crossing Hazard Elimination - State or City Urban Safety Project - Non-National Highway System
RSC	=	Railroad Crossing Hazard Elimination - County Safety Project - Non-National Highway System - (County major collector)
RSO	=	Railroad Crossing Hazard Elimination - County Off-System Safety Project
RPN	=	Railroad Crossing Protection Device - State Safety Project - National Highway System
SRP	=	Railroad Crossing Protection Device - "Small" State Safety Project - National Highway System
S-RPU	=	Railroad Crossing Protection Device - "Small" State Urban Safety Project - National Highway System
RPS	=	Railroad Crossing Protection Device - State Safety Project - Non-National Highway System
RPU	=	Railroad Crossing Protection Device - State or City Urban Safety Project - Non-National Highway System
RPC	=	Railroad Crossing Protection Device - County Safety Project - Non-National Highway System - (County major collector)
RPO	=	Railroad Crossing Protection Device - County Off-System Safety Project

PROJECT PREFIX		
S	=	"Small Projects" - National Highway/Interstate Systems - Costing less than \$5 million
CM	=	Congestion Mitigation - State Rural Project - National Highway/Interstate System
CMU	=	Congestion Mitigation - State Urban Project - National Highway/Interstate System
SCM	=	Congestion Mitigation - "Small" State Rural Project - National Highway/Interstate System
S-CMU	=	Congestion Mitigation - "Small" State Urban Project - National Highway/Interstate System
CMS	=	Congestion Mitigation - State Rural Project - Non-National Highway System
U-CMU	=	Congestion Mitigation - State or City "Urban" Project - Non-National Highway System
TEI	=	Transportation Enhancement - State Project - Interstate System
STI	=	Transportation Enhancement - "Small" State Project - Interstate System
TEN	=	Transportation Enhancement - State Project - National Highway System
STN	=	Transportation Enhancement - "Small" State Project - National Highway System
S-TNU	=	Transportation Enhancement - "Small" State Urban Project - National Highway/Interstate System
TES	=	Transportation Enhancement - State Project - Non-National Highway System
TEU	=	Transportation Enhancement - State or City "Urban" Project - Non-National Highway System
TEC	=	Transportation Enhancement - County Project - Non-National Highway System
TEO	=	Transportation Enhancement - County Off-System Enhancement Project - (Bicycle Transportation and Pedestrian Walkway Facilities)
TET	=	Transportation Enhancement - State Historic Sites, State Parks, and Other Tourism Attractions
FHS	=	Forest Highway - State Project
FHC	=	Forest Highway - County Project
FHO	=	Forest Highway - County Off-System Project
ROM	=	Regraveling Project - U.S. Air Force Transporter-Erector System - (FHWA project designation = CM-AD)

FHWA INVOLVEMENT

FULL = Full FHWA Review/Approval in all of following activities:

Environmental Clearance
Class I - EIS
P Class II - Cat. Ex.
R Class III - EA/FONSI
O
J C Field Reviews
E O Alignment
C N Safety
T C Pavement Strategy
E TS&L
P Public Hearing
T
Approval
Environmental/Concept/
Pavement Structure

D Reviews
E Preliminary Field
S Final Field
I PS&E Office
G
N Approval
Exceptions

A Approval
D PS&E/ROW
M Construction Authorization
I Obligation of Funds
N Contract Addendums
Concurrence in Award

C Inspections/Reviews/Approval
O Quality Assurance/Control
N Change Orders
S Time Extensions
T Final Progressive
Estimates
Final Field Inspection

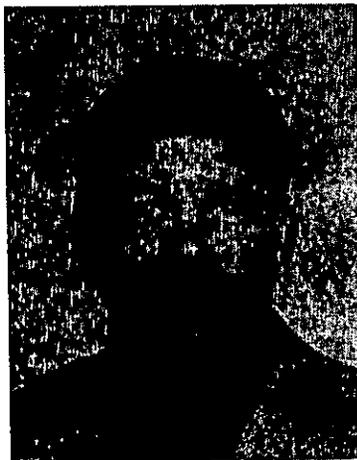
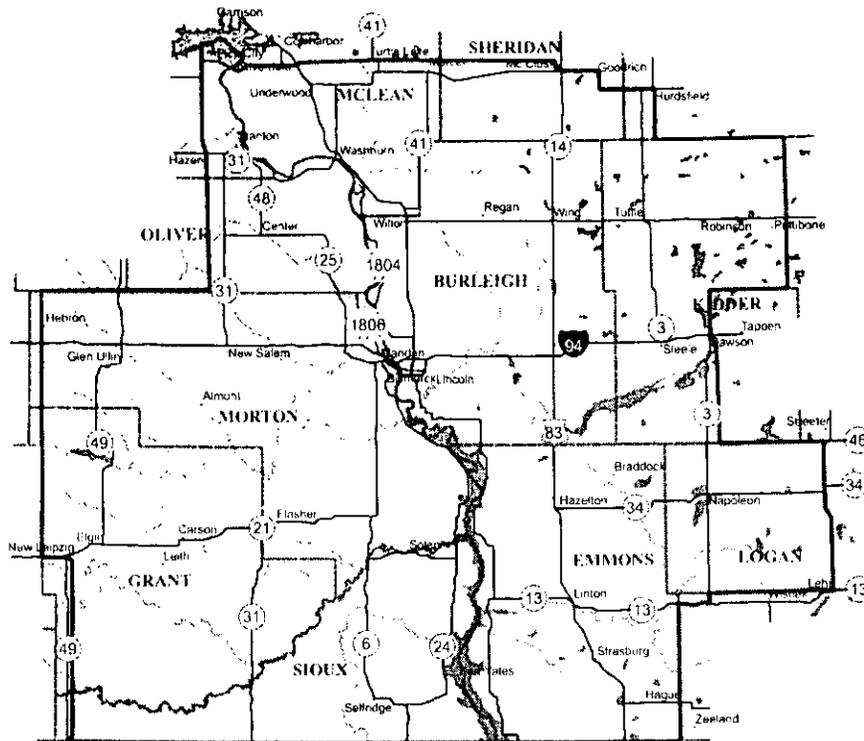
PARTIAL BY REQUEST = Limited to Environmental/ROW Clearance, Construction Authorization, Obligation of Funds, Process Reviews, and Technical Assistance.

PARTIAL = Environmental/ROW Clearance, Fiscal Delivery, and Technical Assistance only.

Revised July 2, 2008

Bismarck District

District 1



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**North Dakota Department of Transportation
District 1 - Bismarck**

(In Thousands)

PCN	Map Key	Fund Source	Pend	Hwy CMC	Dir	Location	Length	Work Type	Const Year	Full Invl	Total Cost	Fed Fund	State Fund	Local Fund
Rural														
16409	1001	SS		3	N	N BURNSTAD JCT N TO S OF NAPOLEON	6.5	Full Depth Rec	2009		2340	1894	446	0
16409	1002	SS		3	N	S OF NAPOLEON TO JCT 34	1.1	Structural OI>3	2009		614	497	117	0
17414	1003	SS		3	N	W JCT 200 E TO HURDSFIELD	2.0	Chip Seal Coat	2009		50	40	10	0
16381	1004	SS		14	N	I-94 N TO WING	21.3	Thin Overlay	2009		1808	1463	345	0
16343	1005	SS		49	N	E JCT 21-ELGIN N TO HEART BUTTE DAM	12.2	Approach Slabs, Thin Overlay	2009		1068	864	204	0
16847	1006	SS		49	N	HEART BUTTE DAM N TO GLEN ULLIN	19.2	Thin Overlay	2009		1629	1318	311	0
16334	1007	ACTIP		83	N	LINTON N TO JCT 34-HAZELTON	16.7	Blinded Bit Base, Hot Bit Pave	2009	F	5560	4500	1060	0
16334	1008	ACNH		83	N	LINTON N TO JCT 34-HAZELTON	16.7	Blinded Bit Base, Hot Bit Pave	2009		2075	1679	396	0
16727	1009	SNH		83	N	LINTON	0.5	Hot Bit Pave, Milling	2009		108	87	21	0
16426	1010	SNH		83	N	STERLING RAILROAD SEPARATION	0.1	Detour	2009		540	437	103	0
17350	1011	SNH		83	N	BIS - 57TH AVE N TO MIDWAY	9.2	Chip Seal Coat	2009		230	186	44	0
17350	1012	SNH		83	N	MIDWAY TO WILTON	10.7	Chip Seal Coat	2009		267	216	51	0
13894	1021	SU		94		MEMORIAL BRIDGE	1.0	Bonding Repayment	2009		826	744	41	41
17534	1031	SIM		94	W	5 EAST OF ND 25	0.0	Ramp Revisions, Structure Widen	2009		150	135	15	0
16762	1013	SIM		194	E	EAST MIDWAY INTR TO START 810	1.1	Hot Bit Pave	2009		500	450	50	0
16762	1014	SIM		194	W	EAST MIDWAY INTR TO START 810	1.1	Hot Bit Pave	2009		500	450	50	0
17413	1015	SS		200	E	E JCT 41-MERCER-E TO MCCLUSKY	13.2	Chip Seal Coat	2009		330	267	63	0
17413	1016	SS		200	E	MCCLUSKY E TO JCT 14	9.2	Chip Seal Coat	2009		230	186	44	0
17413	1017	SS		200	E	JCT 14 E TO W JCT 3	15.8	Chip Seal Coat	2009		397	321	76	0
16849	1023	U-SBR		810	E	1.0 WEST OF WASHINGTON ST	0.0	Deck Overlay, Expan Joint Mod	2009		4000	3200	800	0
16590	1020	ACIFP		981		NORTHERN PLAINS COMMERCE CENTER	0.0	Construction	2009		494	395	0	99
15215	1018	SS		1804	N	JUST E DESERT ROAD N TO SIGNAL ST.	2.1	Aggr Base, Grade, Hot Bit Pave	2009		1767	1430	337	0
945	1019	ACHPP		1804	N	SIGNAL ST. N TO 46TH AVE -BIS	2.6	Aggr Base, Grade, Hot Bit Pave	2009		1094	885	209	0
Subtotal											26577	21644	4793	140
Urban														
	1024	SU		981		BISMARCK-CITYWIDE	0.1	Signals	2009		320	256	0	64
	1038	SU		988		MDN-SUNSET DR & OLD RED TRAIL	0.0	Signals	2009		250	200	0	50
15887	1025	ACHPU		1806		MANDAN-MDN AVE NE (MAIN TO I-94)	0.5	Construction	2009		491	397	45	49
Subtotal											1061	853	45	163
Bridge														
13994	1026	ACHPP		94B	E	MEMORIAL BRIDGE	0.0	Struct/Incid	2009		4562	4106	228	228
Subtotal											4562	4106	228	228
Transportation Enhance														
16955	1039	TES		94		LIBERTY MEMORIAL BRIDGE PARKS	0.0	Landscaping	2009		350	280	35	35
16955	1040	TES		94		LIBERTY MEMORIAL BRIDGE PARKS	0.0	Landscaping	2009		1050	840	0	210
17024	1027	TEU		988		MANDAN-RED TRAIL COLLINS EAST	0.0	Bikeway/Walkway	2009		355	284	0	71
17024	1028	STI		1806		MANDAN AVE INTERCHANGE	0.0	Bikeway/Walkway	2009		100	80	20	0
17404	1030	TEO		1806		MORTON CO ND 1806 N OF MANDAN	0.0	Bikeway/Walkway	2009		250	150	0	100
17389	1029	TET				FT ABRAHAM LINCOLN ST PARK W BNDRY	0.0	Easements	2009		275	220	0	55
17533	1041	TET				FALSP LEWIS & CLARK LEGACY TRAIL	0.0	Bikeway/Walkway	2009		75	75	0	0
Subtotal											2455	1929	55	471
Safety														
17262	1032	SHE		83		BIS- 57TH AVE N TO RP 100	9.2	Turn Lanes	2009		1779	1601	178	0
	1035	HEU		981		BISMARCK-CITYWIDE	0.1	Safety	2009		76	68	0	8
17341	1036	HES		1804		RF68 TO JUST E OF DESERT ROAD	0.0	Reconstruction, Thin Overlay	2009		1369	1232	137	0
Subtotal											3224	2901	315	8
Total											37879	31433	5436	1010

Map Key 1023 is a Workforce Safety and Mobility Significant Project

**North Dakota Department of Transportation
District 1 - Bismarck**

(In Thousands)

PCN	Map	Fund	Pend	Hwy	Dir	Location	Length	Work Type	(In Thousands)				
									Full	Total	Fed	State	Local
									Invl	Cost	Fund	Fund	Fund
Fiscal Year: 2010-2012													
Rural													
16825	1101	SS	P	3	N	W JCT 13 N TO BURNSTAD JCT	10.1	Hot Bit Pave, Widening	3040	2460	580	0	
17108	1102	SS		31	N	STATE LINE N TO JCT 21	35.3	Thin Overlay	3116	2522	594	0	
15900	1103	SS		34	E	W NAPOLEON E TO S JCT ND 30	23.1	Thin Overlay	2040	1651	388	0	
	1104	SS		36	E	JCT ND 3 E TO CO LN	23.3	Chip Seal Coat	605	490	115	0	
	1105	SS		49	N	GLEN ULLIN E & N TO CO LN	14.6	Chip Seal Coat	380	308	72	0	
15510	1121	SNH		83	N	2 SOUTH OF I-94	0.0	Struct/Incid	2100	1700	400	0	
17351	1106	S-NHU		83	N	BISMARCK N TO 57TH AVE	1.8	Thin Overlay	520	421	99	0	
17106	1107	NH		83	S	BISMARCK N TO S OF WILTON	15.5	Structural OI>3	F 11790	9542	2248	0	
17106	1108	NH		83	S	S OF WILTON TO WILTON	6.0	Structural OI>3	1328	1075	253	0	
13994	1021	SU		94		MEMORIAL BRIDGE	1.0	Bonding Repayment	826	744	41	41	
	1109	SIM		94	E	ND 25 E TO W ND 1806	6.3	Slurry Seal	203	183	20	0	
16335	1110	IM		94	E	W ND 1806 TO GRANT MARSH BRIDGE	3.0	Hot Bit Pave, Struct/Incid	3744	3370	374	0	
17105	1111	SIM		94	E	GRANT MARSH BR E TO E BIS INTR	5.2	CPR	176	158	18	0	
	1112	SIM		94	W	ND 25 E TO W ND 1806	6.3	Slurry Seal	203	183	20	0	
16335	1113	IM		94	W	W ND 1806 TO GRANT MARSH BRIDGE	2.9	Hot Bit Pave, Struct/Incid	3744	3370	374	0	
17105	1114	SIM		94	W	GRANT MARSH BR E TO E BIS INTR	4.9	CPR	153	138	15	0	
17107	1115	SS	P	1804	N	S JCT 83 W & N	12.5	Thin Overlay	1148	929	219	0	
17107	1116	SS	P	1804	N	12.5 MI NW BISMARCK NW TO CO LN	12.7	Thin Overlay	1164	942	222	0	
17107	1117	SS	P	1804	N	CO LN NW BISMARCK-NW TO JCT 83	5.2	Thin Overlay	482	390	92	0	
	1201	SS	P	3	N	JCT 34 N TO I-94 DAWSON	25.6	Hot Bit Pave, Widening	8264	6688	1576	0	
	1202	SS	P	13	E	JCT 1804 E TO LINTON	12.8	Thin Overlay	1222	989	233	0	
	1203	NH		83	N	STATE LINE N TO 6 MILES N STRASBURG	21.3	Structural OI>3, Widening	F 9212	7455	1757	0	
13994	1021	SU		94		MEMORIAL BRIDGE	1.0	Bonding Repayment	826	744	41	41	
	1210	SS		94B	E	4 WEST OF ND 6	0.0	Struct/Incid	2000	1619	381	0	
	1204	SS	P	200	E	JCT 1806 TO PICK CITY	4.6	Thin Overlay	436	353	83	0	
	1205	SS	P	200	E	PICK CITY E TO N JCT 83	14.4	Thin Overlay	1374	1112	262	0	
	1206	SS	P	1804	N	WEST LINTON ND 13 N TO HAZELTON JCT	17.0	Thin Overlay	1624	1314	310	0	
	1301	SS	P	21	E	W JCT 49 E TO JCT 31	33.8	Thin Overlay	3360	2719	641	0	
	1302	SS	P	21	E	JCT 31 E TO JCT 6	18.9	Thin Overlay	1879	1521	358	0	
17378	1303	SNH		83	N	BIS - 57TH AVE N TO MIDWAY	9.2	Median X-Overs	468	379	89	0	
13994	1021	SU		94		MEMORIAL BRIDGE	1.0	Bonding Repayment	826	744	41	41	
	1304	IM		94	W	CO LN E TO DAWSON	15.6	Hot Bit Pave, Milling	F 5957	5361	596	0	
16163	1305	SNH	P	200A	E	ND 200A FR JCT 200 TO NEAR W JCT 31	3.0	Structural OI>3	2914	2358	556	0	
	1306	SS	P	1804	N	ST LN N TO 8.0 MI S BEAVER BAY	18.6	Thin Overlay	1853	1500	353	0	
	1307	SS	P	1804	N	8 MI S BEAVER BAY N (W LINTON)	7.9	Thin Overlay	785	635	150	0	
	1308	SS	P	1804	N	N SIDE OF BEAVER BAY BR TO JCT 13	1.7	Thin Overlay	171	138	33	0	
Subtotal									79933	66205	13605	123	
Urban													
16848	1127	S-NHU		810		START OF 810 TO EXPRESSWAY BRIDGE	0.8	Hot Bit Pave	700	560	140	0	
16848	1118	S-NHU		810		BIS EXPRY BR TO WASHINGTON ST	1.3	Hot Bit Pave	900	720	180	0	
	1119	SU		981		BISMARCK-CITYWIDE	0.1	Signals	320	256	0	64	
	1120	SU		988		MDN-DIVISION ST (8TH AVE-MDN AVE NE)	0.5	Reconstruction	1400	1120	0	280	
17150	1207	NHU		810		BIS-EXPRY (12TH TO RR STRUCTURE)	1.6	Milling, Structural OI>3	F 5001	4047	454	500	
17369	1208	SU		981		BIS-CENTURY AVE(HAMILTON ST-CENT RD)	1.3	Reconstruction, Widening	6000	4800	0	1200	
	1209	SU		981		BISMARCK-CITYWIDE	0.1	Signals	320	256	0	64	
	1309	SU		981		BIS-DIVIDE AVE(VOLK DR-BIS EXPRY)	0.5	Reconstruction, Widening	5000	4000	0	1000	
	1310	SU		981		BISMARCK - CITYWIDE	0.1	Signals	320	256	0	64	
	1311	SU		988		MDN - 19TH ST S (HWY 6 TO ND 1806)	0.0	Reconstruction	6400	5120	0	1280	
Subtotal									26361	21135	774	4452	

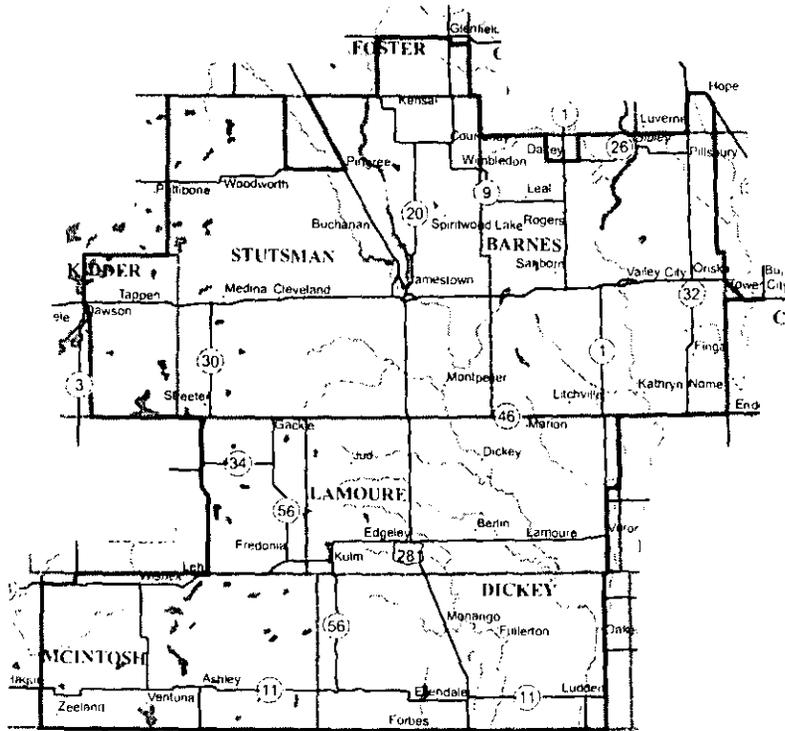
Map Key 1207 is a Workforce Safety and Mobility Significant Project

**North Dakota Department of Transportation
District 1 - Bismarck**

							(In Thousands)						
PCN	Map	Fund	Pend	Hwy	Dir	Location	Length	Work Type	Full	Total	Fed	State	Local
	Key	Source		CMC					Invl	Cost	Fund	Fund	Fund
Bridge													
13994	1122	ACHPP		94B	E	MEMORIAL BRIDGE	0.0	Struct/Incid	3101	2791	155	155	
17109	1211	BRS		1806	N	1 SOUTH OF COUNTY LINE	0.0	Struct/Incid	175	140	35	0	
17109	1212	BRS		1806	N	1 SOUTH OF COUNTY LINE	0.0	Struct/Incid	175	140	35	0	
	1312	SBR		200	N	2 NORTH OF ND 200A	0.0	Deck Overlay	225	180	45	0	
Subtotal									3676	3251	270	155	
Transportation Enhance													
	1123	TET				FALSP W BNDRY PHASE 2	0.0	Easements	350	255	0	95	
	1313	STI		194		I-94 TO WASHINGTON STREET	0.0	Landscaping	150	120	30	0	
	1314	TET				DOUBLE DITCH HISTORIC SITE TRAIL	0.0	Easements	300	200	100	0	
Subtotal									800	575	130	95	
Safety													
	1125	HES		34		JCT OF ND 30	0.0	Intersect Imp	81	73	8	0	
17506	1129	SHE		83		INTERSECTIONS AT STRASBURG	1.0	Intersect Imp	150	135	15	0	
17507	1128	SHE		94		MANDAN AVE TO E MIDWAY INTERCHANGE	0.0	Lighting	2250	2025	225	0	
	1126	HEU		981		BISMARCK-CITYWIDE	0.1	Safety	76	68	0	8	
	1214	HEU		981		BISMARCK-CITYWIDE	0.1	Safety	76	68	0	8	
Subtotal									2633	2369	248	16	
Total									113403	93535	15027	4841	
Grand Total									151282	124968	20463	5851	

Valley City District

District 2



John Thompson, District Engineer
North Dakota Department of Transportation
1524 8th Avenue Southwest
Valley City, ND 58072-4200
Phone: (701) 845-8800
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**North Dakota Department of Transportation
District 2 - Valley City**

(In Thousands)

PCN	Map	Fund	Pend	Hwy	Dir	Location	Length	Work Type	Const	Full	Total	Fed	State	Local
	Key	Source		CMC					Year	Invi	Cost	Fund	Fund	Fund
Fiscal Year: 2009														
Rural														
17470	2001	SS		3	N	N STATE LINE TO ASHLEY TO W JCT 11	15.2	Chip Seal Coat	2009		379	307	72	0
16805	2002	SS		3	N	W JCT 11 N TO WISHEK	16.8	Thin Overlay	2009		1426	1154	272	0
17471	2003	SS		11	E	ASHLEY CITY SECTION	0.8	Chip Seal Coat	2009		21	17	4	0
16299	2014	SS		11	N	7 WEST OF ELLENDALE	0.0	Struct/Incid	2009		50	40	10	0
17474	2004	SS		36	E	WOODWORTH E TO JCT 52	19.1	Chip Seal Coat	2009		478	387	91	0
16806	2005	SS		46	E	STREETER E TO JCT US 281	30.5	Thin Overlay	2009		2590	2096	494	0
17475	2006	SIM		94	E	DISTRICTWIDE-VALLEY CITY	106.6	Slurry Seal	2009		2092	1883	209	0
17342	2015	SIM		94	E	SE JAMESTOWN INTER	0.2	Ramp Revisions, Approach Slabs	2009		24	22	2	0
17540	2016	SIM		94	E	VALLEY CITY INTR TO KATHRYN	0.0	Aggr Base, Selective Grade	2009		700	630	70	0
16382	2007	SNH		281	N	STATE LINE N TO TWP LINE	6.1	Hot Bit Pave, Milling, Selectiv Subcut	2009		1279	1035	244	0
Subtotal											9039	7571	1468	0
Urban														
	2008	ACHPU		281		JAMESTOWN-281(CORP LIM-17TH ST SW)	0.0	Reconstruction	2009		1112	900	212	0
	2009	SU		990		VALLEY CITY-E MAIN ST (5TH-9TH AVE)	0.0	Chip Seal Coat	2009		12	10	1	1
	2010	SU		990		VALLEY CITY-E MAIN ST (5TH-9TH AVE)	0.0	Chip Seal Coat	2009		12	10	1	1
	2019	SU		990		MAIN ST-PED RAIL AT PARK CITY	0.0	Reconstruction	2009		62	50	6	6
	2020	SU		990		MAIN ST.- PED RAIL AT PARK CITY	0.0	Reconstruction	2009		62	50	6	6
Subtotal											1260	1020	226	14
Bridge														
17114	2011	S-BRI		94	E	2 EAST OF ND 30	0.0	Struct/Incid	2009		1114	1003	111	0
Subtotal											1114	1003	111	0
Transportation Enhance														
17269	2012	TEU		281		JAMESTOWN US 281-I94 N&S	0.0	Landscaping	2009		156	125	0	31
16670	2017	TET		987		JAMESTOWN-BETWEEN 1ST & 2ND AVE	0.0	Landscaping	2009		370	295	0	75
17405	2013	TEU		990		VALLEY CITY ELKS FOOTBRIDGE	0.0	Structur Repair, Bikeway/Walkway	2009		370	290	0	80
Subtotal											896	710	0	186
Safety														
17342	2018	SHE		94	E	SE JAMESTOWN INTER	0.2	Ramp Revisions, Approach Slabs	2009		900	810	90	0
Subtotal											900	810	90	0
Total											13209	11114	1895	200

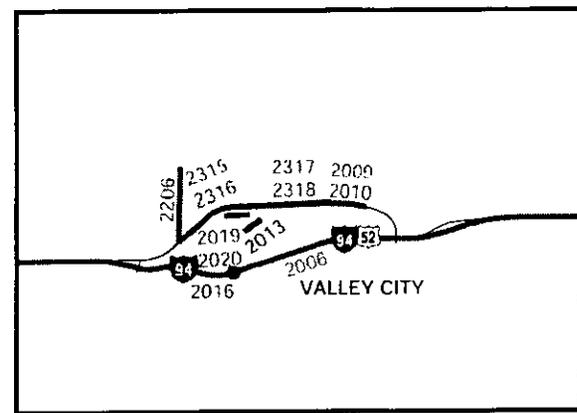
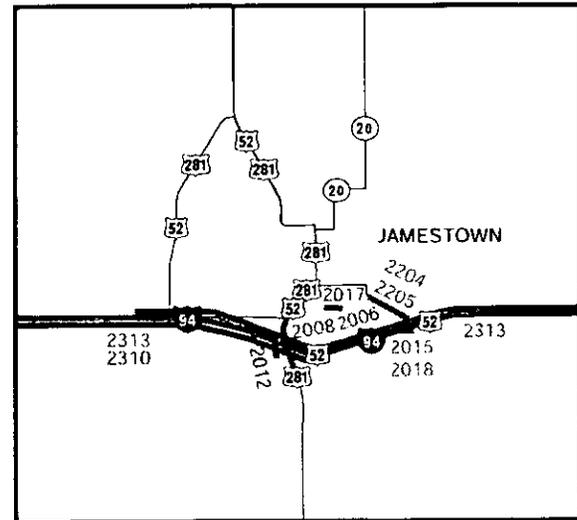
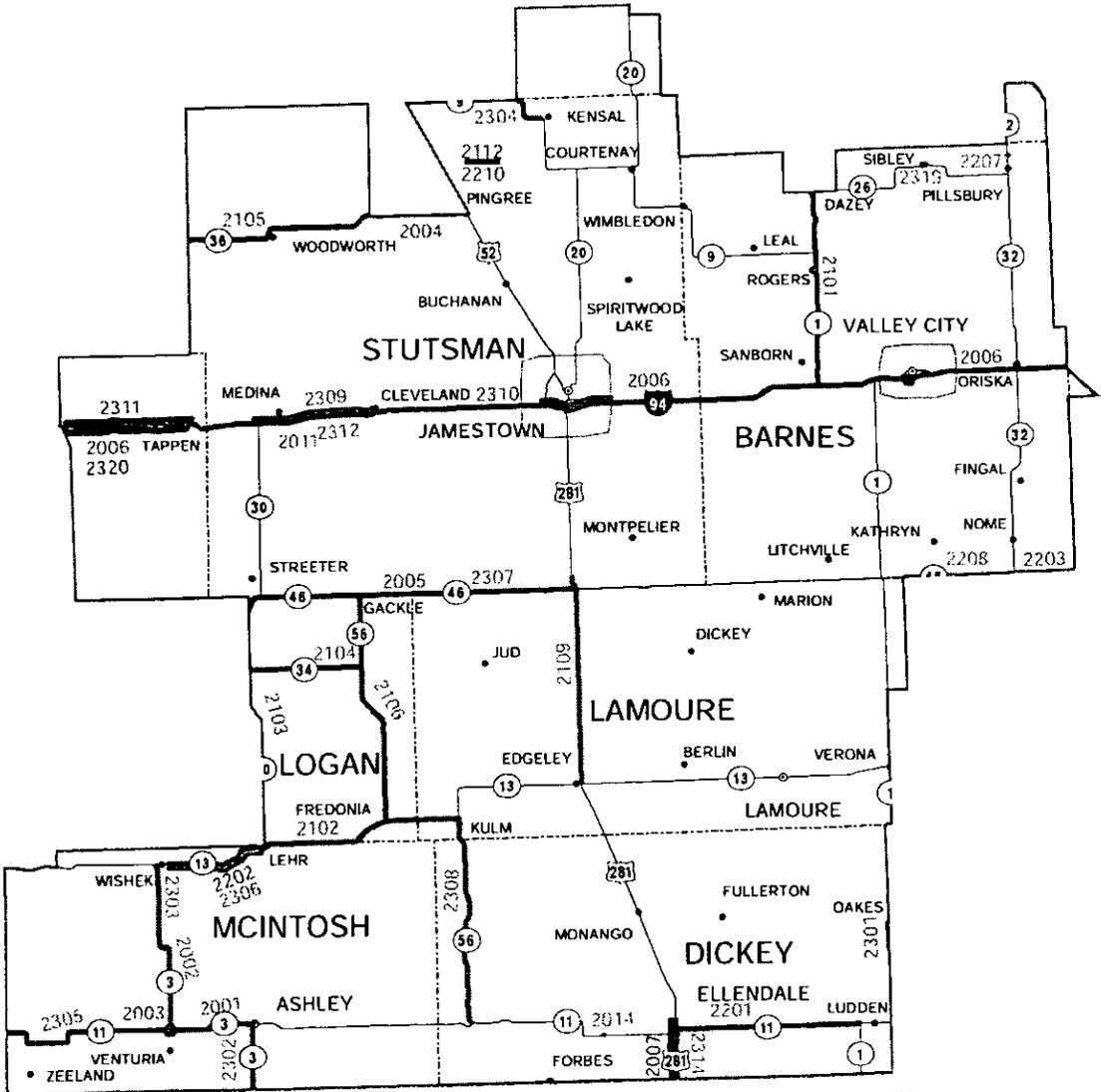
**North Dakota Department of Transportation
District 2 - Valley City**

(In Thousands)

PCN	Map	Fund	Pend	Hwy	Dir	Location	Length	Work Type	(In Thousands)						
									Full Invl	Total Cost	Fed Fund	State Fund	Local Fund		
Fiscal Year: 2010-2012															
Rural															
16827	2101	SS		1	N	W JCT I-94 N TO JCT ND 26-DAZEY	19.3	Thin Overlay	1709	1383	328	0			
16828	2102	SNH		13	E	JCT 30 E TO E JCT 56	19.8	Thin Overlay	1747	1414	333	0			
16829	2103	SS		30	N	LEHR N TO JCT ND 46	25.4	Mill/OI 2" Max, Thin Overlay	2814	2277	537	0			
16830	2104	SS		34	E	N JCT 30 E TO JCT 58	11.0	Thin Overlay	970	785	185	0			
	2105	SS		36	E	COUNTY LINE E TO WOODWORTH	9.0	Chip Seal Coat	235	190	45	0			
16358	2106	SS		56	N	W JCT 13 N TO JCT 46-GACKLE	22.9	Mill/OI 2" Max, Thin Overlay	2395	1938	457	0			
17416	2109	SNH		281	N	EDGELEY TO 1.345 MI N JCT 46	20.3	Slurry Seal	592	479	113	0			
	2201	SS		11	E	N JCT 281-ELLEDALE-E TO W JCT ND 1	18.2	Chip Seal Coat	491	397	94	0			
16824	2202	NH		13	E	E CITY LIMITS-WISHEK-E TO JCT 30	9.9	Grade	F 8023	6493	1530	0			
	2203	SS		32	N	E JCT 46 TO W JCT 46-ENDERLIN	6.0	Chip Seal Coat	162	131	31	0			
17115	2207	SS		32	N	2 NORTH OF ND 28	0.0	Struct/Incid	250	202	48	0			
	2301	SS	P	1	N	N JCT 11-OAKES-N TO OAKES MUNICIPAL	2.6	Asp OI>2" <OI=3", Mill/OI>2" <OI=3"	2753	2228	525	0			
	2302	SS		3	N	STATE LINE TO ASHLEY TO W JCT 11	15.2	Chip Seal Coat	427	346	81	0			
	2303	SS		3	N	W JCT 11 N TO WISHEK	16.8	Chip Seal Coat	472	382	90	0			
	2304	SS		9	E	JCT 52-MELVILLE SE TO KENSAL	14.6	Thin Overlay	1399	1132	267	0			
	2305	SS		11	E	COLN E TO JCT 3 NORTH	17.7	Chip Seal Coat	499	404	95	0			
	2306	SNH		13	E	E CITY LIMITS-WISHEK-E TO JCT 30	9.9	Hot Bit Pave	2670	2161	509	0			
	2319	SS		26	N	9 WEST OF ND 32	0.0	Struct/Incid	787	637	150	0			
	2307	SS		46	E	STREETER E TO JCT US 281	30.5	Chip Seal Coat	857	694	163	0			
	2308	SS		56	N	JCT 11 N TO JCT 13	20.3	Thin Overlay	1937	1568	369	0			
16784	2320	SIM		94	E	E DAWSON INTR TO CRYSTAL SPRINGS	11.9	Hot Bit Pave	3640	3276	364	0			
17113	2309	SIM		94	E	1 MI E MEDINA TO E CLEVELAND	9.0	CPR	2039	1835	204	0			
	2310	SIM		94	E	NEAR LIPPERT INTR TO NEAR US 281	10.4	CPR, Dowel Retrofit	4583	4125	458	0			
17492	2311	IM		94	W	DAWSON E TO CRYSTAL SPRINGS	12.4	CPR, Hot Bit Pave	F 7253	6528	725	0			
	2312	SIM		94	W	W ND 30 INTER E TO E CLEVELAND	12.2	CPR	412	371	41	0			
	2313	SIM		94	W	W JAMESTOWN X-OVER E TO BLOOM	7.1	CPR	238	214	24	0			
	2314	SNH		281	N	STATE LINE N TO TWP LINE	6.1	Slurry Seal	193	156	37	0			
Subtotal									49547	41746	7801	0			
Urban															
16749	2204	SU		987		JAMESTOWN-12TH AVE SE TO I-94 RAMP	0.5	Reconstruction	3675	2740	308	627			
16749	2205	NHU		987		JAMESTOWN-12TH AVE SE TO I-94 RAMP	0.5	Reconstruction	3675	2740	308	627			
18654	2206	SU		990		9TH AVE NW- MAIN ST TO 12TH ST.	0.0	Reconstruction	4400	2750	0	1650			
16869	2315	S-NHU		94		VC-MAIN ST(3RD ST SW-400' W CENT AVE	0.5	Reconstruction	688	550	69	69			
16868	2316	SU		94		VC-MAIN ST(3RD ST SW-400' W CENT AVE	0.5	Reconstruction	688	550	69	69			
16869	2317	S-NHU		94		VC-MAIN ST(400' W CENT AVE-5TH AV NE	0.4	Reconstruction	562	450	56	56			
16869	2318	SU		94		VC-MAIN ST(400' W CENT AVE-5TH AV NE	0.4	Reconstruction	562	450	56	56			
Subtotal									14250	10230	866	3154			
Bridge															
	2208	BRS		46	N	6 WEST OF ND 32	0.0	Structur Repair	244	195	49	0			
Subtotal									244	195	49	0			
Federal Lands Highways															
	2112	PLH				ARROWHEAD NWR RRPARR011(1) & 101(1)	0.0	Prelim Engineer	100	100	0	0			
	2210	PLH				ARROWHEAD NWR RRPARR011(1) & 101(1)	0.0	Construct Eng, Construction	1250	1250	0	0			
Subtotal									1350	1350	0	0			
Total									65391	53521	8716	3154			
Grand Total									78600	64635	10811	3354			

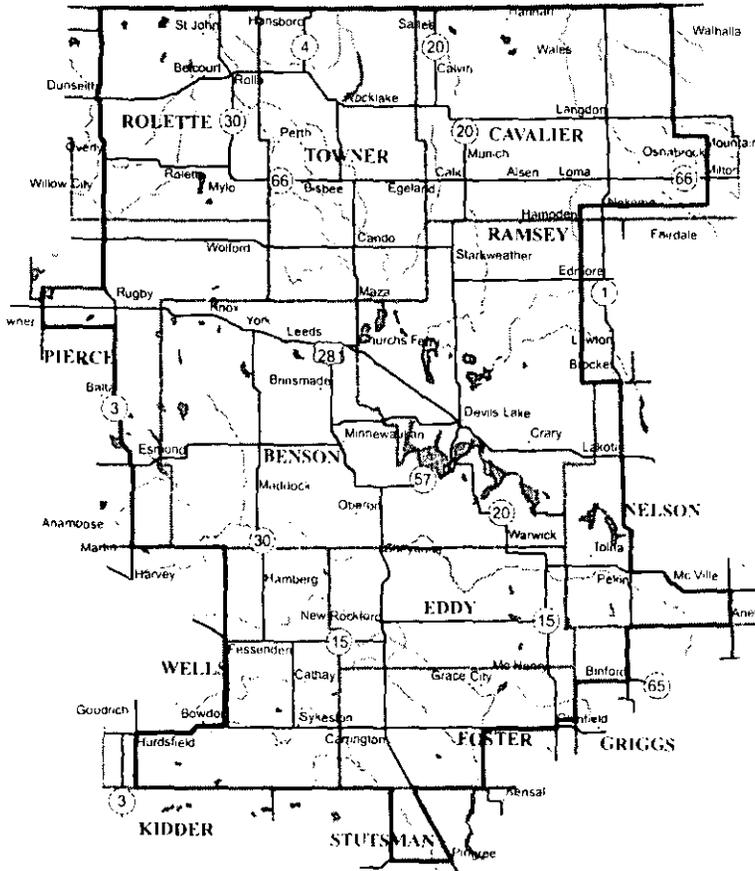
2009-2012 Construction Program - Valley City District

- Major Rehab
- Minor Rehab
- Preventive Maintenance
- Structural Overlay
- Miscellaneous
- ▲ Safety
- Municipal
- Structures



Devils Lake District

District 3



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**North Dakota Department of Transportation
District 3 - Devils Lake**

PCN	Map Key	Fund Source	Pend	Hwy Dir CMC	Location	Length	Work Type	(In Thousands)					
								Const Year	Full Invl	Total Cost	Fed Fund	State Fund	Local Fund
Rural													
16807	3001	SS		1	N JCT 85 N TO PEKIN	16.7	Thin Overlay	2009	1417	1147	270	0	
17477	3002	SS		1	N JCT 15-PEKIN-TO STUMP LAKE	5.0	Chip Seal Coat	2009	125	101	24	0	
17479	3003	SS		1	N STUMP LAKE TO 1 MI S LAKOTA	9.6	Chip Seal Coat	2009	240	194	46	0	
16408	3004	SS		1	N JCT 5 LANGDON N TO STATE LINE	16.5	Hot Bit Pave	2009	3047	2466	581	0	
16808	3005	SNH		2	E BERWICK TO RP 201.422	1.5	CPR, Dowel Retrofit, Grinding	2009	3188	2580	608	0	
16808	3005	SNH		2	E RP 201.422 TO 1 MI W OF RUGBY	8.2	CPR, Dowel Retrofit, Grinding	2009	3188	2580	608	0	
16809	3006	NH		2	E W LEEDS E TO CHURCHES FERRY	12.2	CPR, Dowel Retrofit, Grinding	2009	2026	1640	386	0	
15903	3007	ACHPP		2	W BERWICK TO 1 MI W OF RUGBY	9.7	Hot Bit Pave, Whitetopping, Widening	2009	649	525	124	0	
17493	3008	SS		17	E E EDGE OF CANDO TO N JCT ND 20	14.5	Chip Seal Coat	2009	361	292	69	0	
17494	3009	SS		19	E NORTH JCT US 281,E 3 MI	3.1	Chip Seal Coat	2009	78	63	15	0	
16812	3010	SS		20	N JCT 200 TO N MCHENRY	9.4	Thin Overlay	2009	802	649	153	0	
16813	3011	SS		20	N N JCT 15 TO COUNTY LINE (WARWICK)	8.6	Thin Overlay	2009	734	594	140	0	
17495	3012	SNH		52	E FESSENDEN S 0.889 MI	0.8	Thin Overlay	2009	70	57	13	0	
17495	3013	SNH		52	E 1 MI S FESSENDEN S TO W JCT 200	12.3	Thin Overlay	2009	1049	849	200	0	
16385	3014	ACHPP		281	N JCT 200 CARRINGTON TO S JCT 15	13.0	Blinded Bit Base, Hot Bit Pave	2009	981	794	187	0	
17496	3015	SNH		281	N NEW 281 TO NEW N JCT 19	8.8	Slurry Seal	2009	245	198	47	0	
17496	3016	SNH		281	N NEW N JCT 19 TO W JCT US 2	11.1	Slurry Seal	2009	313	253	60	0	
							Subtotal		18513	14982	3531	0	
Urban													
17505	3020	SU		19	DL-ND 19 (3RD AVE NE - JCT ND 20)	0.2	CPR	2009	109	88	10	11	
17504	3017	SU		982	COLLEGE DR N (3RD ST N TO 6TH ST N)	0.0	Rehabilitation	2009	489	391	0	98	
							Subtotal		598	479	10	109	
Transportation Enhance													
14835	3018	TET			FORT TOTTEN-HISTORIC RESTORATION	0.0	Bld/Fcty Imp	2009	700	280	0	420	
							Subtotal		700	280	0	420	
ND Street													
16835	3019	SNH		52	CARRINGTON CITY SECTION	0.6	Milling, Hot Bit Pave, Lighting	2009	1366	1092	137	137	
							Subtotal		1366	1092	137	137	
							Total		21177	16833	3678	666	

**North Dakota Department of Transportation
District 3 - Devils Lake**

(In Thousands)

PCN	Map	Fund	Pend	Hwy	Dir	Location	Length	Work Type	Full Invl	Total Cost	Fed Fund	State Fund	Local Fund
		Key Source		CMC									
Fiscal Year: 2010-2012													
Rural													
16336	3115	ACNH		2	E	BERWICK TO RP 201.422	1.5	Blinded Bit Base, Hot Bit Pave, Widening	258	209	49	0	
16336	3116	ACHPP		2	E	BERWICK TO RP 201.422	1.5	Blinded Bit Base, Hot Bit Pave, Widening	877	710	167	0	
	3101	SNH	P	2	E	RUGBY E TO NEAR LEEDS	24.0	Thin Overlay	2206	1785	421	0	
16831	3102	SNH		2	E	MAUVAIS COULEE TO CHANNEL A	9.6	CPR, Dowel Retrofit, Grinding	2229	1804	425	0	
16831	3103	SNH		2	E	CHANNEL A TO DEVILS LAKE	4.0	CPR, Dowel Retrofit, Grinding	924	748	176	0	
	3104	SNH		2	E	END CONCRETE TO JCT 19	1.5	Slurry Seal	43	35	8	0	
	3105	SNH		2	E	DEVILS LAKE 4 LANE TO DEVILS LAKE E	1.8	Slurry Seal	53	43	10	0	
	3106	SNH		2	W	DEVILS LAKE 4 LANE TO DEVILS LAKE E	1.5	Slurry Seal	43	35	8	0	
	3107	SS	P	3	N	RUGBY N TO JCT 66-FONDA	21.5	Hot Bit Pave	7551	6111	1440	0	
	3108	SS		3	N	JCT 66 N TO JCT 281-DUNSEITH	9.2	Slurry Seal	268	217	51	0	
16832	3109	SNH		5	E	E JCT 20 E TO LANGDON	21.4	Thin Overlay	1892	1531	361	0	
16833	3110	SS		19	E	ESMOND E TO JCT 30	12.6	Thin Overlay	1111	899	212	0	
	3111	SS	P	30	N	JCT 19 TO JCT US 2	17.3	Thin Overlay	1587	1284	303	0	
16834	3112	SS		66	E	E OF ROLETTE TO 3 MI E COUNTY LINE	20.0	Thin Overlay	1766	1429	337	0	
	3201	SS		1	N	NEAR NEKOMA SPUR	0.7	Chip Seal Coat	20	16	4	0	
	3202	SS		1	N	NEKOMA SPUR N TO JCT 5 LANGDON	12.7	Chip Seal Coat	343	278	65	0	
15648	3203	SIB		2		END CONC TO DL EB/WB	5.0	SIB Payback	0	0	0	0	
17119	3204	SNH		5	E	E JCT 281-ROCK LAKE E TO E JCT 20	20.9	Thin Overlay	1918	1552	366	0	
	3205	SNH		5	E	JCT 1 LANGDON E TO END PCC	10.0	Chip Seal Coat	271	219	52	0	
	3206	SS		15	E	N JCT 281-NEW ROCKFORD EAST 19 MILES	19.0	Thin Overlay	1743	1411	332	0	
	3207	SS		15	E	19 MI E OF NEW ROCKFORD TO S JCT 20	6.1	Hot Bit Pave	1126	911	215	0	
16811	3208	SS		15	E	N JCT ND 20 E TO ND 1	13.1	Thin Overlay	1206	976	230	0	
17117	3209	SS		17	E	2 MI E CO LN E TO JCT 281	11.0	Thin Overlay	1009	817	192	0	
	3222	SS		17	E	CANDO CITY SECTION	0.5	Thin Overlay	130	104	13	13	
	3210	SS		20	N	S JCT 15 TO N JCT 15	8.1	Thin Overlay	745	603	142	0	
	3211	SS		30	N	JCT 66 TO JCT US 281	13.8	Chip Seal Coat	372	301	71	0	
17120	3212	SCB		30	N	JCT US 281 N TO CANADIAN LINE	10.4	Hot Bit Pave	2680	2169	511	0	
	3213	SS		200	E	E JCT 3-HURDSFIELD-E TO W JCT 52	14.4	Thin Overlay	1321	1069	252	0	
	3214	SNH		200	E	E JCT 52-CARRINGTON E TO JCT 20	25.9	Chip Seal Coat	701	567	134	0	
	3215	SNH		281	N	JCT 200 CARRINGTON TO S JCT 15	13.0	Slurry Seal	394	319	75	0	
	3216	SNH		281	N	S JCT 15 TO N JCT 15	2.9	Slurry Seal	89	72	17	0	
	3217	SNH		281	N	N JCT 15 TO 5.1 MI N NEW ROCKFORD	5.1	Slurry Seal	155	125	30	0	
	3218	SNH		281	N	5.1 MI N NEW ROCKFORD TO NEW JCT 57	15.2	Slurry Seal	462	374	88	0	
	3219	SNH		281	N	NEW JCT 57 TO NEW 281	5.2	Slurry Seal	158	128	30	0	
	3301	SS		1	N	JCT 65 N TO PEKIN	16.7	Chip Seal Coat	468	379	89	0	
	3302	SS		1	N	JCT 5 LANGDON N TO STATE LINE	16.5	Chip Seal Coat	463	375	88	0	
15648	3303	SIB		2		END CONC TO DL EB/WB	5.0	SIB Payback	0	0	0	0	
	3327	SNH		2	E	1 EAST OF DEVILS LAKE	0.0	Struct/Incid	478	387	91	0	
	3304	SNH		2	E	DEVILS LAKE E TO 1 MI E CRARY	9.9	Thin Overlay	945	765	180	0	
	3305	SNH		2	E	1 MI E CRARY TO 2 MI E CRARY	1.6	Thin Overlay	151	122	29	0	
	3306	NH	P	2	W	MAUVAIS COULEE TO CHANNEL A	9.6	Aggr Base, Grade, Widening	F 12222	9891	2331	0	
	3307	SNH	P	2	W	CHANNEL A TO DEVILS LAKE	4.0	Aggr Base, Grade, Widening	5544	4487	1057	0	
	3309	SNH		2	W	2 MI E CRARY E TO LAKOTA	11.7	Thin Overlay	1123	909	214	0	
	3310	SS		15	E	JCT 52 TO RR UNDERPASS	0.7	Microsurfacing	40	32	8	0	
	3311	SS		15	E	RR UNDERPASS	0.3	Microsurfacing	16	13	3	0	
	3312	SS		15	E	RR OH AT FESSENDEN E TO W JCT 30	4.9	Microsurfacing	273	221	52	0	
	3313	SS		15	E	E JCT ND 30 E TO S JCT US 281	13.9	Microsurfacing	783	634	149	0	
	3314	SS		15	E	N JCT ND 20 E TO ND 1	13.1	Chip Seal Coat	369	299	70	0	
	3315	SS		15	E	JCT 1 TO MCVILLE	7.8	Thin Overlay	741	600	141	0	

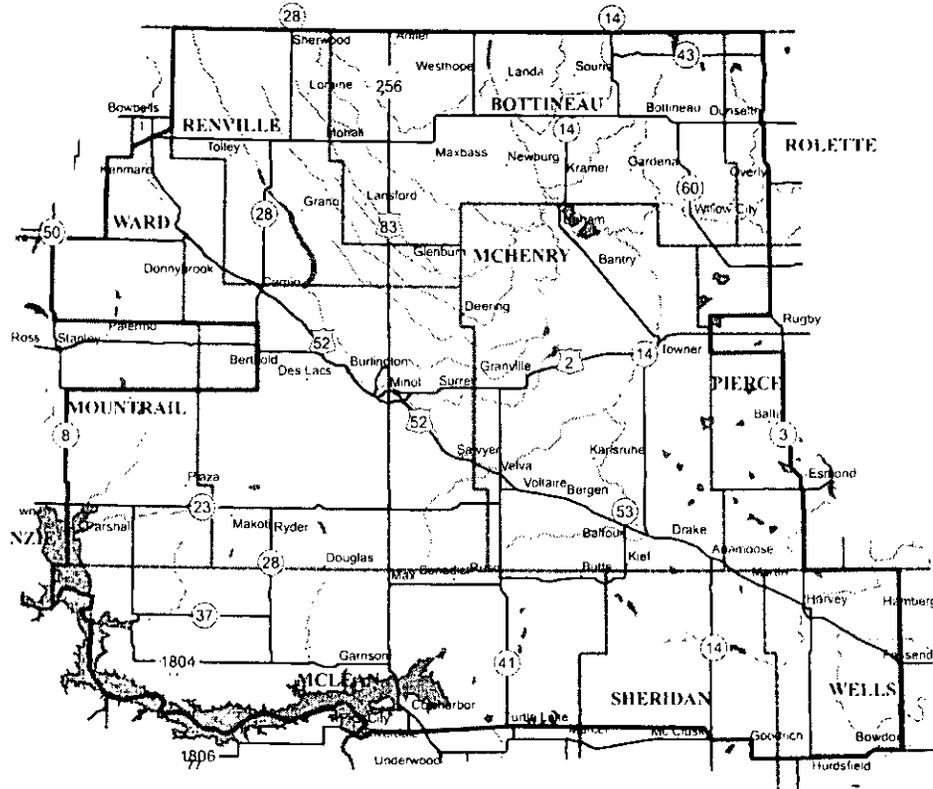
**North Dakota Department of Transportation
District 3 - Devils Lake**

										(In Thousands)				
PCN	Map Key	Fund Source	Pend	Hwy CMC	Dir	Location	Length	Work Type	Full Invt	Total Cost	Fed Fund	State Fund	Local Fund	
Rural														
	3316	SS		17	E	JCT 3 TO E WOLFORD-TO 2 MI E CO LN	27.4	Thin Overlay	2616	2117	499	0		
	3317	SS		19	E	BENSON COUNTY LINE TO ESMOND	4.1	Thin Overlay	390	316	74	0		
	3318	SS		20	N	JCT 200 TO N MCHENRY	9.4	Chip Seal Coat	266	215	51	0		
	3319	SS		20	N	N JCT 15 TO COUNTY LINE (WARWICK)	8.6	Chip Seal Coat	242	196	46	0		
	3320	SS		20	N	DEVILS LAKE N TO WEBSTER	10.5	Thin Overlay	1002	811	191	0		
	3321	SS		30	N	E JCT ND 15 TO W JCT ND 15	4.5	Microsurfacing	253	205	48	0		
	3322	SS		66	E	3 MI E CO LN E TO W JCT 281	8.0	Thin Overlay	761	616	145	0		
	3323	SS		66	E	E JCT 281 E TO JCT 20	16.9	Thin Overlay	1619	1310	309	0		
	3324	SS		66	E	ND 1 E TO NEAR MILTON (DIST BDRY)	14.8	Thin Overlay	1420	1149	271	0		
	3325	SNH		281	N	W JCT ND 66 TO JCT 5-ROCK LAKE	11.5	Thin Overlay	1096	887	209	0		
Subtotal									68932	55787	13132	13		
Urban														
	3113	SU		982		DL-11TH ST SE (5TH AVE TO 8TH AVE S)	0.3	Reconstruction	468	374	0	94		
15852	3220	SU		982		DL-5TH AVE SE (HWY 2-1ST ST NE)	0.5	Reconstruction	273	218	0	55		
	3308	SNH	P	2	W	DEVILS LAKE 4-LANE	1.5	Aggr Base, Grade, Widening	2329	1885	444	0		
	3326	SU		982		DL-WALNUT ST (8TH AVE-E CITY LIMITS)	1.0	Reconstruction	1934	1547	0	387		
Subtotal									5004	4024	444	536		
Transportation Enhance														
	3114	TET				FORT TOTTEN	0.0	Bld/Fcilty Imp	1000	400	0	600		
	3328	TEU				GRAHAM'S ISLAND	0.0	Bld/Fcilty Imp	300	200	0	100		
	3329	TET				GRAHAM'S ISLAND TRADING POST	0.0	Bld/Fcilty Imp	300	200	0	100		
Subtotal									1600	800	0	800		
Federal Lands Highways														
	3221	PLH		982		DL-VAR NDDOT & BIA ROUTES	0.0	Construction	10000	10000	0	0		
	3330	PLH		982		DEVILS LAKE VAR. NDDOT & BIA ROUTES	0.0	Construction	10000	10000	0	0		
Subtotal									20000	20000	0	0		
Emergency Relief														
	3119	SER		20	N	SPRING LAKE, RP 87.3 N TO RP 91.2	3.9	Grade	25745	25745	0	0		
	3120	SER*		20	N	ACORN RIDGE, RP 98.4 N TO RP 100.0	1.6	Grade	8000	6474	1526	0		
Subtotal									33745	32219	1526	0		
Safety														
17339	3117	SHE		20		ND 20 AND MILITARY ROAD	0.0	Turn Lanes	81	73	8	0		
	3118	SHE		281		US 281 WEST OF BELCOURT	6.0	Turn Lanes, Lighting, Signing	540	486	54	0		
Subtotal									621	559	62	0		
Total									129902	113389	15164	1349		
Grand Total									151079	130222	18842	2015		

* ND State Water Commission may provide funding match

Minot District

District 4



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**North Dakota Department of Transportation
District 4 - Minot**

(In Thousands)

PCN	Map Key	Fund Source	Pend	Hwy Dlr CMC	Location	Length	Work Type	Const Year	Full Invt	Total Cost	Fed Fund	State Fund	Local Fund
Rural													
16713	4001	SNH		2	W BERTHOLD TO 3 MI W JCT 52	7.8	Thin Overlay	2009		667	540	127	0
17497	4002	SNH		5	E BOTTINEAU-CITY SECTION	0.5	Chip Seal Coat	2009		12	10	2	0
17498	4003	SS		14	N JCT 200 N TO 2.265 MI S CO LN	23.2	Thin Overlay	2008		1973	1597	376	0
17498	4021	SS		14	N 2.265 MI S CO LN N 1 MILE	1.0	Thin Overlay	2009		166	134	32	0
16406	4014	SCB		14	N 2 N.W. TOWNER	0.0	Struct/Incid	2009		436	349	87	0
17075	4004	S-CBN		83	N SNAKE CREEK EMBANKMENT	2.9	Milling, Structural Op>3	2009		2807	2272	535	0
17075	4005	S-CBN		83	S SNAKE CREEK EMB. N TO TOTTEN TRAIL	0.2	Milling, Structural Op>3	2009		219	177	42	0
940	4006	SNH		83	S NEAR JCT 37 TO 0.6 MI N MAX	13.4	Prefin Engineer	2009		1087	880	207	0
13956	4007	ACHPP		83	S 0.6 MI N MAX TO 0.9 MI S JCT 23	8.9	Aggr Base, Grade	2009		1112	900	212	0
13956	4008	ACTIP		83	S 0.6 MI N MAX TO 0.9 MI S JCT 23	8.9	Aggr Base, Grade	2009		122	98	23	0
16814	4009	SS		97	E VELVA-SUNFLOWER ROAD	2.5	Hot Bit Pave	2009		965	781	184	0
									Subtotal	9566	7739	1827	0
Urban													
15828	4010	SU		989	MINOT-20TH AVE SE(2ND-13TH ST)	0.5	Alignment Proj	2009		1535	1226	0	309
15828	4011	SU		989	MINOT-20TH AVE SE(2ND-13TH ST)	0.0	Alignment Proj	2009		500	405	45	50
									Subtotal	2035	1631	45	359
Bridge													
12144	4012	BRN		2	W 2 WEST OF HWY 83	0.0	Struct/Incid	2009		1041	833	208	0
16346	4013	BRS		14	N 1 N.W. OF TOWNER	0.0	Struct/Incid	2009		1138	910	228	0
									Subtotal	2179	1743	436	0
Transportation Enhance													
17270	4015	TEU		83	MINOT-NORTH BROADWAY	0.0	Landscaping	2009		156	125	0	31
17089	4023	STN		83	US 83 BYPASS SOURIS RIVER TO 4TH AVE	0.0	Bikeway/Walkway	2009		570	456	114	0
17090	4016	STN		83	MINOT SOURIS RIVER TO 21ST AVE NW	1.2	Bikeway/Walkway	2009		882	705	0	177
17408	4017	TEU		989	MINOT 18TH AVE SE	0.0	Bikeway/Walkway	2009		130	102	0	28
17027	4022	TEU		989	MINOT-21ST AVE NW BROADWAY WEST	0.0	Bikeway/Walkway	2009		320	256	0	64
									Subtotal	2058	1644	114	300
Federal Lands Highways													
	4018	PLH			J. CLARK SALYER NWR, RRP CLSA 12(1)	0.0	Construct Eng, Construction	2009		2000	2000	0	0
	4019	PLH			DES LACS NWR, RRP DELA 11(1)	0.0	Construct Eng	2009		100	100	0	0
									Subtotal	2100	2100	0	0
ND Street													
16889	4020	SS		41	VELVA MAIN ST(CENT AVE TO MOUSE RIV)	0.5	Curb & Gutter, Hot Bit Pave, Storm Sewer	2009		1720	1376	172	172
									Subtotal	1720	1376	172	172
									Total	19658	16233	2594	831

**North Dakota Department of Transportation
District 4 - Minot**

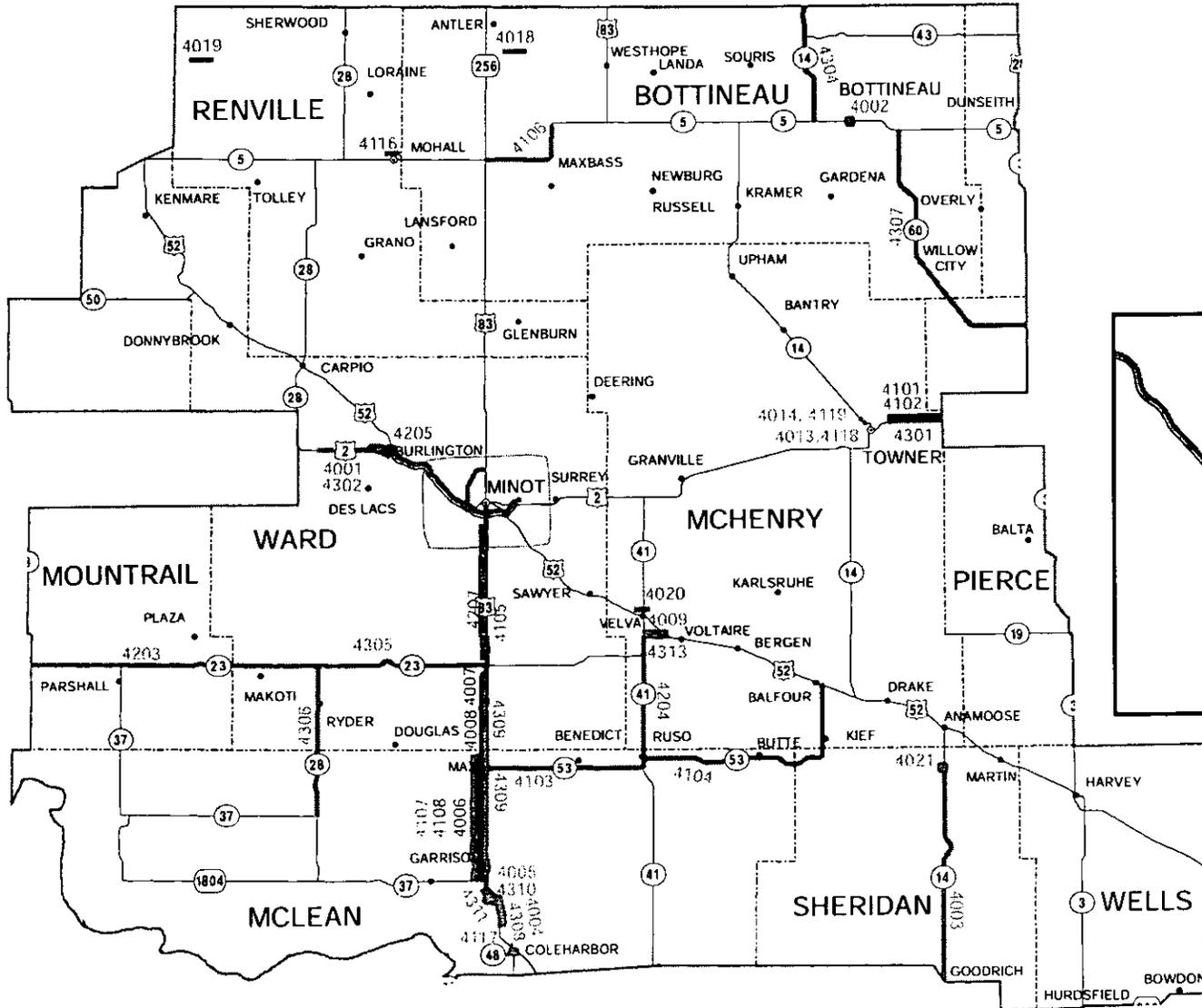
(In Thousands)

PCN	Map Key	Fund Source	Pend	Hwy CMC	Dir	Location	Length	Work Type	Full Invl	Total Cost	Fed Fund	State Fund	Local Fund
Rural													
16336	4101	ACHPP		2	E	1.5 MI E TOWNER TO BERWICK	5.9	Blinded Bit Base, Hot Bit Pave, Widening	3449	2791	658	0	
16336	4102	ACNH		2	E	1.5 MI E TOWNER TO BERWICK	5.9	Blinded Bit Base, Hot Bit Pave, Widening	1017	823	194	0	
	4118	SS		14	N	1 N.W. OF TOWNER	0.0	Struct/Incid	173	140	33	0	
	4119	SS		14	N	2 N.W. TOWNER	0.0	Struct/Incid	13	11	2	0	
	4103	SS		53	E	JCT 83 TO S JCT 41	16.8	Chip Seal Coat	437	354	83	0	
16836	4104	SS		53	E	N JCT 41 RUSO E N TO JCT 52-BALFOUR	27.2	Thin Overlay	2402	1944	458	0	
	4105	SNH		83	N	0.5 MI S JCT 23 TO NEAR MINOT	15.6	Slurry Seal	453	367	86	0	
	4108	SNH		83	N	W JCT ND 5 E & N 10.5 MI	10.5	Chip Seal Coat	273	221	52	0	
949	4107	NH	P	83	S	NEAR JCT 37 TO 0.6 MI N MAX	13.4	Hot Bit Pave	4625	3743	882	0	
940	4108	NH		83	S	NEAR JCT 37 TO 0.6 MI N MAX	13.4	Aggr Base, Grade	F 11595	9384	2211	0	
	4201	SNH		2	W	E JCT 2-BUS LOOP-TO 1 MI E GRANVILLE	20.4	Slurry Seal	618	500	118	0	
17121	4202	SNH		2	W	E JCT 2-BUS LOOP-TO 1 MI E GRANVILLE	20.4	Thin Overlay	1874	1517	357	0	
	4203	SNH		23	E	JCT 8 E TO MAKOTI	24.3	Hot Bit Pave	8844	7157	1687	0	
17123	4204	SS	P	41	N	S JCT 53 N TO NEAR VELVA	14.0	Thin Overlay	1337	1082	255	0	
12149	4205	SNH		52	E	NEAR JCT US 2 (BROOKS JCT)	0.7	Grade, Slide Repair, Struct/Incid	4089	3309	780	0	
	4206	SNH		83	N	CO HWY 14 N TO HAL DAVIES INTR	2.0	Maintenance	32	26	6	0	
17122	4207	SNH	P	83	S	0.5 MI S JCT 23 TO NEAR MINOT	14.5	Thin Overlay	1389	1124	265	0	
	4301	SNH		2	E	1.5 MI E TOWNER TO BERWICK	5.9	CPR	1436	1162	274	0	
	4302	SNH		2	W	BERTHOLD TO 3 MI W JCT 52	7.8	Slurry Seal	247	200	47	0	
	4304	SS		14	N	E JCT 5 N TO CANADIAN LINE	12.8	Thin Overlay	1226	992	234	0	
	4305	SNH		23	E	MAKOTI E TO JCT US 83	24.9	Hot Bit Pave	7153	5789	1364	0	
	4308	SS		28	N	JCT 37 N-THRU RYDER-TO JCT 23	16.1	Thin Overlay	1538	1245	293	0	
	4307	SS		60	N	JCT ND 3-VIA WILLOW CITY-N TO JCT 5	29.9	Thin Overlay	2855	2311	544	0	
	4308	SNH		83	N	SNAKE CREEK EMBANKMENT	2.9	Slurry Seal	90	73	17	0	
	4309	SNH	P	83	N	TOTTEN TRAIL N TO 0.5 MI S JCT 23	24.8	Thin Overlay	2463	1993	470	0	
	4310	SNH		83	S	SNAKE CREEK EMB. N TO TOTTEN TRAIL	0.2	Slurry Seal	7	6	1	0	
	4311	SNH	P	83	S	TOTTEN TRAIL N TO 0.5 MI S JCT 37	1.4	Thin Overlay	137	111	26	0	
14917	4312	S-NHU		83B	N	MINOT NW BYPASS	5.4	Hot Bit Pave	1249	1011	238	0	
	4313	SNH		97	E	VELVA-SUNFLOWER ROAD	2.5	Chip Seal Coat	71	57	14	0	
Subtotal									61092	49443	11649	0	
Urban													
16874	4109	NHU		2		MINOT-US 2/52 AND 13TH ST	0.1	Signals	3438	2750	688	0	
	4110	S-NHU		2		MINOT-ALONG US 2/52(17TH,20TH & PPD)	0.4	Intersect Imp	450	360	90	0	
17053	4111	S-NHU		2		MINOT-18TH AVE SE (13TH-17TH ST)	0.2	Construction, Alignment Proj	600	480	60	60	
	4112	CPU		989		MINOT-20TH AVE SE (13TH-27TH ST OP)	0.0	Alignment Proj	2608	0	0	2608	
17017	4113	SU		989		MINOT-21ST AVE SE (13TH-17TH ST SE)	0.2	Alignment Proj	250	200	0	50	
17016	4114	SU		989		MINOT-6TH ST SE (6TH-13TH ST SE)	0.9	Alignment Proj	1750	1400	0	350	
	4115	SU		989		MINOT-TRAFFIC SIGNALS CITY WIDE	0.0	Signals	250	200	50	0	
	4208	SU		2		US 2&52 BURDICK EXPY-20TH AVE S	0.0	Drainage Impr.	550	500	0	50	
	4209	SU		989		MINOT-6TH ST UNDERPASS	0.0	Grade	4695	1916	0	2779	
	4210	SU		989		MINOT-TRAFFIC SIGNALS CITY WIDE	0.0	Signals	250	200	50	0	
	4314	SU		989		MINOT-TRAFFIC SIGNALS CITY WIDE	0.0	Signals	250	200	50	0	
Subtotal									15091	8206	988	5897	
ND Street													
17180	4116	SNH		5		MOHALL-MAIN ST(RR AVE TO 5TH AVE SE)	0.4	Grading & Pave, Storm Sewer, Walk/Drive Ways, Lighting	2509	1300	162	1047	
Subtotal									2509	1300	162	1047	
									297	267	30	0	

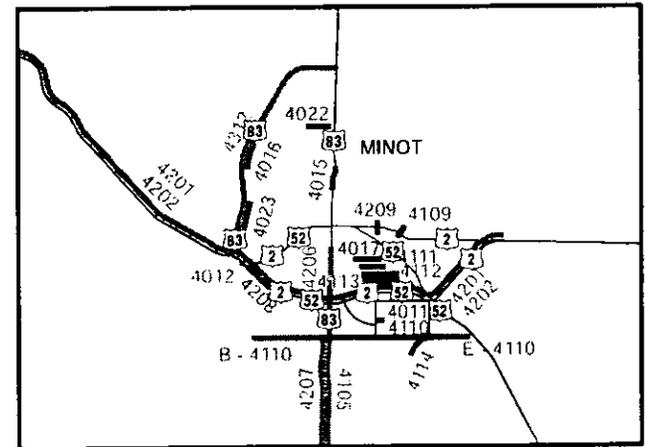
**North Dakota Department of Transportation
District 4 - Minot**

PCN	Map Key	Fund Source	Pend	Hwy Dir CMC	Location	Length	Work Type	(In Thousands)					
								Full Invl	Total Cost	Fed Fund	State Fund	Local Fund	
Safety													
17343	4117	SHE		83	US 83 AND ND 48	0.0	INTERSECT IMP	297	267	30	0		
Subtotal								297	267	30	0		
Total								78989	59216	12829	6944		
Grand Total								98647	75449	15423	7775		

2009-2012 Construction Program - Minot District



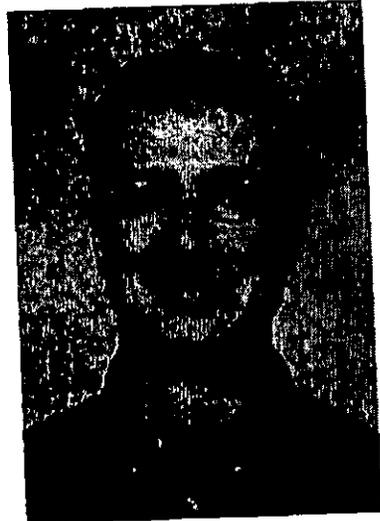
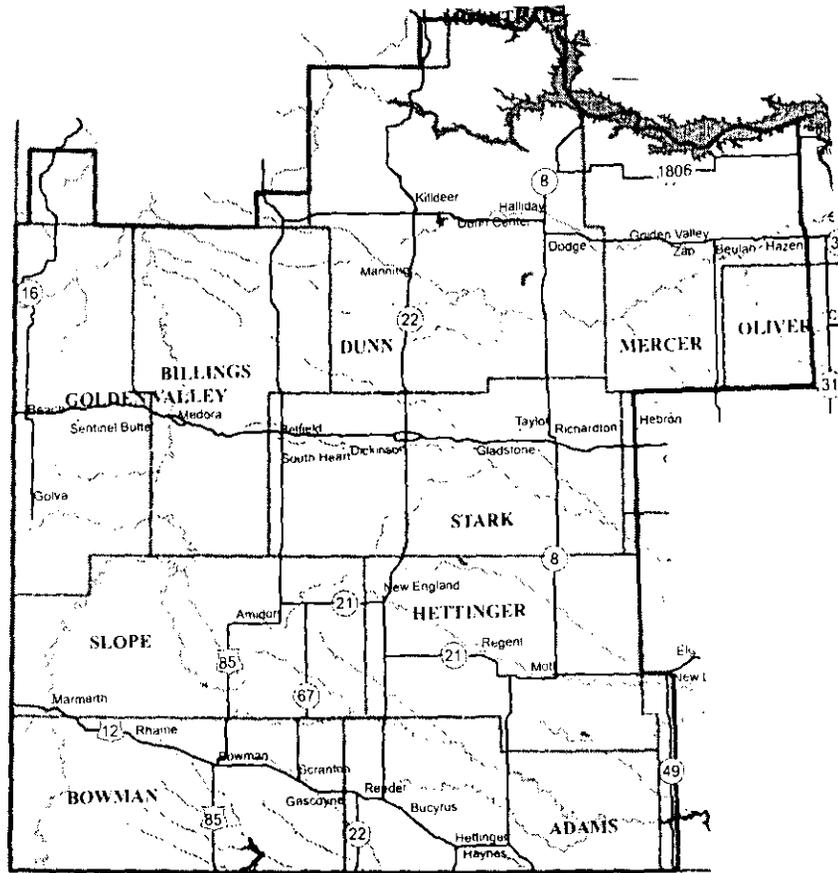
- Major Rehab
- Minor Rehab
- Preventive Maintenance
- Structural Overlay
- Miscellaneous
- ▲ Safety
- Municipal Structures
- B - #### Begin Project
- E - #### End Project



Signals 4115 - 4210 - 4314 - City Wide

Dickinson District

District 5



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North Dakota Department of Transportation
1700 3rd Avenue West, Suite 101
Dickinson, ND 58601-3009
Phone: (701) 227-6500
Fax: (701) 227-6505

**North Dakota Department of Transportation
District 5 - Dickinson**

						(In Thousands)							
PCN	Map	Fund	Pend	Hwy Dir	Location	Length	Work Type	Const	Full	Total	Fed	State	Local
Key Source				CMC				Year	Invl	Cost	Fund	Fund	Fund
Fiscal Year: 2009													
Rural													
17460	5001	SS		8	N W RICHARDTON CITY LIMITS W & N	12.0	Chip Seal Coat	2009		300	243	57	0
17460	5002	SS		8	N 12 MI N RICHARDTON TO S JCT 200	18.3	Chip Seal Coat	2009		451	365	86	0
17417	5006	SS		12	E STATE LINE E TO RHAME	20.7	Microsurfacing	2009		1036	838	198	0
17462	5007	SNH		12	E US 12 E & W SCRANTON	1.0	Slurry Seal	2009		28	23	5	0
17462	5008	SNH		12	E SCRANTON TO COUNTY LINE	7.1	Slurry Seal	2009		226	183	43	0
15910	5009	ACHPP		12	E COUNTY LINE TO HETTINGER	19.4	Blnded Bit Base, Hot Bit Pave, Widening	2009		1853	1500	353	0
17462	5010	SNH		12	E COUNTY LINE TO HETTINGER	19.4	Slurry Seal	2009		544	440	104	0
16837	5011	SS		21	E JCT 85 TO N JCT 22-NEW ENGLAND	15.7	Thin Overlay	2009		1338	1083	255	0
17464	5012	SS		49	N STATE LINE N 19 MILES	19.0	Chip Seal Coat	2009		476	385	91	0
17465	5013	SS		49	N CO LN N TO BEULAH	18.5	Chip Seal Coat	2009		462	374	88	0
17466	5014	SS		49	N BEULAH N TO JCT 200	3.0	Asp Ol>2<Or=3"	2009		799	647	152	0
16816	5015	SS		67	N APPROX 16 MI N SCRANTON N TO JCT 21	11.3	Thin Overlay	2009		964	780	184	0
17468	5016	SNH		85	N N BOWMAN N TO AMIDON	21.4	Slurry Seal	2009		599	485	114	0
14701	5017	ACHPP		94	E SOUTH HEART TO W DICKINSON INTR	6.8	PCC Pave, PCC Recycle	2009		1490	1206	284	0
17469	5018	SIM		94	E EXIT 59	0.0	Slurry Seal	2009		67	60	7	0
17469	5019	SIM		94	E EXIT 61	0.0	Slurry Seal	2009		67	60	7	0
17469	5020	SIM		94	E EXIT 64	0.0	Slurry Seal	2009		67	60	7	0
17445	5040	SIM		94	E GLADSTONE E TO TAYLOR	8.2	CPR, Hot Bit Pave	2009		2843	2559	284	0
15912	5021	IM	P2009	94	E YOUNGMANS BUTTE-9 MI W EAGLES NEST	6.1	PCC Pave	2010	F	9834	8851	983	0
15912	5022	IM	P2009	94	E 9 MI W TO 2 MI W EAGLES NEST	3.1	PCC Pave	2010		4984	4486	498	0
15912	5023	IM	P2009	94	E HEBRON E TO NEAR EAGLES NEST	3.7	PCC Pave	2010	F	5961	5365	596	0
17124	5024	SIM		94	W RP 26.1	0.1	SPP Replacement	2009		240	216	24	0
17125	5026	SIM	P2010	94	W RP 76.35 TO YOUNGMANS BUTTE	11.7	Prelim Engineer	2010		2242	2018	224	0
17472	5027	SIM		94B	E MEDORA BUSINESS LOOP & CITY SECTION	3.6	Milling, Thin Overlay	2009		304	274	30	0
17472	5028	SIM		94B	E PIPE LOCATION AT 803.1	0.5	Milling, Thin Overlay	2009		43	39	4	0
16348	5029	SNH		200	E JCT 22 KILLDEER E TO MERCER CO LINE	31.1	Thin Overlay	2009		2643	2139	504	0
16325	5030	SNH		200	E CO LN E TO JCT 49	17.2	Thin Overlay	2009		1459	1181	278	0
15919	5031	ACHPP		200	E JCT 49 E TO W END HAZEN	6.5	Aggr Base, Slope Flatten, Grade, Hot Bit Pave	2009		710	575	135	0
17191	5032	SNH		200	E JCT 49 E TO W END HAZEN	6.5	Hot Bit Pave	2009		900	728	172	0
16161	5033	SNH		200	E HAZEN BYPASS	1.9	Slope Flatten, Hot Bit Pave, Milling	2009		978	791	187	0
Subtotal										43908	37954	5954	0
Urban													
15860	5034	ACHPU		22	DICKINSON-ND22 (15TH TO 22ND ST)	0.6	Milling, Hot Bit Pave	2009		491	398	44	49
17435	5041	SU		22	DICKINSON-ND22 (14TH ST-CITY LIMITS)	1.1	Slurry Seal	2009		500	405	95	0
	5035	SU		983	DICK-6TH AVE W (21ST-29TH ST)	0.5	Milling, Hot Bit Pave	2009		605	484	0	121
	5036	SU		983	DICK-21ST ST (STATE TO 10TH AVE W)	2.0	Milling, Hot Bit Pave	2009		404	323	0	81
	5037	SU		983	DICK-10TH AVE W (21ST-29TH ST)	1.0	Milling, Hot Bit Pave	2009		625	500	0	125
Subtotal										2625	2110	139	376
Transportation Enhance													
16956	5038	TEU		22	DICKINSON-ND 22 (15TH ST N)	0.0	Landscaping	2009		156	125	0	31
Subtotal										156	125	0	31
Federal Lands Highways													
	5039	PLH			THEODORE ROOSEVELT PK PRA THRO10(4)	0.0	Construct Eng	2009		100	100	0	0
Subtotal										100	100	0	0
Total										46789	40289	6093	407

**North Dakota Department of Transportation
District 5 - Dickinson**

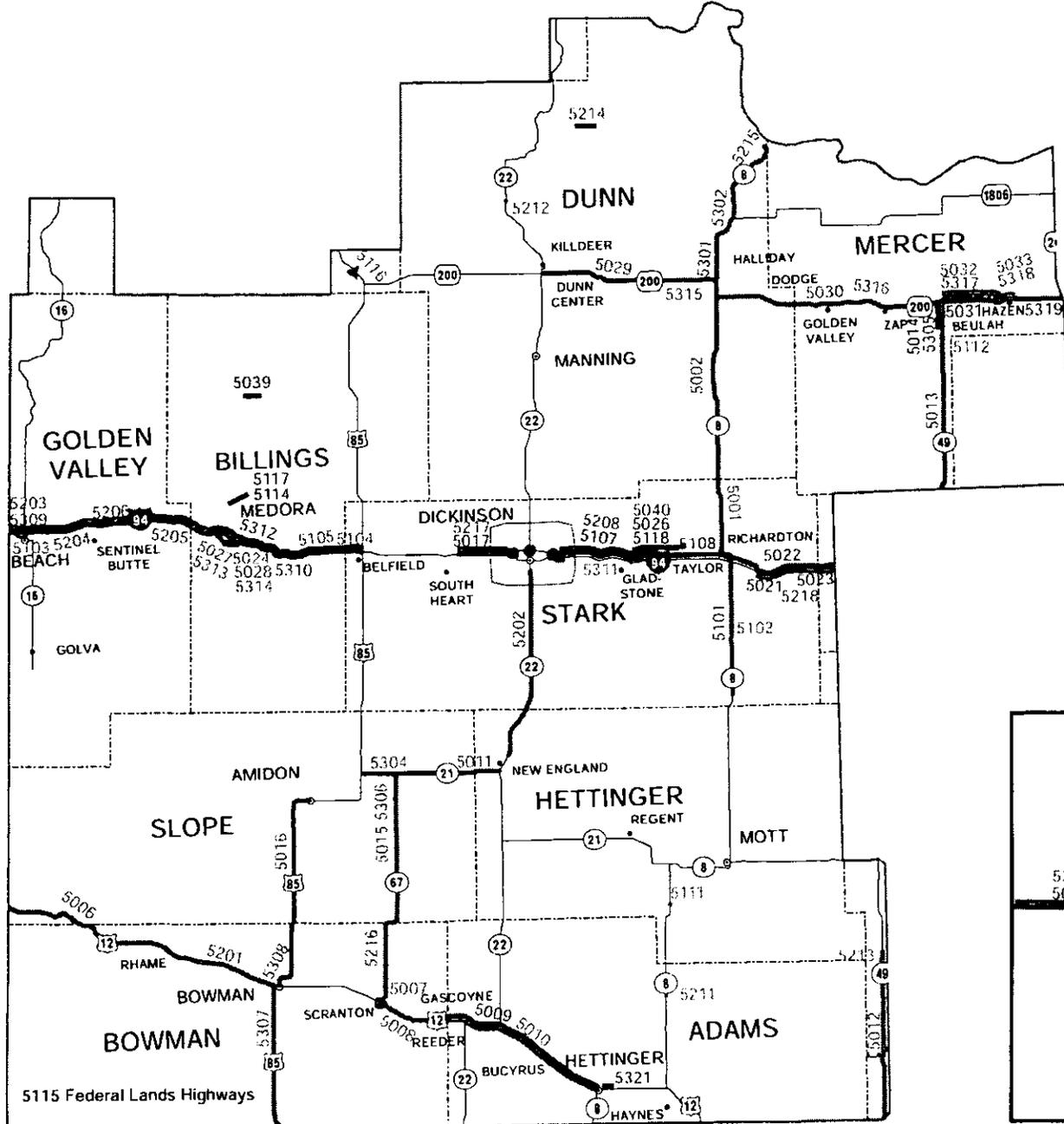
							(In Thousands)						
PCN	Map	Fund	Pend	Hwy	Dir	Location	Length	Work Type	Full Invt	Total Cost	Fed Fund	State Fund	Local Fund
Key Source				CMC									
Fiscal Year: 2010-2012													
Rural													
	5111	SS		8	N	5 SOUTH OF JCT 21 WEST	0.0	Structur Repair	130	105	25	0	0
	5101	SS		8	N	1.4 MI N CO LN N THRU RICHARDTON	16.8	Thin Overlay	1487	1203	284	0	0
	5102	SS		8	N	9 SOUTH JCT. I-84	0.0	Approach Slabs	21	17	4	0	0
	5112	SS		49	N	1 SOUTH OF BEULAH	0.0	Deck Overlay	120	97	23	0	0
	5103	SIM		94	E	JUNCTION OF I-94 & ND 18	0.0	Approach Slabs	50	45	5	0	0
	5104	SIM		94	E	FRYBURG TO BELFIELD	7.2	Slurry Seal	231	208	23	0	0
	5105	SIM		94	W	FRYBURG TO BELFIELD	7.2	Slurry Seal	231	208	23	0	0
13482	5106	SIM		94	W	E DICK.INTER. E TO RP 76.35	0.1	Median X-Overs	292	263	29	0	0
13471	5107	SIM	P	94	W	E DICK. INTR E TO RP 76.35	11.2	Prelim Engineer	2242	2018	224	0	0
16380	5118	SIM		94	W	RP 76.35 TO YOUNGMANS BUTTE	0.1	Median X-Overs	250	225	25	0	0
17125	5108	IM	P	94	W	RP 76.35 TO YOUNGMANS BUTTE	11.7	PCC Pave	F 19582	17824	1958	0	0
	5215	SS		8	N	HALLIDAY N TO NEAR TWIN BUTTES N	15.2	Chip Seal Coat	412	333	79	0	0
	5201	SS		12	E	RHAME TO BOWMAN	12.5	Thin Overlay	1153	933	220	0	0
17126	5202	SS	P	22	N	N NEW ENGLAND N TO DICKINSON	22.1	R Drain Systems, Thin Overlay	2250	1821	429	0	0
	5212	SS		22	N	11 NORTH OF ND 200	0.0	Struct/Incid	351	284	67	0	0
	5213	SS		49	N	SOUTH OF NEW LEIPZIG	0.0	Struct/Incid	216	175	41	0	0
	5216	SS		67	N	SCRANTON N APPROX 15 MILES	16.2	Chip Seal Coat	439	355	84	0	0
	5203	SIM		94	E	STATE LINE TO EXIT 1	1.8	Rut Fill, Microsurfacing	641	577	64	0	0
	5204	SIM		94	E	EXIT 1 TO E CAMEL HUMP DAM	10.0	Rut Fill, Microsurfacing	641	577	64	0	0
	5205	SIM		94	E	E CAMEL HUMP DAM TO MEDORA	11.9	Rut Fill, Microsurfacing	643	579	64	0	0
	5217	SIM		94	E	SOUTH HEART TO W DICKINSON INTR	6.8	Slurry Seal	227	204	23	0	0
17127	5206	SIM		94	W	ST LN E TO MEDORA	23.8	Rut Fill, Microsurfacing	1286	1157	129	0	0
	5207	SIM	P	94	W	E DICKINSON INTR E TO RP 65.1283	1.3	PCC Pave	2280	2052	228	0	0
13471	5208	IM	P	94	W	E DICK. INTR E TO RP 76.35	11.2	PCC Pave	F 19582	17824	1958	0	0
	5218	SIM		94	W	YOUNGMANS BUTTE- 2 MI W EAGLES NEST	12.9	Slurry Seal	432	389	43	0	0
	5301	SS		8	N	N JCT 200 THRU HALLIDAY	1.2	Chip Seal Coat	33	27	6	0	0
	5303	SS		8	N	N TWIN BUTTES N TO RESERVOIR	1.8	Chip Seal Coat	52	42	10	0	0
	5304	SS		21	E	JCT 85 TO N JCT 22-NEW ENGLAND	15.7	Chip Seal Coat	442	358	84	0	0
	5305	SS		49	N	BEULAH N TO JCT 200	3.0	Chip Seal Coat	84	68	16	0	0
	5306	SS		67	N	APPROX 16 MI N SCRANTON N TO JCT 21	11.3	Chip Seal Coat	319	258	61	0	0
	5307	SNH	P	85	N	STATE LINE N TO W JCT 12-BOWMAN	16.5	Thin Overlay	1637	1325	312	0	0
	5308	SNH	P	85	N	BOWMAN CITY SECTION N 2.1 MI	2.5	Thin Overlay	245	198	47	0	0
	5309	SIM		94	E	EXIT 1	0.1	Milling, Thin Overlay	281	253	28	0	0
	5310	SIM		94	E	MEDORA TO FRYBURG	11.5	Rut Fill, Microsurfacing	644	580	64	0	0
	5311	SIM		94	E	12 WEST OF JCT. ND 8	0.0	Struct/Incid	900	810	90	0	0
	5312	SIM		94	W	MEDORA TO FRYBURG	11.5	Rut Fill, Microsurfacing	646	581	65	0	0
	5313	SIM		94B	E	MEDORA BUSINESS LOOP & CITY SECTION	3.6	Slurry Seal	113	102	11	0	0
	5314	SIM		94B	E	PIPE LOCATION AT 903.1	0.5	Slurry Seal	17	15	2	0	0
	5315	SNH		200	E	JCT 22 KILLDEER E TO MERCER CO LINE	31.1	Slurry Seal	980	793	187	0	0
	5316	SNH		200	E	CO LN E TO JCT 49	17.2	Slurry Seal	541	438	103	0	0
	5317	SNH		200	E	JCT 49 E TO W END HAZEN	6.5	Slurry Seal	205	166	39	0	0
	5318	SNH		200	E	HAZEN BYPASS	1.9	Slurry Seal	61	49	12	0	0
16162	5319	NH	P	200	E	HAZEN BYPASS TO JCT 200A	5.7	Blnded Bit Base, Hot Bit Pave, Widening	F 5751	4654	1097	0	0
Subtotal									68140	59790	8350	0	0
Urban													
	5109	SU		983		DICK-2ND ST N (STATE-HWY 22)	1.0	Milling, Hot Bit Pave	985	788	0	197	0
	5110	SU		983		DICK-1ST ST N (STATE HWY 22)	1.0	Milling, Hot Bit Pave	994	795	0	199	0
17363	5209	SU		22		DICK-ND 22 (VILLARD ST-N SIDE I-94)	1.1	Milling, Hot Bit Pave	3088	2470	618	0	0
17362	5210	SU		22		DICK-ND 22 (HEART RIV-VILLARD ST)	1.0	Milling, Hot Bit Pave	975	780	195	0	0

**North Dakota Department of Transportation
District 5 - Dickinson**

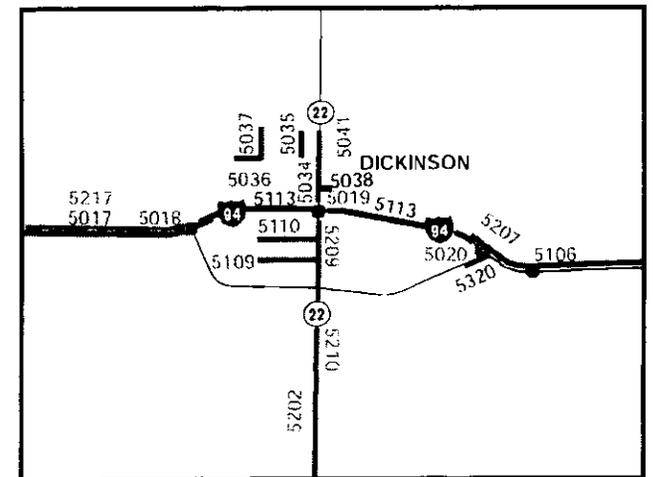
PCN	Map Key	Fund Source	Pend	Hwy Dir CMC	Location	Length	Work Type	(In Thousands)					
								Full Invl	Total Cost	Fed Fund	State Fund	Local Fund	
Urban													
17394	5320	SU		983	E VILLARD-W SIDE I-94 TO E SIDE I-94	0.0	Mill/OI 2" Max	4000	3200	400	400		
Subtotal								10042	8033	1213	796		
Bridge													
16338	5211	BRS		8	N CEDAR CREEK	0.1	Struct/Incid	865	700	165	0		
Subtotal								865	700	165	0		
Transportation Enhance													
16850	5113	ST1		94	DICKINSON EXIT 59 TO EXIT 64	5.0	Landscaping	300	250	50	0		
	5214	TET		22	KILLDEER MTN/FOUR BEARS BYWAY	0.0	Scenic Byway, Easements	125	100	0	25		
Subtotal								425	350	50	25		
County													
	5114	SC			LITTLE MISSOURI RIVER CROSSING	0.0	Construction	3650	729	0	2921		
	5117	FHC			LITTLE MISSOURI RIVER CROSSING	0.0	Construction	350	350	0	0		
Subtotal								4000	1079	0	2921		
Federal Lands Highways													
	5115	PLH			FOREST HIGHWAY 4-1(991)	0.0	Construction	410	410	0	0		
Subtotal								410	410	0	0		
ND Street													
	5321	SNH		12	HETTINGER - US 12	0.0	Curb & Gutter, Bikeway/Walkway	254	206	23	25		
Subtotal								254	206	23	25		
Safety													
	5116	HES		85	N JCT ND 200 N TO GRASSY BUTTE	5.3	Turn Lanes	162	146	16	0		
Subtotal								162	146	16	0		
Total								84298	70714	9817	3767		
Grand Total								131087	111003	15910	4174		

* There may be an additional \$350,000 of Forest Highway funding available

2009-2012 Construction Program - Dickinson District

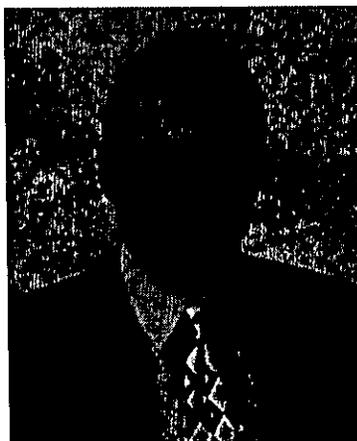
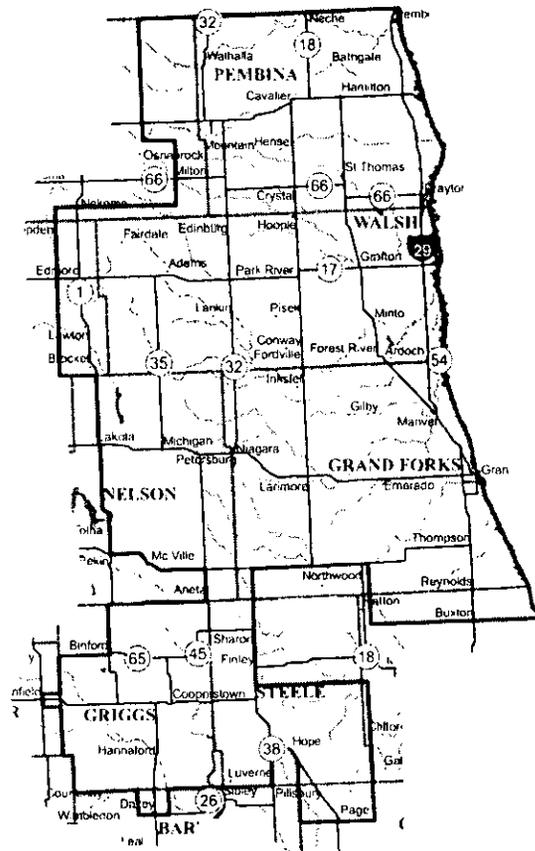


-  Major Rehab
-  Minor Rehab
-  Preventive Maintenance
-  Structural Overlay
-  Miscellaneous
-  Safety
-  Municipal
-  Structures



Grand Forks District

District 6



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North Dakota Department of Transportation
1951 North Washington
Grand Forks, ND 58208-3077
Phone: (701) 787-6500
Fax: (701) 787-6515

**North Dakota Department of Transportation
District 6 - Grand Forks**

(In Thousands)

PCN	Map	Fund	Pend	Hwy	Dlr	Location	Length	Work Type	Const	Full	Total	Fed	State	Local
Key Source				CMC					Year	Invl	Cost	Fund	Fund	Fund
Fiscal Year: 2009														
Rural														
16804	6001	SS		1	N	JCT ND 26 N TO E JCT ND 200	18.0	Thin Overlay	2009		1534	1241	293	0
16333	6002	SS		1	N	HANNAFORD CITY SECTION	0.2	Grade, Hot Bit Pave	2009		1040	842	198	0
16817	6003	SNH		5	E	END PCC TO APPROX 2 MI W CO LN	7.1	Microsurfacing	2009		356	288	68	0
16817	6004	SNH		5	E	APPROX 2 MI W CO LN TO PARK ROAD	4.0	Microsurfacing	2009		200	162	38	0
17130	6006	SNH		17	E	GRAFTON E TO NEAR I-29	9.0	Hot Bit Pave	2009		1616	1308	308	0
16959	6007	SS		17	E	STA 539 NEAR JCT I-29 TO RED RIVER	2.5	Asp Ol>2" <Or=3"	2009		288	233	55	0
16387	6008	ACIM		29	N	S OF ND 15 TO NEAR 32ND AVE-GF	7.3	PCC Pave	2009		784	706	78	0
16387	6009	ACHPP		29	N	S OF ND 15 TO NEAR 32ND AVE-GF	7.3	PCC Pave	2009		3297	2668	629	0
16787	6010	SIM		29	N	N OF JCT ND 54 N TO FOREST RIVER	6.9	Microsurfacing	2009		344	310	34	0
15924	6011	ACTIP		29	N	BOWESMONT TO CANADIAN LINE	21.5	Struct/Incid	2009		497	402	95	0
16886	6012	SBI		29	N	BATHGATE N TO NEAR CANADIAN LINE	11.6	Hot Bit Pave, Milling	2009		4572	4115	457	0
16432	6013	SBI		29	S	JOLIETTE TO CANADIAN LINE	14.1	Crack & Seat, Hot Bit Pave	2009		5916	5324	592	0
16818	6014	SS		32	N	0.5 MI N JCT 17 TO EDINBURG	6.8	Thin Overlay	2009		578	468	110	0
12154	6016	ACSS		86	E	JCT 44 DRAYTON TO RED RIVER	1.4	Struct/Incid	2009		8654	6923	1731	0
12154	6017	ACHPPTIP		86	E	JCT 44 DRAYTON TO RED RIVER	1.4	Struct/Incid	2009		4019	3253	766	0
16842	6018	SNH		81	N	MINTO N TO N GRAFTON	9.2	Thin Overlay	2009		825	668	157	0
17473	6019	SNH		200	E	EAST JCT 1 THRU COOPERSTOWN	3.5	Chip Seal Coat	2009		88	71	17	0
Subtotal											34608	28982	5626	0
Urban														
	6020	S-NHU		2	US	2-GATEWAY TO SORLIE BRIDGE	0.0	Slurry Seal	2009		200	160	20	20
17044	6005	SU		17	E	GRAFTON CITY EAST SECTION	1.0	Hot Bit Pave	2009		168	136	32	0
16723	6021	SU		81	GF-32ND AVE/COLUMBIA RD(LIFT STA 87)	0.1	Rehabilitation	2009		540	432	0	108	
16723	6022	S-NHU		81	GF-32ND AVE/COLUMBIA RD(LIFT STA 87)	0.1	Rehabilitation	2009		2368	1728	216	424	
15656	6023	SU		297	GF-DEMERS AVE SKYWAY BRIDGE	0.1	Struct/Incid	2009		3500	2800	350	350	
17379	6024	SU		986	GF-N 51ST ST (10TH AVE TO GATEWAY DR	0.3	Reconstruction	2009		800	560	0	240	
Subtotal											7576	5816	618	1142
Bridge														
12153	6026	RSS		1	N	RR STRUCTURE-HANNAFORD	0.0	Detour, Struct/Incid	2009		1160	1044	116	0
Subtotal											1160	1044	116	0
Transportation Enhance														
16333	6027	TES		1	HANAFORD CITY SECTION	0.0	Landscaping	2009		150	120	0	30	
17391	6028	STN		29	GRAND FORKS I-29 - 32ND TO DEMERS	2.0	Landscaping	2009		180	146	34	0	
17406	6030	TEU		986	GRAND FORKS ENGLISH COULEE	0.0	Bikeway/Walkway	2009		185	148	0	37	
Subtotal											515	414	34	67
Safety														
17503	6031	HES		17	WEST OF GRAFTON MARVIN WINDOWS	0.5	Turn Lanes	2009		200	180	20	0	
17503	6032	HES		17	E WEST OF GRAFTON MARVIN WINDOWS	0.5	Turn Lanes	2009		200	180	20	0	
17333	6033	SHE		29	N GF-DEMERS AVENUE	0.0	Safety	2009		460	414	46	0	
Subtotal											860	774	86	0
Total											44719	37030	6480	1209

**North Dakota Department of Transportation
District 6 - Grand Forks**

PCN	Map Key	Fund Source	Pend	Hwy Dir CMC	Location	Length	Work Type	(In Thousands)				
								Full Invl	Total Cost	Fed Fund	State Fund	Local Fund
Rural												
	8101	SNH		1	N E JCT 200 TO W JCT 200	6.1	Chip Seal Coat	158	128	30	0	
15921	6102	SNH		2	E 5.7 MI E ND 1 TO 0.8 MI W ND 35	4.1	Median X-Overs, Remove HBP, Selectiv Subcut, Whitetopping	1778	1439	339	0	
16838	6103	SNH		2	W MICHIGAN BYPASS E TO CO LN	10.2	Thin Overlay	901	729	172	0	
16839	6104	SNH		2	W ARVILLA E TO NEAR I-29	17.4	Hot Bit Pave	6500	5260	1240	0	
16799	6105	SS		15	E E JCT 18 EAST TO I-29	19.3	Thin Overlay	3000	2428	572	0	
16367	6106	ACHPP		29	N S OF ND 15 TO NEAR 32ND AVE-GF	7.3	PCC Pave	F 6588	5332	1256	0	
	8126	SIM		29	N NEAR 32ND AVE TO N OF NGF INTER.	10.4	CPR, Grinding	431	388	43	0	
	6127	SIM		29	N N OF NGF INTER. TO MANVEL	5.1	CPR, Grinding	212	191	21	0	
	6128	SIM		29	S NEAR 32ND AVE N TO S OF N GF INTR	7.1	CPR	220	198	22	0	
16822	6109	SS		32	N S JCT 200 N TO FINLEY	4.5	Hot Bit Pave	1050	850	200	0	
	6110	SS		32	N FINLEY (CURB AND GUTTER SECTION)	0.6	Chip Seal Coat	16	13	3	0	
	6111	SS		32	N FINLEY N TO JCT 45-W SHARON	12.7	Chip Seal Coat	331	268	63	0	
	6112	SS		35	N MICHIGAN FROM US 2 TO N EDGE OF CITY	0.4	Chip Seal Coat	10	8	2	0	
	6113	SS		35	N MICHIGAN N TO NELSON-WALSH CO LN	11.8	Chip Seal Coat	306	248	58	0	
	6114	SS		35	N CO LINE N TO RP 24.710	12.5	Chip Seal Coat	326	264	62	0	
	6115	SS		35	N RP 24.710 TO JCT 17-ADAMS	2.6	Chip Seal Coat	67	54	13	0	
17092	6116	SS		44	N JCT I-29 N TO JCT 66	3.0	CPR, Hot Bit Pave	2093	1694	399	0	
16819	6117	SS		66	E I-29 E TO JCT 44 DRAYTON	0.4	Hot Bit Pave	427	346	81	0	
12154	6118	ACTIP		66	E JCT 44 DRAYTON TO RED RIVER	1.4	Struct/Incid	903	731	172	0	
12154	6129	ACSS		66	E JCT 44 DRAYTON TO RED RIVER	1.4	Struct/Incid	3194	2585	609	0	
	6119	SNH		81	N W JCT 5-HAMILTON E TO I-29	9.8	Drainage Impr.	208	168	40	0	
	6120	SNH		200	E JCT 20-GLENFIELD E TO W JCT 1	12.4	Chip Seal Coat	321	260	61	0	
	6201	SS		1	N JCT 2-LAKOTA-N TO CO LN	11.0	Hot Bit Pave	2029	1825	204	0	
	6202	SNH		2	E 1.4 MI W JCT 16 E TO 1 MI W GF AFB	12.6	Slurry Seal	383	310	73	0	
	6203	SS	P	15	E ND 32 TO 1 MILE WEST OF NORTHWOOD	18.1	Cold In Place, Hot Bit Pave	10106	8179	1927	0	
	6204	SS		15	E 1 MILE W OF NORTHWOOD E TO E JCT 18	7.0	Chip Seal Coat	189	153	36	0	
17134	6205	SS		18	N E JCT 5 N TO STATE LINE	13.5	Thin Overlay	1458	1180	278	0	
17036	6209	IM		29	S S OF ND 15 TO NEAR 32ND AVE-GF	7.3	PCC Pave	F 14953	13458	1495	0	
16765	6211	SIM		29	S WALSH CO LINE TO S JCT 17	14.1	CPR	76	68	8	0	
17129	6227	SBI		29	S N OF JCT 66 N TO N BOWESMONT INTR	10.0	CPR, Grinding	3523	3171	352	0	
17129	6228	SBI		29	S N BOWESMONT INTR TO RP 203	6.2	CPR, Grinding	1343	1209	134	0	
17132	6212	SS		32	N JCT 38 NORTH TO SOUTH JCT 200	8.8	Thin Overlay	808	654	154	0	
	6213	SS		32	N JCT ND 45 N TO JCT ND 15	10.0	Chip Seal Coat	269	218	51	0	
17133	6214	SS		32	N JCT 15 N TO JCT 2-PETERSBURG	18.0	Thin Overlay	1657	1341	316	0	
	6215	SS		32	N US 2 NORTH TO CO LN	13.2	Chip Seal Coat	356	288	68	0	
	6216	SS		32	N CO LN N TO 0.5 MI N JCT 17	14.1	Chip Seal Coat	381	308	73	0	
	6217	SS		65	E JCT 1-BINFORD E TO JCT 45	9.4	Chip Seal Coat	253	205	48	0	
17418	6218	SS		66	E DISTRICT BNDRY E TO N JCT 32	8.0	Thin Overlay	739	598	141	0	
17419	6219	SS		66	E S JCT 32-GARDAR E TO CRYSTAL	8.9	Thin Overlay	822	665	157	0	
17420	6220	SS		66	E CRYSTAL E TO N JCT 81 ST THOMAS	10.1	Thin Overlay	932	754	178	0	
16841	6221	SS		66	E SOUTH JCT 81-ST THOMAS E TO I-29	12.0	Thin Overlay	1101	891	210	0	
	6222	SNH		81	N N JCT 66 N TO W JCT 5 AT HAMILTON	14.1	Slurry Seal	426	345	81	0	
	6301	SS		1	N JCT ND 26 N TO E JCT ND 200	18.0	Chip Seal Coat	508	411	97	0	
	6302	SS		1	N HANNAFORD CITY SECTION	0.2	Chip Seal Coat	6	5	1	0	
	6303	SNH		2	E NIAGARA E TO 1.4 MI W JCT 18	10.1	Median X-Overs	562	455	107	0	
	6304	SNH		5	E CAVALIER CITY SECTION	0.7	CPR	112	91	21	0	
	6305	SNH		5	E CAVALIER TO JCT 81-HAMILTON	8.2	Microsurfacing	583	472	111	0	
	6306	SNH		17	E GRAFTON CITY EAST SECTION	1.0	Slurry Seal	31	25	6	0	
	6307	SNH		17	E GRAFTON E TO NEAR I-29	9.0	Slurry Seal	284	230	54	0	

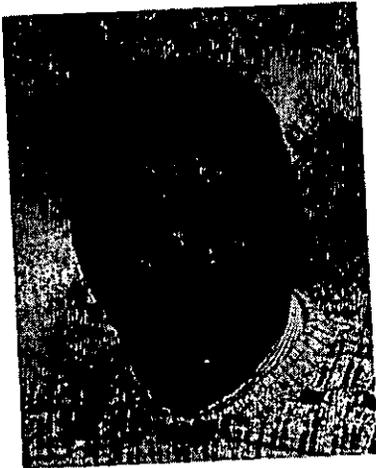
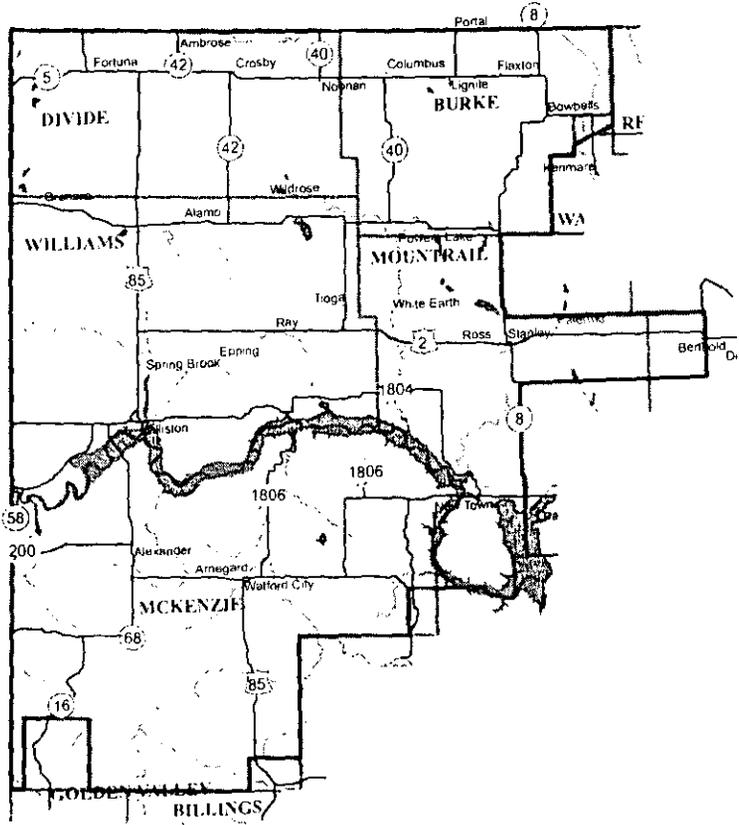
**North Dakota Department of Transportation
District 6 - Grand Forks**

(In Thousands)

PCN	Map Key	Fund Source	Pend	Hwy Dir CMC	Location	Length	Work Type	(In Thousands)				
								Full Invl	Total Cost	Fed Fund	State Fund	Local Fund
Rural												
	6308	SNH		17	E STA 539 NEAR JCT I-29 TO RED RIVER	2.5	Slurry Seal	78	63	15	0	
	6309	SS		18	N JCT 2-LARIMORE-N 3 MILES	3.0	Mill/OI 2" Max	743	601	142	0	
	6310	SS	P	18	N CO LN N TO S JCT 17	14.2	Microsurfacing	1047	847	200	0	
	6311	SS		18	N 1 MI S HENSEL N TO W JCT 5-CAVALIER	7.8	Thin Overlay	748	605	143	0	
	6312	SS		18	N CAVALIER CITY SECTION	0.5	Thin Overlay	47	38	9	0	
	6313	SIM		29	N I-29/ND 54 INTERCHANGE	0.1	Preventive Mtce, Hot Bit Pave	84	76	8	0	
	6314	SIM		29	N N OF JCT ND 54 N TO FOREST RIVER	6.9	Slurry Seal	240	216	24	0	
	6315	SIM		29	N BATHGATE N TO NEAR CANADIAN LINE	11.6	Slurry Seal	403	363	40	0	
	6316	SIM		29	S I-29/ND 54 INTERCHANGE	0.1	Preventive Mtce, Hot Bit Pave	84	76	8	0	
	6317	SIM		29	S JOLIETTE TO CANADIAN LINE	14.1	Slurry Seal	491	442	49	0	
	6318	SS		32	N 0.5 MI N JCT 17 TO EDINBURG	6.8	Chip Seal Coat	191	155	36	0	
	6319	SS		32	N EDINBURG N TO 1 M S OF S JCT 66	6.2	Thin Overlay	596	482	114	0	
	6320	SS		32	N 1 MI S OF SOUTH JCT 66 TO S JCT 66	1.0	Thin Overlay	94	76	18	0	
	6321	SS		32	N W JCT 5 CONCRETE N TO STATE LINE	17.1	Thin Overlay	2532	2049	483	0	
	6322	SS	P	45	N COOPERSTOWN N TO JCT ND 65	6.6	Thin Overlay	656	531	125	0	
	6323	SS	P	45	N JCT ND 65 E-N-E TO JCT 32	10.7	Thin Overlay	1060	858	202	0	
	6324	SNH		81	N MINTO N TO N GRAFTON	9.2	Slurry Seal	289	234	55	0	
	6325	SNH		200	E CO LN E COOPERSTOWN E TO S JCT 32	7.1	Hot Bit Pave	1365	1105	260	0	
					Subtotal			83678	69908	13770	0	
Urban												
	17044	6121	S-NHU	17	GRFTN-ND 17(W TO E CITY LIM)CONC SEC	2.0	Rehabilitation	750	600	150	0	
	17033	6122	S-NHU	81	GRFTN-US 81(S CITY LIM-ND 17)CON SEC	1.0	Rehabilitation	500	400	50	50	
	17380	6123	SU	986	GF-CHERRY ST (25TH AVE S-17TH AVE S)	0.5	Reconstruction	1950	1440	0	510	
	17193	6124	SU	986	GF-48TH ST S (32ND-17TH AVE S)	0.5	Construction	4942	4060	942	0	
	17032	6223	S-NHU	2	GF-GATEWAY DR (I-29 TO COLUMBIA RD)	1.3	Rehabilitation	2990	2392	598	0	
		6225	RSU	985	8TH ST. - HILL AVE TO EASTERN AVE.	0.0	Safety	250	225	0	25	
	16443	8226	SU	985	GRAFTON 8TH ST. HILL AVE-EASTERN AVE	0.0	Reconstruction	1360	1101	0	259	
		6224	SU	986	GRAND FORKS-INTERSECTION IMP.	0.0	Intersect Imp	600	400	0	200	
	15082	6326	S-NHU	2	GF-GATEWAY DR(CAMBRIDGE-COLUMBIA RD)	1.5	Rehabilitation	1250	1000	250	0	
	15081	6327	SU	986	GF-COLUMBIA RD (8TH AVE TO US 2)	0.5	Rehabilitation	1955	1360	0	595	
		8328	SU	986	DOWNTOWN GRAND FORKS TRAFFIC SIGNALS	0.0	Signals	1200	800	0	400	
					Subtotal			17747	13718	1990	2039	
Bridge												
		6125	SBR	2	E GRAND FORKS-KENNEDY BRIDGE	0.0	Structur Repair	1040	832	208	0	
					Subtotal			1040	832	208	0	
Transportation Enhance												
		6130	TET		COOPERSTOWN - COLD WAR HISTORIC SITE	0.0	Bld/Fcilty Imp	200	100	0	100	
	17390	6229	TET		GINGRAS HOUSE REHABILITATION	0.0	Bld/Fcilty Imp	225	150	0	75	
					Subtotal			425	250	0	175	
ND Street												
	17182	6131	SS	45	COOPERSTOWN	0.7	Lighting	256	204	26	26	
					Subtotal			256	204	26	26	
					Total			103146	84912	15994	2240	
					Grand Total			147865	121942	22474	3449	

Williston District

District 7



Walt Peterson, District Engineer
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**North Dakota Department of Transportation
District 7 - Williston**

(In Thousands)

PCN	Map Key	Fund Source	Pend	Hwy CMC	Dir	Location	Length	Work Type	Const Year	Full Invl	Total Cost	Fed Fund	State Fund	Local Fund
Fiscal Year: 2009														
Rural														
14798	7001	NH		2		US 2	101.0	Bonding Repayment	2009		4491	3635	856	0
17478	7003	SNH		2	E	W JCT 85 TO WILLISTON	2.6	Hot Bit Pave	2009		2500	2023	477	0
17481	7005	SNH		2	E	2 MI N WILLISTON N TO JCT 85	9.9	Slurry Seal	2009		278	225	53	0
17478	7006	SNH		2	W	W JCT 85-WILLISTON-TO 2ND AVE W	5.4	Hot Bit Pave	2009		924	748	176	0
17480	7007	SNH		2	W	JCT 2ND AVE W & 26TH ST TO 2 MI N	2.0	Slurry Seal	2009		56	45	11	0
16440	7008	ACSNH		2	W	9 MI E STANLEY TO 4 MI W BERTHOLD	17.7	Hot Bit Pave	2009		2932	2373	559	0
16713	7022	SNH		2	W	4 MI W BERTHOLD TO BERTHOLD	0.0	Thin Overlay	2009		293	237	56	0
17482	7009	SNH		23	E	WATFORD CITY EAST TO JCT 73	16.4	Mill/OI>2<Or=3"	2009		4154	3362	792	0
17501	7010	SNH		52	E	JCT 5 LIGNITE E TO N JCT 8	13.0	Slurry Seal	2009		362	293	69	0
17501	7011	SNH		52	E	N JCT 8 S TO 1 MILE E BOWBELLS	7.6	Slurry Seal	2009		213	172	41	0
17501	7012	SNH		52	E	1 MILE E BOWBELLS E TO CO LINE	3.1	Slurry Seal	2009		86	70	16	0
17501	7013	SNH		52	E	BURKE & WARD CO LN TO E JCT 52/5	5.8	Slurry Seal	2009		163	132	31	0
17135	7014	SS		58	N	JCT 200-FAIRVIEW-N 6.546 MILES	6.5	Microsurfacing	2009		327	265	62	0
17135	7015	SS		58	N	6.5 MI N JCT 200 N TO JCT ND 1804	3.3	Microsurfacing	2009		163	132	31	0
17486	7018	SS		200	E	STATE LINE E TO YELLOWSTONE BRIDGE	3.0	Microsurfacing	2009		151	122	29	0
17439	7017	SS		1804	N	JCT ND 23 N&W - 16 MI E OF JCT TIOGA	19.8	Thin Overlay	2009		1687	1365	322	0
Subtotal											18780	15199	3581	0
Urban														
	7021	S-NHU		2	E	WILLISTON TO 2ND AVE W	2.9	Hot Bit Pave	2009		1500	1214	136	150
17480	7004	SNH		2	E	JCT 2ND AVE W & 26TH ST TO 2 MI N	2.0	Slurry Seal	2009		56	45	11	0
17499	7018	SU		993		WILL-4TH AVE W (11TH-14TH ST)	0.3	Reconstruction	2009		900	720	0	180
17431	7019	SU		1804		WILL-ND 1804 (LITTLE MUDDY - BNSF)	0.0	Microsurfacing	2009		150	120	0	30
Subtotal											2606	2099	147	360
Transportation Enhance														
	7020	TEU		993		WILLISTON AMTRAK DEPOT	0.0	Bld/Fcilty Imp	2009		73	58	0	15
Subtotal											73	58	0	15
Total											21459	17356	3728	375

**North Dakota Department of Transportation
District 7 - Williston**

(In Thousands)

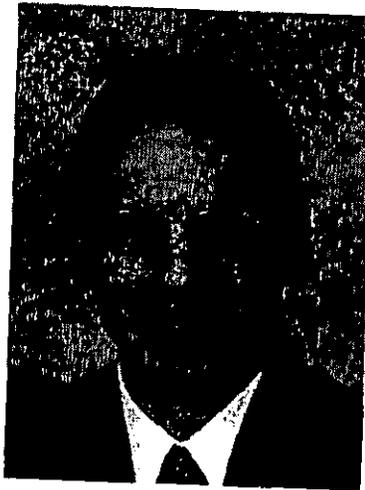
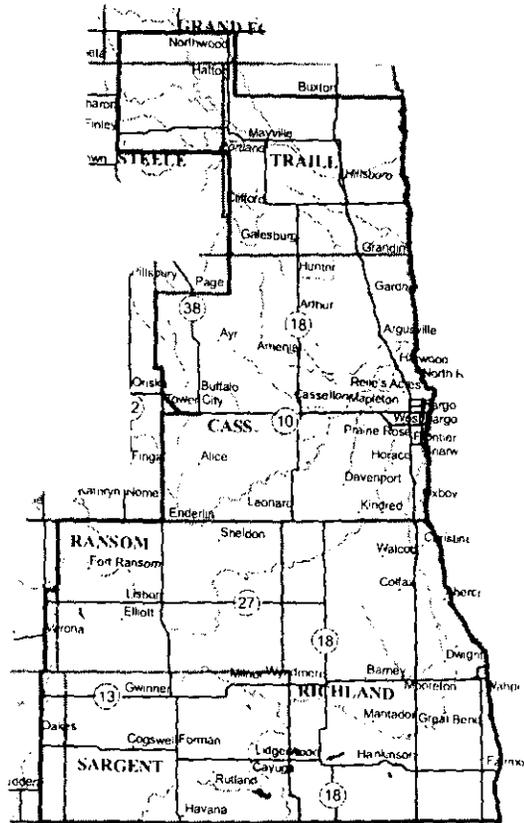
PCN	Map Key	Fund Source	Pend	Hwy CMC	Dir	Location	Length	Work Type	(In Thousands)						
									Full Invl	Total Cost	Fed Fund	State Fund	Local Fund		
Rural															
14798	7001	NH			2	US 2	101.0	Bonding Repayment	4488	3632	856	0			
	7101	SNH			2	E COUNTY LINE E TO STANLEY	19.8	Slurry Seal	577	467	110	0			
	7102	SNH			2	E 4-LANES AT STANLEY	1.6	Slurry Seal	47	38	9	0			
	7103	SNH			2	E STANLEY E TO 9 MI E STANLEY	9.4	Slurry Seal	272	220	52	0			
13988	7104	SS			8	N STANLEY 6TH AVE SE	0.5	Drainage Impr.	242	196	23	23			
16843	7105	SS			40	N E JCT 50 BATTLEVIEW N TO E JCT ND 5	22.9	Thin Overlay	2024	1638	386	0			
17137	7106	SS			50	E JCT ND 42 E TO WILDROSE JCT	6.6	Thin Overlay	583	472	111	0			
1558	7107	ACNH			85	N 7.5 MI N GRASSY BUTTE TO N END BR	6.3	Aggr Base, Grade	876	701	175	0			
1559	7108	SNH	P		85	N 7.5 MI N GRASSY BUTTE TO N END BR	6.3	Hot Bit Pave	1989	1610	379	0			
1558	7109	ACHPP			85	N 7.5 MI N GRASSY BUTTE TO N END BR	6.3	Aggr Base, Grade	8125	6500	1625	0			
17360	7110	SS			1804	N JCT US 2 SW TO RP 327	2.1	Thin Overlay	190	154	36	0			
14798	7001	NH			2	US 2	101.0	Bonding Repayment	4488	3632	856	0			
	7201	SNH			2	E JCT 85 E TO RAY	20.8	Slurry Seal	629	509	120	0			
	7202	SNH			2	W RAY E TO COUNTY LINE	15.0	Slurry Seal	455	368	87	0			
22	7203	NH	P		23	E RES BNDRY E TO 4 BEARS BRIDGE	9.4	Aggr Base, Grade	F 7593	6145	1448	0			
	7204	SS			50	E 0.5 MILE E OF JCT 85 TO ALAMO	6.5	Thin Overlay	596	482	114	0			
	7213	SS			50	E ALAMO E TO JCT ND 42	6.5	Thin Overlay	596	482	114	0			
17194	7205	SNH			85	N GRASSY BUTTE N 7.5 MILES	7.4	Microsurfacing	399	323	76	0			
	7206	SS			200	E STATE LINE E TO YELLOWSTONE BRIDGE	3.0	Asp Ol>2"<Or=3"	791	640	151	0			
17440	7207	SS			1804	N BEAVER CREEK W TO E BN OVERPASS	28.8	Thin Overlay	2648	2143	505	0			
14798	7001	NH			2	US 2	101.0	Bonding Repayment	4490	3634	856	0			
	7301	SNH			2	W 9 MI E STANLEY TO 4 MI W BERTHOLD	17.7	Slurry Seal	558	452	106	0			
	7302	SNH			23	E JCT 73 N&E TO RESERVATION BOUNDARY	19.3	Thin Overlay	1845	1493	352	0			
13995	7303	SNH	P		23	E RES BNDRY E TO 4 BEARS BRIDGE	9.4	Hot Bit Pave	3200	2590	610	0			
	7304	SS			68	E STATE LINE E TO JCT US 85	28.1	Chip Seal Coat	791	640	151	0			
	7305	SS			73	E JOHNSONS CORNER E TO RESERV BNDRY	7.6	Thin Overlay	724	586	138	0			
	7306	SS			73	E RESERV BNDRY TO JCT 22	3.8	Thin Overlay	359	291	68	0			
937	7307	NH	P		85	N E JCT 5 W TO W JCT ND 5	8.1	Aggr Base, Grade	F 7085	5734	1351	0			
	7308	SS			1804	N JCT ND 23 N&W - 16 MI E OF JCT TIOGA	19.8	Chip Seal Coat	558	452	106	0			
	7311	SS			1804	N 16 MI E OF JCT TIOGA TO JCT TIOGA	16.7	Chip Seal Coat	471	381	90	0			
						Subtotal			57689	46605	11061	23			
Urban															
	7111	SU			993	WILLISTON-14TH ST W(9TH AVE-2ND AVE)	0.5	Rehabilitation	1500	1200	0	300			
	7208	SU			993	WILL-18TH ST (US 2 & 85-16TH AVE W)	0.1	Rehabilitation	360	288	0	72			
	7209	SU			993	WILL-9TH AVE W (9TH AVE NW-14TH ST)	0.1	Rehabilitation	450	360	0	90			
	7309	SU			993	WILL-13TH AVE W (18TH ST - 26TH ST)	0.0	Rehabilitation	500	400	0	100			
						Subtotal			2810	2248	0	562			
Federal Lands Highways															
	7112	PLH				THEODORE ROOSEVELT PK PRA THRO10(3)	0.0	Prelim Engineer, Construction	5600	5600	0	0			
	7210	PLH				THEODORE ROOSEVELT PK PRA THRO10(3)	0.0	Construct Eng	500	500	0	0			
	7211	PLH				FOREST HIGHWAY 9-1(991)	0.0	Construction	410	410	0	0			
						Subtotal			6510	6510	0	0			
ND Street															
17179	7113	SS			8	STANLEY-MAIN ST(RR AVE-6TH AVE SE)	0.6	Curb & Gutter, Hot Bit Pave, Storm Sewer, Walk/Drive Ways	1536	1158	145	233			
	7310	SNH			23	NEW TOWN - ND 23	0.0	Reconstruction	2747	2000	224	523			
						Subtotal			4283	3158	369	756			

**North Dakota Department of Transportation
District 7 - Williston**

PCN	Map Key	Fund Source	Pend	Hwy Dir CMC	Location	Length	Work Type	(In Thousands)					
								Full Invt	Total Cost	Fed Fund	State Fund	Local Fund	
Safety													
17361	7114	SHE		2	INTERSECTION OF US 2 AND ND 1804	0.0	Turn Lanes	12	11	1	0		
	7115	HES		85	N GRASSY BUTTE N 7.5 MILES	7.4	Turn Lanes	227	204	23	0		
	7116	HES		85	N NEAR LONG X BRIDGE N STA 61 TO 164	2.1	Turn Lanes	66	59	7	0		
	7117	HES		85	N MP 129.804 N TO MP 140.600	10.6	Turn Lanes	326	293	33	0		
	7118	HES		85	N MP 140.6000 TO JCT 23 WATFORD CITY	1.7	Turn Lanes, Widening	89	80	9	0		
	7119	HES		85	N WATFORD CITY W TO NEAR ARNEGARD	10.1	Turn Lanes	513	462	51	0		
	7120	HES		85	N NEAR ARNEGARD W & N TO JCT 68	6.9	Turn Lanes	350	315	35	0		
	7121	HES		85	N JCT 68 N THRU ALEXANDER	2.8	Turn Lanes	140	126	14	0		
	7122	HES		85	N ALEXANDER N TO L&C BRIDGE	19.4	Turn Lanes	987	888	99	0		
17360	7123	HES		1804	JCT OF 1804 AND US 2	0.0	Turn Lanes	200	180	20	0		
	7212	HES		85	N L&C BRIDGE N TO US 2 AND REST AREA	2.3	Structural Ot>3, Turn Lanes, Widening	2991	2692	299	0		
Subtotal								5901	5310	591	0		
Total								77193	63831	12021	1341		
Grand Total								98652	81187	15749	1716		

Fargo District

District 8



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**North Dakota Department of Transportation
District 8 - Fargo**

(In Thousands)

PCN	Map Key	Fund Source	Pend	Hwy CMC	Dir	Location	Length	Work Type	Const Year	Full Invl	Total Cost	Fed Fund	State Fund	Local Fund
Rural														
16820	8001	SS		18	N	STATE LINE N TO S JCT 11	9.2	Hot Bit Pave	2009		1562	1264	298	0
17489	8002	SS		18	N	BNRR NORTH TO ND 46	25.0	Chip Seal Coat	2009		625	506	119	0
17490	8003	SS		27	E	LISBON CITY SECTION	0.7	Chip Seal Coat	2009		16	13	3	0
16768	8004	SIM		29	N	N JCT 200 N TO N OF BUXTON	7.1	CPR	2009		127	114	13	0
17298	8005	SIM		29	S	N FARGO INTR N TO SHEYENNE RIVER	5.3	Median X-Overs	2009		416	374	42	0
16361	8006	IM		29	S	N FARGO INTR N TO SHEYENNE RIVER	5.3	PCC Pave	2009	F	8156	7340	816	0
17298	8007	SIM		29	S	SHEYENNE RIVER TO ARGUSVILLE	4.2	Median X-Overs	2009		336	302	34	0
17195	8008	SIM		29	S	SHEYENNE RIVER TO ARGUSVILLE	4.2	Hot Bit Pave, Milling, Selective Grade	2009		886	797	89	0
16768	8032	SIM		29	S	N JCT 200 N TO N OF BUXTON	7.1	CPR	2009		141	127	14	0
17491	8009	SS		32	N	W JCT 13 N TO LISBON (BNRR)	14.6	Chip Seal Coat	2009		365	295	70	0
17491	8010	SS		32	N	LISBON CITY SECTION	0.7	Chip Seal Coat	2009		17	14	3	0
17491	8011	SS		32	N	LISBON N TO JCT 46	12.8	Chip Seal Coat	2009		320	259	61	0
16775	8012	SIM		94	E	BUFFALO INTERCHANGE	0.1	Deck Overlay, Structur Repair	2009		289	260	29	0
16776	8013	SIM		94	E	CASSELTON TO MAPLETON INTR	7.5	CPR	2009		142	128	14	0
16775	8014	SIM		94	W	BUFFALO INTERCHANGE	0.1	Deck Overlay, Structur Repair	2009		289	260	29	0
16369	8033	SIM		94	W	25TH STREET INTERCHANGE	0.2	Drainage Impr.	2009		81	73	8	0
16368	8015	SS	P2009	127	N	STATE LINE N TO JCT 11	8.0	Thin Overlay	2010		916	741	175	0
16359	8016	ACHPP		127	N	JCT 11 N TO WAHPETON	14.7	Blnded Bit Base, Hot Bit Pave	2009		8393	6792	1601	0
16359	8017	ACSS		127	N	JCT 11 N TO WAHPETON	14.7	Blnded Bit Base, Hot Bit Pave	2009		4823	3903	920	0
Subtotal											27900	23562	4338	0
Urban														
17425	8018	NHU		10	W	FGO-MAIN AVE (6TH ST W-5TH ST E)	4.1	Construction	2009		12500	10000	1250	1250
17425	8019	NHU		10	W	FGO-MAIN AVE (6TH ST W-5TH ST E)	4.1	Right Of Way	2009		2500	2000	250	250
15183	8020	U-CMU		81	FGO-S	UNIV DR (52ND AVE S-40TH AVE)	0.1	Right Of Way	2009		626	500	63	63
15183	8021	U-CMU		81	FGO-S	UNIV DR (52ND AVE S-40TH AVE)	1.0	Reconstruction	2009		13750	9400	1175	3175
15370	8022	ACHPU		294	FGO-12TH	AVE N (I-29 TO 10TH ST)	1.6	Reconstruction, Rehabilitation	2009		272	220	26	26
15370	8023	ACU-CMU		294	FGO-12TH	AVE N (I-29 TO 10TH ST)	1.6	Reconstruction, Rehabilitation	2009		10650	7000	869	2781
15655	8024	IM		984	FGO - I-94/57TH	STREET OVERPASS	0.0	Construction	2009		5750	1438	0	4312
Subtotal											46048	30558	3633	11857
Bridge														
17502	8025	BRS		13	E	2 WEST OF ND HIGHWAY 18	0.0	Struct/Incid	2009		126	101	25	0
16766	8026	S-BRI		29	N	2 NORTH OF SD BORDER	0.0	Deck Replacement	2009		793	714	79	0
14236	8027	ACHPU		294	N	1 EAST I-29	0.0	Struct/Incid	2009		1788	1430	179	179
Subtotal											2707	2245	283	179
Transportation Enhance														
17407	8029	TEU		984	FARGO DRAIN	27	0.0	Struct/Incid, Bikeway/Walkway	2009		300	200	0	100
16697	8030	TES		984	UGPTI - NDSU	CAMPUS	0.0	Bld/Fcty Imp	2010		3500	500	0	3000
17409	8028	TEU		992	WEST FARGO	9TH ST SOUTH	0.0	Bikeway/Walkway	2009		230	110	0	120
	8034	TET			VIKING BRIDGE	WEST OF PORTLAND	0.0	Structur Repair, Prelim Engineer, Construct Eng	2009		1000	800	200	0
Subtotal											5030	1610	200	3220
Safety														
17195	8035	SHE		29	SHEYENNE	RIVER TO ARGUSVILLE	0.0	Safety	2009		613	552	61	0
17335	8036	SHE		94	I-94	RP 349 - EB	0.0	Grdrail Upgrade	2009		2200	1980	220	0
	8031	HEU		984	FGO-4TH	ST AT NP AVE	0.0	Safety, Signing	2009		16	14	0	2
Subtotal											2829	2546	281	2
Total											84514	60521	8735	15258

Map Keys 8018 & 8021 are Workforce Safety and Mobility Significant Projects

**North Dakota Department of Transportation
District 8 - Fargo**

(In Thousands)

PCN	Map Key	Fund Source	Pend	Hwy CMC	Dir	Location	Length	Work Type	(In Thousands)						
									Full Invt	Total Cost	Fed Fund	State Fund	Local Fund		
Rural															
	8101	SS			11 E	S JCT 32 E TO LIDGERWOOD	23.6	Thin Overlay	2087	1689	398	0			
17509	8102	SS			11 E	CITY OF FAIRMOUNT	0.5	Grading & Pave	650	688	162	0			
16781	8103	SIM			29 N	ND 13 N TO CHRISTINE INTERCHANGE	21.6	CPR	673	606	67	0			
16782	8117	SIM			29 N	1 NORTH OF ND 13	0.0	Deck Overlay	150	135	15	0			
16760	8118	SIM			29 N	1 NORTH OF US 10	0.0	Deck Replacement	270	243	27	0			
16767	8104	IM			29 N	N FARGO INTR N TO SHEYENNE RIVER	5.3	PCC Pave	F 8490	7641	849	0			
17146	8105	SIM			29 N	SHEYENNE RIVER N TO ARGUSVILLE	4.2	Hot Bit Pave, Milling, Selective Grade	880	792	88	0			
16783	8119	SIM			29 N	3 NORTH OF ND 200	0.0	Structur Repair	200	180	20	0			
16780	8107	SIM			94 E	DRAIN #21 E TO 1.0 MI W 45TH	2.0	Lighting	1688	1519	169	0			
16216	8108	IM			94 E	45TH STREET INTERCHANGE	0.2	Struct/Incid	3847	3462	385	0			
16780	8109	SIM			94 W	DRAIN #21 E TO 1 MI W 45TH ST-FARGO	2.0	Lighting	1688	1519	169	0			
16216	8110	IM			94 W	45TH STREET INTERCHANGE	0.2	Struct/Incid	3847	3462	385	0			
16846	8111	SS	P		200 E	JCT OLD US 81 VIA HILLSBORO SOUTH	10.2	Hot Bit Pave, Mine And Blend, Crack & Seal	5650	4573	1077	0			
	8201	SS			10 E	LYNCHBURG INTR TO ND 18 S CASSELTON	2.7	Chip Seal Coat	74	60	14	0			
	8202	SS			11 E	FROM N JCT 32 TO S JCT 32-FORMAN	1.3	Thin Overlay	121	98	23	0			
	8203	SS			11 E	LIDGERWOOD E TO HANKINSON	12.7	Thin Overlay	1167	944	223	0			
17144	8204	SNH			13 E	S JCT 1 E TO W JCT 32-GWINNER	20.9	Hot Bit Pave	3849	3115	734	0			
	8205	SS			18 N	JCT 13 WYNDMERE N TO BNRR NORTH	0.8	Mill/OI>2<Or=3"	541	438	103	0			
16354	8206	SNH			18 N	E JCT 200 W THRU PORTLAND	2.5	Blnded Bit Base, Hot Bit Pave, Widening	1954	1581	373	0			
17139	8207	SIM			29 S	ND 13 N TO CHRISTINE INTR	21.6	CPR	700	630	70	0			
17430	8208	SS			32 N	STATE LINE N TO S JCT 11	10.2	Culvert Rehab, Thin Overlay	2015	1631	384	0			
	8209	SS			38 N	JCT I-94 N TO BUFFALO	2.9	Chip Seal Coat	79	64	15	0			
	8210	SS			38 N	BUFFALO N TO PAGE	16.7	Chip Seal Coat	452	366	86	0			
	8301	SNH			13 E	JCT 18-WYNDMERE E-TO I-29	14.5	Sturry Seal	457	370	87	0			
	8302	SS			18 N	STATE LINE N TO S JCT 11	9.2	Chip Seal Coat	258	209	49	0			
	8303	SS			18 N	N JCT 11 TO JCT 13	13.1	Thin Overlay	1250	1012	238	0			
	8304	SS			18 N	BLANCHARD TO MAYVILLE	14.8	Chip Seal Coat	416	337	79	0			
17140	8305	SS			27 E	JCT 1 E TO JCT 32 LISBON	18.8	Thin Overlay	1802	1458	344	0			
16845	8306	SS			27 E	LISBON E TO JCT 18	26.1	Thin Overlay	2497	2021	476	0			
	8307	SIM			29 N	11.3 MI N ST LN N TO JCT 13	11.3	CPR	381	343	38	0			
	8308	SIM			29 N	SHEYENNE RIVER N TO ARGUSVILLE	4.2	Slurry Seal	167	150	17	0			
17143	8309	SIM			29 S	STATE LINE N 11.3 MILES	11.3	CPR	2574	2317	257	0			
	8310	SIM			29 S	11.3 MI N ST LN N TO JCT 13	11.3	CPR	381	343	38	0			
	8311	SIM			29 S	SHEYENNE RIVER TO ARGUSVILLE	4.2	Sturry Seal	148	133	15	0			
16405	8312	SS	P		46 E	9 MI E ENDERLIN E TO E JCT 18	12.7	Widening	4459	3609	850	0			
16389	8313	SS	P		46 E	E JCT 18 E TO I-29	14.7	Widening	5158	4174	984	0			
15655	8314	IM			94 E	WEST FARGO 9TH STREET/I-94 RAMPS	0.2	Ramp Revisions	2000	1800	200	0			
15655	8315	IM			94 W	WEST FARGO 9TH STREET/I-94 RAMPS	0.2	Ramp Revisions	2000	1800	200	0			
	8316	SS			127 N	JCT 11 N TO WAHPETON	14.7	Chip Seal Coat	414	335	79	0			
	8317	SS			200 E	E JCT 18-MAYVILLE E TO JCT OLD US 81	11.9	Hot Bit Pave, Milling	2558	2070	488	0			
16823	8318	SNH			200A E	BLANCHARD EAST TO INT X ROAD	8.4	Thin Overlay	802	649	153	0			
Subtotal									68994	58566	10428	0			
Urban															
17426	8112	NHU			10 W	FGO-MAIN AVE (5TH ST E-45TH ST)	4.1	Right Of Way	3750	3000	375	375			
16281	8113	NHU			13 W	WAHPETON-DAKOTA DR (11TH ST-RED RIV)	0.8	Reconstruction	4126	3300	413	413			
16281	8114	SU			13 W	WAHPETON-DAKOTA DR (11TH ST-RED RIV)	0.8	Reconstruction	4126	3300	413	413			
16858	8115	SU			984 FGO	- 45TH ST S (32ND AV -52ND AV S)	2.0	Reconstruction, Widening	10400	8000	0	2400			
	8116	NHU			984 FGO	- 10TH ST UNDERPASS	0.0	Rehabilitation	3000	2428	272	300			

Map Keys 8108 & 8110 are Workforce Safety and Mobility Significant Projects

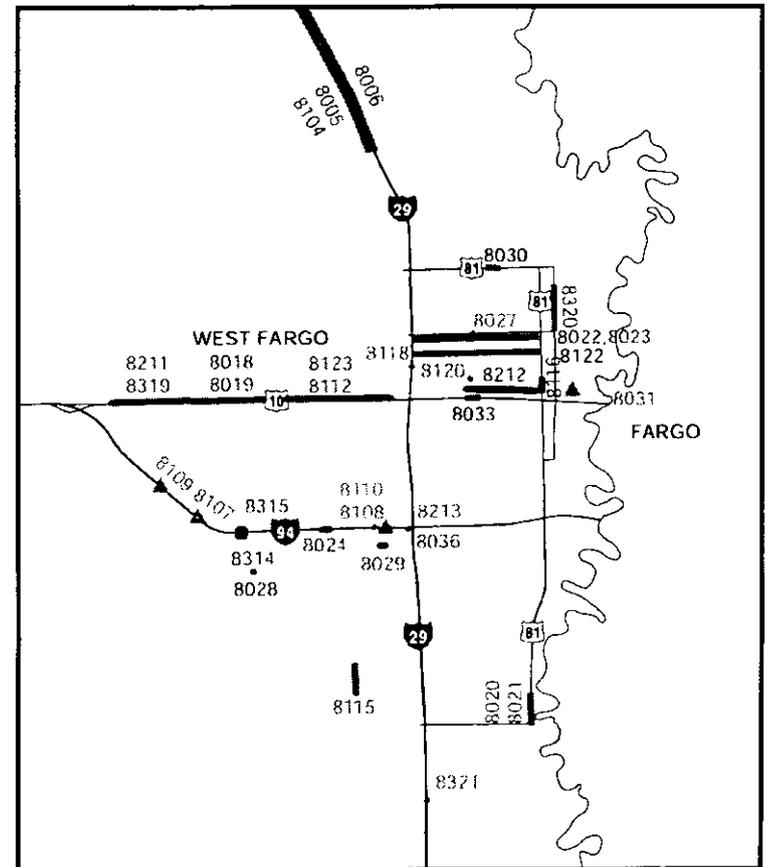
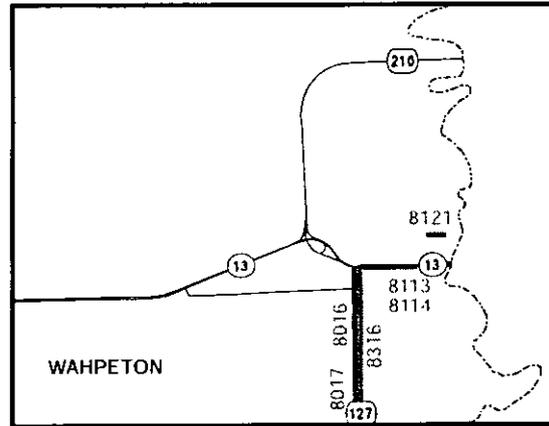
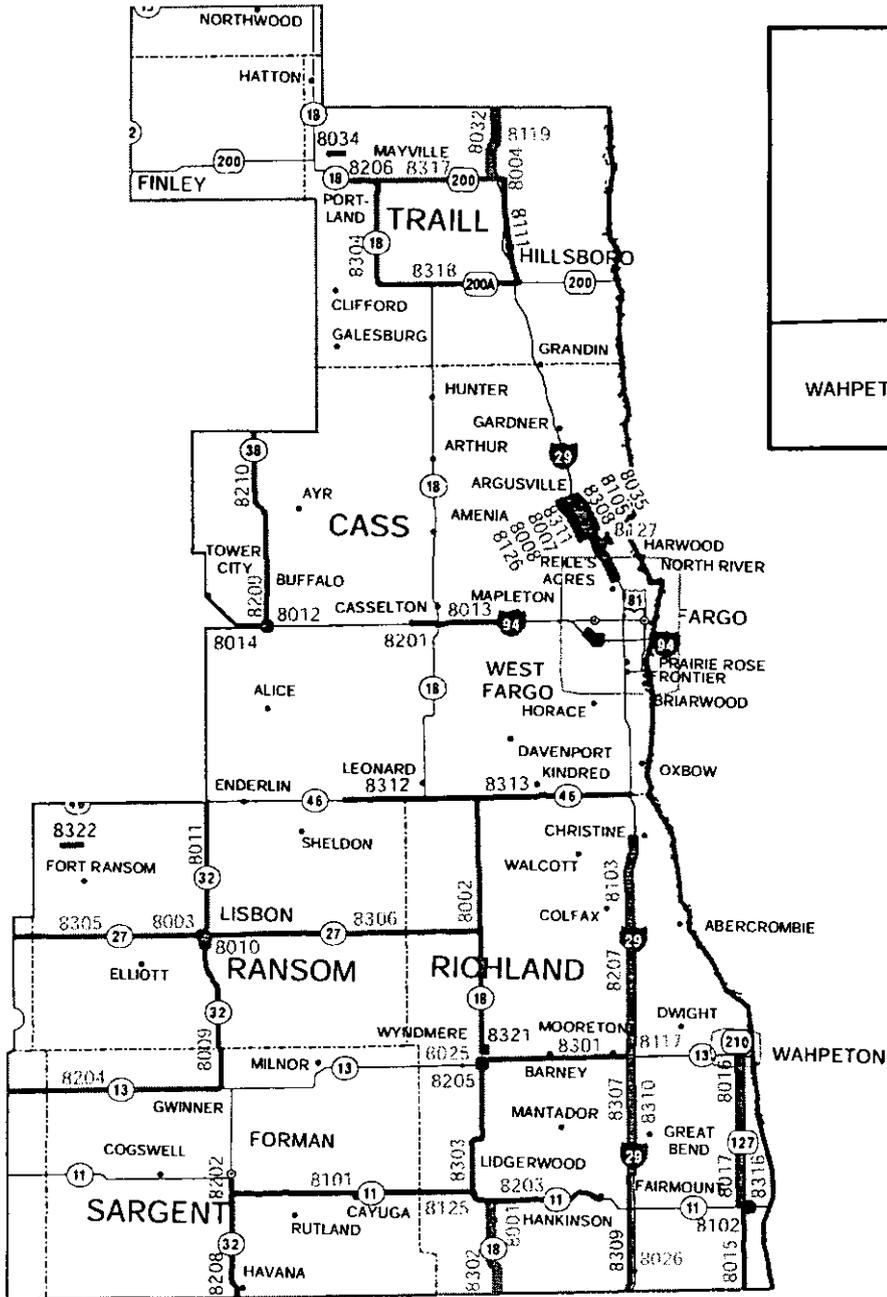
**North Dakota Department of Transportation
District 8 - Fargo**

PCN	Map Key	Fund Source	Pend	Hwy Dir CMC	Location	Length	Work Type	(In Thousands)				
								Full Invl	Total Cost	Fed Fund	State Fund	Local Fund
Urban												
	8120	SU		984	FGO - 7TH AVENUE	0.0	Deck Replacement	270	216	0	54	
17427	8211	NHU		10	W FGO-MAIN AVE (I-94 TO 6TH ST W)	4.1	Right Of Way	2500	2000	250	250	
	8213	SU		294	FGO-38TH ST SW/DRAIN 27	0.0	Reconstruction	1400	1120	0	280	
16645	8212	SU		984	FGO-1ST AVE EXTEN. (25TH ST-UNIV DR)	1.0	Reconstruction	5800	4320	0	1480	
17426	8319	NHU		10	W FGO-MAIN AVE (5TH ST E-45TH ST)	4.1	Construction	16250	13000	1625	1625	
	8320	SU		81	FGO - US 81 (12TH AVE - 17TH AVE N)	0.0	Reconstruction	3600	2000	250	1350	
Subtotal								55222	42684	3598	8940	
Transportation Enhance												
16281	8121	TEU		13	WAHPETON-DAKOTA AVENUE	0.0	Landscaping	160	125	0	35	
15370	8122	TEU		294	FARGO-12TH AVENUE N	0.0	Landscaping	160	125	0	35	
	8123	TES		984	UGPTI - NDSU CAMPUS	0.0	Bld/Fcity Imp	3500	500	0	3000	
	8223	TET			SHEYENNE RIVER NSB - FT RANSOM ST PA	0.0	Scenic Byway, Easements	250	200	0	50	
Subtotal								4070	950	0	3120	
ND Street												
17181	8125	SS		11	LIDGERWOOD-CITY LIMITS TO 2ND ST NE)	0.4	Milling, Hot Bit Pave	422	338	42	42	
	8321	SNH		18	WYNDMERE - ND 18	0.0	Mill/OI 2" Max, Drainage Impr.	602	487	55	60	
Subtotal								1024	825	97	102	
Safety												
	8127	SHE		29	HARWOOD INTERCHANGE	0.0	Bikeway/Walkway	1000	900	100	0	
17146	8126	SHE		29	SHEYENNE RIVER N TO ARGUSVILLE	0.0	Safety	586	527	59	0	
Subtotal								1586	1427	159	0	
Total								130896	104452	14282	12162	
Grand Total								215410	164973	23017	27420	

Map Key 8319 is a Workforce Safety and Mobility Significant Project

2009-2012 Construction Program - Fargo District

- Major Rehab
- Minor Rehab
- Preventive Maintenance
- Structural Overlay
- Miscellaneous
- ▲ Safety
- Municipal
- Structures



**North Dakota Department of Transportation
District 9 - Statewide Various Locations**

(In Thousands)

PCN	Map Key	Fund Source	Pend	Hwy Dir CMC	Location	Length	Work Type	Const Year	Full Invl	Total Cost	Fed Fund	State Fund	Local Fund
Fiscal Year: 2009													
Rural													
	9001	SIM			RIGHT OF WAY - INTERSTATE	0.0	Right Of Way	2009		244	220	24	0
	9002	SNH			VARIOUS LOCATIONS-STATEWIDE	0.0	Weigh In Motion	2009		618	500	118	0
	9003	STP			VAR LOC-STATEWIDE-NON-INTERSTATE	0.0	Prelim Engineer	2009		1236	1000	236	0
	9004	STP			VARIOUS LOCATIONS-STATEWIDE	0.0	SRED	2009		395	320	75	0
	9005	STP			VARIOUS LOCATIONS-STATEWIDE	0.0	SPR Univ Study	2009		3886	3109	777	0
	9006	STP			VARIOUS LOCATIONS-STATEWIDE	0.0	MPO Planning	2009		1710	1368	342	0
	9008	STP			VAR LOC-STATEWIDE-INDIVIDUAL	0.0	Prelim Engineer	2009		247	200	47	0
	9009	STP			VARIOUS LOCATIONS-STATEWIDE	0.0	US Fish Wild	2009		124	100	24	0
	9010	STP			VARIOUS LOCATIONS-STATEWIDE	0.0	Hwy Patrol Ovr	2009		62	50	12	0
	9011	STP			VARIOUS LOCATIONS-STATEWIDE	0.0	Parks & Rec	2009		1148	929	219	0
	9012	ACUGP			UGPTI SAFETY AND SECURITY	0.0	Safety	2009		500	400	0	100
	9013	SIM			VAR LOC-STATEWIDE-INTERSTATE	0.0	Prelim Engineer	2009		1111	1000	111	0
	9014	RSS			INDIVIDUAL PROJECTS-STATEWIDE	0.0	Crossing Impr	2009		1111	1000	111	0
	9015	RPS			VARIOUS LOCATIONS-STATEWIDE	0.0	Protect Devices	2009		2016	1814	202	0
	9016	STP			VARIOUS LOCATIONS-STATEWIDE	0.0	DBE & OJT	2009		213	170	43	0
	9017	STP			VARIOUS LOCATIONS-STATEWIDE	0.0	Overruns	2009		6250	5000	1250	0
	9018	SS			VARIOUS LOCATIONS-STATEWIDE	0.0	Wetlands/Tree	2009		1250	1000	250	0
	9019	SIM			VAR LOC-STATEWIDE-INTERSTATE	0.0	Preventive Mtce	2009		1111	1000	111	0
	9020	SS			BRIDGE PREVENTIVE MTCE-STATEWIDE	0.0	Structure Items	2009		618	500	118	0
	9021	STP			RIGHT OF WAY - NON-INTERSTATE	0.0	Right Of Way	2009		2101	1700	401	0
	9042	STP			VARIOUS LOCATIONS-STATEWIDE	0.0	Training	2009		278	225	53	0
	9043	STP			VARIOUS LOCATIONS-STATEWIDE	0.0	US Corps Eng	2009		1853	1500	353	0
					Subtotal					28082	23105	4877	100
Urban													
	9022	SU			VARIOUS INDIVIDUAL URBAN LOCATIONS	0.0	Prelim Engineer	2009		2250	1800	0	450
	9023	SU			VARIOUS LOCATIONS-STATEWIDE	0.0	Right Of Way	2009		100	80	0	20
					Subtotal					2350	1880	0	470
Bridge													
	9024	BR			VARIOUS LOCATIONS-STATEWIDE	0.0	Bridge Inspect	2009		750	600	150	0
					Subtotal					750	600	150	0
Transportation Enhance													
	9025	TES			VARIOUS LOCATIONS-STATEWIDE	0.0	Landscaping, Prelim Engineer	2010		73	58	15	0
16694	9026	FRC			ND FOREST SERVICE	0.0	Livng Snow Fnce	2009		190	150	0	40
	9027	TES			VARIOUS LOCATIONS-STATEWIDE	0.0	Intr Displays	2009		72	58	14	0
	9028	TES			NDP&RD SCENIC BYWAY ADMINISTRATION	0.0	Scenic Byway, Byway Contract	2009		110	52	58	0
	9029	STR			ND FOREST SERVICE	0.0	Landscaping, Storm Tree	2009		125	100	0	25
16691	9030	FOR			ND FOREST SERVICE	0.0	Landscaping, CTE Landscaping	2009		130	100	0	30
	9031	TES			VARIOUS LOCATIONS-STATEWIDE	0.0	Billboard Contr	2009		63	50	13	0
					Subtotal					763	568	100	95
County													
	9032	SC			VARIOUS LOCATIONS-STATEWIDE	0.0	SRED	2009		395	320	75	0
	9033	BR			VARIOUS LOCATIONS-STATEWIDE	0.0	County Bridges	2009		6250	5000	0	1250
	9034	SC			VARIOUS LOCATIONS-STATEWIDE	0.0	County Roadways	2009		19770	16000	0	3770
					Subtotal					26415	21320	75	5020
Allocated Discretionary													
	9035	SIMSNHSS			VARIOUS LOCATIONS-STATEWIDE	0.0	Intellgnt Trans	2009		938	750	188	0
	9036	ITS			ITS,C/B,TRANSIT,CVISN,AMBER ALERT	0.0	Intellgnt Trans	2009		1875	1500	375	0
					Subtotal					2813	2250	563	0

**North Dakota Department of Transportation
District 9 - Statewide Various Locations**

PCN	Map Key	Fund Source	Pend	Hwy Dir CMC	Location	Length	Work Type	(In Thousands)					
								Const Year	Full Invl	Total Cost	Fed Fund	State Fund	Local Fund
Federal Lands Highways													
	9037	FHO			VARIOUS LOCATIONS-STATEWIDE	0.0	County Forest	2009	400	400	0	0	
	9038	PLH			VARIOUS LOCATIONS-STATEWIDE	0.0	Public Lands	2009	1000	1000	0	0	
							Subtotal		1400	1400	0	0	
Safe Routes to Schools													
	9039	SRT			VARIOUS LOCATIONS-STATEWIDE	0.0	SRTS	2009	1000	1000	0	0	
							Subtotal		1000	1000	0	0	
Missile Roads													
	9040	ROM			VARIOUS LOCATIONS-STATEWIDE	0.0	Missile Roads	2009	1000	1000	0	0	
							Subtotal		1000	1000	0	0	
Safety													
	9041	HES			HIGHWAY SAFETY IMPROVEMENTS-RURAL	0.0	Safety	2009	1111	1000	111	0	
							Subtotal		1111	1000	111	0	
							Total		65684	54123	5876	5685	

**North Dakota Department of Transportation
District 9 - Statewide Various Locations**

PCN	Map	Fund	Pend	Hwy Dir	Location	Length	Work Type	(In Thousands)				
								Full Invl	Total Cost	Fed Fund	State Fund	Local Fund
Fiscal Year: 2010-2012												
Rural												
9101	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	SPR Univ Study	3886	3109	777	0	
9102	SS				VARIOUS LOCATIONS-STATEWIDE	0.0	Wetlands/Tree	1250	1000	250	0	
9103	ACUGP				UGPTI SAFETY AND SECURITY	0.0	Safety	1136	909	0	227	
9104	SIM				RIGHT OF WAY - INTERSTATE	0.0	Right Of Way	244	220	24	0	
9105	STP				RIGHT OF WAY - NON-INTERSTATE	0.0	Right Of Way	2101	1700	401	0	
9106	SS				BRIDGE PREVENTIVE MTCE-STATEWIDE	0.0	Structure Items	618	500	118	0	
9107	SIM				VAR LOC-STATEWIDE-INTERSTATE	0.0	Preventive Mtce	1111	1000	111	0	
9108	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	Overruns	6250	5000	1250	0	
9109	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	DBE & OJT	213	170	43	0	
9110	RPS				VARIOUS LOCATIONS-STATEWIDE	0.0	Protect Devices	2016	1814	202	0	
9111	RSS				INDIVIDUAL PROJECTS-STATEWIDE	0.0	Crossing Impr	1111	1000	111	0	
9112	SIM				VAR LOC-STATEWIDE-INTERSTATE	0.0	Prelim Engineer	1111	1000	111	0	
9113	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	Parks & Rec	1148	929	219	0	
9114	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	Hwy Patrol Ovrtr	62	50	12	0	
9115	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	US Fish Wild	124	100	24	0	
9116	SNH				VARIOUS LOCATIONS-STATEWIDE	0.0	Weigh In Motion	618	500	118	0	
9118	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	MPO Planning	1900	1520	380	0	
9119	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	SRED	395	320	75	0	
9120	STP				VAR LOC-STATEWIDE-NON-INTERSTATE	0.0	Prelim Engineer	1236	1000	236	0	
9121	STP				VAR LOC-STATEWIDE-INDIVIDUAL	0.0	Prelim Engineer	247	200	47	0	
9150	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	US Corps Eng	1853	1500	353	0	
9151	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	Training	278	225	53	0	
9201	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	SPR Univ Study	3886	3109	777	0	
9202	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	Hwy Patrol Ovrtr	62	50	12	0	
9203	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	SRED	395	320	75	0	
9204	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	Anti-icing Syst	1236	1000	236	0	
9205	STP				VAR LOC-STATEWIDE-NON-INTERSTATE	0.0	Prelim Engineer	1236	1000	236	0	
9206	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	Parks & Rec	1148	929	219	0	
9207	STP				VAR LOC-STATEWIDE-INDIVIDUAL	0.0	Prelim Engineer	247	200	47	0	
9208	SIM				RIGHT OF WAY - INTERSTATE	0.0	Right Of Way	244	220	24	0	
9209	STP				RIGHT OF WAY - NON-INTERSTATE	0.0	Right Of Way	2101	1700	401	0	
9210	SS				BRIDGE PREVENTIVE MTCE-STATEWIDE	0.0	Structure Items	618	500	118	0	
9211	SIM				VAR LOC-STATEWIDE-INTERSTATE	0.0	Preventive Mtce	1111	1000	111	0	
9212	SS				VARIOUS LOCATIONS-STATEWIDE	0.0	Wetlands/Tree	1250	1000	250	0	
9213	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	Overruns	6250	5000	1250	0	
9214	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	MPO Planning	1900	1520	380	0	
9215	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	DBE & OJT	213	170	43	0	
9216	RPS				VARIOUS LOCATIONS-STATEWIDE	0.0	Protect Devices	2016	1814	202	0	
9217	RSS				INDIVIDUAL PROJECTS-STATEWIDE	0.0	Crossing Impr	1111	1000	111	0	
9218	SIM				VAR LOC-STATEWIDE-INTERSTATE	0.0	Prelim Engineer	1126	1012	114	0	
9220	SNH				VARIOUS LOCATIONS-STATEWIDE	0.0	Weigh In Motion	634	513	121	0	
9221	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	US Fish Wild	124	100	24	0	
9250	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	US Corps Eng	1853	1500	353	0	
9251	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	Training	278	225	53	0	
9301	SS				BRIDGE PREVENTIVE MTCE-STATEWIDE	0.0	Structure Items	618	500	118	0	
9302	SIM				VAR LOC - STATEWIDE-INTERSTATE	0.0	Prelim Engineer	1111	1000	111	0	
9303	STP				VARIOUS LOCATIONS - STATEWIDE	0.0	SPR Univ Study	3886	3109	777	0	
9304	SIM				VAR LOC-STATEWIDE-INTERSTATE	0.0	Preventive Mtce	1111	1000	111	0	
9305	STP				VARIOUS LOCATIONS - STATEWIDE	0.0	Parks & Rec	1148	929	219	0	
9306	SS				VARIOUS LOCATIONS - STATEWIDE	0.0	Wetlands/Tree	1250	1000	250	0	

**North Dakota Department of Transportation
District 9 - Statewide Various Locations**

PCN	Map Key	Fund Source	Pend	Hwy Dir CMC	Location	Length	Work Type	(In Thousands)				
								Full Invl	Total Cost	Fed Fund	State Fund	Local Fund
Rural												
9307	STP				VARIOUS LOCATIONS - STATEWIDE	0.0	US Fish Wild	124	100	24	0	
9308	STP				VARIOUS LOCATIONS - STATEWIDE	0.0	Hwy Patrol Overt	62	50	12	0	
9309	STP				RIGHT OF WAY - NON-INTERSTATE	0.0	Right Of Way	2101	1700	401	0	
9310	SNH				VARIOUS LOCATIONS - STATEWIDE	0.0	Weigh In Motion	618	500	118	0	
9311	STP				VAR LOC-STATEWIDE-INDIVIDUAL	0.0	Prelim Engineer	247	200	47	0	
9312	SIM				RIGHT OF WAY - INTERSTATE	0.0	Right Of Way	244	220	24	0	
9313	STP				VARIOUS LOCATIONS - STATEWIDE	0.0	MPO Planning	2041	1633	408	0	
9314	STP				VARIOUS LOCATIONS - STATEWIDE	0.0	DBE & OJT	228	182	46	0	
9316	STP				VAR LOC-STATEWIDE-NON-INTERSTATE	0.0	Prelim Engineer	1252	1013	239	0	
9317	RPS				VARIOUS LOCATIONS - STATEWIDE	0.0	Protect Devices	2016	1814	202	0	
9318	STP				VARIOUS LOCATIONS - STATEWIDE	0.0	Overruns	6250	5000	1250	0	
9319	STP				VARIOUS LOCATIONS - STATEWIDE	0.0	SRED	395	320	75	0	
9320	RSS				INDIVIDUAL PROJECTS - STATEWIDE	0.0	Crossing Impr	1111	1000	111	0	
9343	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	US Corps Eng	1853	1500	353	0	
9344	STP				VARIOUS LOCATIONS-STATEWIDE	0.0	Training	278	225	53	0	
Subtotal								85891	70643	15021	227	
Urban												
9122	SU				VARIOUS LOCATIONS-STATEWIDE	0.0	Right Of Way	100	80	0	20	
9123	SU				VARIOUS INDIVIDUAL URBAN LOCATIONS	0.0	Prelim Engineer	2250	1800	0	450	
9222	SU				VARIOUS LOCATIONS-STATEWIDE	0.0	Right Of Way	100	80	0	20	
9223	SU				VARIOUS INDIVIDUAL URBAN LOCATIONS	0.0	Prelim Engineer	2250	1800	0	450	
9321	SU				VARIOUS INDIVIDUAL URBAN LOCATIONS	0.0	Prelim Engineer	2250	1800	0	450	
9322	SU				VARIOUS LOCATIONS-STATEWIDE	0.0	Right Of Way	100	80	0	20	
Subtotal								7050	5640	0	1410	
Bridge												
9124	BR				VARIOUS LOCATIONS-STATEWIDE	0.0	Bridge Inspect	750	600	150	0	
9224	BR				VARIOUS LOCATIONS-STATEWIDE	0.0	Bridge Inspect	750	600	150	0	
9323	BR				VARIOUS LOCATIONS - STATEWIDE	0.0	Bridge Inspect	750	600	150	0	
Subtotal								2250	1800	450	0	
Transportation Enhance												
9125	TES				VARIOUS LOCATIONS-STATEWIDE	0.0	Landscaping, Prelim Engineer	100	80	20	0	
9126	TEU				VARIOUS LOCATIONS-STATEWIDE	0.0	Dir Task Force	1094	875	0	219	
9127	TES				VARIOUS LOCATIONS-STATEWIDE	0.0	Living Snow Fnce	200	160	40	0	
9128	TES				VARIOUS LOCATIONS-STATEWIDE	0.0	Billboard Contr	63	50	13	0	
9129	FRC				ND FOREST SERVICE	0.0	Living Snow Fnce	190	150	0	40	
9130	FOR				ND FOREST SERVICE	0.0	Landscaping, CTE Landscaping	130	100	0	30	
9131	STR				VARIOUS LOCATIONS-STATEWIDE	0.0	Landscaping, Storm Tree	125	100	0	25	
9132	TES				NDDOT	0.0	History Update	188	150	38	0	
9133	TES				PUBLIC ART PROJECT-TBD	0.0	Landscaping, Sculpture	350	280	70	0	
9135	TEO				VARIOUS LOCATIONS-STATEWIDE	0.0	Dir Task Force	438	350	0	88	
9225	FRC				ND FOREST SERVICE	0.0	Living Snow Fnce	190	150	0	40	
9226	TEU				REGIONAL PROJECT TO BE NAMED	0.0	Landscaping	156	125	0	31	
9227	TEU				VARIOUS LOCATIONS-STATEWIDE	0.0	Dir Task Force	1094	875	0	219	
9228	TES				BICYCLE SAFETY CAMPAIGN	0.0	Bikeway/Walkway, Safety	30	24	6	0	
9229	TES				PROJECTS TO BE DETERMINED	0.0	Cult Resource	313	250	63	0	
9230	TES				VARIOUS LOCATIONS-STATEWIDE	0.0	Living Snow Fnce	200	160	40	0	
9231	TES				ND FOREST SERVICE	0.0	Landscaping, CTE Landscaping	125	100	0	25	
9232	TES				ND FOREST SERVICE	0.0	Landscaping, Storm Tree	125	100	0	25	
9233	TES				NDP&RD SCENIC BYWAY ADMINISTRATION	0.0	Scenic Byway, Byway Contract	125	57	68	0	
9234	TEO				VARIOUS LOCATIONS-STATEWIDE	0.0	Dir Task Force	438	350	0	88	
9324	TEU				REGIONAL PROJECT TO BE DETERMINED	0.0	Landscaping	156	125	0	31	

**North Dakota Department of Transportation
District 9 - Statewide Various Locations**

						(In Thousands)						
PCN	Map Key	Fund Source	Pend	Hwy Dir CMC	Location	Length	Work Type	Full Invl	Total Cost	Fed Fund	State Fund	Local Fund
Transportation Enhance												
	9234	TEO			VARIOUS LOCATIONS-STATEWIDE	0.0	Dir Task Force	438	350	0	88	
	9324	TEU			REGIONAL PROJECT TO BE DETERMINED	0.0	Landscaping	156	125	0	31	
	9325	FOR			ND FOREST SERVICE	0.0	Landscaping, Storm Tree	125	100	0	25	
	9326	TEU			VARIOUS LOCATIONS-STATEWIDE	0.0	Dir Task Force	1094	875	0	219	
	9327	TET			HISTORIC BRIDGE REHABILITATION	0.0	Structur Repair	250	200	50	0	
	9328	FOR			ND FOREST SERVICE	0.0	Landscaping, CTE Landscaping	125	100	0	25	
	9329	TEO			VARIOUS LOCATIONS-STATEWIDE	0.0	Dir Task Force	438	350	0	88	
	9330	FRC			ND FOREST SERVICE	0.0	Living Snow Fnce	190	150	0	40	
	9345	TET			TURTLE MTN TRAILS	0.0	Scenic Byway, Easements	300	255	0	45	
Subtotal								8352	6641	408	1303	
County												
	9137	BR			VARIOUS LOCATIONS-STATEWIDE	0.0	County Bridges	6250	5000	0	1250	
	9138	SC			VARIOUS LOCATIONS-STATEWIDE	0.0	SRED	395	320	75	0	
	9149	SC			VARIOUS LOCATIONS-STATEWIDE	0.0	County Roadways	18869	15271	0	3598	
	9235	SC			VARIOUS LOCATIONS-STATEWIDE	0.0	County Roadways	19770	18000	0	3770	
	9236	BR			VARIOUS LOCATIONS-STATEWIDE	0.0	County Bridges	6250	5000	0	1250	
	9237	SC			VARIOUS LOCATIONS-STATEWIDE	0.0	SRED	395	320	75	0	
	9331	SC			VARIOUS LOCATIONS - STATEWIDE	0.0	County Roadways	19770	18000	0	3770	
	9332	SC			VARIOUS LOCATIONS-STATEWIDE	0.0	SRED	395	320	75	0	
	9333	BR			VARIOUS LOCATIONS - STATEWIDE	0.0	County Bridges	6250	5000	0	1250	
Subtotal								78344	63231	225	14888	
Allocated Discretionary												
	9139	ITS			ITS,C/B,TRANSIT,CVISN,AMBER ALERT	0.0	Intellgnt Trans	1875	1500	375	0	
	9140	SIMSNHSE			VARIOUS LOCATIONS-STATEWIDE	0.0	Intellgnt Trans	938	750	188	0	
	9238	ITS			ITS,C/B,TRANSIT,CVISN,AMBER ALERT	0.0	Intellgnt Trans	1875	1500	375	0	
	9239	SIMSNHSE			VARIOUS LOCATIONS-STATEWIDE	0.0	Intellgnt Trans	938	750	188	0	
	9334	SIMS-NHU			VARIOUS LCOATIONS - STATEWIDE	0.0	Intellgnt Trans	938	750	188	0	
	9335	ITS			ITS,C/B,TRANSIT,CVISN,AMBER ALERT	0.0	Intellgnt Trans	1875	1500	375	0	
Subtotal								8439	6750	1689	0	
Federal Lands Highways												
	9141	FHO			VARIOUS LOCATIONS-STATEWIDE	0.0	County Forest	400	400	0	0	
	9142	PLH			VARIOUS LOCATIONS-STATEWIDE	0.0	Public Lands	1000	1000	0	0	
	9240	PLH			VARIOUS LOCATIONS-STATEWIDE	0.0	Public Lands	1000	1000	0	0	
	9241	FHO			VARIOUS LOCATIONS-STATEWIDE	0.0	County Forest	400	400	0	0	
	9242	FHO			VARIOUS LOCATIONS-STATEWIDE	0.0	County Forest	400	400	0	0	
	9336	PLH			VARIOUS LOCATIONS-STATEWIDE	0.0	Public Lands	1000	1000	0	0	
Subtotal								4200	4200	0	0	
Safe Routes to Schools												
	9143	SRT			VARIOUS LOCATIONS-STATEWIDE	0.0	SRTS	1000	1000	0	0	
	9243	SRT			VARIOUS LOCATIONS-STATEWIDE	0.0	SRTS	1000	1000	0	0	
	9337	SRT			VARIOUS LOCATIONS - STATEWIDE	0.0	SRTS	1000	1000	0	0	
Subtotal								3000	3000	0	0	
Missile Roads												
	9144	ROM			VARIOUS LOCATIONS-STATEWIDE	0.0	Missile Roads	1000	1000	0	0	
	9244	ROM			VARIOUS LOCATIONS-STATEWIDE	0.0	Missile Roads	1000	1000	0	0	
	9338	ROM			VARIOUS LOCATIONS - STATEWIDE	0.0	Missile Roads	1000	1000	0	0	
Subtotal								3000	3000	0	0	
Safety												
	9145	SHE			BRIDGE SNOW & ICE COUNTER MEASURES	0.0	Safety	250	225	25	0	
	9146	HEU			HIGH ACCIDENT LOCATIONS-URBAN	0.0	Safety	591	532	0	59	

**North Dakota Department of Transportation
District 9 - Statewide Various Locations**

PCN	Map Key	Fund Source	Pend	Hwy Dir	Location	Length	Work Type	(In Thousands)				
								Full Invl	Total Cost	Fed Fund	State Fund	Local Fund
Safety												
	9147	HES			SMALL SCALE IMPROVEMENTS	0.0	Safety	392	353	39	0	
	9148	HES			HIGHWAY SAFETY IMPROVEMENTS-RURAL	0.0	Safety	1111	1000	111	0	
17111	9246	SHE			BRIDGE SNOW & ICE COUNTER MEASURES	0.0	Safety	1034	931	103	0	
	9247	HEU			HIGH ACCIDENT LOCATIONS-URBAN	0.0	Safety	591	532	0	59	
	9248	HES			SMALL SCALE IMPROVEMENTS	0.0	Safety	392	353	39	0	
	9249	HES			HIGHWAY SAFETY IMPROVEMENTS-RURAL	0.0	Safety	2222	2000	222	0	
	9340	HEU			HIGH ACCIDENT LOCATIONS-URBAN	0.0	Safety	591	532	0	59	
	9341	HES			HIGHWAY SAFETY IMPROVEMENTS-RURAL	0.0	Safety	6667	6000	667	0	
	9342	HES			SMALL SCALE IMPROVEMENTS	0.0	Safety	392	353	39	0	
Subtotal								14233	12811	1245	177	
Total								214759	177716	19038	18005	
Grand Total								280443	231839	24914	23690	

PROGRAMS

Federal aid highway funds are apportioned to the state from several sources. The major categories of funds are:

- Interstate (IM)
- National Highway System (NHS)
- Congestion Mitigation (CMAQ)
- Surface Transportation (STP)
- Bridge Replacement (BR)
- Transportation Enhancement (TE)
- Coordinated Border Infrastructure (CBI)
- Highway Safety Improvement (HSIP)
- Planning, MPO Planning & State Planning and Research (SPR)
- Safe Routes to Schools
- Equity Bonus

The state is responsible for overall management of these funds. North Dakota Department of Transportation (NDDOT) makes portions of the funds available to urban areas (Population > 5,000), counties, and other agencies for their use.

Each source of federal funds has its own criteria for eligibility and administration. Recipients of these funds must follow the federal law and administrative rules that apply.

Highway Construction Programs

The federal aid highway construction funding sources are generally grouped into four categories: Roadway Construction, Bridge Replacement, Transportation Enhancement, and Safety, which are further broken down by state, urban, and county. The annual construction programs are developed based on available funds in each funding category. In October of each year, the state is notified of the amount that it can spend for that fiscal year. At that time, the fiscal year program is adjusted and projects may be delayed into the following year.

Roadway Construction

The Roadway Construction Category includes Interstate Maintenance, National Highway System, Congestion Mitigation, and Surface Transportation, Coordinated Border Infrastructure, and Equity Bonus.

Interstate Maintenance (IM) funds are used for interstate reconstruction, rehabilitation, restoration, or resurfacing on the Interstate system. National Highway System (NHS) funds are

to be used on highways classified as on the National Highway System, which includes the Interstate.

Coordinated Border Infrastructure (CBI) funds may be used within 100 miles of an international border with Canada or Mexico to facilitate/expedite cross border motor vehicle and cargo movements. These funds are available until expended.

Because North Dakota does not have any non-attainment (air quality) areas as defined by EPA, federal rules allow the NDDOT to use funds received from the Congestion Mitigation and Air Quality (CMAQ) category for any project eligible under the Surface Transportation program. Surface Transportation (STP) funds can be used on any public roadway except local roads and rural minor collectors. Equity Bonus funds are also reserved and can be generally used in the same way as STP funds.

Urban Streets and Highways

In urban areas, roads that primarily serve traffic generating outside of the urban area have been designated as the Regional System. The Regional System generally consists of streets and highways on the state system in and through urban areas. Other functionally classified streets are referred to as urban roads. The apportionment for urban streets and highways is divided between the Urban Roads and Urban Regional systems. Each year on September 15, NDDOT Local Government Division coordinates with the cities above 5,000 in population (including those that have MPOs) to prepare and submit requests for urban roads, safety, and bridge replacement projects for the next four construction years. NDDOT requests urban regional system projects for the next five construction years.

The North Dakota Department of Transportation also provides cities above 5,000 in population (including those that have MPOs) a funding spreadsheet of all the urban cities with projected funding for the next four years. Generally, the apportionment given to urban streets and highways is divided equally between Urban Roads and Urban Regional systems. The starting amount is based upon 16.5% of the federal funds available to construction activities.

Urban areas over 50,000 residents have MPOs, which are involved in program planning for those areas. These areas are required to prepare a TIP each year. In North Dakota, there are three areas:

1. Bismarck-Mandan
2. Fargo-Moorhead
3. Grand Forks-East Grand Forks

The MPO TIPs have completed a status report of the projects for 2005. The full report is located in Appendix A. The transit and highway programs for these areas are shown in this document in summary format. Each of the three MPOs has prepared a TIP document, which is available upon request from the NDDOT Local Government Division (701) 328-2540.

Local Government

North Dakota Local Government (LG) division annually allocates money to each county for roads and bridges. The annual allocations are sometimes not sufficient to fund a project within a

county. In those instances, the counties may allow their allocations to accumulate for two or more years. When sufficient amounts exist, they may then fund a project.

The North Dakota Department of Transportation (NDDOT) shares the federal highway funds with the 53 counties. The amount of federal aid the counties receive is based on percentages the federal highway bills specified prior to the 1991 highway bill. Since 1991, NDDOT has continued to share the federal highway funds at these same percentages even though the federal highway bill does not require it. NDCC 24-04-01 clearly indicates it is the legislative intent that NDDOT works closely with the counties to provide an integrated system of roads and streets.

The counties receive 8.44 percent of the federal funds available for construction activities. The counties can use these funds for any project they select as long as it is on their federal aid system of roads. The match on these projects is 80 percent federal and 20 percent county. Due to the uncertainty of the funding levels the last few years, the counties have been hesitant to start projects. Since the department spends all the federal funding each year, the funding not used by the counties has been used to advance projects for the state and cities. The counties are now getting the funding back from the state and cities.

NDDOT distributes these funds to the 53 counties based on the following formula:

- 25% - Land area
- 25% - Population
- 25% - Miles of federal aid roads
- 25% - Local effort (mill levy program)

The counties also receive a percentage of the Transportation Enhancement (TE) funds. These funds are used mainly for shared use paths (bike trails). The counties get 12.08 percent or approximately \$0.47 million per year. The counties compete for the TE funds on a statewide basis. A committee reviews the projects and recommends to the NDDOT Director which ones should be funded. The match on these projects is 80 percent federal and 20 percent county.

The counties also receive a percentage of the bridge replacement and rehabilitation (BRR) funds. Half the BRR funds are given to the counties to use on the county and township roads, and on most streets in the cities, but not on the urban (state) system. The match for these projects is 80 percent federal and 20 percent county or city. The basis for all the federal match is 23 USC 120 (a) and (b).

The individual counties select their projects on an annual basis. Since most county projects are not too complex, the plans can be completed in less than a year. LG has provided a three-year programmatic program of projects. The projects will be identified when Local Government meets with the counties in October. A list of proposed projects will be sent to FHWA by November 15. Due to the timing of the yearly meetings with the counties, it is not possible to include a current list of projects in the appendix.

Bridge Replacement and Rehabilitation

Bridge Replacement (BR) funds are dedicated to reconstructing or rehabilitating existing bridges that meet certain sufficiency ratings. Generally, a bridge with a rating ≤ 50 is eligible for replacement. Bridges rated between 50 and 80 are generally eligible for rehabilitation but not replacement. BR funds can also be used for preventive maintenance activities on bridges. Construction can occur on projects not eligible for BR funds; but the funding must come from other federal apportionment sources (IM, NHS, STP, etc.)

Transportation Enhancement

Transportation Enhancement (TE) funds are to be used for activities that enhance the highway environment and are not part of a regular construction project. TE projects include the following activities:

1. pedestrian and bicycle facilities, and safety and educational activities for pedestrians and bicyclists,
2. acquisitions of scenic and historic sites,
3. scenic and historic highway programs, including tourist and welcome center facilities,
4. landscaping and other scenic beautification,
5. historic preservation,
6. rehabilitation and operation of historic transportation buildings, structures, or facilities including historic railroad facilities and canals,
7. preservation of abandoned railroad corridors, including the conversion and use thereof for pedestrian or bicycle trails,
8. archeological planning and research,
9. control and removal of outdoor advertising,
10. environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity, and
11. the establishment of transportation museums.

The following describes how each portion of the Transportation Enhancement (TE) program is developed.

NDDOT Initiated Projects

The Local Government (LG) division handles the project development and works with management to select TE projects with the exception of TE projects tied to regularly funded projects. The Planning and Programming (P&P) division develops projects which are tied to regularly scheduled projects in rural areas. P&P will also work with management to decide which projects will receive obligation authority.

Tourism Plan

ND Parks, ND Tourism and the ND State Historical Society will submit projects to the LG division. LG coordinates eligibility and project development. The Tourism funds will receive approximately the same percentage of obligation authority as NDDOT receives from FHWA.

Regularly Funded Urban Projects

The LG division will coordinate project development. The LG division, based on discussions with the 13 major cities, will assign approximately the same percentage of obligation authority to urban TE funds as NDDOT receives.

Directors' Task Force Projects

The LG division coordinates project development. The DTF prioritizes projects. The LG division, based on discussions with the 13 major cities, will assign approximately the same percentage of obligation authority to urban TE funds as NDDOT receives.

The Director's Task Force consists of one representative from each of the following jurisdictions appointed by the Director:

- North Dakota Parks
- North Dakota Tourism
- North Dakota State Historical Society
- Urban Areas
- Counties
- North Dakota Indian Affairs Commission
- North Dakota Department of Transportation (Chair of DTF)

Highway Safety Improvement Program (HSIP)

High Risk Rural Roads (HRRR)

High risk rural roads are roadways functionally classified as rural major or minor collectors or rural local roads with a fatal and incapacitating injury crash rate above the statewide average for those functional classes of roadways; HRRR can also be roads likely to experience an increase in traffic volume that leads to a crash rate in excess of the average Statewide rate. If a State certifies that it has met all its needs relating to construction and operational improvements on high-risk rural roads, it may use those funds for any safety improvement projects eligible under the HSIP.

Projects eligible for funding under HSIP are those projects that provide improvements at identified high accident locations, minimize the potential for accidents, or are part of a system-wide improvement of substandard geometric properties related to safety. 23 CFR also lists various construction types that are specifically HSIP eligible. Safety projects can be proposed by counties; however, their eligibility must meet the criteria of the safety program.

Railroad-Highway Crossing Program

Railroad/Highway Protective Devices funds are used to install or improve protective devices at railroad crossings. Protective devices can include signing, signals, or signals with gates. Railroad/Highway Elimination of Hazards funds can be used for improving at-grade railroad crossings and constructing or reconstruction of highway-railroad separation structures.

Safe Routes to Schools

The purpose of this program is to encourage pre-high school children, including those with disabilities, to walk and bicycle to school; to make walking and bicycling to school safe and more appealing, and to facilitate the planning, development and implementation of projects that will improve safety, and reduce traffic, fuel consumption, and air pollution in the vicinity of schools. These funds are available until expended. The funds are distributed based on their relative shares of total enrollment in primary and middle schools but no State will receive less than \$1 million as is the case in North Dakota.

High Priority and Transportation Improvement Projects

Congress directs certain allocated funds be distributed by requiring each specific projects receive specific amounts of funding over the five years of SAFETEA-LU. This may be either in the legislative language or by including statements of congressional intent in the committee reports accompanying the legislation.

High Priority and Transportation Improvement projects are funded by contract authority, and are available until expended. The federal share is 90 percent for certain Interstate projects; 80.93 percent for most other projects with the exception of the Liberty Memorial Bridge, which is 90 percent. North Dakota received either High Priority or Transportation Improvement funds for 40 projects.

State Emergency Relief Projects

State Emergency Relief (SER) projects are specifically designated projects that have occurred because of a special emergency response to the State's roadway network. This is normally due to a result of flooding caused by heavy rains or large spring run-off. Once the Governor declares a disaster area, and FHWA accepts the State's proposal, special funds are made available for the repair or restoration of these roads. Match ratios are the same as other programs unless special situations exist that make construction 100% federal.

Allocated Discretionary Funds

Allocated discretionary federal funds are those funds specifically designated by Congress for a particular projects or program that are not distributed by a mandated distribution formula. Allocated funds are generally congressional appropriation earmarks and Congress acts on these funds each year as part of the new Appropriations Act. These projects are shown in the District listings as "illustrative projects."

Federal Lands Highways Program

The Federal Lands Highway program consists of Indian Reservation Roads, National Park Highways, Forest Service Highways, and Public Lands Highways. The Bureau of Indian Affairs (BIA) administers the federal aid for the Indian Reservation Roads program. Federal Highway Administration administers the National Park Highways program.

NDDOT Local Government Division develops the program for the Forest Service Highways. The projects are generally on local or county roads. The National Park Service Highways and the Forest Service Highways programs have no programmed projects for fiscal years 2009 to 2012.

BIA is currently coordinating with the Indian tribes to finalize their 2009 to 2012 program. This agency's program is not included in the document at this time.

Recreational Trails Program

The Recreational Trails Program provides funding for both motorized and non-motorized recreational trail projects. The purpose of the Recreational Trails Program is to provide funds to states for developing and maintaining recreational trails and trail-related facilities for both motorized and non-motorized recreational trail uses. These funds help states implement projects that meet their recreation and tourism needs.

The Recreational Trails Program funding represents a portion of the revenue received by the Federal Highway Trust Fund from the federal motor fuels excise tax paid by users of off-road recreational vehicles such as snowmobiles, off-road motorcycles, all-terrain vehicles, and off-road light trucks.

The Governor of the state has appointed the North Dakota Parks and Recreation Department as the agency responsible for administering apportionments to the state.

The state has established a state recreational advisory committee (12 members) which represents both motorized and non-motorized recreational trail users. The committee meets one to two times a year.

Public Transit Programs

The NDDOT administers federal transit grant funds to rural, non-urbanized areas and state-aid funding for the entire state, and ensures that transit projects meet federal and state regulations and requirements. Federal funding for the current STIP is provided through SAFETEA-LU; state-aid funding is determined biennially by the state legislature.

North Dakota's public transit programs fall into three categories, which are included in this STIP in summary form. The categories are as follows:

1. Urban/Urbanized Transit Programs
2. Rural Transit Programs
3. State Aid Transit Program

Federal Transit Grants

The Federal Transit Administration (FTA) annually apportions federal funding provided under SAFETEA-LU, which includes grant monies allotted under sections 5307, 5309, 5310, 5311, 5311c, 5316, and 5317. The grant funding is administered as follows:

Section 5307 Transit Program

Section 5307 makes federal funds available to urbanized areas for transit capital and operating assistance in urbanized areas and also for transit related planning. An urbanized area is an incorporated area with a population of 50,000 or more that is designated as such by the U.S. Department of Commerce, Bureau of the Census.

In North Dakota, Section 5307 formula transit funds are administered directly to the State's three urbanized areas/cities by the FTA Region VIII Office in Denver, and thus the funds do not pass through the NDDOT. The MPOs and their respective cities jointly develop an annual proposed transit "program of projects" that details how each urbanized area will utilize its transit apportionment. The three urbanized areas in North Dakota are: Bismarck/Mandan, Fargo/West Fargo, and Grand Forks.

Section 5309 Transit Program

Section 5309 provides federal transit capital funds for transit projects in both urban and rural areas of the state to use for three primary activities: purchase new and replacement buses and bus garages/facilities; modernization of existing rail systems; and construct new guideway systems. These funds are provided for exceptionally large transit projects or for transit needs that exceed the capabilities of the annual formula funding provided under Sections 5307 and 5311.

Each year (in January), the NDDOT submits a statewide Section 5309 Congressional earmark funding request for the coming fiscal year. This earmark funding request is for both the urban and rural transit improvement needs throughout North Dakota.

Section 5310 Transit Program.

Section 5310 federal transit funds provide formula funding to states for the purpose of assisting transit projects in meeting the transportation needs of the elderly and persons with disabilities when the transit services provided is unavailable, insufficient, or inappropriate to meeting these needs. Funds are apportioned based on each state's share of population for these groups of people.

Section 5311 Transit Program

Section 5311 provides formula funding to states for the purpose of supporting public transportation in areas of less than 50,000 population. It is apportioned in proportion to each state's non-urbanized population. Funding may be used for capital, operating, state administration, and project administration expenses. Each state prepares an annual "program of projects", which must provide for fair and equitable distribution of funds within the state, including Indian reservations, and must also provide for maximum feasible coordination with transportation services assisted by other federal sources.

FTA Section 5311(b) RTAP Funding Program for Training & Tech. Assistance (RTAP, Rural Transit Assistance Program)

This funding program is complementary to the Section 5311 rural transit program above. The program provides funds for transit related training and technical assistance to the rural transit operators in the state. These RTAP funds can be used for personnel training and for purchase of various transit-related hardware and equipment to improve public transit services in rural areas. These funds are provided at 100%, and therefore, do not require the usual local matching funds.

Section 5311c, Federal Transit Funds for Tribal/Reservation Transit

This transit assistance program provides federal funds directly to Indian Tribes to improve public transportation on Indian Reservations. All four Indian Reservations in North Dakota are eligible for their funds, and can apply for them through the FTA Denver Regional Office.

Section 5316, Job Access and Reverse Commute (JARC) Transit Program

Section 5316 provides federal transit funds to improve access to employment. Transit projects throughout North Dakota are able to apply for and utilize JARC funds to develop transportation services for residents of urban centers and rural and suburban areas to suburban employment opportunities. Emphasis is placed on projects that use mass transportation services.

Section 5317, New Freedom Transit Program

Section 5317 provides federal transit funds to improve transit services for individuals with disabilities by addressing their unmet transportation needs. These funds are made available for both rural and urban transit service providers through apportionments to the state and designated urbanized areas respectively.

Urban/Urbanized Transit Programs

Urban areas with populations over 50,000 persons are known as urbanized areas, and each has a Metropolitan Planning Organizations (MPO's) that conducts transit planning for its respective urbanized area. North Dakota's three MPO-designated urbanized areas are:

1. Bismarck-Mandan
2. Fargo-West Fargo
3. Grand Forks

Each of the three MPOs and their respective cities jointly develop an annual proposed transit “program of projects” that details how each urbanized area will utilize its Section 5307, 5309, 5316, and 5317 transit funds. Details of the respective transit program of projects are contained in each MPO area TIP (Transportation Improvement Program), and are presented on the following pages.

Rural Transit Programs

Localities with less than 50,000 population are defined as rural areas. North Dakota currently has 23 rural transit projects that will receive Section 5311 funding during federal FY 2009 to provide transit services in the rural areas of the state. These projects are identified in the FY 2009 Section 5311 Program of Projects included in this STIP document. These same 23 projects are also eligible to receive Sections 5309, 5310, 5316, and 5317 funding. These funds are administered by the NDDOT based on project needs as determined through an application process.

Requests for Section 5309 Congressional earmark funding for rural areas are included with the urban/urbanized funding request as cited above under the Section 5309 Transit Program.

It is anticipated that the number of rural transit projects receiving federal funding each year will remain relatively constant during the timeframe covered by this STIP document (2009-2012). Also, North Dakota anticipates receiving a relatively constant level of federal funding for rural transit needs during this same timeframe.

State Aid for Public Transit Programs

North Dakota also has a State Aid for Public Transit assistance program. Since this state-aid program involves only state funds (no federal funding), it is included herein for informational purposes only. Details on this program are provided later in this document.

Transit Program Information

For questions or further information on any of the above transit programs, contact the NDDOT Local Government Division by phone at (701) 328-2194 or via email to dottransit@nd.gov.

Urban/Urbanized Transit Programs

FY 2009

FTA Section	5307 Program	Total	Federal	State	Local
Bismarck	<u>Operating Assistance</u> ADA Para-Transit/Dial -A- Ride & Fixed Route Bus Service	\$2,100,000	\$1,050,000	\$150,000	\$900,000
	<u>Preventive Maintenance</u> All transit vehicles	\$260,000	\$208,000	\$0	\$52,000
	Subtotal	\$2,360,000	\$1,258,000	\$150,000	\$952,000
Fargo	<u>Operating Assistance & Preventive Maintenance</u> Fund Fixed Route Bus Service, Para-Transit Service, and Operate Transit Terminal. Also Fund Preventive Maintenance for All Vehicles and Misc. Equipment.	\$3,287,133	\$1,964,755	\$340,000	\$982,378
	<u>Capital Assistance</u> Purchase 3 Replacement and 1 New Para-Transit Vehicles for Fargo Senior Commission	\$60,000	\$48,000	\$0	\$12,000
	<u>Planning Activities</u> Conduct various transit planning activities	\$50,000	\$40,000	\$0	\$10,000
	Subtotal	\$3,397,133	\$2,052,755	\$340,000	\$1,004,378

**Urban/Urbanized Transit Programs
FY 2009**

FTA Section	5307 Program	Total	Federal	State	Local
Grand Forks	<u>Operating Assistance</u> Fixed Route Service And Para-Transit/Dial-A- Ride Service	\$2,167,360	\$790,120	\$134,000	\$1,243,240
	<u>Capital Purchase</u> Replacement of Safety and /or Security Hardware and Software.	\$60,000	\$48,000	\$0	\$12,000
	Subtotal	\$2,227,360	\$838,120	\$134,000	\$1,255,240
	TOTAL	\$7,984,493	\$4,148,875	\$624,000	\$3,211,618
FTA Section	5309 Earmark Funds	Total	Federal	State	Local
Bismarck	<u>Capital Assistance</u> Purchase Maintenance Equipment, Building Needs, and Fixed Route Equipment. Also New and Replacement vehicles for Fleet.	\$0	\$0	\$0	\$0
	Subtotal	\$0	\$0	\$0	\$0
Fargo	<u>Capital Assistance</u> Purchase One Trolley, Misc Bus Support Equip	\$305,277	\$244,222	\$0	\$61,055
	Subtotal	\$305,277	\$244,222	\$0	\$61,055
Grand Forks	<u>Capital Assistance</u> Purchase Four Replacement Buses for Fixed Route Bus Service	\$1,224,000	\$1,012,600	\$0	\$211,400
	Subtotal	\$1,224,000	\$1,012,600	\$0	\$211,400
	TOTAL	\$1,529,277	\$1,256,822	\$0	\$272,455

**FTA Section 5316 Job Access & Reverse Commute Funds And
FTA Section 5317 New Freedom Funds (2009)**

The North Dakota Department of Transportation, in conjunction with the MPOs from Bismarck, Fargo, and Grand Forks, and also state level Human Service Representative and rural transit interests are developing a process to solicit and competitively distribute both the **FTA Section 5316 Job Access & Reverse Commute Funds and FTA Section 5317 New Freedom Funds**. Not all of the individual projects to be funded with these programs are known at this time. However, the 2009 funding levels are anticipated as follows:

FTA Section	Total	Federal	Match
5316 Job Access & Reverse Commute Funds	\$426,255	\$341,004	\$85,251
5317 New Freedom Funds	<u>\$136,000</u>	<u>\$108,800</u>	<u>\$27,200</u>
Total	\$562,255	\$449,804	\$112,451

**Urban/Urbanized Transit Programs
FY 2009**

FTA Section	5316 Jobs Access And Reverse Commute Funds	Total	Federal	State	Local
Bismarck	<u>Operating Assistance</u> Provide Additional Transit Service to Low Income and Welfare Recipients	\$100,000	\$50,000	\$0	\$50,000
	Subtotal	\$100,000	\$50,000	\$0	\$50,000
Fargo	<u>JARC funds for giving & learning</u> <u>JARC funds for Handi-Wheels,</u> Fargo Senior Services & Extended GTC Dispatch	\$8,060	\$6,448	\$0	\$1,612
	Subtotal	\$168,200	\$134,560	\$0	\$33,640
Grand Forks	<u>Operating Assistance</u> Provide Additional Transit Service for New Route 12/13	\$180,220	\$90,110	\$0	\$90,110
	Subtotal	\$180,220	\$90,110	\$0	\$90,110
	TOTAL	\$456,480	\$281,118	\$0	\$175,362

FTA Section	5317 New Freedom Funding Program	Total	Federal	State	Local
Bismarck	<u>Operating Assistance & Facility Improvements</u> Provide Additional Transit Service to the Ederly and Individuals with Disabilities	\$50,000	\$25,000	\$0	\$25,000
	Subtotal	\$50,000	\$25,000	\$0	\$25,000
Fargo	<u>Transit Mobility Project</u> <u>Capital Purchase</u>	\$103,130	\$82,504	\$0	\$20,626
	Subtotal	\$32,870	\$26,296	\$0	\$6,574
	Subtotal	\$136,000	\$108,800	\$0	\$27,200
Grand Forks	<u>Saturday Hours Added</u>	\$60,780	\$30,390	\$0	\$30,390
	Subtotal	\$60,780	\$30,390	\$0	\$30,390
	TOTAL	\$246,780	\$164,190	\$0	\$82,590

Urban/Urbanized Transit Program

FY 2010

FTA Section	5307 Program	Total	Federal	State	Local
Bismarck	<u>Operating Assistance</u> Para Transit/Dial A Ride & Fixed Route Service	\$2,200,000	\$1,100,000	\$150,000	\$950,000
	<u>Preventive Maintenance</u> All transit vehicles	\$270,000	\$216,000	\$0	\$54,000
	Subtotal	\$2,470,000	\$1,316,000	\$150,000	\$1,004,000
Fargo	<u>Operating Assistance & Preventive Maintenance</u> Fund Fixed Route Service, Para-Transit Service, and Operate Transit Terminal	\$3,387,133	\$2,014,755	\$340,000	\$1,032,378
	Also fund Preventive Maintenance for All Vehicles and Misc. Equipmt.				
	<u>Capital Assistance #1</u> Purchase 3 Replacement Vans; 3 Para-Transit Vehicles for MAT	\$330,000	\$270,300	\$0	\$59,700
	<u>Capital Assistance #2</u> GTC Deck Repairs & Fare Box Replacement	\$340,000	\$272,000	\$0	\$68,000
	<u>Planning Activities</u> Conduct transit planning activities	\$52,000	\$41,600	\$0	\$10,400
	Subtotal	\$4,109,133	\$2,598,655	\$340,000	\$1,170,478
Grand Forks	<u>Operating Assistance</u> Fixed Route Service and Para-Transit/Dial-A-Ride Service	\$2,265,710	\$805,930	\$134,000	\$1,325,780
	<u>Capital Purchase</u> Replace Safety and/or Security Hardware and Software.	\$12,500	\$10,000	\$0	\$2,500
	Subtotal	\$2,278,210	\$815,930	\$134,000	\$1,328,280
TOTAL		\$8,857,343	\$4,730,585	\$624,000	\$3,502,758

Urban/Urbanized Transit Program

FY 2010

FTA Section	5309 Earmark Funds	Total	Federal	State	Local
Bismarck	<u>Capital Assistance</u> Procure Maintenance Equipment, Building Needs, Fixed Route Equipment, New Vehicles and Replacement Vehicles	\$625,000	\$500,000	\$0	\$125,000
	Subtotal	\$625,000	\$500,000	\$0	\$125,000
Fargo	<u>Capital Assistance</u> Miscellaneous Bus Support Equipment	\$56,383	\$45,107	\$0	\$11,276
	Subtotal	\$56,383	\$45,107	\$0	\$11,276
	TOTAL	\$681,383	\$545,107	\$0	\$136,276

**FTA Section 5316 Job Access & Reverse Commute Funds And
FTA Section 5317 New Freedom Funds (2010)**

The North Dakota Department of Transportation, in conjunction with the MPOs from Bismarck, Fargo, and Grand Forks, and also state level Human Service Representatives and rural transit interests developed a process to solicit and **competitively** distribute both the **FTA Section 5316 Job Access & Reverse Commute Funds** and **FTA Section 5317 New Freedom Funds**. The results of this activity and specific projects to be funded with these two programs are unknown at this time. However, the 2010 funding levels are anticipated as follows:

FTA Section	Total	Federal	Match
5316 Job Access & Reverse Commute Funds	\$249,995	\$199,996	\$49,999
5317 New Freedom Funds	<u>\$136,371</u>	<u>\$109,097</u>	<u>\$27,274</u>
Total	\$386,366	\$309,093	\$77,273

Urban/Urbanized Transit Program

FY 2010

FTA Section	5316 Jobs Access	Total	Federal	State	Local
Bismarck	<u>Operating Assistance</u> For Low Income and Welfare Recipients	\$100,000	\$50,000	\$0	\$50,000
	Subtotal	\$100,000	\$50,000	\$0	\$50,000
	TOTAL	\$100,000	\$50,000	\$0	\$50,000

FTA Section	5317 New Freedom	Total	Federal	State	Local
Bismarck	<u>Operating Assistance</u> Operating Assistance and Facility Improvements (Beyond ADA) for the Disabled	\$50,000	\$25,000	\$0	\$25,000
	Subtotal	\$50,000	\$25,000	\$0	\$25,000
	TOTAL	\$50,000	\$25,000	\$0	\$25,000

Urban/Urbanized Transit Programs

FY 2011

FTA Section	5303 Planning Program	Total	Federal	State	Local
Bismarck	<u>Transit Planning Activities</u>	\$100,000	\$80,000	\$0	\$20,000
	Fund General Administration & Long Range Studies				
	Subtotal	\$100,000	\$80,000	\$0	\$20,000
	TOTAL	\$100,000	\$80,000	\$0	\$20,000
FTA Section	5307 Program	Total	Federal	State	Local
Bismarck	<u>Operating Assistance</u> Para-Transit/Dial A Ride & Fixed Route Service	\$2,300,000	\$1,150,000	\$150,000	\$1,000,000
	<u>Preventive Maintenance</u> For all transit vehicles	\$280,000	\$224,000	\$0	\$56,000
	Subtotal	\$2,580,000	\$1,374,000	\$150,000	\$1,056,000
Fargo	<u>Operating Assistance and</u> <u>Preventive Maintenance</u> Fund Fixed Route Bus Service, Para-Transit Service, and Operate Transit Terminal. Also fund Preventive Maintenance for All Vehicles, and Misc. Equipment.	\$3,487,133	\$2,064,755	\$340,000	\$1,082,378
	<u>Capital Assistance</u> Purchase 3 Para-Transit Replacement Vehicles	\$350,000	\$290,500	\$0	\$59,500
	<u>Planning Activities</u> Conduct various transit planning activities	\$52,248	\$41,798	\$0	\$10,450
	Subtotal	\$3,889,381	\$2,397,053	\$340,000	\$1,152,328

Urban/Urbanized Transit Programs

FY 2011

FTA Section	5307 Program	Total	Federal	State	Local
Grand Forks	<u>Operating Assistance</u> Fixed Route Service and Para-Transit/Dial-A-Ride Service	\$2,258,550	\$822,040	\$134,000	\$1,302,510
	<u>Capital Purchase</u> Replace Safety and/or Security Hardware and Software	\$12,500	\$10,000	\$0	\$2,500
	Subtotal	\$2,271,050	\$832,040	\$134,000	\$1,305,010
	TOTAL	\$8,740,431	\$4,604,693	\$624,000	\$3,511,738
FTA Section	5309 Earmark Funds	Total	Federal	State	Local
Bismarck	<u>Capital Assistance</u> Procure Maintenance Equipment, Building Needs, Fixed Route Equipment, and Vehicle Replacements	\$625,000	\$500,000	\$0	\$125,000
	Subtotal	\$625,000	\$500,000	\$0	\$125,000
Fargo	<u>Capital Assistance</u> Replace 2008 Vehicle, Misc Bus Support Equip	\$77,511	\$62,009	\$0	\$15,502
	Subtotal	\$77,511	\$62,009	\$0	\$15,502
	TOTAL	\$702,511	\$562,009	\$0	\$140,502

**FTA Section 5316 Job Access & Reverse Commute Funds And
FTA Section 5317 New Freedom Funds (2011)**

The North Dakota Department of Transportation, in conjunction with the MPOs from Bismarck, Fargo, and Grand Forks, and also state level Human Service Representatives and rural transit interests developed a process to solicit and competitively distribute both the **FTA Section 5316 Job Access & Reverse Commute Funds** and **FTA Section 5317 New Freedom Funds**. Not all the individual projects to be funded with these two programs are known at this time. However, the 2011 funding levels are anticipated as follows:

FTA Section	Total	Federal	Match
5316 Job Access & Reverse Commute Funds	\$249,995	\$199,996	\$49,999
5317 New Freedom Funds	<u>\$136,371</u>	<u>\$109,097</u>	<u>\$27,274</u>
Total	\$386,366	\$309,093	\$77,273

**Urban/Urbanized Transit Programs
FY 2011**

FTA Section	5316 Jobs Access And Reverse Commute Funds	Total	Federal	State	Local
Bismarck	<u>Operating Assistance</u> Provide Additional Transit Service to Low Income and Welfare Recipients	\$100,000	\$50,000	\$0	\$50,000
	Subtotal	\$100,000	\$50,000	\$0	\$50,000
	TOTAL	\$100,000	\$50,000	\$0	\$50,000

FTA Section	5317 New Freedom Funding Program	Total	Federal	State	Local
Bismarck	<u>Capital Assistance & Facility Improvements</u> Provide Additional Transit Service to the Ederly and Individuals with Disabilities	\$50,000	\$25,000	\$0	\$25,000
	Subtotal	\$50,000	\$25,000	\$0	\$25,000
	TOTAL	\$50,000	\$25,000	\$0	\$25,000

Urban/Urbanized Transit Programs

FY 2012

FTA Section	5307 Program	Total	Federal	State	Local
Bismarck	<u>Operating Assistance</u> Para-Transit/Dial A Ride & Fixed route Service	\$2,400,000	\$1,200,000	\$150,000	\$1,050,000
	<u>Preventive Maintenance</u> For all transit vehicles	\$290,000	\$232,000	\$0	\$58,000
	Subtotal	\$2,690,000	\$1,432,000	\$150,000	\$1,108,000
Fargo	<u>Operating Assistance and</u> <u>Preventive Maintenance</u> Fund Fixed Route Bus Service, Para-Transit Service, and Operate Transit Terminal. Also fund Preventive Maintenance for All Vehicles, and Misc. Equipment.	\$3,587,133	\$2,114,755	\$340,000	\$1,132,378
	<u>Capital Assistance</u> Purchase Vehicle Replacements, 2 Vans for Fargo Senior Commission	\$40,000	\$32,000	\$0	\$8,000
	<u>Capital Assistance</u> Reseal GTC Deck and Elect. Fare Box	\$200,000	\$160,000	\$0	\$40,000
	<u>Planning Activities</u> Conduct various transit planning activities	\$54,248	\$43,398	\$0	\$10,850
	Subtotal	\$3,881,381	\$2,350,153	\$340,000	\$1,191,228

Urban/Urbanized Transit Programs

FY 2012

Grand Forks	<u>Operating Assistance</u> Fixed Route Bus Service and Para-Transit/Dial-A-Ride Service	\$2,284,990	\$838,480	\$134,000	\$1,312,510
	<u>Capital Purchase</u> Replace Safety and/or Security Hardware and Software	\$12,500	\$10,000	\$0	\$2,500
	Subtotal	\$2,297,490	\$848,480	\$134,000	\$1,315,010
	TOTAL	\$8,868,871	\$4,630,633	\$624,000	\$3,614,238

FTA Section	5309 Earmark Funds	Total	Federal	State	Local
Bismarck	<u>Capital Assistance</u> Fund Maintenance Equip, Bldg Needs, Fixed Route Equip, and New & Replacement Vehicles	\$625,000	\$500,000	\$0	\$125,000
	Subtotal	\$625,000	\$500,000	\$0	\$125,000
	Fargo	<u>Capital Assistance #1</u> Reseal Deck @ GTC	\$200,000	\$160,000	\$0
	<u>Capital Assistance #2</u> Replace 2 ea. 2009 Model Vans	\$40,000	\$32,000	\$0	\$8,000
	<u>Capital Assistance #3</u> Misc Bus Support Equipment	\$58,660	\$46,928	\$0	\$11,732
	Subtotal	\$298,660	\$238,928	\$0	\$59,732
	TOTAL	\$923,660	\$738,928	\$0	\$184,732

**FTA Section 5316 Job Access & Reverse Commute Funds And
FTA Section 5317 New Freedom Funds (2012)**

The North Dakota Department of Transportation, in conjunction with the MPOs from Bismarck, Fargo, and Grand Forks, and also state level Human Service Representatives and rural transit interests developed a process to solicit and competitively distribute both the **FTA Section 5316 Job Access & Reverse Commute Funds and FTA Section 5317 New Freedom Funds**. Not all the individual projects to be funded with these two programs are known at this time. However, the 2012 funding levels are anticipated as follows:

FTA Section	Total	Federal	Match
5316 Job Access & Reverse Commute Funds	\$249,995	\$199,996	\$49,999
5317 New Freedom	<u>\$136,371</u>	<u>\$109,097</u>	<u>\$27,274</u>
Total	\$386,366	\$309,093	\$77,273

**Urban/Urbanized Transit Programs
FY 2012**

FTA Section	5316 Jobs Access And Reverse Commute Funds	Total	Federal	State	Local
Bismarck	<u>Operating Assistance</u> Provide Additional Transit Service to Low Income and Welfare Recipients	\$100,000	\$50,000	\$0	\$50,000
	Subtotal	\$100,000	\$50,000	\$0	\$50,000
	TOTAL	\$100,000	\$50,000	\$0	\$50,000

FTA Section	5317 New Freedom Funding Program	Total	Federal	State	Local
Bismarck	<u>Capital Assistance & Facility Improvements</u> Provide Additional Transit Service to the Ederly and Individuals with Disabilities	\$50,000	\$25,000	\$0	\$25,000
	Subtotal	\$50,000	\$25,000	\$0	\$25,000
	TOTAL	\$50,000	\$25,000	\$0	\$25,000

**RURAL TRANSIT AND STATE AID TRANSIT
FY 2009**

FTA Funded Section 5310 Projects for Elderly & Individuals with Disabilities Transportation (2009)

For fiscal year 2009, up to 10 rural para-transit type transit systems located throughout the state, will receive capital funds to purchase buses and vans for transportation of the elderly and individuals with disabilities. The funding for 2009 is anticipated as follows:

	Total	Fed. Capital Funds 80%	Local Match 20%
Provide Funding for up to 10, Sec. 5310 Projects for Elderly & Disabled Transportation	\$487,375	\$389,900	\$97,475

FTA Funded Sections 5311 (& including 5340) Rural Public Transportation Projects (2009)

For fiscal year 2009, approximately 23 rural transit and para-transit systems (including one fixed route urban system) located in the rural areas of the state (under 50,000 pop.) will receive FTA Sections 5311 funds to support and operate their transit systems. The 2009 funding is anticipated as follows:

	Total	Fed. Admin. Funds 80 - 20%	Fed Operating Funds 50 - 50%	Fed Capital Funds 80 - 20%	Local Match
Provide Funding for approx. 23 Sec. 5311 Rural Transit Projects:	\$6,454,000	\$269,000	\$2,382,000	\$1,083,000	\$2,720,000
Total Federal Funds:	\$3,734,000				
Local Match	\$2,720,000				

FTA Section 5311(b) RTAP Funding Program (2009)

For fiscal year 2009, FTA-RTAP funds will be used to provide local transit projects and personnel a variety of training and technical assistance in the field of public transit. This is made available to all rural transit projects in the state. Funding for 2009 is anticipated as follows:

100% Federal Funds (no match required)

Training Costs	\$56,200
Technical Assistance Costs:	<u>\$27,645</u>
Total	\$83,845

FTA Funded Section 5311c, New Tribal Transit Program (2009)

The New Tribal Transit funds will be used to enhance transit services on the four Indian Reservations in North Dakota. The specific projects to be funded will be determined by the FTA office in Washington, DC.

FTA Section 5309 Discretionary Earmark Funds (Supplemental Funding For Rural Transit) 2009

This program provides additional transit funding for rural transit to supplement the annual Section 5311 transit funds provided for transit services in small urban and rural areas under 50,000 population. For fiscal year 2009, we anticipate receiving approximately \$1,500,000 in FTA Section 5309 capital funds to purchase a variety of transit buses and vans, various transit related equipment, and also construct small bus garages, as shown below.

	Total	Federal 80% Funds	State	Local 20% Match
City of Minot, small urban area				
<u>Capital Assistance Items:</u> Purchase; one replacement medium sized bus, two accessible vans, and purchase various transit related hardware and equipment.	\$222,000	\$177,600	\$0	\$44,400
North Dakota Rural Statewide Rural Transit Needs				
<u>Capital Assistance Items</u> Purchase 25 replacement and service expansion buses and vans, Construct three small bus garages.	\$1,562,500	\$1,322,400	\$0	\$312,500
Total	\$1,875,000	\$1,500,000	\$0	\$375,000

FTA Funded Section 5316 Job Access and Reverse Commute Program and FTA Funded Section 5317 New Freedom (ADA) Transit Program (Rural Portion, 2009)

For year 2009, Job Access and Reverse Commute funds will be used to enhance jobs access in the rural areas (under 50,000 populations) of the state. The New Freedom funds will be used to provide increased transit services to the state's disabled persons residing in the rural areas of the state (localities under 50,000 population). These funds will be expended in conjunction with the Section 5310 program (transit for the elderly and individuals with disabilities program) funds. The specific projects to be funded in the rural areas are unknown at this time. For 2009, the rural portion of the funding level is anticipated as follows:

FTA Section	Total	Federal	Match
5316 Job Access & Reverse Commute Funds	\$178,849	\$143,079	\$35,770
5317 New Freedom	<u>\$79,065</u>	<u>\$63,252</u>	<u>\$15,813</u>
Total	\$257,914	\$206,331	\$51,583

Non-federal, State Aid for Public Transit Program (2009)

For fiscal year 2009, 33 public transit projects (both urban and rural) throughout the state will receive state funds to support their transit operations. This is a state funded program and is listed herein for informational purposes only. Funding for 2009 is anticipated as follows:

(no local match required)

Fund 5 Urban Transit Projects:	\$648,000	100% state funds
Fund 28 Rural Transit Projects:	\$2,052,000	100% state funds
Total	\$2,700,000	State Funds Only

**RURAL TRANSIT AND STATE AID TRANSIT
FY 2010**

**FTA Funded Section 5310 Projects for Elderly & Individuals with Disabilities
Transportation (2010)**

For fiscal year 2010, up to 10 rural para-transit type systems will receive capital funds to purchase buses and vans for transportation of the elderly and individuals with disabilities. This is made available to all rural transit projects in the state. The funding for 2010 is anticipated as follows:

	Total	Fed. Capital Funds 80%	Local Match 20%
Provide Funding for up to 10, Sec.5310 Projects for Elderly & Disabled Transportation	\$505,250	\$404,200	\$101,050

FTA Funded Sections 5311 (& including 5340) Rural Public Transportation Projects

For fiscal year 2010, approximately 23 rural transit and para-transit systems (including one fixed route urban system, Minot) located in the rural areas of the state (under 50,000 pop.) will receive FTA Sections 5311 & 5340 funds to support and operate their transit systems. The 2010 funding is anticipated as follows:

	Total	Fed Plan & Admin Funds 80 - 20%	Fed Operating Funds 50 - 50%	Fed Capital Funds 80 - 20%	Local Match
Provide Funding for 23, Sec. 5311 & 5340 Rural Transit Projects:	\$6,819,250	\$284,000	\$2,517,000	\$1,144,200	\$2,874,050
Total Federal Funds:	\$3,945,200				
Local Match	\$2,874,050				

FTA Section 5311(b) RTAP Funding Program (2010)

For fiscal year 2010, FTA-RTAP funds will be used to provide local transit projects and personnel a variety of training and technical assistance in the field of public transit. This is made available to all rural transit projects in the state. Funding for 2010 is anticipated as follows:

100% Federal Funds (no match required)

Training Costs	\$57,600
Technical Assistance Costs:	\$28,354
Total	\$85,954

FTA Funded Section 5311c, New Tribal Transit Program (2010)

The New Tribal Transit funds will be used to enhance transit services on the four Indian Reservations in North Dakota. The specific projects to be funded will be determined by the FTA office in Washington, DC.

FTA Section 5309 Discretionary Earmark Funds (Supplemental Funding For Rural Transit) 2010

This program provides additional transit funding for rural transit to supplement the annual Section 5311 transit funds provided for transit services in small urban and rural areas under 50,000 population.. For fiscal year 2010, we anticipate receiving approximately \$1,500,000 in FTA Section 5309 capital funds to purchase a variety of transit buses and vans, various transit related equipment, and also construct small bus garages, as shown below:

	Total	Federal 80% Funds	State	Local 20% Match
City of Minot, small urban area				
<u>Capital Assistance Needs:</u> Purchase; one replacement medium sized bus, two accessible vans, and purchase various transit related hardware and equipment..	\$222,000	\$177,600	\$0	\$44,400
North Dakota Rural Statewide Rural Transit Needs				
<u>Capital Assistance Items</u> Purchase 25 replacement and service expansion buses and vans. Construct three small bus garages.	\$1,562,500	\$1,322,400	\$0	\$312,500
Total	\$1,875,000	\$1,500,000	\$0	\$375,000

FTA Funded Section 5316 Job Access and Reverse Commute Program and FTA Funded Section 5317 New Freedom (ADA) Transit Program (Rural Portion, 2010)

For year 2010, Job Access and Reverse Commute funds will be used to enhance jobs access in the rural areas (under 50,000 populations) of the state. The New Freedom funds will be used to provide increased transit services to the state's disabled persons residing in the rural areas of the state (localities under 50,000 population). These funds will be expended in conjunction with the Section 5310 program (transit for the elderly and individuals with disabilities program) funds. The specific projects to be funded in the rural areas are unknown at this time. For 2010, the rural portion of the funding level is anticipated as follows:

FTA Section	Total	Federal	Match
5316 Job Access & Reverse Commute Funds	\$188,594	\$150,875	\$37,719
5317 New Freedom	<u>\$83,583</u>	<u>\$66,866</u>	<u>\$16,717</u>
Total	\$272,177	\$217,741	\$54,436

Non-federal, State Aid for Public Transit Program (2010)

For fiscal year 2010, 33 public transit projects (both urban and rural) throughout the state will receive state funds to support their transit operations. This is a state funded program and is listed herein for informational purposes only. Funding for 2010 is anticipated as follows:

(no local match required)

Fund 5 Urban Transit Projects:	\$648,000	100% state funds
Fund 28 Rural Transit Projects:	\$2,052,000	100% state funds
Total	\$2,700,000	State Funds Only

**RURAL TRANSIT AND STATE AID TRANSIT
FY 2011**

**FTA Funded Section 5310 Projects for Elderly & Individuals with Disabilities
Transportation**

For fiscal year 2011, up to 11 rural para-transit type systems will receive capital funds to purchase buses and vans for transportation of the elderly and individuals with disabilities. This is made available to all rural transit projects in the state. The funding for 2011 is anticipated as follows:

	Total	Fed. Capital Funds 80%	Local Match 20%
Provide Funding for up to 11, Sec. 5310 Projects for Elderly & Disabled Transportation	\$505,250	\$404,200	\$101,050

FTA Funded Sections 5311 (& including 5340) Rural Public Transportation Projects

For fiscal year 2011, approximately 23 rural transit and para-transit systems (including one fixed route urban system, Minot) located in the rural areas of the state (under 50,000 pop.) will receive FTA Sections 5311 & 5340 funds to support and operate their transit systems. The 2011 funding is anticipated as follows:

	Total	Fed. Plan & Admin. Funds 80 - 20%	Fed Operating Funds 50 - 50%	Fed Capital Funds 80 - 20%	Local Match
Provide Funding for 23 Sec. 5311 & 5340 Rural Transit Projects	\$6,819,250	\$284,000	\$2,517,000	\$1,144,200	\$2,874,050
Total Federal Funds:	\$3,945,200				
Local Match	\$2,874,050				

FTA Section 5311(b) RTAP Funding Program (2011)

For fiscal year 2011, FTA-RTAP funds will be used to provide local transit projects and personnel a variety of training and technical assistance in the field of public transit. This is made available to all rural transit projects in the state. Funding for 2011 is anticipated as follows:

100% Federal Funds (no match required)

Training Costs	\$57,600
Technical Assistance Costs:	\$28,354
Total	\$85,954

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The New Tribal Transit funds will be used to enhance transit services on the four Indian Reservations in North Dakota. The specific projects to be funded will be determined by the FTA office in Washington, DC.

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This program provides additional transit funding for rural transit to supplement the annual Section 5311 transit funds provided for transit services in small urban and rural areas under 50,000 population. For fiscal year 2011, we anticipate receiving approximately \$1,500,000 in FTA Section 5309 capital funds to purchase a variety of transit buses and vans, various transit related equipment, and also construct small bus garages, as shown below:

	Total	Federal 80% Funds	State	Local 20% Match
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North Dakota Rural Statewide Rural Transit Needs				
<u>Capital Assistance Items</u> Purchase 25 replacement and service expansion buses and vans, Construct three small bus garages.	\$1,562,500	\$1,322,400	\$0	\$312,500
	\$1,875,000	\$1,500,000	\$0	\$375,000

FTA Funded Section 5316 Job Access and Reverse Commute Program and FTA Funded Section 5317 New Freedom (ADA) Transit Program (Rural Portion, 2011)

For year 2011, Job Access and Reverse Commute funds will be used to enhance jobs access in the rural areas (under 50,000 populations) of the state. The New Freedom funds will be used to provide increased transit services to the state's disabled persons residing in the rural areas of the state (localities under 50,000 population). These funds will be expended in conjunction with the Section 5310 program (transit for the elderly and individuals with disabilities program) funds. The specific projects to be funded in the rural areas are unknown at this time. For 2011, the rural portion of the funding level is anticipated as follows:

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Total	\$272,177	\$217,741	\$54,436

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For fiscal year 2011, 33 public transit projects (both urban and rural) throughout the state will receive state funds to support their transit operations. This is a state funded program and is listed herein for informational purposes only. Funding for 2011 is anticipated as follows:

(no local match required)

Fund 5 Urban Transit Projects	\$528,000	100% state funds
Fund 28 Rural Transit Projects:	\$1,672,000	100% state funds
Total	\$2,200,000	State Funds Only

**RURAL TRANSIT AND STATE AID TRANSIT
FY 2012**

**FTA Funded Section 5310 Projects for Elderly & Individuals with Disabilities
Transportation**

For fiscal year 2012, up to 11 rural para-transit type systems will receive capital funds to purchase buses and vans for transportation of the elderly and individuals with disabilities. This is made available to all rural transit projects in the state. The funding for 2012 is anticipated as follows:

	Total	Fed. Capital Funds 80%	Local Match 20%
Provide Funding for up to 11, Sec.5310 Projects for Elderly & Disabled Transportation	\$505,250	\$404,200	\$101,050

FTA Funded Sections 5311 (& including 5340) Rural Public Transportation Projects

For fiscal year 2012, approximately 23 rural transit and para-transit systems (including one fixed route urban system, Minot) located in the rural areas of the state (under 50,000 pop.) will receive FTA Sections 5311 & 5340 funds to support and operate their transit systems. The 2012 funding is anticipated as follows:

	Total	Fed. Plan & Admin Funds 80 - 20%	Fed Oper Funds 50 - 50%	Fed Capital Funds 80 - 20%	Local Match
Provide Funding for 23 Sec. 5311 & 5340 Rural Transit Projects:	\$6,819,250	\$284,000	\$2,517,000	\$1,144,200	\$2,874,050
Total Federal Funds:	\$3,945,200				
Local Match	\$2,874,050				

FTA Section 5311(b) RTAP Funding Program (2012)

For fiscal year 2012, FTA-RTAP funds will be used to provide local transit projects and personnel a variety of training and technical assistance in the field of public transit. This is made available to all rural transit projects in the state. Funding for 2012 is anticipated as follows:

100% Federal Funds (no match required)

Training Costs	\$57,600
Technical Assistance Costs:	\$28,354
Total	\$85,954

FTA Funded Section 5311c, New Tribal Transit Program (2012)

The New Tribal Transit funds will be used to enhance transit services on the four Indian Reservations in North Dakota. The specific projects to be funded will be determined by the FTA office in Washington, DC.

FTA Section 5309 Discretionary Earmark Funds (Supplemental Funding For Rural Transit) 2012

This program provides additional transit funding for rural transit to supplement the annual Section 5311 transit funds provided for transit services in small urban and rural areas under 50,000 population. For fiscal year 2012, we anticipate receiving approximately \$1,500,000 in FTA Section 5309 capital funds to purchase a variety of transit buses and vans, various transit related equipment, and also construct small bus garages, as shown below.

	Total	Federal 80% Funds	State	Local 20% Match
City of Minot, small urban area				
<u>Capital Assistance Items:</u> Purchase; one replacement medium sized bus, two accessible vans, and purchase various transit related hardware and equipment..	\$222,000	\$177,600	\$0	\$44,400
North Dakota Rural Statewide Rural Transit Needs				
<u>Capital Assistance Items</u> Purchase 25 replacement and service expansion buses and vans, Construct three small bus garages.	\$1,562,500	\$1,322,400	\$0	\$312,500
Total	\$1,875,000	\$1,500,000	\$0	\$375,000

FTA Funded Section 5316 Job Access and Reverse Commute Program and FTA Funded Section 5317 New Freedom (ADA) Transit Program (Rural Portion, 2012)

For year 2012, Job Access and Reverse Commute funds will be used to enhance jobs access in the rural areas (under 50,000 populations) of the state. The New Freedom funds will be used to provide increased transit services to the state's disabled persons residing in the rural areas of the state (localities under 50,000 population). These funds will be expended in conjunction with the Section 5310 program (transit for the elderly and individuals with disabilities program) funds. The specific projects to be funded in the rural areas are unknown at this time. For 2012, the rural portion of the funding level is anticipated as follows:

FTA Section	Total	Federal	Match
5316 Job Access & Reverse Commute Funds	\$188,594	\$150,875	\$37,719
5317 New Freedom	<u>\$83,583</u>	<u>\$66,866</u>	<u>\$16,717</u>
Total	\$272,177	\$217,741	\$54,436

Non-federal, State Aid for Public Transit Program (2012)

For fiscal year 2012, 33 public transit projects (both urban and rural) throughout the state will receive state funds to support their transit operations. This is a state funded program and is listed herein for informational purposes only. Funding for 2012 is anticipated as follows:

(no local match required)

Fund 5 Urban Transit Projects	\$528,000	100% state funds
Fund 28 Rural Transit Projects:	<u>\$1,672,000</u>	100% state funds
Total	\$2,200,000	State Funds Only

FUNDING

Highway Construction Programs

Roadway Construction

North Dakota received \$237 million obligation limitation in roadway construction funds in 2008. We further anticipate that approximately \$229 million obligation limitation in roadway construction funds will be available in 2009; \$235 million obligation limitation in roadway construction funds will be available in 2010; \$242 million obligation limitation in 2011 and \$249 million obligation limitation in 2012.

North Dakota anticipates receiving \$29.5 million in IM funds in 2009. We anticipate that approximately \$30.4 million in IM funds will be available for fiscal year 2010; \$31.3 million in IM funds for fiscal year 2011; and \$31.3 million in IM funds for fiscal year 2012.

North Dakota anticipates receiving \$83.5 million in NHS funds in 2009. We anticipate that approximately \$86.0 million in NHS funds will be available for fiscal year 2010; \$88.5 million for fiscal year 2011; and \$88.5 million in NHS funds for fiscal year 2012.

North Dakota anticipates receiving \$8.8 million in CMAQ funds in 2009. We anticipate that approximately \$9.0 million in CMAQ funds will be available for fiscal year 2010; \$9.3 million in CMAQ funds will be available for fiscal year 2011; and \$9.5 million for fiscal year 2012.

North Dakota anticipates receiving \$35.8 million in STP funds in 2009. We anticipate that approximately \$37.0 million in STP funds will be available for fiscal year 2010; \$38.1 million for fiscal year 2011; and \$39.4 million for fiscal year 2012.

North Dakota anticipates receiving \$9.9 million in CBI funds in 2009. We anticipate that approximately \$10.2 million will be available in fiscal year 2010; \$10.5 million for fiscal year 2011; and \$10.5 million for fiscal year 2012.

North Dakota anticipates receiving \$23.8 million in Equity Bonus funds in 2009. We anticipate that approximately \$24.5 million will be available in fiscal year 2010; \$25.2 million for fiscal year 2011; and \$25.3 million for fiscal year 2012.

Bridge Replacement & Rehabilitation

North Dakota anticipates receiving \$10.7 million in bridge funds for 2009. Bridge funds are split equally between the NDDOT and the counties. We anticipate that approximately \$11.1 million will be available for fiscal year 2010; \$11.4 million in bridge funds will be available for fiscal year 2011; and \$11.4 million for fiscal year 2012.

Transportation Enhancement

Ten percent of STP funds are designated to Transportation Enhancement. North Dakota anticipates receiving \$4.3 million in TE funds in 2009. It is expected that approximately \$4.3 million in Transportation Enhancement funds will be received in 2010; \$4.3 million in 2011; and \$4.4 million in 2012, respectively.

The anticipated distribution to counties for the 2009 through 2012 fiscal years is 12.08% or \$0.53 million, \$0.53 million, \$0.53 million, and \$0.53 million respectively, in TE funds. The anticipated distribution to urban areas in fiscal years 2009 through 2012 is 23.63% or \$1.03 million, \$1.03 million, \$1.03 million and \$1.03 million respectively, in TE funds.

A portion of the apportionment is also given to state tourism planned projects. The anticipated distribution for state tourism projects is 16.67% or \$0.73 million in TE funds for fiscal year 2009; \$0.73 million for fiscal year 2010; \$0.73 million for fiscal year 2011, and \$0.73 million for fiscal year 2012.

Highway Safety Improvement Program (HSIP)

North Dakota anticipates receiving \$7.6 million in safety funds in 2009. We anticipate \$7.8 million in fiscal year 2010; and \$8.3 million for fiscal year 2011; and \$8.1 million for fiscal year 2012.

Safe Routes to Schools

North Dakota anticipates receiving \$1 million in safety funds in 2009. We also anticipate \$1 million in each fiscal year 2010 through 2012.

High Priority and Transportation Improvement Projects

SAFETEA-LU provided additional funds for projects called priority projects. The legislature identifies funds which are generally only available for specific projects, and do not lapse.

North Dakota received \$129.0 million in High Priority funds (20% of the total amount designated per year), and \$40 million in Transportation Improvement funds. Transportation Improvement funds are allocated at a rate of 10% in 2005, 20% in 2006, 25% in 2007, 25% in 2008, and 20% in 2009.

State Emergency Relief Projects

SAFETEA-LU continues providing up to \$100 million each year for the repair or reconstruction of Federal-aid highways and roads resulting from natural disasters or catastrophic failures from an external cause. Emergency repair work to restore essential traffic, minimize the extent of damage, or protect the remaining facilities, accomplished in the first 180 days after the occurrence of the disaster, and may be reimbursed at 100 percent Federal share. Permanent repairs generally are reimbursed at 80 percent Federal share.

Emergency Relief funds are made available, without requiring any further emergency declaration, for the construction of necessary measures for the continuation of roadway services or the impoundment of water to protect roads at Devils Lake. The maximum amount of Emergency Relief funds to be provided for this purpose only is \$10 million per year and an aggregate of \$70 million. This funding limitation does not apply to emergency relief in response to an eligible event occurring after the date of enactment of SAFETEA-LU or an authority under any other provision of law.

Allocated Discretionary Funds

The spending level varies from year to year. Allocated discretionary funds generally have their own obligation limitation, which is equal to the amount of the funding. For 2009, North Dakota is anticipating \$2.25 million and \$2.25 million in 2010 in allocated discretionary funds.

Federal Lands Highways Program

In North Dakota, NDDOT develops the program for the Forest Service Highways. The projects are generally on local or county roads and the dollar amount allocated to North Dakota is generally around \$0.28 million. Since this is not enough to fund a significant project, funds may accumulate for several years prior to construction of a project.

Recreational Trails Program

The dollars available vary from year to year. In 2009 the State of North Dakota anticipates receiving \$1.03 million, which is funding for trail related projects. Of the total allocations the State receives, 30% of the funds are for motorized trail users, 30% for non-motorized trail users, and 40% for diverse trail projects.

North Dakota anticipates \$1.1 million in Recreational Trails funds for fiscal years 2010; \$1.1 million in 2011; and \$1.1 million in 2012. North Dakota Parks and Recreation administers the Recreational Trails program and several projects have been selected in 2008.

Summary

North Dakota anticipates approximately \$229 million in authorized apportionments for fiscal year 2009. The total federal funds available from carryover apportionments and projected fiscal 2008 apportionments are \$176 million. The funding level for planning purposes for the 2009-2012 STIP will be based on \$229 million for 2009, \$235 million for 2010, \$242 million for 2011 and \$249 million for 2012, as the authorized apportionments.

The spending authority designated for 2009 for use in urban areas for Urban Roads, Urban Regional, and Transportation Enhancement projects is \$37.5 million. The Urban Street and Highway program also includes additional pending projects to fill in the program in the event that the spending authority reaches the apportionment level for projects that do not reach completion. The spending authority levels projected for the 2010 through 2012 urban program (including Transportation Enhancement) are \$38.8 million, \$40.5 million, and \$42.2 million, respectively.

The 2009 spending levels designated for county level programs are \$21 million. The spending levels for the 2010 to 2012 county program including road, bridge and transportation enhancement are \$21 million for each fiscal year.

The NDDOT also programs additional projects known as "Pending". These projects replace any projects that do not reach the bid opening. The program of projects shown in the STIP includes \$20 million of federal funds pending for fiscal year 2009. These projects are also the first projects scheduled for the following year if Congress does not provide sufficient obligation authority.

The tables on the following pages provide summaries by program areas and amounts of matching funds needed in each area. These tables show that the projected available funds in each category are sufficient to fund the proposed program.

**2009
Program Summary (In Thousands)**

	Total	Federal	Match
State Highway Construction Program			
Interstate	\$45,075	\$40,569	\$4,506
Non-Interstate	\$124,074	\$100,242	\$23,832
Coordinated Border Infrastructure	\$13,950	\$12,237	\$1,713
Bridge Replacement	\$8,962	\$7,361	\$1,601
Highway Safety Improvements	\$8,832	\$7,949	\$883
Rail Crossing Improvements	\$4,287	\$3,858	\$429
Safe Routes to Schools	\$1,000	\$1,000	\$0
High Priority & Trans. Improvement Projects	\$37,121	\$30,430	\$6,691
Emergency Relief	\$0		
Allocated Discretionary Funds	\$1,875	\$1,500	\$375
Total	\$245,176	\$205,146	\$40,030
Urban Highway Construction Program			
Streets and Highways	\$63,793	\$44,531	\$19,262
Bridge Replacement	\$0	\$0	
Hazard Elimination	\$92	\$82	\$10
High Priority & Trans. Improvement Projects	\$2,366	\$1,915	\$451
Safe Routes to Schools	\$0	\$0	\$0
Total	\$66,251	\$46,528	\$19,723
County Roadway Construction Program			
Roadways	\$20,165	\$16,320	\$3,845
Bridge Replacement	\$6,250	\$5,000	\$1,250
Hazard Elimination	\$0		
Safe Routes to Schools	\$0	\$0	\$0
Total	\$26,415	\$21,320	\$5,095
Transportation Enhancement Projects			
State Highways	\$7,230	\$3,445	\$3,785
Urban Areas	\$2,556	\$1,923	\$633
County Roads	\$440	\$300	\$140
Tourism	\$2,420	\$1,670	\$750
Total	\$12,646	\$7,338	\$5,308
Federal Lands Highways	Total	\$3,600	\$3,600
ROM Missile Roads	Total	\$1,000	\$1,000
Grand Total	\$355,088	\$284,932	\$70,156

**2010-2012
Program Summary (In Thousands)**

	Total	Federal	Match
State Highway Construction Program			
Interstate	\$138,232	\$124,414	\$13,818
Non-Interstate	\$458,799	\$370,258	\$88,541
Coordinated Border Infrastructure	\$7,546	\$6,549	\$997
Bridge Replacement	\$4,974	\$3,987	\$987
Highway Safety Improvements	\$23,508	\$21,157	\$2,351
Rail Crossing / Safety Improvements	\$9,631	\$8,667	\$964
Safe Routes to Schools	\$3,000	\$3,000	\$0
High Priority & Trans. Improvement Projects	\$24,179	\$19,764	\$4,415
Emergency Relief	\$33,745	\$32,219	\$1,526
Allocated Discretionary Funds	\$5,625	\$4,500	\$1,125
Total	\$709,239	\$594,515	\$114,724
 Urban Highway Construction Program			
Streets and Highways	\$153,327	\$115,693	\$37,634
Bridge Replacement	\$0	\$0	\$0
Hazard Elimination	\$1,925	\$1,732	\$193
High Priority & Trans. Improvement Projects	\$0	\$0	\$0
Safe Routes to Schools			
Total	\$155,252	\$117,425	\$37,827
 County Roadway Construction Program			
Roadways	\$63,244	\$48,960	\$14,284
Bridge Replacement	\$18,750	\$15,000	\$3,750
Hazard Elimination	\$0	\$0	\$0
Safe Routes to Schools			
Total	\$81,994	\$63,960	\$18,034
 Transportation Enhancement Projects			
State Highways	\$6,149	\$2,581	\$3,568
Urban Areas	\$4,339	\$3,425	\$914
County Roads	\$1,884	\$1,500	\$384
Tourism	\$3,300	\$2,060	\$1,240
Total	\$15,672	\$9,566	\$6,106
 Federal Lands Highways	 Total	 \$32,820	 \$32,820
 ROM Missile Roads	 Total	 \$3,000	 \$3,000
Grand Total	\$997,977	\$821,286	\$176,691

FISCAL CONSTRAINT SUMMARY
FY 2009 HIGHWAY PROGRAM
(IN THOUSANDS OF \$)

Category	State Highways		Urban Areas		County Roads		Other		Expenditures			Revenues **		
	Federal	State	Federal	City	Federal	County	Federal	Other	Federal	Non-Federal	Total	Federal	Non-Federal	Total
Interstate	\$40,569	\$4,506	\$1,438	\$4,312	\$0	\$0	\$0	\$0	\$42,007	\$8,818	\$50,825	\$29,614	\$8,818	\$38,432
Non-Interstate NHS	\$37,351	\$10,575	\$15,147	\$2,231	\$0	\$0	\$0	\$0	\$52,498	\$12,806	\$65,304	\$145,966	\$12,806	\$158,772
Earmark Projects (HPP & TIP)	\$30,430	\$6,412	\$1,915	\$730	\$0	\$0	\$0	\$0	\$32,345	\$7,142	\$39,487	\$48,601	\$7,142	\$55,743
Coordinated Border	\$12,237	\$1,713	\$0	\$0	\$0	\$0	\$0	\$0	\$12,237	\$1,713	\$13,950	\$17,565	\$1,713	\$19,278
Surface Transportation / Equity Bonus	\$62,891	\$15,411	\$11,046	\$2,514	\$16,320	\$3,770	\$280	\$70	\$90,537	\$21,765	\$112,302	\$69,416	\$21,765	\$91,181
Congestion Mitigation	\$0	\$2,107	\$16,900	\$6,019	\$0	\$0	\$0	\$0	\$16,900	\$8,126	\$25,026	\$8,969	\$8,126	\$17,095
Bridge Replacement	\$7,361	\$1,601	\$0	\$0	\$5,000	\$1,250	\$0	\$0	\$12,361	\$2,851	\$15,212	\$18,909	\$2,851	\$21,760
Transportation Enhancement	\$3,165	\$268	\$1,923	\$4,080	\$300	\$140	\$1,670	\$750	\$7,058	\$5,238	\$12,296	\$7,581	\$5,238	\$12,819
Rail/Highway Crossings	\$3,858	\$429	\$0	\$0	\$0	\$0	\$0	\$0	\$3,858	\$429	\$4,287	\$9,753	\$429	\$10,182
Hazard Elimination	\$7,949	\$883	\$82	\$10	\$0	\$0	\$0	\$0	\$8,031	\$893	\$8,924	\$21,568	\$893	\$22,461
State Emergency(SER)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$818	\$0	\$818
Safe Routes to Schools	\$1,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000	\$0	\$1,000	\$3,912	\$0	\$3,912
Allocated Discretionary	\$1,500	\$375	\$0	\$0	\$0	\$0	\$0	\$0	\$1,500	\$375	\$1,875	\$1,500	\$375	\$1,875
Federal Lands Highways	\$0	\$0	\$0	\$0	\$0	\$0	\$3,600	\$0	\$3,600	\$0	\$3,600	\$3,600	\$0	\$3,600
ROM Missile Roads	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000	\$0	\$1,000	\$0	\$1,000	\$1,000	\$0	\$1,000
Federal Transit Program	\$0	\$3,324	\$6,301	\$3,854	\$5,914	\$3,244	\$0	\$0	\$12,215	\$10,422	\$22,637	\$11,943	\$10,422	\$22,365
Total Federal Program	\$208,311	\$47,604	\$54,752	\$23,750	\$27,534	\$8,404	\$6,550	\$820	\$297,147	\$80,578	\$377,725	\$400,715	\$80,578	\$481,293
Maintenance & Operations	\$0	\$74,080	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$74,080	\$74,080		\$74,080	\$74,080
Grand Total	\$208,311	\$121,684	\$54,752	\$23,750	\$27,534	\$8,404	\$6,550	\$820	\$297,147	\$154,658	\$451,805	\$400,715	\$154,658	\$555,373

* Contains Illustrative funds. Projects may not move forward if special federal funding is not received.

** Historically, North Dakota Legislature has provided match, and it is assumed they will continue to do so.

*** Urban Areas include North Dakota's 3 MPO's and Major Cities.

FISCAL CONSTRAINT SUMMARY
FY 2010-2012 HIGHWAY PROGRAM
(IN THOUSANDS OF \$)

Category	State Highways		Urban Areas		County Roads		Other		Expenditures			Revenues		
	Federal	State	Federal	City	Federal	County	Federal	Other	Federal	Non-Federal	Total	Federal	Non-Federal	Total
Interstate	\$124,414	\$13,818	\$0	\$0	\$0	\$0	\$0	\$0	\$124,414	\$13,818	\$138,232	\$81,441	\$13,818	\$95,259
Non-Interstate NHS	\$163,143	\$44,480	\$42,662	\$5,980	\$0	\$0	\$0	\$0	\$205,805	\$50,460	\$256,265	\$359,106	\$50,460	\$409,566
Earmark Projects (HPP & TIP)	\$19,764	\$4,033	\$0	\$382	\$0	\$0	\$0	\$0	\$19,764	\$4,415	\$24,179	\$97,526	\$4,415	\$101,941
Coordinated Border	\$6,549	\$997	\$0	\$0	\$0	\$0	\$0	\$0	\$6,549	\$997	\$7,546	\$36,944	\$997	\$37,941
Surface Transportation / Equity Bonus	\$207,115	\$52,044	\$73,031	\$23,896	\$48,960	\$14,059	\$0	\$0	\$329,106	\$89,999	\$419,105	\$169,023	\$89,999	\$259,022
Congestion Mitigation	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$19,711	\$0	\$19,711
Bridge Replacement	\$3,987	\$987	\$0	\$0	\$15,000	\$3,750	\$0	\$0	\$18,987	\$4,737	\$23,724	\$40,747	\$4,737	\$45,484
Transportation Enhancement	\$2,581	\$438	\$3,425	\$4,044	\$1,500	\$384	\$2,060	\$1,240	\$9,566	\$6,106	\$15,672	\$13,629	\$6,106	\$19,735
Rail/Highway Crossings	\$8,442	\$939	\$225	\$25	\$0	\$0	\$0	\$0	\$8,667	\$964	\$9,631	\$16,861	\$964	\$17,825
Hazard Elimination	\$21,157	\$2,351	\$1,732	\$193	\$0	\$0	\$0	\$0	\$22,889	\$2,544	\$25,433	\$37,777	\$2,544	\$40,321
State Emergency(SER)	\$0	\$0	\$0	\$0	\$0	\$0	\$32,219	\$1,526	\$32,219	\$1,526	\$33,745	\$818	\$1,526	\$2,344
Safe Routes to Schools	\$3,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,000	\$0	\$3,000	\$6,092	\$0	\$6,092
Allocated Discretionary	\$4,500	\$1,125	\$0	\$0	\$0	\$0	\$0	\$0	\$4,500	\$1,125	\$5,625	\$4,833	\$1,125	\$5,958
Federal Lands Highways	\$0	\$0	\$0	\$0	\$0	\$0	\$32,820	\$0	\$32,820	\$0	\$32,820	\$10,985	\$0	\$10,985
ROM Missile Roads	\$0	\$0	\$0	\$0	\$0	\$0	\$3,000	\$0	\$3,000	\$0	\$3,000	\$3,353	\$0	\$3,353
Federal Transit Program	\$0	\$8,972	\$17,043	\$11,568	\$18,459	\$10,215	\$0	\$0	\$35,502	\$30,755	\$66,257	\$36,575	\$30,755	\$67,330
Total Federal Program	\$564,652	\$130,184	\$138,118	\$46,088	\$83,919	\$28,408	\$70,099	\$2,766	\$856,788	\$207,446	\$1,064,234	\$935,421	\$207,446	\$1,142,867
Maintenance & Operations	\$0	\$222,244	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$222,244	\$222,244		\$222,244	\$222,244
Grand Total	\$564,652	\$352,428	\$138,118	\$46,088	\$83,919	\$28,408	\$70,099	\$2,766	\$856,788	\$429,690	\$1,286,478	\$935,421	\$429,690	\$1,365,111

* Contains illustrative funds. Projects may not move forward if special federal funding is not received.

** Historically, North Dakota Legislature has provided match, and it is assumed they will continue to do so.

*** Urban Areas include North Dakota's 3 MPO's and Major Cities.

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM

REQUIRED FEDERAL CERTIFICATIONS
(PER 23 U.S.C. 135 AND 23 CFR, PART 450.220 - HIGHWAYS)
(PER 49 U.S.C., SECTION 5323(k) - TRANSIT)

The North Dakota Department of Transportation (NDDOT) hereby certifies that its statewide transportation planning process is being carried out in accordance with all respective Federal requirements, including the following:

Title VI of the Civil Rights Act of 1964 and Title VI assurance executed by the State under 23 U.S.C. 324 and 29 U.S.C. 794;

Section 1003(b) of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 (Public Law 102-204, 105 Statute 1914) regarding the involvement of disadvantaged business enterprises in FHWA and FTA funded projects (Section 105(f), Public Law 97-424, 96 Statute 2100, 49 CFR Part 23);

The provisions of the Americans with Disabilities Act (ADA) of 1990 (Public Law 101-336, 104 Statute 327, as amended) and the U.S. DOT regulations "Transportation for Individuals with Disabilities"; and

The provisions of 49 CFR Part 20 regarding restrictions on influencing certain Federal activities.

IN ADDITION,

NDDOT, as an applicant for FHWA programs, grants, or cooperative agreements, certifies that its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2) of this certification;
4. Have not within a three-year period preceding this certification had one or more public transactions (Federal, State, or local) terminated for cause or default; and
5. Have not engaged in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance and that the entire workplace is drugfree while conducting any activity with grants or subgrants.

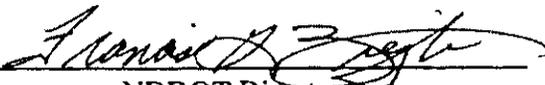
NDDOT certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of 49 CFR, Part 29, are applicable thereto.

IN ADDITION,

NDDOT certifies that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract; the making of any Federal grant; the making of any Federal loan; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.

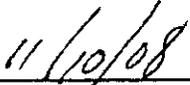
This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.



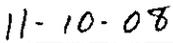
NDDOT Director

Wayne Stenehjem

Attorney General



Date



Date

By:  SAAG

Assistant Attorney General



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION VIII
Colorado, Montana,
North Dakota,
South Dakota,
Utah and Wyoming

12300 West Dakota Avenue
Suite 310
Lakewood, Colorado 80228
720-963-3300 (voice)
720-963-3333 (fax)

November 13, 2008

Mr. Francis Zeigler
Director
North Dakota Department of Transportation
Bismarck, ND 58501

RE: Federal Highway Administration/Federal Transit Administration Approval of the North
Dakota Fiscal Year (FY) 2009-2012 Statewide Transportation Improvement Program (STIP)

Dear Mr. Zeigler:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have reviewed the North Dakota FY 2009-2012 STIP, as well as the incorporated Metropolitan Transportation Improvement Programs (TIPs) for Bismarck-Mandan, Fargo-Moorhead, and Grand Forks-East Grand Forks. In accordance with 23 CFR 420.220(b) and 450.330(a), we have determined the projects in the STIP and the metropolitan TIPs are based on a transportation planning process that substantially meets the requirements of 23 CFR 450 and 49 CFR 613.

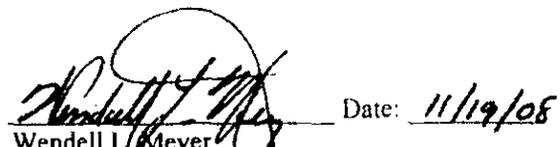
During the Federal Fiscal Year, we had extensive ongoing contacts with the North Dakota Department of Transportation (NDDOT) and the Metropolitan Planning Organizations (MPOs). We have conducted training for the NDDOT and the MPOs related to the topics of SAFETEA-LU Compliance, Self Certification and Project Selection. We also conducted an MPO transportation planning review of the Fargo-Moorhead MPO. The reviews and training sessions included an assessment of all 23 CFR 450 requirements, including environmental justice.

Based on our review of the STIP document, our review and monitoring activities throughout the year, the MPOs' self certifications, and above Planning Findings, the North Dakota STIP and the respective metropolitan TIPs are approved.

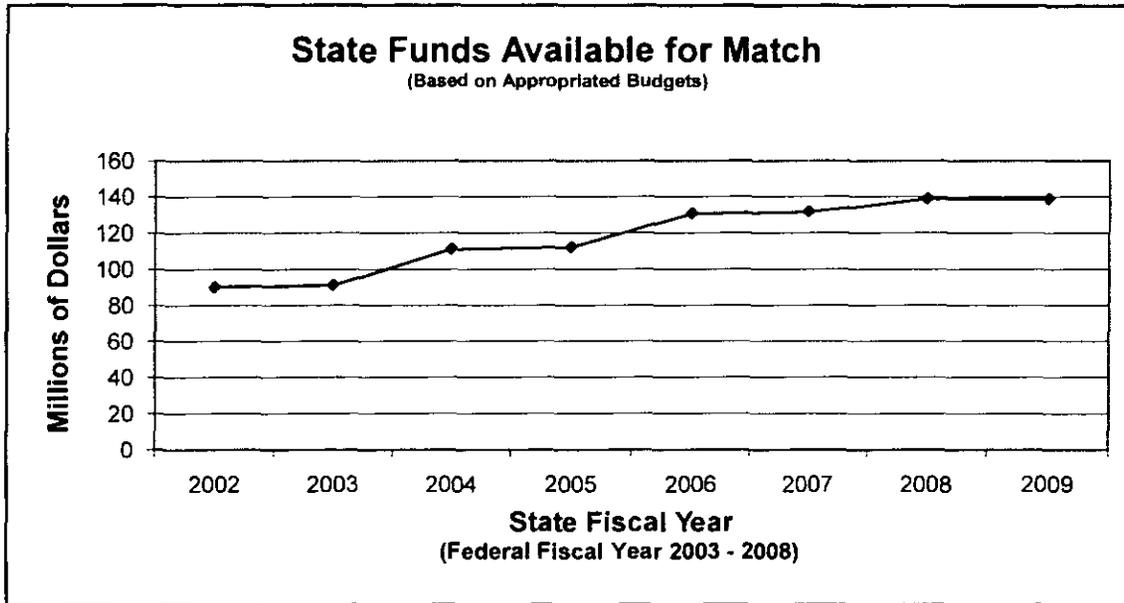
If you have any questions or need additional information, please contact Ms. Jennifer Stewart, FTA, at (720) 963-3317 or Mr. Mark A. Johnson, FHWA, at (701) 250-4343, ext. 105.

Sincerely,


Terry J. Rosapep
Regional Administrator
Federal Transit Administration


Wendell L. Meyer
Division Administrator
Federal Highway Administration

Date: 11/19/08



Administrative Costs are 3% of our Highway Program.

Maintenance & Operations

\$74,084,000

consists of 1/2 salaries (non-federal, finance, audit, procurement, air services, strategic planning, IT to include mailing, printing and training, HRD, district maintenance, and executive management, etc.

maintenance activities

10 - 15 M

remaining is ITD, supplies, non-capitalized equipment, training, etc.

Appendix B

2009-2012 STIP Financial Analysis
(In Thousands of Dollars)

District	FY 2009	FY 10-FY 12
1	\$ 31,433	\$ 93,535
2	\$ 11,114	\$ 53,521
3	\$ 16,833	\$ 113,389
4	\$ 16,233	\$ 59,216
5	\$ 40,289	\$ 70,714
6	\$ 37,030	\$ 84,912
7	\$ 17,356	\$ 63,831
8	\$ 60,521	\$ 104,452
9	\$ 32,803	\$ 114,485
County	\$ 21,320	\$ 63,231
Total	\$ 284,932	\$ 821,286
Other Projects	FY 2009	FY 10-FY 12
Allocated Discretionary	\$ 1,500	\$ 4,500
SER	\$ -	\$ 32,219
PLH	\$ 3,200	\$ 32,020
FHO	\$ 400	\$ 800
ROM	\$ 1,000	\$ 3,000
Total	\$ 6,100	\$ 72,539
Federal Aid Program		
Less Deductions	\$ 278,832	\$ 748,747

North Dakota Department of Transportation NEWS

608 East Boulevard Avenue, Bismarck ND 58505-0700 ■ Fax 701-328-1420 ■ TTY 701-328-4156

November 14, 2007

For more information:

NDDOT Communications at (701) 328-2671

North Dakota Department of Transportation begins planning cycle for 2009-2012 State Transportation Improvement Plan (STIP)

The North Dakota Department of Transportation is requesting public comments as it prepares the 2009-2012 Statewide Transportation Improvement Program (STIP).

The STIP is a four-year program of transportation improvements to be funded with federal highway and transit monies. Improvements include state and county highways, urban streets, roadway safety features, bikeways, and busing programs.

In Bismarck-Mandan, Fargo-Moorhead and Grand Forks-East Grand Forks urban area programs of projects are being prepared by the local metropolitan planning organizations. Public comments are being sought until December 15, 2007 for any upcoming projects. If you have any comments, or projects you would like to see in the near future, contact your district engineer, county engineer, MPO, BIA, or other appropriate agency.

Comments about state highway projects and other issues concerning the STIP should be submitted to the appropriate NDDOT contact listed below.

For a map of the districts, go to <http://www.state.nd.us/dot/distmap.html>.

Kevin Levi
Bismarck District Engineer
North Dakota Department of Transportation
218 S Airport Road
Bismarck, ND 58504
(701) 328-6950

Wayde Swenson
Devils Lake District Engineer
North Dakota Department of Transportation
316 6th Street South
Devils Lake, ND 58301
(701) 665-5100

Larry Gangl
Dickinson District Engineer
North Dakota Department of Transportation
1700 3rd Ave W, Suite 101
Dickinson, ND 58601
(701) 227-6500

Robert Walton
Fargo District Engineer
North Dakota Department of Transportation
503 38th St S
Fargo ND 58103
(701) 239-8900

Les Noehre
Grand Forks District Engineer
North Dakota Department of Transportation
1951 N Washington
Grand Forks, ND 58208
(701) 787-6500

Jim Redding
Minot District Engineer
North Dakota Department of Transportation
1305 Hwy 2 Bypass East
Minot, ND 58701
(701) 837-7625

John Thompson
Valley City District Engineer
North Dakota Department of Transportation
1524 8th Ave SW
Valley City, ND 58072
(701) 845-8800

Walt Peterson
Williston District Engineer
North Dakota Department of Transportation
605 Dakota Parkway West
Williston, ND 58802
(701) 774-2700

March 25, 2008

Mr. Jeremy Laducer
Transportation Planner
Turtle Mountain Band of Chippewa
PO Box 661
Belcourt, ND 58316

STIP TRIBAL CONSULTATION

Jack Olson, Len Swanson and myself from NDDOT Planning Division and Mark Johnson from FHWA would like to meet with your tribal planners to discuss the STIP highway priorities within or near the reservation.

At this meeting we would like to discuss the State projects currently being suggested and answer any questions you may have regarding the STIP priority projects or the STIP timeline.

Our calendars are full through the end of this month; but currently look relatively open in April. Is there a good time in the near future we could drive out and meet with you? Either morning or afternoon would possibly work. Could you also arrange for the meeting place?

Please let me know tentative dates that would work for you and we will try to arrange our schedules around yours. You can contact me at 701-328-2716 or by e-mail at kbien@nd.gov.

/s/

KATHLEEN J. BIEN, TRANSPORTATION PROGRAM MANAGER

C: Bob Fode, Office of Transportation Programs Director
Scott Zainhofsky, Planning and Programming Engineer
Mark Johnson, FHWA

March 25, 2008

Mr. Leander McDonald
Transportation Planner
Spirit Lake Nation
PO Box 359
Ft Totten ND 58335-0359

STIP TRIBAL CONSULTATION

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/s/

KATHLEEN J. BIEN, TRANSPORTATION PROGRAM MANAGER

C: Bob Fode, Office of Transportation Programs Director
Scott Zainhofsky, Planning and Programming Engineer
Mark Johnson, FHWA

March 25, 2008

Mr. Ron His Horse is Thunder
Standing Rock Nation
PO Box D
Ft Yates, ND 58538

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/s/

KATHLEEN J. BIEN, TRANSPORTATION PROGRAM MANAGER

C: Bob Fode, Office of Transportation Programs Director
Scott Zainhofsky, Planning and Programming Engineer
Mark Johnson, FHWA
Pete Red Tomahawk

March 25, 2008

Mr. Doyle Bell
Transportation Planner
Three Affiliated Tribes
HC 3, Box 2
New Town, ND 58763

STIP TRIBAL CONSULTATION

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/s/

KATHLEEN J. BIEN, TRANSPORTATION PROGRAM MANAGER

C: Bob Fode, Office of Transportation Programs Director
Scott Zainhofsky, Planning and Programming Engineer
Mark Johnson, FHWA

North Dakota Department of Transportation NEWS

608 East Boulevard Avenue, Bismarck ND 58505-0700 ■ Fax 701-328-1420 ■ TTY 701-328-4156

May 20, 2008

For more information:

NDDOT Communications at (701) 328-2671

The North Dakota Department of Transportation (NDDOT) is requesting public comments as it prepares the 2009-2012 Statewide Transportation Improvement Program (STIP).

The STIP is a four-year program of transportation improvements to be funded with federal highway and transit monies. Improvements include state and county highways, urban streets, roadway safety features, bikeways, and busing programs.

A five-year transportation re-authorization bill—the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, or SAFETEA-LU—was signed into law in August 2005. To develop the 2009-2012 STIP, NDDOT is estimating SAFETEA-LU funding for the Department's 2009-2010 program and projecting the funding amount for its 2011-2012 program.

The Department anticipates that it will receive approximately \$229 million in 2009, \$235 million in 2010, \$242 million in 2011 and \$249 million in 2012.

Below is a list of major projects under consideration at the NDDOT. Other minor and intermediate projects have also been identified and will be available for review mid-June in the draft 2009-2012 STIP online at www.nd.gov/dot.

Bismarck District

- Rehabilitation of US 83 from Linton north to ND 34 at Hazelton
- Resurfacing eastbound and westbound on I-94 from west of ND 1806 to Grant Marsh Bridge
- Structural overlay southbound on US 83 from Bismarck to Wilton
- Structural overlay northbound on US 83 from State Line north to Strasburg
- Resurfacing of ND 3 northbound from Junction 34 north to I-94 Dawson
- Resurfacing westbound I-94 from county line east to Dawson
- Reconstruction of Century Avenue in Bismarck from Hamilton to Centennial Road
- Rehabilitation of Bismarck Expressway from 12th Street to railroad structure
- Reconstruction of Divide Avenue in Bismarck from Volk Drive to Bismarck Expressway
- Reconstruction of 19th Street in Mandan from ND 6 to ND 1806

The Bismarck-Mandan urban area program of projects is being prepared by the local metropolitan planning organization.

Comments about these or other projects and other issues concerning the STIP should be submitted by June 23, 2008 to Kevin Levi, Bismarck District Engineer, North Dakota Department of Transportation, 218 South Airport Road, Bismarck, ND 58504-6003.

Devils Lake District

- Reconstruction of eastbound US 2 from Mauvais Coulee to Devils Lake

Comments about these or other projects and other issues concerning the STIP should be submitted by June 23, 2008, to Wayde Swenson, Devils Lake District Engineer, North Dakota Department of Transportation, 316 Sixth Street South East, Devils Lake, ND 58301-3628.

Dickinson District

- Reconstruction of ND 200 from Hazen Bypass to Junction 200A
- Reconstruction of eastbound I-94 from Youngmans Butte to near Eagles Nest
- Reconstruction of westbound I-94 from the East Dickinson Interchange to mile point 76.35
- Reconstruction of westbound I-94 from mile point 76.35 to Youngmans Butte

Comments about these or other projects and other issues concerning the STIP should be submitted by June 23, 2008, to Larry Gangl, Dickinson District Engineer, North Dakota Department of Transportation, 1700 3rd Ave West, Suite 101, Dickinson, ND 58601-3009.

Fargo District

- Reconstruction in Wahpeton at Dakota Drive from 11th Street to the Red River Bridge
- Widening of ND 46 from east of Junction 18 to I-29
- Rehabilitation of ND 127 from ND 11 north to Wahpeton
- Structure reconstruction at the 45th Street Interchange in Fargo
- Reconstruction of South University Drive in Fargo from 52nd Avenue to 40th Avenue
- Reconstruction of portions of Main Avenue in West Fargo from I-94 to 45th Street
- Reconstruction of 45th Street South in Fargo from 32nd Avenue to 52nd Avenue South
- Reconstruction in Fargo at 1st Avenue from 25th Street to University Drive
- Reconstruction of northbound and southbound I-29 from north Fargo Interchange to Sheyenne River
- Reconstruction of 12th Avenue N in Fargo from I-29 to 10th Street
- Construction of I-94 and 57th Street overpass and ramps in Fargo and I-94 and 9th Street ramps in West Fargo
- Rehabilitation of eastbound ND 200 from Junction of Old US 81 to south of Hillsboro

The Fargo and West Fargo urban area program of projects is being prepared by the local metropolitan planning organization, the Fargo-Moorhead Council of Governments.

Comments about these or other projects and other issues concerning the STIP should be submitted by June 23, 2008, to Robert Walton, Fargo District Engineer, North Dakota Department of Transportation, 503 38th Street South, Fargo, ND 58103-1198.

Grand Forks District

- Resurfacing eastbound on ND 15 from ND 32 to 1 mile west of Northwood
- Reconstruction of northbound and southbound I-29 from south of ND 15 to near 32nd Avenue
- Structure reconstruction on ND 66 from ND 44 at Drayton to Red River
- Construction in Grand Forks at 48th Street South from 32nd Avenue to 17th Avenue South

The Grand Forks urban area program of projects is being prepared by the local metropolitan planning organization.

Comments about these or other projects and other issues concerning the STIP should be submitted by June 23, 2008, to Les Noehre, Grand Forks District Engineer, North Dakota Department of Transportation, 1951 North Washington, Grand Forks, ND 58208-3077.

Minot District

- Reconstruction of southbound US 83 from near ND 37 to just north of Max
- Rehabilitation of westbound US 2 from 1.5 miles east of Towner to Berwick

Comments about these or other projects and other issues concerning the STIP should be submitted by June 23, 2008, to James Redding, Minot District Engineer, North Dakota Department of Transportation, 1305 Highway 2 Bypass East, Minot, ND 58701-7922.

Valley City District

- Resurfacing eastbound and westbound of I-94 from east Dawson Interchange to Crystal Springs
- Reconstruction of ND 13 from east of the Wishek city limits east to ND 30
- Reconstruction of 10th Street in Jamestown from 12th Ave SE to I-94 ramps

Comments about these or other projects and other issues concerning the STIP should be submitted by June 23, 2008, to John Thompson, Valley City District Engineer, North Dakota Department of Transportation, 1524 8th Avenue SW, Valley City, ND 58072-4200.

Williston District

- Reconstruction of US 85 from about 7.5 miles north of Grassy Butte to Lost Bridge
- Reconstruction of US 85 from east Junction 5 to west Junction 5
- Reconstruction of ND 23 from Reservation Boundary east to about a mile west of Four Bears Bridge

Comments about these or other projects and other issues concerning the STIP should be submitted by June 23, 2008 to Walt Peterson, Williston District Engineer, North Dakota Department of Transportation, 605 Dakota Parkway West, Williston, ND 58802-0698.

● News Release

North Dakota Department of Transportation

608 E. Boulevard Ave., Bismarck, ND 58505-0700 / Fax 701/328-1420 / TTY 701/328-4156 / www.state.nd.us/dot/

Draft 2009-2012 STIP ready for public comment from July 1 until August 1, 2008.

The State Transportation Improvement Program (STIP) is a four-year program of transportation improvements to be funded with federal highway and transit monies. Improvements include projects on the state and county highways, urban streets, roadway safety features, bikeways, as well as busing programs, which will be funded with federal funds.

● The Draft STIP is based on a 5 year Transportation Re-authorization Bill; Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU). To develop the 2009-2012 Draft STIP, the Department is using the anticipated funding from SAFETEA-LU for its 2009-2010 program and a projected (5% growth) funding amount for the 2011 and 2012.

NDDOT Director Francis Ziegler points out that federal funds are projected to increase statewide over the last several years. The department anticipates that it will receive approximately \$229 million in 2009, \$235 million in 2010, \$242 million in 2011, and \$249 million in 2012. In 2008, North Dakota received approximately \$237 million.

An electronic copy of the Draft STIP can be located on the State's website, www.state.nd.us/dot/ by clicking on "Public". Copies are also available for viewing at the district offices, or individual copies may be obtained from the Planning and Programming Division of the NDDOT upon request.

#

March 17, 2008

Mr. Paul Benning
NDDOT – Local Government
608 E. Boulevard Avenue
Bismarck, ND 58505-0700

Dear Mr. Benning:

Following is the 2007 Status Report of projects contained within the 2007-2010 Transportation Improvement Program (TIP), as of the end of the calendar year 2007.

Bismarck

Regional-No Regional projects for calendar year 2007

Urban Roads Program

1. *Century Avenue-19th Street to Hamilton Street*

- This project began in March of 2007 and consisted of reconstructing the rural roadway to a 5-lane urban arterial roadway. A bridge was constructed as part of the project to span Hay Creek and the DMVW Railroad tracks. A multi-use trail and lighting were included as part of the project. The roadway was open to traffic in October of 2007. The project is 95 % complete.

Traffic Signals

1. *State Street Divide Avenue to Calgary Avenue Signal Video Detection Upgrade*

- The traffic signal video detection equipment was switched out due to operational issues with the equipment originally installed on the State Street reconstruction project. The equipment upgrade was completed by the end of 2007 with final acceptance in the spring of 2008.

Transportation Enhancement (T.E.) Projects

1. *East Century Avenue*

- T.E. funds were used on this project to enhance the bridge aesthetics. The structural portion of this project was completed.

2. *Double Ditch Historic Site*

- The State Historic Society of North Dakota is in the process of developing a Request for Proposal for the project. Currently no physical construction has taken place regarding the proposed trail.
3. *Liberty Memorial Bridge Plaza*
 - The North Dakota Department of Transportation has approved the Liberty Memorial Bridge Plaza concepts. Site planning for the project is anticipated to be complete by September 2008 with an anticipated bid opening of November 2008 for project construction.
 4. *North Dakota Highway 1804 Multi-Use Trail*
 - This project was completed in the fall of 2007.

Safety Projects

1. *7th Street and Boulevard Avenue*
 - This project was a small scale safety project to add an additional traffic signal head for westbound left turning traffic at the intersection of 7th Street and Boulevard Avenue.
2. *State Street Advanced Intersection Flashing Beacons*
 - This project was a small scale safety project to add additional advanced flashing beacons, warning southbound traffic they are approaching a signalized intersection at 9th Street and Boulevard Avenue.
3. *Washington Street and Century Avenue*
 - This project was a small scale safety project to convert the protected/permissive east/west left turn phasing to protected left turn phasing only. The left turn lanes have a negative offset.
4. *Washington Street and Calgary Avenue*
 - This project was a small scale safety project to install mast arm mounted flashing beacons for a crosswalk. The intersection on Calgary Avenue is the end of the urban section of Washington Street. Pedestrians needed a crossing to access the trail system along the west side of Washington Street north of Calgary Avenue and Horizon Middle School.

Bridge

1. *Liberty Memorial Bridge*
 - This project was bid in March of 2006. Construction began immediately. The structure is scheduled for completion and will be open to traffic in the summer of 2008. Removal of the old structure will be completed in 2008.

Other Projects

1. *North Dakota Highway 1804, from Signal Street to 48th Avenue*
 - The roadway improvement portion of the project is complete. Some fencing associated with the project remains but should not affect traffic.

2. *Northern Plains Commerce Center*

- Complete

Mandan

Regional-No Regional projects for calendar year 2007

Urban Roads Program-No Urban Roads Program projects for calendar year 2007

Transportation Enhancement Projects

1. *Fort Abraham Lincoln*

- This project involves the preservation of adjacent views visible from portions of the Fort Abraham Lincoln State park. Currently no progress has been made regarding the project.

2. *Liberty Memorial Bridge Plaza*

- The North Dakota Department of Transportation has approved the Liberty Memorial Bridge Plaza concepts. Site planning for the project is anticipated to be complete by September 2008 with an anticipated bid opening of November 2008 for project construction.

Bridge

1. *Liberty Memorial Bridge*

- This project was bid in March of 2006. Construction began immediately. The structure is scheduled for completion and will be open to traffic in the summer of 2008. Removal of the old structure will be completed in 2008.

Other Projects

1. *I-94, from North Dakota Highway 25 to the West side of North Dakota Highway 1806 (east and west bound)*

- Complete.

2. *I-94, Sunset, Collins, and East Bismarck Interchange*

- Complete.

Sincerely,



Ben Ehreth, AICP
Bismarck-Mandan MPO

Table 1
Annual Listing Of Federal Aid Project Obligation For Federal Fiscal Year 2008
North Dakota Jurisdictions

Jurisdiction	Location	Number	Description	Status	Estimated Cost	Actual Cost	Funding Source
Cass County	County Highway 10	107010	Bituminous Overlay of County Highway 10 from Mapleton to West Fargo	Programmed	1,400.00		STP/Local
Fargo	Transit	408160	Replacement of one ADA accessible transit vehicle for Handi-Wheels Transportation. Vehicle purchased by City of Fargo and leased to Handi-Wheels Transportation.	Programmed	55.00		FTA 5309
Fargo	Transit	408060	Replace units 1163 and 1165 with two vans for Fargo Senior Commission; Replace unit 1156 with a passenger bus; Purchase one bus for West Fargo Senior Commission	Programmed	170.00		FTA 5309 / 5310
Fargo	Transit	408030	Purchase 10 mid-sized busses (#1121, #1122, #1123, #1124, #1125 and #1143) to replace the 1997 New Flyers and 4 expansion vehicles	Programmed	3,000.00		FTA 5309
Fargo	52nd Avenue South	406020	Reconstruct and widen 52nd Ave S to a five-lane urban section from University Drive to I-29, including pedestrian sidewalks.	In Construction	11,349.00	9,793.45	STP/Local
Fargo	13th Avenue S	408120	Safety project for 13th Avenue S at 44th Street- Adding median for 3/4th access	Anticipated bid in July 18, 2008	100.00	85.00	STP/S
Fargo	57th St S/9th St E	407090	Interstate Maintenance funds will be used for repairs to the embankment failure.	Programmed	5,750.00		IM/State/Local
NDDOT	Horace Road Interchange	908050	Interim Traffic Signals	Programmed	150.00		SHF
NDDOT	12th Avenue N (29th St to 18th St N)	908040	Preliminary engineering design for 12th Avenue N reconstruction from 29th Street to 18th Street N. Ancillary to Project # 907096, #408021 and #906030.	Programmed	750.00	750.00	STP/R
NDDOT	25th Street interchange	408090	Drainage improvement	Programmed	162.00	162.00	STP
NDDOT	12th Avenue North	906030	Widen BNSF viaduct to 4 lanes with path on south side of bridge from 29th St to 18th St. Project includes pedestrian sidewalk/multi use path.	Programmed	13,000.00	11,770.00	Bridge
NDDOT	Main Avenue (I-94 to 45th St)	908030	Preliminary Engineering for Main Avenue (I-94 to 45th St.) project. Ancillary to Project #908020	Programmed	1,250.00	1,250.00	STP/R
NDDOT	I-29	906020	Revise and reconstruct I-29 Interchange ramps at Fargo's 52nd Ave S. Project includes pedestrian sidewalk/multi use path.	Programmed	18,000.00	17,946.00	INT
Actual Total Cost (To Date)						41,756.45	
Estimated Total Cost					55,136.00		

Monday, July 14, 2008

FY 2008 PROJECT STATUS SUMMARY

The following is a general status report of Grand Forks and East Grand Forks 2008 projects listed in the 2008 to 2011 Transportation Improvement Program. As this writing is taking place so early in the construction season, virtually none of the construction has begun.

The MPO is not aware of any other project undertaken in our Study Area that used federal transportation funds.

Grand Forks

The median crossovers for I-29 were bid this April.

Safe Routes to School projects from FY2007 are being completed this year.

Transit is operating its fixed route system. The capital purchases are awaiting a decision on the financial package, i.e., what amount is available to purchase the vehicles.

Approach slabs for the several interchanges with I-29 are under reconstructed this year

East Grand Forks

The construction of a new street – 13th Street SE – between Bygland Road and 17th Avenue SE is being completed this year.

A mill and overlay of US Business #2 in East Grand Forks is on schedule to be completed this year.

The transit services are operating. The bus shelter improvement is waiting the outcome of the Central Avenue Corridor Study.



North Dakota Department of Transportation

Francis G. Ziegler, P.E.
Director

John Hoeven
Governor

September 26, 2008

Mr. Carl Hokenstad
Executive Director
Bismarck/Mandan MPO
P.O. Box 5503
Bismarck, ND 58506

APPROVAL OF BISMARCK/MANDAN METROPOLITAN PLANNING ORGANIZATION 2009-2012 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

The North Dakota Department of Transportation (NDDOT) has reviewed the Bismarck/Mandan MPO's 2009-2012 TIP and, as the Governor's designee, hereby approves the TIP as submitted.

Future federal funding is dependent on passage of a new transportation bill and adequate revenues to fund the program. The NDDOT will continue to closely monitor, provide input, and report on the status of the transportation bill. It will be important to get full federal funding so that these projects can move forward. As always, requested projects will be reviewed closely to ensure their federal aid eligibility.

If you have any comments or questions, please call Stacey Hanson at 328-4469.

FRANCIS G. ZIEGLER, P.E. - DIRECTOR

38/pmb/smh

c: Mark Johnson, FHWA Transportation Planner and Research Manager
Dave Leftwich, Local Government Engineer
Kevin Levi, Bismarck District Engineer
Steve Saunders, Bismarck/Mandan MPO Transportation Planner

RESOLUTION

WHEREAS, the U.S. Department of Transportation requires the development and annual updating of a Transportation Improvement Program (TIP) for each urbanized area under the direction of a Metropolitan Planning Organization (MPO); and

WHEREAS, the Bismarck-Mandan Metropolitan Planning Organization has been designated as the policy body with responsibility for performing urban transportation planning reviews; and

WHEREAS, the Bismarck-Mandan Metropolitan Planning Organization under 23 CFR 450.334(a), certifies that its planning process complies with requirements such as: non-discrimination on the basis of sex, color, creed, handicap, age or national origin; and compliance with Section 174 and 176 (c) and (d) of the Clean Air Act; and

WHEREAS, the Bismarck-Mandan Metropolitan Planning Organization under 23 CFR 450.334(a) and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), certifies that its planning process complies with requirements for involvement of minority business enterprises; involvement of the appropriate public and private transportation providers; elderly and handicapped utilization of transportation services and facilities; consultation with officials responsible for other types of planning activities; and

NOW, THEREFORE, BE IT RESOLVED, that the Bismarck-Mandan Metropolitan Planning Organization hereby adopts the Bismarck-Mandan Transportation Improvement Program for the FY 2009 through 2012.

BE IT RESOLVED, that the Bismarck-Mandan Metropolitan Planning Organization certifies that the requirements of 23 CFR 450.334(a) and SAFETEA-LU are met.

Dated this



Chairman, Bismarck-Mandan
Metropolitan Planning
Organization

8-20-08

Date



North Dakota Department of Transportation

Francis G. Ziegler, P.E.
Director

John Hoeven
Governor

September 26, 2008

Mr. Bob Bright
Executive Director
Fargo-Moorhead COG
Case Plaza, Suite 232
One Second Street North
Fargo, ND 58102

APPROVAL OF FARGO-MOORHEAD COUNCIL OF GOVERNMENTS 2009-2012 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

The North Dakota Department of Transportation (NDDOT) has reviewed the Fargo-Moorhead COG's 2009-2012 TIP and, as the Governor's designee, hereby approves the TIP as submitted.

Future federal funding is dependent on passage of a new transportation bill and adequate revenues to fund the program. The NDDOT will continue to closely monitor, provide input, and report on the status of the transportation bill. It will be important to get full federal funding so that these projects can move forward. As always, requested projects will be reviewed closely to ensure their federal aid eligibility.

If you have any comments or questions, please call Stacey Hanson at 328-4469.

FRANCIS G. ZIEGLER, P.E. - DIRECTOR

38/pmb/smh

c: Mark Johnson, FHWA Transportation Planner and Research Manager
Dave Leftwich, Local Government Engineer
Kevin Gorder, Fargo District Engineer
Cindy Carlsson, Mn/DOT Statewide Planning Unit - MPO Coordinator

**A RESOLUTION CONFIRMING THE
METROPOLITAN TRANSPORTATION PLAN
AS BEING CURRENTLY HELD VALID**

WHEREAS, the U.S. Department of Transportation requires that the Metropolitan Planning Organization (MPO) designated with the authority to carry out metropolitan transportation planning in a given urbanized area shall prepare a transportation plan for that area; and

WHEREAS, the U.S. Department of Transportation further requires that the MPO annually review this transportation plan, and confirm that it is currently held valid and consistent with current transportation and land use issues; and

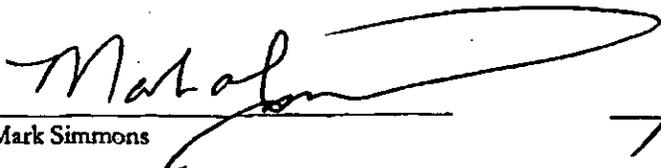
WHEREAS, the Fargo-Moorhead Metropolitan Council of Governments (Metro COG) has been designated by the Governors of the State of Minnesota and North Dakota as the MPO for the Fargo-Moorhead metropolitan area; and

WHEREAS, the Metro COG adopted its Short and Long Range Metropolitan Transportation Plan in October 2004, as well as detailed ancillary modal documents including the Metropolitan Bikeway & Pedestrian Plan (adopted May 2006), a Metropolitan Transit Development Plan (adopted January 2007); a Metropolitan Comprehensive ITS Plan (adopted June 2008); and

WHEREAS, the Metro COG Transportation Plan includes a transportation systems management element, a short-range transportation element, and a long-range element providing for the transportation needs of the urbanized area; and

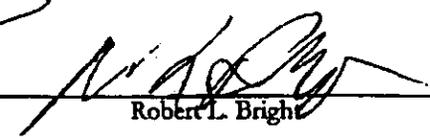
WHEREAS, the Transportation Technical Committee of the Metro COG recommends that the Metropolitan Transportation Plan be considered valid and consistent with current transportation and land use issues.

NOW, THEREFORE, BE IT RESOLVED THAT, the Metro COG certifies that the Transportation Plan for the Fargo-Moorhead urbanized area is currently held valid and consistent with current transportation and land use considerations.



Mark Simmons

Chairman, Metro COG 2008



Robert L. Bright

Executive Director, Metro COG

DATE 06/19/08



North Dakota Department of Transportation

Francis G. Ziegler, P.E.
Director

John Hoeven
Governor

September 26, 2008

Mr. Earl Haugen
Executive Director
Grand Forks/East Grand Forks MPO
P.O. Box 5200
Grand Forks, ND 58206-5200

APPROVAL OF GRAND FORKS/EAST GRAND FORKS METROPOLITAN PLANNING ORGANIZATION 2009-2012 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

The North Dakota Department of Transportation (NDDOT) has reviewed the Grand Forks/East Grand Forks MPO's 2009-2012 TIP and, as the Governor's designee, hereby approves the TIP as submitted.

Future federal funding is dependent on passage of a new transportation bill and adequate revenues to fund the program. The NDDOT will continue to closely monitor, provide input, and report on the status of the transportation bill. It will be important to get full federal funding so that these projects can move forward. As always, requested projects will be reviewed closely to ensure their federal aid eligibility.

If you have any comments or questions, please call Stacey Hanson at (701) 328-4469.



FRANCIS G. ZIEGLER, P.E. - DIRECTOR

38/pmb/smh

c: Mark Johnson - FHWA Transportation Planner and Research Manager
Dave Leftwich - Local Government Division
Les Noehre - Grand Forks District Engineer
Cindy Carlsson - MnDOT Statewide Planning Unit - MPO Coordinator

**A RESOLUTION CONFIRMING THE
METROPOLITAN TRANSPORTATION PLAN
AS BEING CURRENTLY HELD VALID**

WHEREAS, the 23 U.S.C. 134 requires that the Metropolitan Planning Organization (MPO) designated with the authority to carry out metropolitan transportation planning in a given urbanized area shall prepare a transportation plan for that area; and

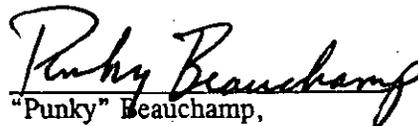
WHEREAS, the Grand Forks-East Grand Forks Metropolitan Planning Organization has been designated by the Governors of the States of Minnesota and North Dakota as the MPO for the Grand Forks-East Grand Forks Metropolitan Area; and

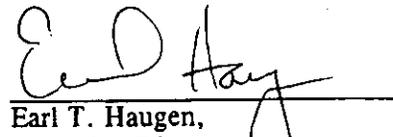
WHEREAS, the Grand Forks - East Grand Forks MPO has a Transportation Plan composed of a Metropolitan Transportation Plan (adopted March 22, 2008); and

WHEREAS, the Technical Advisory Committee of the Grand Forks - East Grand Forks MPO has recommended that this Transportation Plan be considered currently held valid and consistent with current transportation and land use considerations.

NOW, THEREFORE, BE IT RESOLVED THAT, the Grand Forks-East Grand Forks Metropolitan Planning Organization certifies that the Transportation Plan for the Grand Forks-East Grand Forks Urbanized Area is currently held valid and consistent with current transportation and land use considerations.

9/2/08
Date


"Punky" Beauchamp,
Chairman


Earl T. Haugen,
Executive Director

North Dakota Roadway Miles per District and HPCS

	Interstate	Interregional	State Corridor	District Corridor	District Collector	TOTAL
Bismarck	224.8	221.5	163.1	409.2	367.3	1385.9
Valley City	212.2	118.7	194.9	272.1	187.7	985.6
Devils Lake	0	376.1	159.6	522.1	90.3	1148.1
Minot	0	437.2	186.6	121.9	396.6	1142.3
Dickinson	194.6	211.1	92.2	273.7	212.5	984.1
Grand Forks	198.9	147.7	205.6	362.4	76.1	990.7
Williston	0	319.5	133.9	383.4	106.6	943.4
Fargo	311.2	62.8	269.4	222.7	34.4	900.5
TOTAL	1141.7	1894.6	1405.3	2567.5	1471.5	8480.6

**American Recovery & Reinvestment Act (ARRA)
Surface Transportation Program Status
March 3, 2009**

In reviewing the American Recovery and Reinvestment Act, it contains \$27.5 billion for transportation investments in highways, which is reduced by \$800,000, leaving approximately \$26.66 billion. We are estimating that North Dakota will receive approximately \$170.1 million. Fifty percent of those funds must be obligated within 120 days. The remaining 50 percent must be obligated within one year. It is our understanding these funds are 100 percent federal aid. Surface Transportation and Transit projects funded by this Act must follow federal DOT rules and regulations.

The department used existing policies and procedures to distribute ARRA funds to cities and counties. These policies and procedures were established in the early 1990's and were developed in cooperation with the cities and counties to reflect the historical allocations of federal funds contained in the federal transportation bills. Using this process, NDDOT would receive 74.99 percent, cities 16.57 percent, and counties 8.44 percent plus a bridge set aside. Both the NDDOT and local governments receive a portion of the funds set aside for bridges. We developed a list of proposed state/city/county projects mostly by moving ahead projects that were already in our State Transportation Improvement Program (STIP). We did this for two reasons:

- These projects were already following the regular federal-aid process as outlined in Title 23 CFR, which is required by ARRA.
- To assure we would have projects ready that meet the environmental process and would meet the time constraints required by the ARRA.

Following the existing policies and procedures, the department is looking at distributing the American Recovery & Reinvestment Act funds as follows:

Highways and Bridges

1. North Dakota would receive \$170.1 million
 - a. \$8 million will be taken off the top for structures
 - b. Fifty percent for state structures (\$4 million)
 - c. Fifty percent for local structures (\$4 million)
2. After the off- the-top bridge funds, there will be \$162.1 million for distribution
3. Seventy five percent will be distributed to the state (\$121.6 million approximately)
 - a. \$2.55 million will be taken off the top for Transportation Enhancement Funds.
 - b. \$64.1 million will be obligated within 120 days
4. Twenty-five percent will go to the cities and counties (\$40.5 million)

- a. \$2.55 million will be taken off-the-top for Transportation Enhancement Funds.
- b. \$21.4 million will be obligated within 120 days
 - i. The cities will get 16.57 percent or \$26.9 million of these funds
 - ii. The counties will get 8.44 percent or \$13.6 million of these funds

The Transportation Enhancement project selection process will follow our normal process.

Attachment 1 shows the NDDOTs tentative project list of \$120 million level (\$65 million in 2009, and approximately \$56 million in 2010). This list provides the project number, length, location, type of work, highway classification, the dollar amount, and the tentative bid opening dates.

The cities and counties have also identified stimulus projects that are included in the STIP. Attachment 2 shows the tentative list of city and county projects for the American Recovery & Reinvestment Act.

Transit Program

ARRA contains \$11 billion for the nationwide transit programs. North Dakota's share is approximately \$10.996 million (tentative list is Attachment 3). Fifty percent of those funds must be obligated within 180 days, the other 50 percent within one year. The 5307 funds (\$5,040,000) will go directly to the three Metropolitan Planning Organizations. The other 5311 funds (\$5,956,000) will be available to transit providers for capital improvements.

The urban portion of the transit funds that go to the MPOs will follow MPOs normal process for distribution. The distribution of the rural transit portion of the funds will be based on a comprehensive review of historical needs. The projects that are selected will not create additional operation funding needs in the future. Attachment 3 shows the tentative Transit project list.

All projects must be incorporated in the STIP before they can be programmed.

REPORTING REQUIREMENTS

The ARRA funds come with some reporting requirements. The following is a list of requirements that we are aware of today:

1. In order for any state to receive these funds, the Governor, or Mayor must certify that the infrastructure investment has received the full review and vetting required by law and he/she accepts the responsibility it is an appropriate use of taxpayer dollars. This has to be completed within 30 days of enactment.
2. The investment must be posted on a website. State will not be able to receive infrastructure investment funding from funds made available in this Act unless this certification is made and posted.

These items must be reported:

1. The amount of federal funds appropriated, allocated, obligated, and outlayed under the appropriation;
2. The number of projects that have been put out to bid under the appropriation and the amount of federal funds associated with such projects;
3. The number of projects for which contracts have been awarded under the appropriation and the amount of federal funds associated with such projects;
4. The number of projects for which work has begun under such contracts and the amount of federal funds associated with such contracts;
5. The number of projects for which work has been completed under such contracts and the amount of federal funds associated with such contracts;
6. The number of direct, on-project jobs created or sustained by the federal funds provided for projects under the appropriation and, to the extent possible, the estimated in-direct jobs created or sustained in the associated supplying industries, including the number of job-years created and the total increase in employment since the date of enactment of this Act; and
7. For each covered program report information tracking the actual aggregate expenditures by each grant recipient from state sources for projects eligible for funding under the program during the period beginning on the date of enactment of this Act through September 30, 2010, as compared to the level of such expenditures that were planned to occur during such period as of the date of enactment of this Act.

Each grant recipient shall submit the first of the periodic reports required under this subsection not later than 90 days after the date of enactment of this Act and shall submit updated reports not later than 180 days, one year, two years, and three years after such date of enactment.

Please note that the attached project lists are tentative until full review and vetting is completed and necessary federal approvals for each project are obtained.

STATE HIGHWAY (tentative list until full review and vetting is completed and approved by FHWA)

Project	PCN	STIP YR	Dist	Dist Prty #	Hwy	Dir	Length	Location	Types of Work	Roadway Type	Total cost	Cumulative Total	Identified Design Team	
STM-IM-5-094(045)087	15912	10	DH	1	94	E & W	12.89	Youngmans Butte to near Eagles Nest	PCC Paving	Interstate	\$ 21,913,000.00	\$ 21,913,000.00	Central DOT Design	
STM-NH-4-083(053)159	940	10	4	DH	83		13.4	NEAR JCT 37 N TO 0.6 MI N MAX-SB	GRADE AGGREGATE BASE	Interregional	\$ 12,100,000.00	\$ 34,013,000.00	Central DOT Design	
STM-SNH-2-281(034)030	17416	10	2	1	281	N	20.3331	EDGELEY TO 1.345 MI N JCT 46	CC-Slurry Seal	Interregional	\$ 629,300.00	\$ 34,642,300.00	District Design	
STM-SS-3-003(023)201	17538	11	3	1	3	N	22.9579	RUGBY N TO JCT 66-FONDA	Hot Bit Pave/Thin Lift Overlay	Interregional	\$ 7,528,500.00	\$ 42,170,800.00	Consultant Design	
STM-SNH-4-023(009)056	17646	11	4	1	23	E	24.3023	JCT 8 E TO MAKOTI	BB-Thin Overlay	State Corridor	\$ 2,867,400.00	\$ 45,038,200.00	District Design	
STM-SS-7-804(034)286	17440	11	7	1	1804	N	28.8011	BEAVER CREEK W TO E BN OVERPASS	BB-Thin Overlay	District Corridor	\$ 3,398,400.00	\$ 48,436,600.00	Central DOT Design	
STM-SNH-2-013(028)243	16828	10	2	2	13	E	19.7632	JCT 30 E TO E JCT 56	BB-Thin Overlay	State Corridor	\$ 1,767,376.00	\$ 50,203,976.00	District Design	
STM-SNH-4-023(010)080	17650	12	4	2	23	E	24.8697	MAKOTI E TO JCT US 83	BB-Thin Overlay	State Corridor	\$ 2,934,660.00	\$ 53,138,636.00	District Design	
STM-SNH-7-023(027)000	17482	9	7	2	23	E	16.4088	WATFORD CITY EAST TO JCT 73	Hot Bit Pave	State Corridor	\$ 3,364,050.00	\$ 56,502,686.00	Central DOT Design	
STM-SIM-8-029(104)022	17139	10	8	7	29	S	21.5629	ND 13 N TO CHRISTINE INTR	AA-CPR	Interstate	\$ 733,040.00	\$ 57,235,726.00	District Design	
STM-SIM-8-029(099)022	16781	11	8	8	29	N	21.5657	ND 13 N TO CHRISTINE INTERCHANGE	AA-CPR	Interstate	\$ 733,040.00	\$ 57,968,766.00	District Design	
STM-SIM-5-094(067)035	17656	10	5	2	94	E	7.1751	FRYBURG TO BELFIELD	CC-Slurry Seal	Interstate	\$ 222,270.00	\$ 58,191,036.00	District Design	
STM-SIM-5-094(067)035	17656	10	5	3	94	W	7.1791	FRYBURG TO BELFIELD	CC-Slurry Seal	Interstate	\$ 222,270.00	\$ 58,413,306.00	District Design	
STM-SNH-7-023(029)016	17657	12	7	3	23	E	19.2917	JCT 73 N&E TO RESERVATION BOUNDARY	BB-Thin Overlay	State Corridor	\$ 1,450,220.00	\$ 59,863,526.00	Consultant Design	
STM-SS-4-037(012)000	17660	1/28/2009	4	3	37	E	15.6930	JCT 23-PARSHALL-S TO 1 MI W ND 1804	BB-Thin Overlay	District Collector	\$ 1,851,420.00	\$ 61,714,946.00	District Design	
STM-SS-4-037(013)015	17661	1/28/2009	4	4	37	E	28.1129	1 MI W JCT 1804 E & S TO EMMET COR	BB-Thin Overlay	District Collector	\$ 3,316,980.00	\$ 65,031,926.00	District Design	
Total Constructed in 2009												\$	\$ 65,031,926.00	
STM-SS-5-008(033)064	17647	10	5	1	8	N	16.8718	1.4 MI N CO LN N THRU RICHARDTON	BB-Thin Overlay	District Corridor	\$ 1,984,760.00	\$ 1,984,760.00	District Design	
STM-SS-6-066(018)103	17419	11	6	1	66	E	8.9380	S JCT 32-GARDAR E TO CRYSTAL	BB-Mill and Overlay	District Corridor	\$ 1,054,920.00	\$ 3,039,680.00	District Design	
STM-SS-6-066(019)112	17420	11	6	1	66	E	10.1326	CRYSTAL E TO N JCT 81 ST THOMAS	BB-Thin Overlay w/Recycle	District Corridor	\$ 1,195,340.00	\$ 4,235,020.00	District Design	
SS-6-066(016)124	16841	11	6	1	66	E	11.9753	SOUTH JCT 81-ST THOMAS E TO I-29	BB-Thin Overlay w/Recycle	District Corridor	\$ 1,412,460.00	\$ 5,647,480.00	District Design	
SS-6-066(017)093	17418	11	6	1	66	E	8.0337	DISTRICT BNDRY E TO N JCT 32	BB-Thin Overlay w/Recycle	District Corridor	\$ 947,540.00	\$ 6,595,020.00	District Design	
STM-SS-8-032(028)000	17430	11	8	1	32	N	10.2000	SO line to S. Jct. ND 11	BB-Thin Overlay	District Corridor	\$ 1,202,420.00	\$ 7,797,440.00	District Design	
STM-SS-8-011(022)128	17628	11	8	1	11	E	1.3148	FROM N JCT 32 TO S JCT 32-FORMAN	BB-Thin Overlay	District Corridor	\$ 154,580.00	\$ 7,952,020.00	District Design	
STM-IM-1-094(121)193	17652	12	1	16	94	W	15.5740	CO LN E TO DAWSON	Hot Bit Pave, Milling	Interstate	\$ 5,040,500.00	\$ 12,992,520.00	Consultant Design	
STM-IM-1-094(122)193	17653	1/28/2009	1	17	94	E	15.5737	CO LINE TO E DAWSON INTR	Hot Bit Pave, Milling	Interstate	\$ 5,597,250.00	\$ 18,589,770.00	Consultant Design	
STM-SS-2-001(053)076	16827	10	2	3	1	N	19.3291	W JCT I-94 N TO JCT ND 26-DAZEY	BB-Thin Overlay	State Corridor	\$ 3,280,940.00	\$ 21,870,710.00	District Design	
STM-SS-3-019(046)104	17654	12	3	3	19	E	4.0823	BENSON COUNTY LINE TO ESMOND	BB-Thin Overlay	District Corridor	\$ 481,440.00	\$ 22,352,150.00	Consultant Design	
STM-SS-3-019(042)108	16833	10	3	3	19	E	12.5646	ESMOND E TO JCT 30	BB-Thin Overlay	District Corridor	\$ 1,482,080.00	\$ 23,834,230.00	Consultant Design	
STM-NH-1-083(088)091	17106	1/28/2009	1	1	83	N & S	5.9922	S OF WILTON TO WILTON	BB-Thin Overlay	Interregional	\$ 2,234,705.00	\$ 26,068,935.00	Consultant Design	
STM-NH-1-083(088)091	17106	1/28/2009	1	1	83	N & S	15.4857	BISMARCK N TO S OF WILTON	BB-Thin Overlay	Interregional	\$ 8,666,295.00	\$ 34,735,230.00	Consultant Design	
STM-S-NHU-1-083(093)089	17351	10	1	1	83	N & S	1.6127	BISMARCK N TO 57TH AVE	BB-Thin Overlay	Interregional	\$ 188,800.00	\$ 34,924,030.00	Consultant Design	
STM-SIM-2-094(081)209	16784	12	2	11	94	E	11.8633	E DAWSON INTR TO CRYSTAL SPRINGS	Hot Bit Pave	Interstate	\$ 5,040,500.00	\$ 39,964,530.00	Consultant Design	
STM-IM-2-094(082)275	16785	1/28/2009	2	12	94	E	13.1686	W ECKELSON E TO E ND 1-OAKES	Hot Bit Pave	Interstate	\$ 5,597,250.00	\$ 45,561,780.00	Consultant Design	
STM-NH-3-002(099)252	16831	10	3	N/A	2	E	9.5813	MAUVAIS COULEE TO CHANNEL A	AA-CPR, Dowel Retrofit, Grinding	Interregional	\$ 2,299,200.00	\$ 47,860,980.00	Central DOT Design	
STM-NH-3-002(099)252	16831	10	3	N/A	2	E	3.9734	CHANNEL A TO DEVILS LAKE	AA-CPR, Dowel Retrofit, Grinding	Interregional	\$ 952,800.00	\$ 48,813,780.00	Central DOT Design	
STM-SNH-4-002(084)131	17655	1/8/2009	4	6	2	W	14.1930	3 MI W JCT 52 E TO 1 MI W JCT 83	BB-Thin Overlay	Interregional	\$ 1,644,920.00	\$ 50,458,700.00	Consultant Design	
STM-SNH-6-002(078)306	16838	10	6	2	2	W	10.1899	MICHIGAN BYPASS E TO CO LN	BB-Thin Overlay	Interregional	\$ 1,202,420.00	\$ 51,661,120.00	District Design	
STM-SS-8-011(023)153	17658	11	8	2	11	E	12.6932	LIDGERWOOD E TO HANKINSON	BB-Thin Overlay	District Corridor	\$ 1,497,420.00	\$ 53,158,540.00	District Design	
STM-SNH-3-002(106)212	17659	11	3	5	2	E	23.9930	RUGBY E TO NEAR LEEDS	BB-Thin Overlay	Interregional	\$ 2,830,820.00	\$ 55,989,360.00	Consultant Design	
Total Constructed in 2010												\$	\$ 55,989,360.00	

Terrative list until full review and vetting is completed and approved by FHWA
 North Dakota Department Of Transportation
 Urban Projects
 Economic Stimulus Package

City	System	Project Location	Type of Work	Prohibited Cost Estimate	Length (ft)	Project Number	PON	Accepted Funding Available to the City
Bismarck	U	West Main Avenue from Washington Street to Memorial Bridge	Concrete pavement joint repair and panel replacement	\$1,000,000.00	0.88	STM-SU-1-0810081008	17925	City would like to do all projects and is considering the use city funds for amount over stimulus cap. City stimulus funds=\$3,879,362.
Bismarck	S R	7th & 8th Streets from Bismarck Expressway to Boulevard Avenue	Mill & Overlay	\$1,000,000.00	2.87	STM-SU-1-0810081008 & STM-SU-1-0810081008	17903	
Bismarck	U	North 15th Street from 75' Rd E Century Ave to Oregon Dr	Pavement Reconstruction(187)	\$400,000.00	0.38	STM-SU-1-0810081008	17902	
Bismarck	U	Interstate Ave from 8th St to Gateway Ave	Pavement Reconstruction(187)	\$1,000,000.00	0.35	STM-SU-1-0810081008	17885	
DeWitt Lake	S R	ND 19 from US 2 to ND 20 (Asphalt Paving only)	Mill & Overlay	\$104,000.00	0.6	STM-SU-1-0810081008	17926	City would like to do both projects but may have to cut back if they can't find funding for entire length. City stimulus funds=\$722,824.
DeWitt Lake	S R	ND 20 from US 2 to Urban Limits (asphalt 3rd St NW to 6th St NE)	Mill & Overlay	\$486,000.00	2.4	STM-SU-1-0810081008	17927	
Dickinson	P R	ND 22 from 8th Street SW to Heart River Bridge	Skurry Seal	\$118,825.45	0.6	STM-SU-1-0810081008	17907	
Dickinson	U	ND 22 Frontage Road from 8th Street SW to Heart River Bridge	Skurry Seal	\$118,825.45	0.6	STM-SU-1-0810081008	17908	City plans to do all projects and will use city funds for amount over stimulus cap. City stimulus funds=\$1,296,342.
Dickinson	U	4th Avenue E from Villard to Museum Drive	Skurry Seal	\$99,147.30	1.1	STM-SU-1-0810081008	17909	
Dickinson	U	21st Street W from 10th Avenue W to 10th Ave E	Mill & Overlay 2"	\$500,000.00	1.6	STM-SU-1-0810081008	17910	
Fargo	S R	Main Avenue from 2nd Street N to 25th Street	Bridge Repair	\$240,000.00	0.2	STM-SU-1-0810081008	17928	
Fargo	U	1st Ave W from University Dr to 25th St	Reconstruction, Wastewater Replacement	\$5,200,000.00	0.9	STM-SU-1-0810081008	17929	
Fargo	U	25th Street from 23rd Avenue S to Rose Coulee	Mill & Overlay	\$750,000.00	2.4	STM-SU-1-0810081008	16645	
Fargo	U	45th St at Drain 27	Mill & Overlay	\$300,000.00	0.02	STM-SU-1-0810081008	17930	
Fargo	U	04 HWY 81 from Dakota Dr to Co. Rd 20	Bridge Widening	\$550,000.00	2.3	STM-SU-1-0810081008	17932	
Fargo	U	38th St Bridge over drain 27	Bridge Replacement	\$1,400,000.00	0.02	STM-SU-1-0810081008	17902	
Fargo	U	City Wide	Pavement Marking Upgrade	\$400,000.00	10.075	STM-SU-1-0810081008	17933	
Grafton	U	5th Street from McHugh Avenue to Burghart Avenue	Maintenance Overlay	\$400,000.00	1	STM-SU-1-0810081008	17886	
Grafton	U	School Road from 5th Street to 12th Street, McHugh Avenue from 12th Street to 14th Street, Western Avenue from 5th Street to 12th Street, Griggs Avenue from 8th Street to 12th Street, Main Avenue from 8th Street to 12th Street, Cooper Avenue from 5th Street to 12th Street, Prospect Avenue from 5th Street to 12th Street, Eastern Avenue from 5th Street to 12th Street, 5th Street from Burghart Avenue to East City Limits, 8th Street from McHugh Avenue to Hill Avenue, 14th Street from Western Avenue to Robinson Avenue, 15th Street from School Road to Western Avenue, Walkman Avenue from 5th Street to Division Street, Division Street from Hill Avenue to Walkman Avenue	Seal Coat	\$772,000.00	5.75	STM-SU-1-0810081008	17887	City may cut back on the number of street segments for seal coat in order to use all stimulus dollars without adding city funds to the project. City stimulus funds=\$545,315.
Grand Forks	U	13th Avenue S from Cherry Street to Columbia Road	Concrete Panel Replacement, Mill & Overlay, 3"	\$900,800.00	1.44	STM-SU-1-0810081008	17906	
Grand Forks	U	8th Avenue N from 3rd Street N to Columbia Road	Concrete Panel Replacement, Mill & Overlay, 3"	\$561,000.00	1.32	STM-SU-1-0810081008	17905	
Grand Forks	U	17th Avenue S from Washington Street to 42nd Ave S	Concrete Panel Replacement	\$618,900.00	1.99	STM-SU-1-0810081008	17939	
Grand Forks	U	51st Street N from 10th Avenue N to University Avenue	Concrete Panel Replacement, Mill & Overlay, 3"	\$375,200.00	0.7	STM-SU-1-0810081008	17904	
Grand Forks	U	University Avenue from 3rd Street N to State Street	Seal Coat	\$283,100.00	2.4	STM-SU-1-0810081008	17722	
Grand Forks	U	Hill Road from Gateway Drive N to Urban Limit	Seal Coat	\$100,100.00	1.6	STM-SU-1-0810081008	17724	
Grand Forks	U	20th Street W from Gateway Drive to University Avenue	Seal Coat	\$56,800.00	0.7	STM-SU-1-0810081008	17726	City would like to do all projects and is considering the use city funds for amount over stimulus cap. City stimulus funds=\$3,474,397.
Grand Forks	U	20th Street S from 24th Avenue S to 32nd Avenue	Seal Coat	\$38,600.00	0.5	STM-SU-1-0810081008	17727	
Grand Forks	U	Intersection of 47th Ave S and Washington Street	Traffic Signal (currently funded in FY 2011. City was planning to AC and construct in 2009)	\$900,000.00	0.1	AC-SU-1-0810081008	17570	
Grand Forks	U	Classified Streets at Controlled Intersections (Signed or Signalized)	Sign Replacement - Federally Mandated	\$677,900.00	1.2	STM-SU-1-0810081008	17718	
Jamestown	P R	US 88 from 17th Street SW to 8th Avenue SW	Replacement of RCC slabs, CPA, Crown Bar Retrofit, Grooving	\$450,000.00	0.4	STM-SU-1-0810081008	17885	City may replace one of these projects with a new project in order to use the amount of stimulus funds available or add city funds to complete these projects. City stimulus funds=\$1,265,696.
Jamestown	U	3rd Street E from BRP railroad to 87th Avenue SE	Mill and Overlay, Stripping, Sealing, and Millwork Post Replacement	\$950,000.00	2.88	STM-SU-1-0810081008	17845	
Mandan	S R	Main Street (Business 94) from 10th Avenue SW (ND 6) to Mandan Avenue (ND 2006)	Repair of Broken Curbs, Joint Sealing, Stripping, Expansion Joint Repair	\$125,500.00	1.6	STM-SU-1-094124915	17915	
Mandan	S R	Mandan Avenue NW from 194 Interchange to Old Red Trail NW	Repair of Broken Curbs, Joint Sealing, Stripping, Expansion Joint Repair	\$41,000.00	0.4	STM-SU-1-094124915	17916	
Mandan	P R	30th Avenue SW (ND 6) from Heart River Bridge to Main Street	Repair of Broken Curbs, Joint Sealing, Stripping, Expansion Joint Repair	\$54,000.00	0.7	STM-SU-1-094124915	17917	
Mandan	U	Old Red Trail from Sunset Drive to Collins Avenue	Repair of Broken Curbs, Transverse Joint Repair, Mill, Overlay	\$570,000.00	0.7	STM-SU-1-094124915	17918	
Mandan	U	Longspur Trail SE from 3rd Street SE to Redwing Drive	Repair of Broken Curbs, Transverse Joint Repair, Mill, Overlay	\$375,000.00	0.9	STM-SU-1-094124915	17919	
Mandan	U	Division St NE from Collins Ave to 8th Ave NE	Mill & Overlay, Patching, and minor curb repair	\$150,000.00	0.53	STM-SU-1-094124915	17920	
Mandan	U	14th St NW from Sunset Dr to Collins Ave	Mill & Overlay, Patching, and minor curb repair	\$75,000.00	0.54	STM-SU-1-094124915	17921	
Mandan	U	14th St NE from Collins Ave to 31st Avenue NE	Mill & Overlay, Patching, and minor curb repair	\$75,000.00	0.36	STM-SU-1-094124915	17922	
Mandan	U	3rd Ave NE from 5th St NE to 14th St NE	Mill & Overlay, Patching, and minor curb repair	\$125,000.00	0.27	STM-SU-1-094124915	17923	
Mandan	U	27th St NW from 12th Ave NW to 8th Ave NW	Mill & Overlay, Patching, and minor curb repair	\$100,000.00	0.23	STM-SU-1-094124915	17924	

Tentative list until full review and vetting is completed and approved by FHWA
 North Dakota Department of Transportation
 Urban Projects
 Economic Stimulus Package

City	System	Project Location	Type of Work	Preliminary Cost Estimate	Length (mi)	Project Number	PCN	Actual funding split is based on ARRA funding available to the city
Minot	U	31st Ave SW from Broadway to 16th St SW	Mill & Overlay	\$530,000.00	0.59			
Minot	U	4th Ave NW from Broadway to Bypass	Mill & Overlay	\$62,000.00	1.42			
Minot	U	11th Ave S from Hiawatha to 16th St SW	Seal Coat	\$100,000.00	1.42			
Minot	U	31st Ave SE from Broadway to 13th St SE	Seal Coat	\$47,000.00	1.06			
Minot	U	8th Ave SE from Burdick Expressway to Valley St	Overlay	\$13,000.00	0.8			
Minot	U	3rd St NE from Hiawatha to Airport	Overlay	\$41,000.00	0.36			
Minot	U	3rd St NE from Hiawatha to 5th Ave NE	Seal Coat	\$26,000.00	0.56			
Minot	U	11th Ave SE from Burdick Expressway to 11th Ave SE	Overlay	\$46,000.00	0.73			
Minot	U	18th Ave SE from 5th St NE to 27th St NE	Overlay	\$317,500.00	1.5			
Minot	U	27th St from Burdick to 18th Ave	Seal Coat	\$36,000.00	0.75			
Minot	U	24th Ave NW from US 83 Bypass to 21st St NW	Seal Coat	\$36,000.00	0.48			
Minot	U	55th St, Overhead	Structures & approaches	\$17,000,000.00	0.8	SU-4-289(02)970	17485	
Valley City	U	Whitworth Road from 4th Avenue SW to 5th Avenue SE	Minor Rehabilitation - Mill & Overlay - 3"	\$450,000.00	0.5	STM-SU-7-993(02)4259	17688	
Valley City	U	7th Street SE from 35th Avenue SE to 12th Avenue SE	Seal Coat & Incidents	\$50,000.00	0.5	STM-SU-7-993(02)1580	17689	City would like to do all projects and is considering the use city funds for amount over stimulus cap. City stimulus funds-\$66,556.
Valley City	U	2nd Street NW from 9th Avenue NW to Central Avenue	Minor Rehabilitation - Mill & Overlay - 2.5"	\$325,000.00	0.65	STM-SU-7-993(02)6181	17690	
Valley City	U	2nd Street NE from 3rd Ave NE to 16th Ave NE	Mill and Overlay - 2.5"	\$125,000.00	0.2	STM-SU-7-993(02)7102	17691	
Wahpeton	U	6th Street S from Dakota Ave. to 11th Ave. S	CP, Small repair, Patching, Seal Coat	\$55,500.00	0.7	STM-SU-7-993(02)1018	17692	
Wahpeton	U	4th Avenue S from 6th St. S to 11th St. S	CP, Small repair, Patching, Seal Coat	\$38,700.00	0.4	STM-SU-7-993(02)1019	17693	
Wahpeton	U	7th Street W from 2nd Ave N to 8th Ave N	CP, Small repair, Patching, Seal Coat	\$49,400.00	0.7	STM-SU-7-993(02)1020	17694	
Wahpeton	U	13th Street N from Dakota to B Ave	Mill & Overlay - 1.5" - 3" Patching	\$251,900.00	0.5	STM-SU-7-993(02)924	17945	
Wahpeton	U	7th Street M from 2nd Ave N to 16th Ave N	Patching, Mill & Overlay, < 2"	\$290,000.00	0.8	STM-SU-7-993(02)925	17946	City may eliminate a projects) to use the amount of stimulus funds available or add city funds to complete these projects. City stimulus funds-\$410,384.
Wahpeton	U	4th Street M from 2nd Ave N to ND 210	Cracks sealing, Patching, & Seal Coat	\$11,300.00	0.71	STM-SU-7-993(02)1021	17895	
Wahpeton	U	11th Street N from 16th Ave N to ND 210	Seal Coat, Restriping	\$141,200.00	1.7	STM-SU-7-993(02)1022	17896	
Wahpeton	U	8th Street E from Main Avenue to 13th Avenue E	Mill & Overlay	\$18,200.00	0.5	STM-SU-7-993(02)1023	17897	
West Fargo	U	17th Avenue E from 6th Street E to City Limits	CP, Striping	\$210,000.00	1			
West Fargo	U	17th Street E from 13th Avenue E to 7th Avenue E	Overlay	\$160,000.00	0.1			
West Fargo	U	38th Avenue W from Sherman Street to 9th Street W	Overlay	\$210,000.00	0.47			
West Fargo	U	8th Street W from 12nd Avenue W to 40th Avenue W	Overlay	\$210,000.00	1			
West Fargo	U	4th Avenue E from Sherman Street to 9th Street E	Overlay	\$160,000.00	1			City plans to do all projects and will use city funds for amount over stimulus cap. City stimulus funds-\$1,226,294.
West Fargo	U	13th Ave from Sherman St to 17th St E	Lighting	\$450,000.00	1.5			
West Fargo	U/A R	Sherman Street from 13th Ave E to 4th Ave E, 13th Ave E from 2nd Ave E to 12th Street, 9th St E from Main Ave to 32nd Ave E, 2nd Ave E from Sheyenne St to 9th St E, Main Ave from 8th St W to 9th St E, 8th St W from Main Ave to 2nd Ave W	Traffic Signal Interconnect	\$412,000.00	10.8			
Williston	U	West 2nd Avenue W Frontage Road from 6th Ave W to 42nd Street	Mill & Overlay, Replace asphalt Valley gutters with concrete	\$175,000.00	1.2	STM-SU-7-993(03)041	17703	
Williston	U	22nd St E from 2nd Avenue West to University Ave	Mill & Overlay, Local ADA Ramp, Replace Driveways and Alley Return,	\$800,000.00	0.5	STM-SU-7-993(03)058	17700	
Williston	U	22nd St E from University Ave to 12th Ave E (E Dakota Parkway)	Replace Asphalt at 9th Ave Intersection	\$250,000.00	0.3	STM-SU-7-993(03)1039	17701	City plans to do all projects and will use city funds for amount over stimulus cap. City stimulus funds-\$1,068,586.
Williston	U	20th St W from 6th Ave W to City Limits (2nd St W)	Mill & Overlay, Sidewalks, driveways & curbside	\$600,000.00	3.2	STM-SU-7-993(03)040	17702	
Williston	U	Main St from Amtrak Depot to Front St	Mill & Overlay, Sidewalks, driveways & curbside	\$360,000.00	0.03	STM-SU-7-993(03)042	17704	
				Total				

Urban Roads = U
 Primary Regional = P R
 Secondary Regional = S R

Tentative List Until Full Review and Vetting is Completed & Approved by FHWA
Attachment 2

County	Type of project	Project Location	Project Number	ARRA Funds allocated to the County	Additional Remarks
*ADAMS	HBP			\$ 182,630	All project costs above this amount will be the responsibility of the county
BARNES	Microsurfacing	From 10 Miles South of Valley City, N	STM-SC-0221(069)	\$ 306,991	All project costs above this amount will be the responsibility of the county
*BENSON	HBP or Grading			\$ 796,455	All project costs above this amount will be the responsibility of the county
BILLINGS	No projects			\$ -	ARRA funds redistributed to other counties
BOTTINEAU	Microsurfacing	From the Souris River, E	STM-SC-0520(055)	\$ 272,800	All project costs above this amount will be the responsibility of the county
BOWMAN	No projects			\$ -	ARRA funds redistributed to other counties
BURKE	No projects			\$ -	ARRA funds redistributed to other counties
BURLEIGH	No projects			\$ -	ARRA funds redistributed to other counties
CASS	Overlay	From 8 Miles West of ND 18, E	STM-SC-0918(055)	\$ 995,719	All project costs above this amount will be the responsibility of the county
CAVALIER	Chip seal	From ND 5, N to Wales	STM-SC-1017(061)	\$ 265,439	All project costs above this amount will be the responsibility of the county
DICKEY	Microsurfacing	From 16 Miles West of Oakes, E	STM-SC-1112(062)	\$ 241,282	All project costs above this amount will be the responsibility of the county
DIVIDE	Chip seal	From 9 & 18 Miles South of Noonan, N	STM-SC-1249(059)	\$ 159,553	All project costs above this amount will be the responsibility of the county
DUNN	No projects			\$ -	ARRA funds redistributed to other counties
EDDY	No projects			\$ -	ARRA funds redistributed to other counties
EMMONS	HBP	From Hazelton, S	STM-SC-1515(051)	\$ 262,500	All project costs above this amount will be the responsibility of the county
FOSTER	HBP	From ND 9, N	STM-SC-1613(054)	\$ 484,716	All project costs above this amount will be the responsibility of the county
*GOLDEN VALLEY	Undetermined			\$ 100,952	All project costs above this amount will be the responsibility of the county
GRAND FORKS	Thompson Bridge	Structure over the Red River	STM-SC-BRC-1830(052)	\$ 531,398	All project costs above this amount will be the responsibility of the county

County	Type of project	Project Location	Project Number	ARRA Funds allocated to the County	Additional Remarks
*GRANT	Undetermined			\$ 175,507	All project costs above this amount will be the responsibility of the county
GRIGGS	No projects			\$ -	ARRA funds redistributed to other counties
*HETTINGER	Undetermined			\$ 151,084	All project costs above this amount will be the responsibility of the county
KIDDER	HBP	From 5 Miles South of ND 36, N	STM-SC-2215(054)	\$ 787,500	All project costs above this amount will be the responsibility of the county
LaMoure	No projects			\$ -	ARRA funds redistributed to other counties
LOGAN	No projects			\$ -	ARRA funds redistributed to other counties
McHENRY	Microsurfacing	From 7 Miles North of Granville, N	STM-SC-2511(055)	\$ 280,373	All project costs above this amount will be the responsibility of the county
McINTOSH	No projects			\$ -	ARRA funds redistributed to other counties
McKENZIE	HBP	From 4.5 Miles North of Keene, N	STM-SC-2755(053)	\$ 264,525	All project costs above this amount will be the responsibility of the county
McLEAN	Microsurfacing	County Wide	STM-SC-2828(053), STM-SC-2828(054)spur, STM-SC-2836(054), STM-SC-2879(060), & CP-0028(091)	\$ 323,855	All project costs above this amount will be the responsibility of the county
MERCER	HBP	From the Airport, E	STM-SC-2920(052)	\$ 238,680	All project costs above this amount will be the responsibility of the county
MORTON	Chip seal		STM-SC-30_()	\$ 361,126	All project costs above this amount will be the responsibility of the county
*MOUNTRAIL	Chip seal			\$ 348,661	All project costs above this amount will be the responsibility of the county
NELSON	Chip seal	From ND 1, E	STM-SC-3204(064)	\$ 300,000	All project costs above this amount will be the responsibility of the county
OLIVER	No projects			\$ -	ARRA funds redistributed to other counties
PEMBINA	Structure	6 Miles West of Pittsburg	STM-BRC-3428(053)	\$ -	ARRA funds redistributed to other counties

County	Type of project	Project Location	Project Number	ARRA Funds allocated to the County	Additional Remarks
PIERCE	Chip seal	City of Rugby	STM-SC-3521(058) & STM-SC-3521(059)	\$ 156,931	All project costs above this amount will be the responsibility of the county
RAMSEY	Grading, Widening, & HBP	From the Benson County Line, N	STM-SC-3627(061)	\$ 253,804	All project costs above this amount will be the responsibility of the county
RANSOM	Chip seal	From Englevale, N & From ND 27, N & W	STM-SC-3705(055)	\$ 185,632	All project costs above this amount will be the responsibility of the county
RENVILLE	No projects			\$ -	ARRA funds redistributed to other counties
RICHLAND	HBP	From Mantador, N	STM-SC-3913(054)	\$ 407,833	All project costs above this amount will be the responsibility of the county
ROLETTE	HBP	From 5.7 Miles West of St. John, E	STM-SC-4006(060)	\$ 796,362	All project costs above this amount will be the responsibility of the county
*SARGENT	HBP	From 3.5 Miles East of ND 32, E & From 1 Mile North of County Line, N	STM-SC-4124(052) & STM-SC-4125(059)	\$ 529,994	All project costs above this amount will be the responsibility of the county
SHERIDAN	Grading & Aggregate	From 2.5 Miles South of McClusky, N	STM-SC-4211(063)	\$ 510,212	All project costs above this amount will be the responsibility of the county
SIOUX	No projects			\$ -	ARRA funds redistributed to other counties
SLOPE	No projects			\$ -	ARRA funds redistributed to other counties
STARK	Thin lift	Multiple Location	STM-SC-45__()	\$ 289,713	All project costs above this amount will be the responsibility of the county
*STEELE	Chip seal		STM-SC-46__()	\$ 136,481	All project costs above this amount will be the responsibility of the county
STUTSMAN	Chip seal	From Buchanan, E & From ND 20, E	STM-SC-4718(058) & STM-SC-4718(059)	\$ 343,426	All project costs above this amount will be the responsibility of the county
TOWNER	Structure	2 Miles South & 1 Mile West of Cando	STM-BRO-0048(010)	\$ -	ARRA funds redistributed to other counties
TRAILL	No projects			\$ -	ARRA funds redistributed to other counties
WALSH	Chip seal	County Wide	STM-SC-5000(009)	\$ 392,645	All project costs above this amount will be the responsibility of the county

County	Type of project	Project Location	Project Number	ARRA Funds allocated to the County	Additional Remarks
WARD	Chip seal	From 4 Miles East of Surrey, N & from 17 Miles South & 1 Mile west of Sawyer, N	STM-SC-5153(056)	\$ 626,623	All project costs above this amount will be the responsibility of the county
WELLS	No projects			\$ -	ARRA funds redistributed to other counties
WILLIAMS	HBP	From 4 Miles South of US 2, N	STM-SC-5351(053)	\$ 349,026	All project costs above this amount will be the responsibility of the county
Total				\$ 12,810,428	

*Final decision will be made during the week of March 2, commissioner meetings this week.

North Dakota: Bismarck-Mandan Capitol Area Transit
(As of March 3, 2009)

Attachment 3

Tentative list until full review and vetting completed and approved by the Federal Transit Administration.

Priority Level	Short Title	Description	Benefit to Riders	Projected Cost (each)	Quantity	Projected Cost-TOTAL
1	Paratransit Buses, replacement	Accessible vehicles with wheelchair positions	Replace vehicles that have outlived their useful lives	80,000	3	\$240,000
1	Fixed-route buses, replacement	replace existing diesel fuel vehicles with hybrid models for cleaner operation and fuel efficiency	Replace vehicles that have outlived their useful lives	359,066	3	\$1,077,198
1	Facility improvement	Fix/replace (as determined necessary) leaking water main to facility	Provide continued safe use of facility that serves a small urban and a rural transit project and serves as an intercity bus depot	50,000	1	\$50,000
1	Fare Box System	increase efficiency of fare and trip data collection and analysis	expedite boarding and improve route management	137,000	1	\$137,000
2	Bus shelters	NOTE: Different model than requested by FARGO MAT	additional shelters to protect riders from severe weather	7,000	10	\$70,000
2	Capital equipment	shop equipment, parts, color copier	Increase efficiency in shop	40,000	1	\$15,000
2	Bobcat or Skidsteer loader/forklift	For snow removal and to move heavy parts	Safer handling of heavy items; snow removal on facility property	35,000	1	\$35,000
	TOTAL					\$1,624,198
	TOTAL APPORTIONMENT					\$1,404,227

NOTE: Priority 2 projects will be determined based on remaining funding, to ensure that total expenditures are within budget.

North Dakota: Fargo Metropolitan Area Transit
(as of March 3, 2009)

Tentative list until full review and vetting completed and approved by the Federal Transit Administration.

Priority Level	Short Title	Description	Benefit to Riders	Projected Cost (each)	Quantity	Projected Cost-TOTAL
1	Fixed Route Buses, replacement	diesel fueled	replace vehicles that have outlived their use-lives	365,000	5	1,825,000
1	Fare Box System	increase efficiency of fare and trip data collection and analysis	expedite boarding and improve route management	450,000	1	450,000
1	Shop truck	for use by mechanics and bus maintenance personnel	aid in maintenance of buses to ensure reliability	60,000	1	60,000
2	Bus shelters		additional shelters to protect from inclement weather and excessive wind or sun	6,000	20	120,000
2	Accessible Vans, Fargo Senior Services and/or Handi-Wheels	Add an additional accessible minivan to increase the number of vehicles available for the senior ride program.	Serve the senior ride program	35,000	2	70,000
2	Paratransit Buses, replacement	diesel fueled	replace vehicles that have outlived their use-lives	80,000	2	160,000
2	Fixed Route Bus, replacement	diesel fueled	replace vehicles that have outlived their use-lives	365,000	1	365,000
	TOTAL					3,050,000

PRELIMINARY APPORTIONMENT:

2,460,032

NOTE: Priority 2 projects will be determined based on remaining funding, to ensure that total expenditures are within budget.

North Dakota: Grand Forks-East Grand Forks Cities Area Transit
(As of March 3, 2009)

Attachment 3

Tentative list until full review and vetting completed and approved by the Federal Transit Administration.

Priority Level	Short Title	Description	Benefit to Riders	Projected Cost (each)	Quantity	Projected Cost: TOTAL
1	Fixed-route Class 700 buses, replacement	Hybrid Option	Replace vehicle that have outlived its useful life	550,000	1	\$550,000
1	Fixed Route Class 700 Buses, expansion	hybrid option	Serve fixed-route service	550,000	1	\$550,000
TOTAL						\$1,100,000
PRELIMINARY APPORTIONMENT						\$1,176,567

North Dakota: Rural Public Transit
(As of March 3, 2009)

Attachment 3

Tentative list until full review and vetting completed and approved by the Federal Transit Administration.

Priority Level	Short Title	Description	Benefit to Riders	Projected Cost (each)	Quantity	Projected Cost: TOTAL
1	Bus Storage Facility-- Valley City, ND	House paratransit buses that are currently stored outdoors in order to protect electronic components from extreme weather and extend use-lives	Invest savings from funds no longer needed for repairs due to extreme weather into operation of routes	1,300,000	1	1,300,000
1	Bus Storage Facility-- Ward County, ND	House paratransit buses that are currently stored outdoors in order to protect electronic components from extreme weather and extend use-lives	Invest savings from funds no longer needed for repairs due to extreme weather into operation of routes	900,000	1	900,000
2	Bus Storage Facility-- Williams County, ND	House paratransit buses that are currently stored outdoors in order to protect electronic components from extreme weather and extend use-lives	Invest savings from funds no longer needed for repairs due to extreme weather into operation of routes	1,000,000	1	1,000,000
1	Bus Storage Facility-- Stark County, ND	House paratransit buses that are currently stored outdoors in order to protect electronic components from extreme weather and extend use-lives	Invest savings from funds no longer needed for repairs due to extreme weather into operation of routes	900,000	1	900,000
2	Bus Storage Facility-- McKenzie County, ND	House paratransit buses that are currently stored outdoors in order to protect electronic components from extreme weather and extend use-lives	Invest savings from funds no longer needed for repairs due to extreme weather into operation of routes	500,000	1	500,000
2	Accessible buses-- replacement	hybrid option	Replace vehicles that have exceeded their use-lives	80,000	7	560,000
2	Accessible buses-- replacement	hybrid option	Replace vehicles that have exceeded their use-lives	125,000	4	500,000
	Capital purchases	As needed for rural transit projects	Non-vehicle capital purchases			296,263
	TOTAL					\$5,956,263
	TOTAL APPORTIONMENT					\$5,956,263

Driver License System Redesign - Request for Information (RFI)
03/09/2009

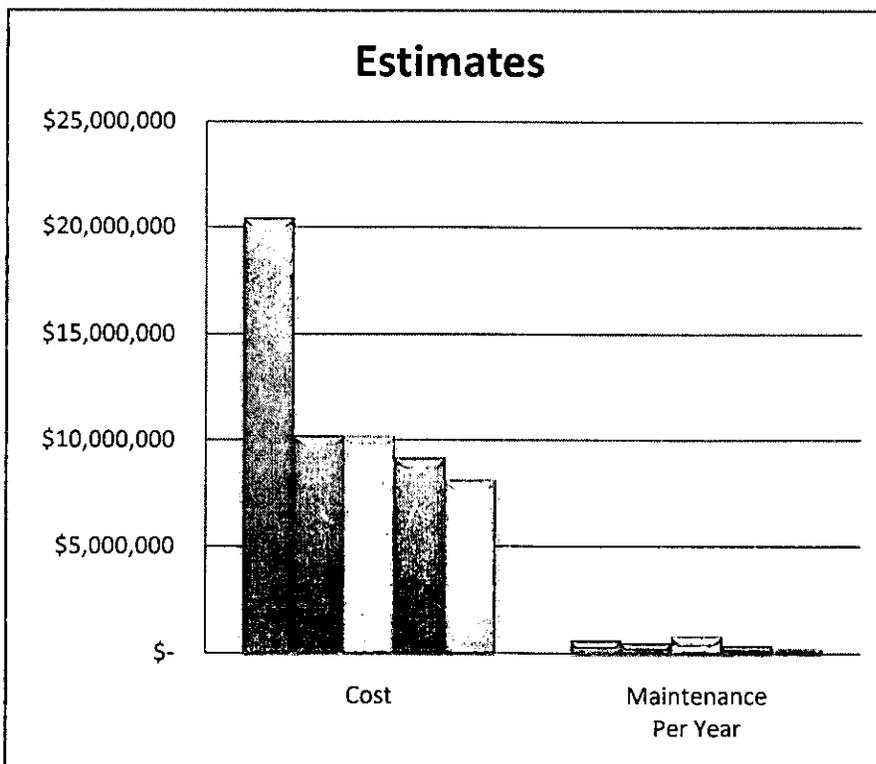
An RFI was issued in November 2007 requesting interested parties to respond with their experience level, cost estimates and timeframes for a redesign of the North Dakota Driver License System. The intent was to obtain the latest in technology being implemented in other licensing jurisdictions and project cost estimates for the 2009-2011 budget and IT Plan.

NDDOT received 5 responses the RFI which are summarized below:

Drivers License Rewrite

Estimates January 25, 2008

Company	Cost	Maintenance Per Year	Time Frame
Vendor 1	\$ 20,435,766	\$ 612,000	36 months
Vendor 2	\$ 10,200,000	\$ 500,000	24 months
Vendor 3	\$ 10,194,298	\$ 804,208	23 months
Vendor 4	\$ 9,166,000	\$ 350,000	18 months
Vendor 5	\$ 8,132,000	\$ 221,000	24 months



With one exception, all vendors have implemented Driver License Systems in other jurisdictions and were submitting their current solution and a baseline cost estimate. In preparing for the project, NDDOT felt that the timeframes would need to be expanded to increase the analysis phase to approximately 9-12 months since that is where the majority of projects of this complexity fall short. The project would then be implemented before the end of the 2001-2013 biennium. The project costs were increased to account for the necessary customization.

It is anticipated that a Request for Proposal will attract a number more vendors that responded to the RFI since our IT staff has had a number of queries on the status of the project over the past year.



BROAD OVERVIEW OF STATE FLEET VEHICLE PURCHASING & RENTAL RATES

All state fleet vehicles when purchased are placed into a rental rate group. Each group is set up with an average life expectancy and an estimated residual value based on miles driven and auction proceeds. The purchase cost minus the residual value is used to set the depreciation rate per meter unit (mile or hour meter). Vehicles are purchased on a set schedule per group to maintain a median age.

All vehicles in each specific group are accessed the actual costs incurred by all vehicles in that group. Fleet overhead costs such as administrative charges, liability insurance, etc. are prorated to each group based on the number of active units in the group.

There are three components to the rental rates of state fleet vehicles. They are operating, depreciation, and replacement. The operating and depreciation can be charged to federal projects, however the replacement rate cannot.

Operating Rate

To determine the operating rental rate, the following components are included in the calculation:

1. Direct Labor and Payroll Additives from the DOT repair facilities.
2. Parts, Fuel, Commercial Repairs, Etc.
3. State Fleet Services Overhead and Risk Management Insurance.
4. Shop Overhead.
5. The rate computation will include the adjustment for over/under applied revenues.

These costs are rolled up over a 12 month period and then divided by the 12 month usage to arrive at an actual cost operating rate per mile/hour. We review these costs quarterly and make adjustments to the rate to avoid as much over/under applied revenue as possible.

For Example: The group 07 Highway Patrol vehicles had a 05-06 fiscal year expense of \$983,417 (\$26,340 labor, \$871,752 for parts, fuel, & oil, \$32,769 for shop overhead, \$25,661 for State Fleet Services overhead & \$26,895 for insurance) plus under applied revenue of \$119,698 for a total of \$1,103,115 divided by the total miles driven of 3,271,603 for an actual operating rate of \$0.337.

Depreciation Rate

To determine the depreciation rental rate the following components are used in the calculation:

1. Miles or hours vehicle to be in service.
2. Years vehicle to be in service.
3. The rate computation will include the adjustment for gain/loss from sale.

Financial Management Division will use this information as well as the estimated salvage value to determine the current depreciation schedule to be assigned to each group of new units. Estimated salvage value is based on a percentage of new vehicle cost as dictated by recent auctions. All vehicle depreciation is straight line over the useful months' life of the vehicle minus the estimated salvage value. The rate is computed annually on a per mile/hour basis to collect the revenue over the average expected life of the vehicles in each group.

For example: The group 09 Game & Fish enforcement pickup is sold after 3 years with an average of 80,000 miles. The purchase price 3 years ago was \$20,200 and the average sale price is \$7,400 for a total cost of ownership of \$12,800. This equates to a depreciation cost per mile of \$0.16.

Replacement Rate

The purpose of the replacement rate is to recover the cost associated with inflation of new vehicle prices from the time a new vehicle is purchased until the time it is to be replaced and/or the addition of new vehicles to a group to meet the state's needs.

For example: if the purchase price of a truck was \$36,000 in 1991 and to replace it at 15 years in 2006 with a truck that costs \$82,000 the difference of \$46,000 needs to be collected through the replacement rate to keep the fleet from going into a deficit. If the expected life of all of the trucks in that group is an average of 10,000 hours and all trucks in that group were going to inflate by \$46,000, a rate of \$4.60 per hour would have to be collected over the life of all of the trucks in that group.

If the new prices remain flat within a group or there are no new additions to the group the replacement rate may not be needed for periods of time. The sedans that are being purchased today are actually costing less than they did 4 years ago and the group is not increasing in size so therefore no replacement cost is needed in that group.

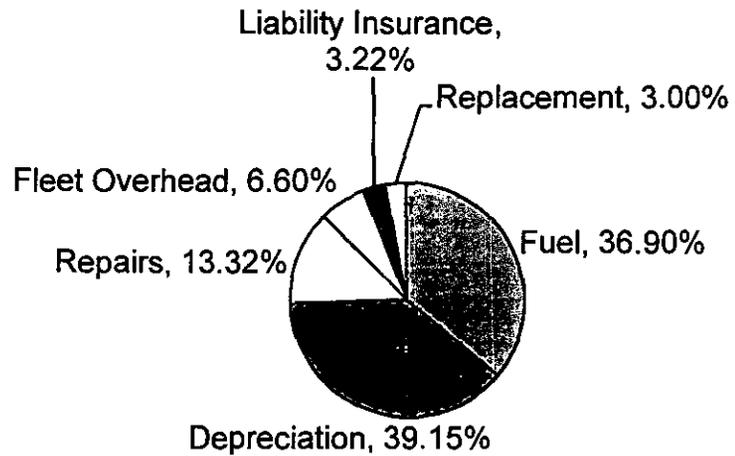
Replacement Guidelines

The following are examples of the guidelines used to replace some of the vehicle groups:

Group	Replacement age	Target miles/hours
01 Mini Passenger Vans	6 Years	75,000 Miles
02 Sedans	5 Years	70,000 Miles
04 Heavy Duty Pickups and Vans	7 Years	85,000 Miles
07 Highway Patrol Vehicles	3 ½ Years	70,000 Miles
09 Game & Fish Enforcement Pickups	3 Years	80,000 Miles
13 Compact SUV	6 Years	85,000 Miles
21 Single Axle Snow Plow Truck	15 Years	10,000 Hours
22 Tandem Axle Snow Plow Truck	15 Years	10,000 Hours

Group 02 Sedans \$0.30 per mile February 2009 Rental Rate Breakdown With a Life Cycle of 4 Years

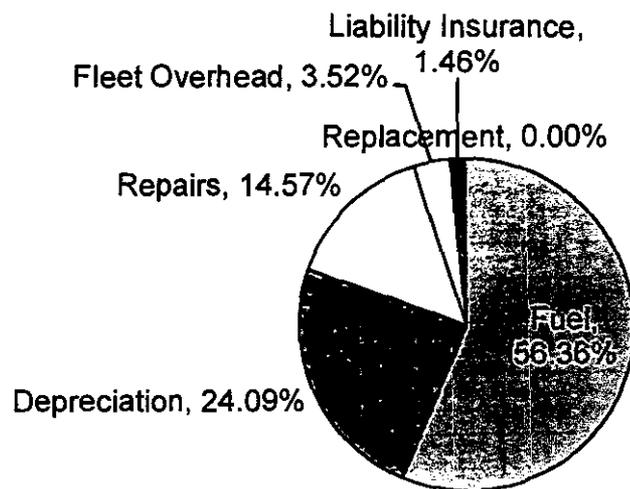
FYTD Vehicle Usage: 6,213,880
Vehicle Count 12/08: 786



- Fuel
- Depreciation
- Repairs
- Fleet Overhead
- Liability Insurance
- Replacement

Group 04 Heavy Pickups \$0.75 per mile November 2008 Rental Rate Breakdown With a Life Cycle of 7 Years

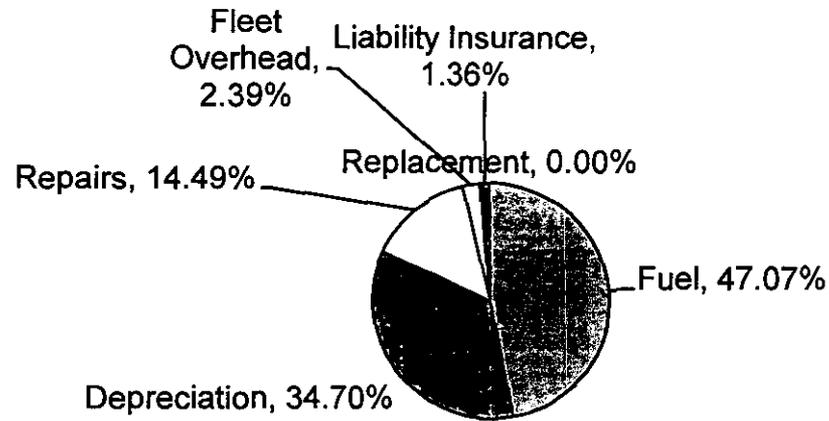
FYTD Vehicle Usage: 1,602,707
Vehicle Count 09/08: 350



- Fuel
- Depreciation
- Repairs
- Fleet Overhead
- Liability Insurance
- Replacement

Group 07 Highway Patrol \$0.59 per mile November 2008 Rental Rate Breakdown With a Life Cycle of 3.5 Years

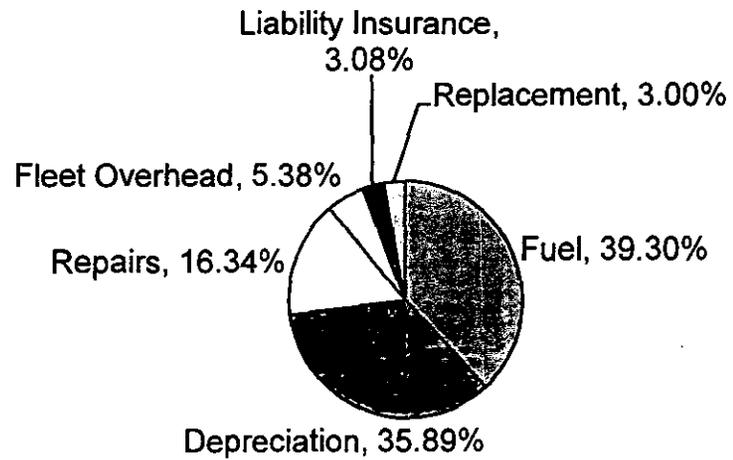
FYTD Vehicle Usage: 920,824
Vehicle Count 09/08: 170



- Fuel
- Depreciation
- Repairs
- Fleet Overhead
- Liability Insurance
- Replacement

Group 02 Sedans \$0.31 per mile November 2008 Rental Rate Breakdown With a Life Cycle of 4 Years

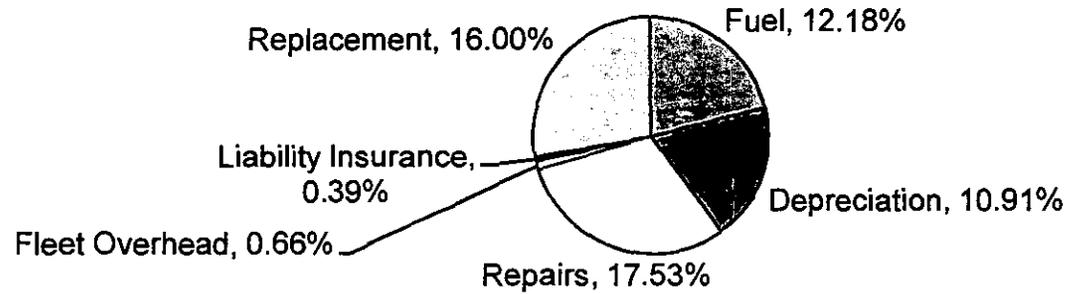
FYTD Vehicle Usage: 3,334,244
Vehicle Count 09/08: 832



- Fuel
- Depreciation
- Repairs
- Fleet Overhead
- Liability Insurance
- Replacement

Group 22 Tandem Axle Truck \$75 per hour November 2008 Rental Rate Breakdown With a Life Cycle of 15 Years

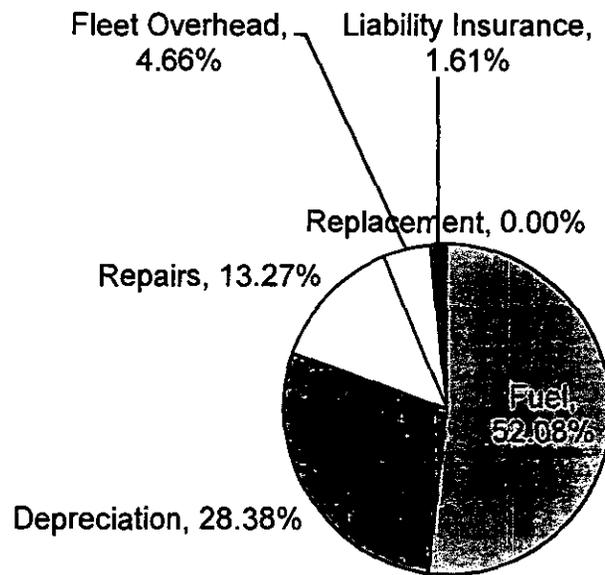
FYTD Vehicle Usage: 17,388
Vehicle Count 09/08: 309



- Fuel
- Depreciation
- Repairs
- Fleet Overhead
- Liability Insurance
- Replacement

Group 04 Heavy Pickups \$0.65 per mile February 2009 Rental Rate Breakdown With a Life Cycle of 7 Years

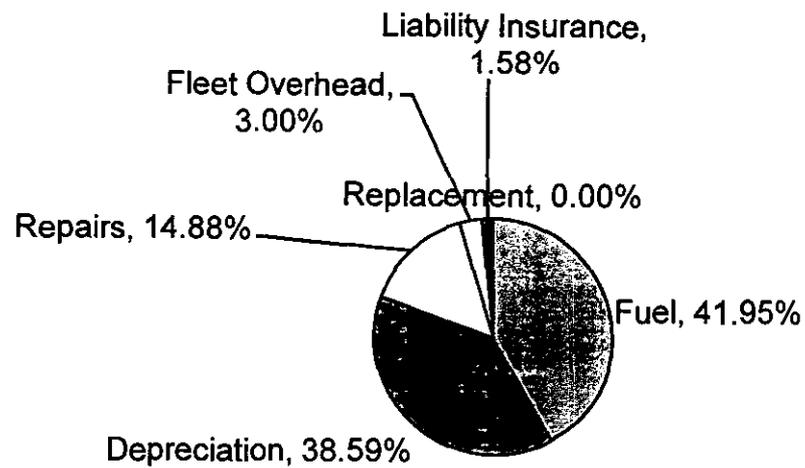
FYTD Vehicle Usage: 2,666,528
Vehicle Count 12/08: 323



- Fuel
- Depreciation
- Repairs
- Fleet Overhead
- Liability Insurance
- Replacement

Group 07 Highway Patrol \$0.55 per mile February 2009 Rental Rate Breakdown With a Life Cycle of 3.5 Years

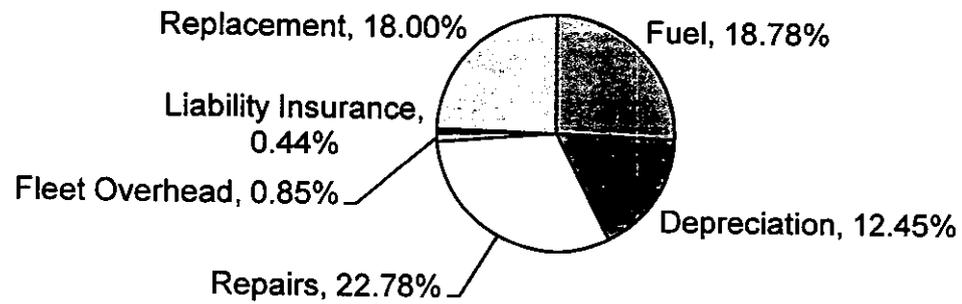
FYTD Vehicle Usage: 1,756,667
Vehicle Count 12/08: 180



- Fuel
- Depreciation
- Repairs
- Fleet Overhead
- Liability Insurance
- Replacement

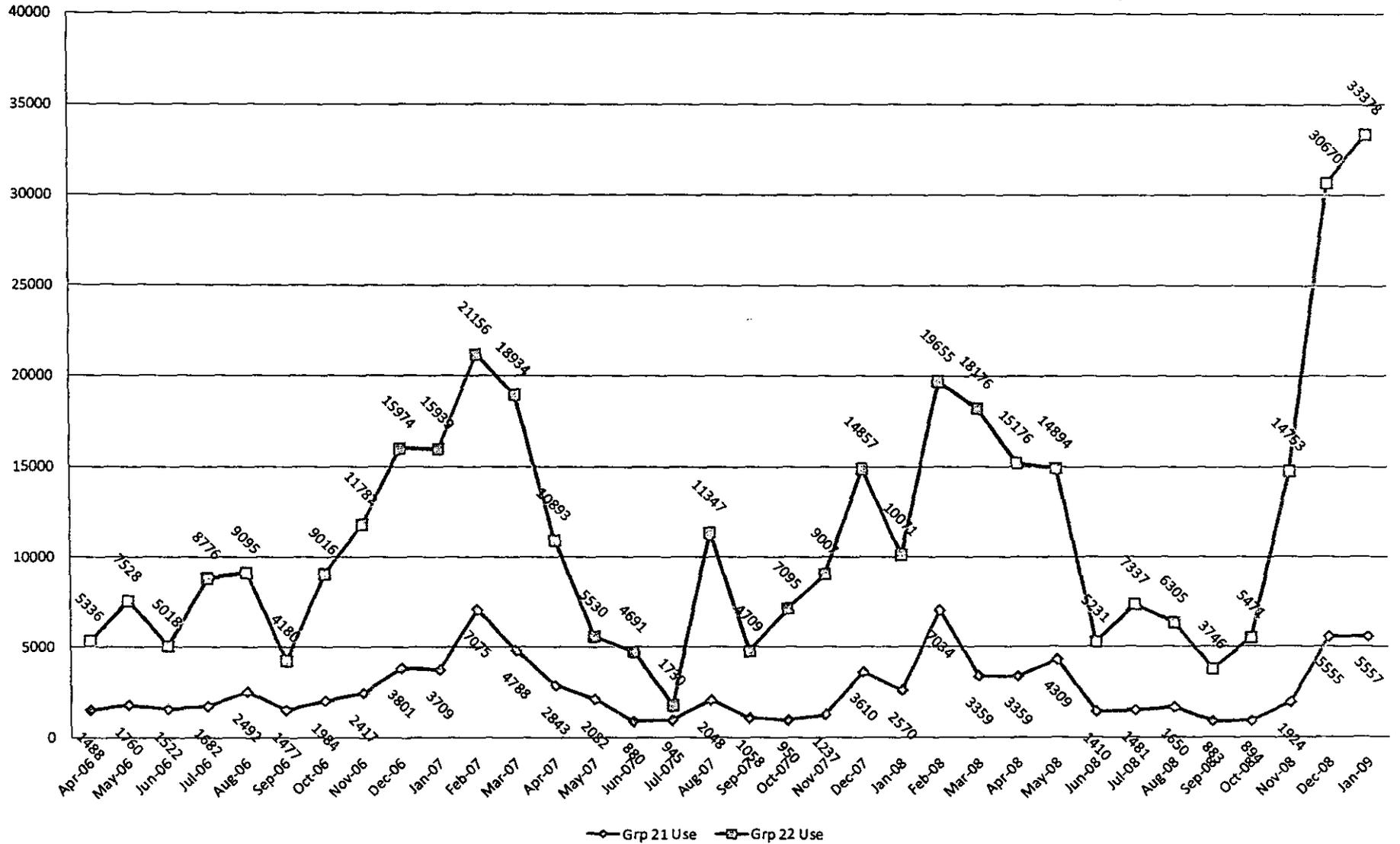
Group 22 Tandem Axle Truck \$65 per hour February 2009 Rental Rate Breakdown With a Life Cycle of 15 Years

FYTD Vehicle Usage: 68,282
Vehicle Count 12/08: 307



- Fuel
- Depreciation
- Repairs
- Fleet Overhead
- Liability Insurance
- Replacement

MONTHLY PLOW TRUCK USAGE



1/16/2009

NORTH DAKOTA STATE DEPARTMENT OF TRANSPORTATION
FLEET DEPRECIATION REPORT BY VEHICLE GROUP
12/31/2008

		Usage Rate	Depr. Rate	Replacement Rate	FYTD Usage	Cost	Salvage Value	FYTD Depr.	LTD Depr.
VG01	Minivan-Pass	.28	.14	0	1,218,222	3,372,742.00	759,570.75	217,930.56	1,557,973.85
VG02	Compacts	.19	.11	.01	6,213,880	10,234,095.99	3,781,338.48	765,724.62	3,877,249.00
VG03	Light Pickups/Cargo	0.385	.175	0	1,727,864	6,030,406.32	1,588,238.01	243,081.95	2,657,856.01
VG04	Heavy Pickup/Cargo Van	.32	.23	0	2,666,328	10,235,419.34	2,993,893.92	456,126.26	4,301,351.41
VG07	Highway Patrol	.39	.20	0	1,756,667	3,996,261.58	1,045,898.93	352,272.46	1,552,309.81
VG09	Game Enforcement	.34	.11	0	995,854	1,484,029.65	593,611.85	141,691.20	581,655.22
VG12	Facility Service Vehicle	.58	.52	0	315,789	4,019,054.22	499,554.25	134,960.11	2,319,321.92
VG13	Compact Util-All	.31	.25	0	1,586,842	4,228,441.00	1,062,675.00	294,745.74	1,994,319.53
VG18	Misc Truck	.23	.12	6	9,373	4,439,115.84	891,619.85	102,726.62	2,167,297.22
VG19	Distributor Trucks	.38	.10	.17	799	648,918.98	111,354.93	9,382.08	236,032.93
VG20	Sign Drill Water Truck	.25	8	5	5,437	2,106,374.52	307,397.12	38,355.63	720,913.06
VG21	Single Axle Trk Gas & Diesel	.40	.12	0	12,387	4,134,202.33	1,230,466.30	83,356.42	1,801,292.02
VG22	Tandem Axle Trucks	.53	10	12	68,282	29,631,790.60	7,578,958.07	699,795.38	7,938,494.54
VG23	Truck Tractors	.45	.7	.5	2,818	915,205.35	137,703.69	17,317.46	292,083.99
VG24	Rotary Snowplows	.90	0		294	2,366,291.90	309,929.90	27,814.08	878,569.67
VG26	Motor Coach	.58	.19	0	1,926	1,487,904.15	145,941.26	38,291.22	309,066.12
VG27	Water Well Drill Truck	.14	.16	5	362	382,415.00	5,641.50	6,371.64	41,200.00
VG29	Lineworker Trucks	.58	.28	.9	485	223,619.49	33,542.49	4,728.06	117,873.07
VG30	Shuttle Bus	18.75	3.5	3.75	3,552	784,760.00	117,714.00	17,934.66	230,909.19
VG31	Fuel Trucks	.5	.75	3.25	2,536	211,268.92	50,137.00	1,859.52	112,702.06
VG32	Drill Truck	.45	5	0	542	563,170.66	56,317.66	12,660.84	213,522.53
VG54	Motor Grader	.90			1,605	3,622,831.50	362,266.50	46,345.92	3,047,455.07
VG63	Roller Steel	.41			184	263,081.00	26,304.00	3,528.42	202,001.16
VG64	Roller Pneumatic	.61			530	797,698.00	79,764.00	14,571.73	362,502.66
VG66	Asphalt Pavers	1.83			639	596,293.00	79,486.25	15,847.44	198,648.49
VG68	Chip Spreader Self Propel	.61			180	475,835.00	74,886.20	6,742.30	178,295.90
VG70	Sweeper Self Propelled	.49			511	341,022.00	28,859.60	6,314.10	207,718.58
VG72	Excavators	.44			60	157,635.00	23,645.25	3,349.74	24,006.50
VG73	Specialty Tractor	.55			356	453,928.00	136,178.40	10,113.48	83,687.29
VG74	Tractor Backhoe	.58			247	312,787.32	46,917.62	4,522.14	198,300.69
VG75	Dozer	.51			24	212,707.00	37,723.00	3,290.58	68,038.78
VG76	Tractor w/loader	.34			6,683	3,575,337.93	512,000.93	81,915.48	1,077,674.05
VG77	Skidsteer Loader	.42			895	466,039.92	75,705.42	11,752.86	153,050.29

STATE OF NORTH DAKOTA
OFFICE OF MANAGEMENT AND BUDGET

600 East Boulevard Ave., Dept. 110 • Bismarck, North Dakota 58505-0400
FAX - (701) 328-3230

TO: Paul Hanson
Fleet Services - 801

FROM: Sheila Peterson *SP*
Director of Fiscal Management

DATE: January 18, 2008

SUBJECT: 2009-11 Budget Guidelines

In anticipation of the 2009-11 biennium budget cycle we are again requesting information on the State Fleet Services budget guidelines that agencies can use to build their budget requests.

Please provide this information electronically to Lori Anderson loranderson@nd.gov at OMB by the end of March. We will provide an electronic link to your billing rate information in the budget instructions.

Thank you.

RECEIVED
JAN 18 2008
STATE FLEET

MEMORANDUM

TO: All State Agencies/Institutions

FROM: Paul Hanson
State Fleet Services Director

DATE: February 25, 2008

SUBJECT: State Fleet Services 2009-2011 Biennium Budget Guidelines

The State Fleet Services budget guidelines for the 2009-2011 biennium are attached and explained as follows:

1. The mileage/hourly rates consist of two components: Operating costs and depreciation.
 - a. Operating costs include parts, fuel, insurance, labor, shop overhead, and administration, divided by usage and charged back on a per-mile/hour basis.
 - b. Depreciation is the actual cost, less salvage value of the fleet, spread over the estimated useful life of the vehicle, divided by usage and charged back on a per-mile/hour basis.
2. The replacement rate is the difference between what is needed to purchase new vehicles, and the amount that is recovered through the depreciation portion of the rate. Because this rate is to fund replacement costs, it cannot be charged to federal programs. The replacement rate also funds additional vehicle needs. Agencies are to budget the total of the mileage/hour rate, and the replacement rate. The funding source for the replacement rate must be either general or special funds.

You will notice across-the-board increases because fuel costs, commercial repairs, and labor have continued to increase. However, State Fleet Services is making every effort to keep these rising costs at a minimum. Minimum mileage standards have been implemented for the past two years for several of the newly purchased vehicles to offset rising fuel costs.

Depreciation is on the rise for almost all groups as a result of the increasing purchase price for all vehicles and in some instances declining sales revenue or usage.

The attached budget guidelines reflect our best estimate of potential costs for the next biennium. Keep in mind that many factors can increase or decrease the rental rates.

All agencies anticipating increases in monthly rentals must identify in writing the number of units, and which rental group will be affected so State Fleet Services can plan accordingly.

Each agency/institution's mileage may be determined by referring to the monthly billing report.

Should you have any questions, please contact us.

JB
Attachment
C: Tim Horner

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

(February 25, 2008)

STATE FLEET SERVICES
BUDGET GUIDELINES
2009-2011 BIENNIUM

DESCRIPTION	GROUP NO.	RATE	REPLCMNT RATE	MILE/HOUR RATE
Mini Pass. Van	1	0.530	0.03	0.560
Sedan/Wagon	2	0.380	0.02	0.400
Light Pickup/Cargo Van/Full-Size Utility	3	0.620	0.03	0.650
Heavy Pickup/Van/Full-Size Utility	4	0.720	0.05	0.770
Highway Patrol	7	0.650	0.05	0.700
Game Enforcement/Special	9	0.560	0.03	0.590
Facility Service Vehicle	12	1.270	0.08	1.350
Compact Utility/All	13	0.580	0.06	0.640
Miscellaneous Truck/Mid-Size Bus	18	41.000	5.00	46.000
Distributor Truck	19	50.000	5.00	55.000
Sign Truck/Garbage Truck	20	30.000	5.00	35.000
Single Axle Truck/All	21	40.000	5.00	45.000
Tandem Axle Truck/All	22	60.000	15.00	75.000
Truck Tractor	23	50.000	5.00	55.000
Rotary Snowplow	24	95.000	5.00	100.000
Motor Coach	26	80.000	10.00	90.000
Water Comission Truck	27	45.000	0.000	45.000
Lineworker Truck	29	35.000	10.00	45.000
Shuttle Bus	30	24.000	7.00	31.000
Fuel Truck	31	8.500	3.50	12.000
Drill Truck	32	90.000	10.00	100.000

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

(March 28, 2006)

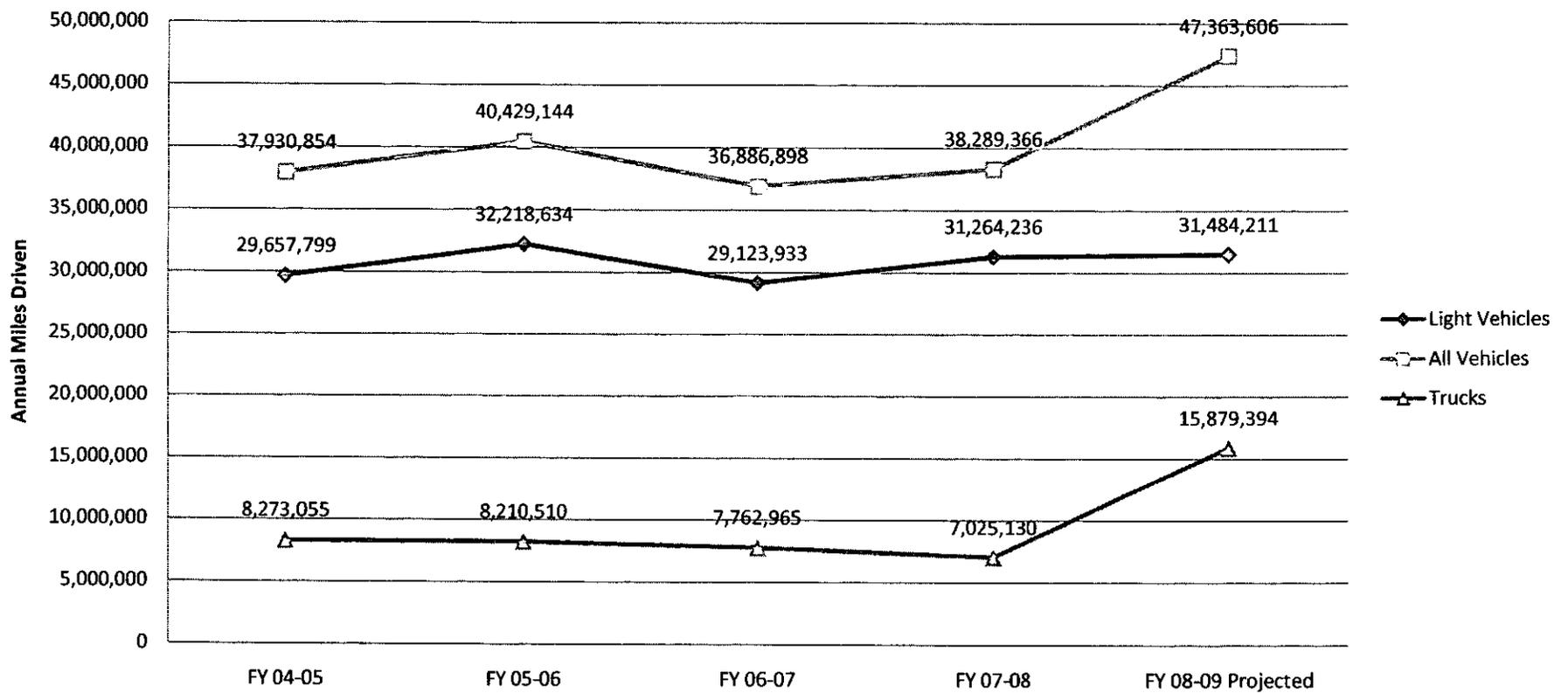
STATE FLEET SERVICES
BUDGET GUIDELINES
2007-2009 BIENNIUM

DESCRIPTION	GROUP NO.	RATE	REPLCMNT RATE	MILE/HOUR RATE
Mini Pass. Van	1	0.480	0.03	0.510
Sedan/Wagon	2	0.350	0.02	0.370
Light Pickup/Cargo Van/Full-Size Utility	3	0.550	0.03	0.580
Heavy Pickup/Van/Full-Size Utility	4	0.540	0.05	0.590
Highway Patrol	7	0.570	0.07	0.640
Game Enforcement/Special	9	0.460	0.05	0.510
Facility Service Vehicle	12	1.080	0.12	1.200
Compact Utility/All	13	0.460	0.06	0.520
Miscellaneous Truck/Mid-Size Bus	18	25.000	5.00	30.000
Distributor Truck	19	35.000	5.00	40.000
Sign Truck/Garbage Truck	20	20.000	5.00	25.000
Single Axle Truck/All	21	31.000	5.00	36.000
Tandem Axle Truck/All	22	42.000	15.00	57.000
Truck Tractor	23	35.000	5.00	40.000
Rotary Snowplow	24	70.000	5.00	75.000
Motor Coach	26	55.000	10.00	65.000
Lineworker Truck	29	30.000	10.00	40.000
Shuttle Bus	30	21.000	7.00	28.000
Fuel Truck	31	8.500	1.50	10.000
Drill Truck	32	45.000	10.00	55.000

Fleet Budget Assumptions and Observations

- Gasoline
 - Gasoline budget based on 3.55M gallons at \$4.50 per gallon which is a 45% increase over current budget of 3.67M gallons at \$3.00 per gallon.
 - The price for bulk gasoline was \$3.63 per gallon when the 09-11 budget was drafted.
 - Currently on pace to use 3.68M gallons this biennium with the average price so far of \$2.93 per gallon.
 - The price for bulk diesel fuel was \$4.40 per gallon when the 09-11 budget was drafted.
- Diesel Fuel
 - Diesel fuel budget based on 2.2M gallons at \$5.25 per gallon which is a 90% increase over current budget of 2.2M gallons at \$2.75 per gallon.
 - Currently on pace to use 2.33M gallons this biennium with the average price so far of \$3.20 per gallon.
- Other Operating Expenses
 - New budget is based on 15% increase in operating costs other than fuel.
 - These expenses are on pace to be about 4% over the current budget.
- Capital Assets
 - Capital asset budget is based on a 13% increase over all in vehicle prices combined with the phased in longer sedan retention period going from 4 to 5 years saving an estimated additional 5% increase.
 - Currently vehicle pricing is escalating with the 2009 model year anywhere from 8-20%, depending upon the vehicle. Sedans and mini vans are seeing the greatest increase.
 - This observation has occurred since the creation of the budget so may still be somewhat underfunded.
- Other Fleet Observations
 - This current biennium we are observing a 5% increase in the usage of light fleet vehicles from previous biennium.
 - 53 monthly assigned vehicles were added to satisfy the increased demand.
 - New vehicles are more fuel efficient; however the increase in usage is more than the fuel savings.
 - The expenditures are still mounting up from the record snow fall we are receiving this winter.
 - Collision rates are up
 - Experiencing a higher rate of plow truck repair expenses
 - Gasoline and diesel fuel prices are going back up

Total Fleet Vehicle Miles Traveled by Fiscal Year - All Agencies



#2

PROPOSED AMENDMENTS TO SENATE BILL NO. 2012

Page 1, line 14, replace "39,969,768" with "96,855,896" and replace "588,690,866" with "645,576,994"

Page 1, line 16, replace "\$107,024,750" with "\$163,910,878" and replace "\$1,010,182,250" with "\$1,067,068,378"

Page 2, line 20, replace "\$361,046,109" with "\$417,932,237"

Page 2, line 24, after "available" insert "from state or federal sources"

Page 2, after line 26, insert:

"SECTION 5. FLEET SERVICES FUND. The sum of \$70,388,921, included in the estimated income line in section 1 of this Act is from the fleet services fund and must be used by the department of transportation for purposes authorized by the legislative assembly, for the biennium beginning July 1, 2009, and ending June 30, 2011. Any additional amount in the fleet services fund that becomes available is appropriated to the department of transportation for the purpose of defraying the expenses of the fleet services program, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment increases the capital assets line item and total special funds appropriation by \$56,886,128 to allow the agency to fully expend additional revenues anticipated to be available in the highway fund, based upon the executive recommendation.

This amendment also adds a new section 5 providing additional appropriation authority for the fleet services program if additional revenues become.

PROPOSED AMENDMENT TO SENATE BILL NO. 2012

Page 1, line 6, remove "and", and after "transfer" insert "; and to declare an emergency"

Page 1, after line 19, insert:

"American Recovery and Reinvestment Act of 2009 0 181,123,000
181,123,000"

Page 1, line 20, replace "166,810,878" with "347,933,878" and replace "1,069,968,378" with
"1,251,091,378"

Page 13, after line 15 insert:

"SECTION 15. EMERGENCY. The appropriation provided in section 1 of this
Act relating to the American Recovery and Reinvestment Act of 2009 is declared to be
an emergency measure."

Renumber accordingly

January 2009

STATE FLEET SERVICES - RENTAL RATES

This memorandum provides information regarding vehicle rental rates charged by State Fleet Services and the methodology used to develop the rates.

RENTAL RATES

The table below provides information regarding the rental rates charged to state agencies by State Fleet Services for use of the following vehicle classes since May 2007:

State Fleet Rental Rates (Per Mile)								
Vehicle Class	May 2007	August 2007	November 2007	February 2008	May 2008	August 2008	November 2008	2009-11 Estimate ¹
Sedan	\$0.26	\$0.27	\$0.27	\$0.27	\$0.30	\$0.29	\$0.31	\$0.40
Minivan	\$0.42	\$0.39	\$0.39	\$0.39	\$0.44	\$0.38	\$0.42	\$0.56
Highway Patrol vehicle	\$0.50	\$0.53	\$0.51	\$0.51	\$0.56	\$0.49	\$0.59	\$0.70
Game enforcement vehicle	\$0.38	\$0.37	\$0.33	\$0.33	\$0.40	\$0.40	\$0.45	\$0.59

¹Based on 2009-11 budget guidelines issued to state agencies by State Fleet Services in February 2008.

A listing of the rates charged for all vehicle classes during the 2007-09 biennium and anticipated 2009-11 rates is attached as Appendix A.

COMPUTATION OF RENTAL RATES

State Fleet Services uses three components to determine vehicle class rental rates. Rates are adjusted quarterly based on changes in each of the component areas. The components include:

Operating rate - The operating rate is determined by combining the cost of fuel, parts, labor, repairs, and overhead expenses of a vehicle class over a year and dividing the cost by the total miles or hours rented in the vehicle class over the same time period.

Depreciation rate - The depreciation rate is computed by estimating the miles or hours the vehicle will be in service, the number of years the vehicle will be in service, and the anticipated resale value of the vehicle. The formula deducts the resale price from the purchase price and divides the result by the average number of estimated miles or hours of vehicle class use.

Replacement rate - The replacement rate is used to recover costs associated with the inflation of new vehicle purchases. The calculation deducts the purchase price of the vehicle from the anticipated future vehicle replacement cost and divides the result by the estimated number of miles or hours of vehicle use. Depending on anticipated replacement costs, some classes of vehicles may not have a replacement rate charge.

Additional information regarding the rental rate computations used by State Fleet Services is attached as Appendix B.

ATTACH:2

10/20

Attachment.
0000.1.26.09B

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
STATE FLEET SERVICES RENTAL RATES**

April 24, 2007

May 1, 2007

DESCRIPTION	GROUP NO.	OPERATING RATE	DEPRECIATION RATE	REPLACEMENT RATE	MILE/HOUR RATE
Mini Pass. Van	1	0.210	.210	---	.420
Sedan/Wagon	2	0.165	.095	----	.260
Light Pickup/Cargo Van/Full-Size Utility	3	0.290	.170	----	.460
Heavy Pickup/Van/Full-Size Utility	4	0.390	.140	----	.530
Highway Patrol	7	0.300	.200	----	.500
Game Enforcement/Special	9	0.230	.150	----	.380
Facility Service Vehicle	12	0.690	.380	.030	1.100
Compact Utility/All	13	0.250	.200	.030	.480
Miscellaneous Truck/Mid-Size Bus	18	19.020	12.930	2.050	34.000
Distributor Truck	19	38.876	13.000	3.124	55.000
Sign Truck/Garbage Truck	20	15.093	5.680	2.227	23.000
Single Axle Truck/All	21	26.870	5.130	----	32.000
Tandem Axle Truck/All	22	33.280	8.954	13.766	56.000
Truck Tractor	23	28.200	5.950	3.850	38.000
Rotary Snowplow	24	54.000	6.000	----	60.000
Motor Coach	26	43.864	10.970	6.166	61.000
Water Well Drill Truck	27	14.000	16.000	5.000	35.000
Lineworker Truck	29	12.640	37.360	----	50.000
Shuttle Bus	30	16.590	3.630	6.780	27.000
Fuel Truck	31	6.850	0.150	----	7.000
Drill Truck	32	31.450	36.550	----	68.000

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
STATE FLEET SERVICES RENTAL RATES**

August 15, 2007

August 1, 2007

DESCRIPTION	GROUP NO.	OPERATING RATE	DEPRECIATION RATE	REPLACEMENT RATE	MILE/HOUR RATE
Mini Pass. Van	1	0.210	.180	---	.390
Sedan/Wagon	2	0.160	.110	---	.270
Light Pickup/Cargo Van/Full-Size Utility	3	0.316	.164	---	.480
Heavy Pickup/Van/Full-Size Utility	4	0.400	.190	---	.590
Highway Patrol	7	0.280	0.250	---	.530
Game Enforcement/Special	9	0.260	.110	---	.370
Facility Service Vehicle	12	0.650	.450	.030	1.130
Compact Utility/All	13	0.250	.230	.010	.490
Miscellaneous Truck/Mid-Size Bus	18	22.000	17.000	2.000	41.000
Distributor Truck	19	50.000	22.000	---	72.000
Sign Truck/Garbage Truck	20	14.450	5.300	2.250	22.000
Single Axle Truck/All	21	20.500	7.000	---	27.500
Tandem Axle Truck/All	22	26.000	9.000	15.000	50.000
Truck Tractor	23	26.000	5.000	4.000	35.000
Rotary Snowplow	24	54.000	6.000	----	60.000
Motor Coach	26	42.000	9.000	10.000	61.000
Water Well Drill Truck	27	14.000	16.000	5.000	35.000
Lineworker Truck	29	7.000	24.000	9.000	40.000
Shuttle Bus	30	21.750	3.500	3.750	29.000
Fuel Truck	31	6.600	0.900	1.000	8.500
Drill Truck	32	35.000	77.000	---	112.000

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
STATE FLEET SERVICES RENTAL RATES**

October 23, 2007

November 1, 2007

DESCRIPTION	GROUP NO.	OPERATING RATE	DEPRECIATION RATE	REPLACEMENT RATE	MILE/HOUR RATE
Mini Pass. Van	1	0.210	.180	---	.390
Sedan/Wagon	2	0.160	.110	----	.270
Light Pickup/Cargo Van/Full-Size Utility	3	0.296	.164	----	.460
Heavy Pickup/Van/Full-Size Utility	4	0.360	.190	----	.550
Highway Patrol	7	0.260	.250	----	.510
Game Enforcement/Special	9	0.220	.110	----	.330
Facility Service Vehicle	12	0.600	.450	.030	1.080
Compact Utility/All	13	0.230	.230	.010	.470
Miscellaneous Truck/Mid-Size Bus	18	22.000	17.000	2.000	41.000
Distributor Truck	19	38.000	22.000	----	60.000
Sign Truck/Garbage Truck	20	12.450	5.300	4.250	22.000
Single Axle Truck/All	21	15.000	12.000	----	27.000
Tandem Axle Truck/All	22	23.000	12.000	15.000	50.000
Truck Tractor	23	27.000	5.000	5.000	37.000
Rotary Snowplow	24	54.000	6.000	----	60.000
Motor Coach	26	42.000	9.000	10.000	61.000
Water Well Drill Truck	27	14.000	16.000	5.000	35.000
Lineworker Truck	29	7.000	24.000	9.000	40.000
Shuttle Bus	30	21.750	3.500	3.750	29.000
Fuel Truck	31	6.100	.900	1.000	8.000
Drill Truck	32	23.000	77.000	----	100.000

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
STATE FLEET SERVICES RENTAL RATES**

January 25, 2008

February 1, 2008

DESCRIPTION	GROUP NO.	OPERATING RATE	DEPRECIATION RATE	REPLACEMENT RATE	MILE/HOUR RATE
Mini Pass. Van	1	0.210	.180	----	.390
Sedan/Wagon	2	0.160	.110	----	.270
Light Pickup/Cargo Van/Full-Size Utility	3	0.286	.164	----	.450
Heavy Pickup/Van/Full-Size Utility	4	0.360	.190	----	.550
Highway Patrol	7	0.260	.250	----	.510
Game Enforcement/Special	9	0.220	.110	----	.330
Facility Service Vehicle	12	0.600	.450	.030	1.080
Compact Utility/All	13	0.230	.230	.010	.470
Miscellaneous Truck/Mid-Size Bus	18	23.000	13.000	2.000	38.000
Distributor Truck	19	38.000	22.000	----	60.000
Sign Truck/Garbage Truck	20	16.450	5.300	4.250	26.000
Single Axle Truck/All	21	28.000	12.000	----	40.000
Tandem Axle Truck/All	22	33.000	12.000	15.000	60.000
Truck Tractor	23	32.000	5.000	5.000	42.000
Rotary Snowplow	24	54.000	6.000	----	60.000
Motor Coach	26	46.000	9.000	10.000	65.000
Water Well Drill Truck	27	14.000	16.000	5.000	35.000
Lineworker Truck	29	7.000	24.000	9.000	40.000
Shuttle Bus	30	17.750	3.500	3.750	25.000
Fuel Truck	31	5.100	.900	2.000	8.000
Drill Truck	32	23.000	77.000	----	100.000

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
STATE FLEET SERVICES RENTAL RATES**

April 24, 2008

May 1, 2008

DESCRIPTION	GROUP NO.	OPERATING RATE	DEPRECIATION RATE	REPLACEMENT RATE	MILE/HOUR RATE
Mini Pass. Van	1	0.260	.180	---	.440
Sedan/Wagon	2	0.190	.110	---	.300
Light Pickup/Cargo Van/Full-Size Utility	3	0.336	.164	---	.500
Heavy Pickup/Van/Full-Size Utility	4	0.410	.190	---	.600
Highway Patrol	7	0.330	.230	---	.560
Game Enforcement/Special	9	0.290	.110	---	.400
Facility Service Vehicle	12	0.720	.450	.030	1.200
Compact Utility/All	13	0.250	.230	.010	.490
Miscellaneous Truck/Mid-Size Bus	18	24.000	13.000	2.000	39.000
Distributor Truck	19	38.000	22.000	---	60.000
Sign Truck/Garbage Truck	20	24.450	5.300	4.250	34.000
Single Axle Truck/All	21	31.000	12.000	---	43.000
Tandem Axle Truck/All	22	44.000	9.000	12.000	65.000
Truck Tractor	23	42.000	5.000	5.000	52.000
Rotary Snowplow	24	70.000	0.000	---	70.000
Motor Coach	26	51.000	9.000	10.000	70.000
Water Well Drill Truck	27	14.000	16.000	5.000	35.000
Lineworker Truck	29	7.000	24.000	9.000	40.000
Shuttle Bus	30	17.750	3.500	3.750	25.000
Fuel Truck	31	5.100	.900	2.000	8.000
Drill Truck	32	30.000	30.000	---	60.000

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
STATE FLEET SERVICES RENTAL RATES**

August 13, 2008

August 1, 2008

DESCRIPTION	GROUP NO.	OPERATING RATE	DEPRECIATION RATE	REPLACEMENT RATE	MILE/HOUR RATE
Mini Pass. Van	1	0.240	.140	----	.380
Sedan/Wagon	2	0.180	.110	----	.290
Light Pickup/Cargo Van/Full-Size Utility	3	0.335	.175	----	.510
Heavy Pickup/Van/Full-Size Utility	4	0.420	.230	----	.650
Highway Patrol	7	0.290	.200	----	.490
Game Enforcement/Special	9	0.290	.110	----	.400
Facility Service Vehicle	12	0.830	.520	----	1.350
Compact Utility/All	13	0.240	.250	----	0.490
Miscellaneous Truck/Mid-Size Bus	18	24.000	16.000	2.000	42.000
Distributor Truck	19	23.000	10.000	17.000	50.000
Sign Truck/Garbage Truck	20	22.000	8.000	5.000	35.000
Single Axle Truck/All	21	31.000	12.000	----	43.000
Tandem Axle Truck/All	22	43.000	10.000	12.000	65.000
Truck Tractor	23	43.000	7.000	5.000	55.000
Rotary Snowplow	24	90.000	----	----	90.000
Motor Coach	26	58.000	19.000	----	77.000
Water Well Drill Truck	27	14.000	16.000	5.000	35.000
Lineworker Truck	29	8.000	28.000	9.000	45.000
Shuttle Bus	30	17.750	3.500	3.750	25.000
Fuel Truck	31	4.000	.750	3.250	8.000
Drill Truck	32	25.000	5.000	----	30.000

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
STATE FLEET SERVICES RENTAL RATES**

October 27, 2008

November 1, 2008

DESCRIPTION	GROUP NO.	OPERATING RATE	DEPRECIATION RATE	REPLACEMENT RATE	MILE/HOUR RATE
Mini Pass. Van	1	0.280	.140	---	.420
Sedan/Wagon	2	0.190	.110	0.010	.310
Light Pickup/Cargo Van/Full-Size Utility	3	0.385	.175	---	.560
Heavy Pickup/Van/Full-Size Utility	4	0.520	.230	---	.750
Highway Patrol	7	0.390	.200	---	.590
Game Enforcement/Special	9	0.340	.110	---	.450
Facility Service Vehicle	12	0.580	.520	---	1.100
Compact Utility/All	13	0.310	.250	---	0.560
Miscellaneous Truck/Mid-Size Bus	18	23.000	12.000	6.000	41.000
Distributor Truck	19	38.000	10.000	17.000	65.000
Sign Truck/Garbage Truck	20	25.000	8.000	5.000	38.000
Single Axle Truck/All	21	40.000	12.000	---	52.000
Tandem Axle Truck/All	22	53.000	10.000	12.000	75.000
Truck Tractor	23	45.000	7.000	5.000	57.000
Rotary Snowplow	24	90.000	---	---	90.000
Motor Coach	26	58.000	19.000	---	77.000
Water Well Drill Truck	27	14.000	16.000	5.000	35.000
Lineworker Truck	29	8.000	28.000	9.000	45.000
Shuttle Bus	30	18.750	3.500	3.750	26.000
Fuel Truck	31	5.000	.750	3.250	9.000
Drill Truck	32	45.000	5.000	---	50.000

MEMORANDUM

TO: All State Agencies/Institutions

FROM: Paul Hanson
State Fleet Services Director

DATE: February 25, 2008

SUBJECT: State Fleet Services 2009-2011 Biennium Budget Guidelines

The State Fleet Services budget guidelines for the 2009-2011 biennium are attached and explained as follows:

1. The mileage/hourly rates consist of two components: Operating costs and depreciation.
 - a. Operating costs include parts, fuel, insurance, labor, shop overhead, and administration, divided by usage and charged back on a per-mile/hour basis.
 - b. Depreciation is the actual cost, less salvage value of the fleet, spread over the estimated useful life of the vehicle, divided by usage and charged back on a per-mile/hour basis.
2. The replacement rate is the difference between what is needed to purchase new vehicles, and the amount that is recovered through the depreciation portion of the rate. Because this rate is to fund replacement costs, it cannot be charged to federal programs. The replacement rate also funds additional vehicle needs. Agencies are to budget the total of the mileage/hour rate, and the replacement rate. The funding source for the replacement rate must be either general or special funds.

You will notice across-the-board increases because fuel costs, commercial repairs, and labor have continued to increase. However, State Fleet Services is making every effort to keep these rising costs at a minimum. Minimum mileage standards have been implemented for the past two years for several of the newly purchased vehicles to offset rising fuel costs.

Depreciation is on the rise for almost all groups as a result of the increasing purchase price for all vehicles and in some instances declining sales revenue or usage.

The attached budget guidelines reflect our best estimate of potential costs for the next biennium. Keep in mind that many factors can increase or decrease the rental rates.

All agencies anticipating increases in monthly rentals must identify in writing the number of units, and which rental group will be affected so State Fleet Services can plan accordingly.

Each agency/institution's mileage may be determined by referring to the monthly billing report.

Should you have any questions, please contact us.

JB
Attachment
C: Tim Horner

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

(February 25, 2008)

**STATE FLEET SERVICES
BUDGET GUIDELINES
2009-2011 BIENNIUM**

DESCRIPTION	GROUP NO.	RATE	REPLCMNT RATE	MILE/HOUR RATE
Mini Pass. Van	1	0.530	0.03	0.560
Sedan/Wagon	2	0.380	0.02	0.400
Light Pickup/Cargo Van/Full-Size Utility	3	0.620	0.03	0.650
Heavy Pickup/Van/Full-Size Utility	4	0.720	0.05	0.770
Highway Patrol	7	0.650	0.05	0.700
Game Enforcement/Special	9	0.560	0.03	0.590
Facility Service Vehicle	12	1.270	0.08	1.350
Compact Utility/All	13	0.580	0.06	0.640
Miscellaneous Truck/Mid-Size Bus	18	41.000	5.00	46.000
Distributor Truck	19	50.000	5.00	55.000
Sign Truck/Garbage Truck	20	30.000	5.00	35.000
Single Axle Truck/All	21	40.000	5.00	45.000
Tandem Axle Truck/All	22	60.000	15.00	75.000
Truck Tractor	23	50.000	5.00	55.000
Rotary Snowplow	24	95.000	5.00	100.000
Motor Coach	26	80.000	10.00	90.000
Water Comission Truck	27	45.000	0.000	45.000
Lineworker Truck	29	35.000	10.00	45.000
Shuttle Bus	30	24.000	7.00	31.000
Fuel Truck	31	8.500	3.50	12.000
Drill Truck	32	90.000	10.00	100.000

STATE FLEET VEHICLE RENTAL RATES

There are three components to the rental rates of state fleet vehicles. They are operating, depreciation, and replacement. The operating and depreciation can be charged to federal projects, however the replacement rate cannot.

Operating Rate

To determine the operating rental rate, the following components are included in the calculation:

1. Direct Labor and Payroll Additives.
2. Parts, Fuel, Commercial Repairs, Etc.
3. State Fleet Services Overhead.
4. Shop Overhead.
5. The rate computation will include the adjustment for over/under applied revenues.

These costs are rolled up over a 12 month period and then divided by the 12 month usage to arrive at an actual cost operating rate per mile/hour. We review these costs quarterly and make adjustments to the rate to avoid as much over/under applied revenue as possible.

For Example: The group 07 Highway Patrol vehicles had a 05-06 fiscal year expense of \$988,433 plus under applied revenue of \$119,698 for a total of \$1,108,131 with total miles driven of 3,271,603 for an actual operating rate of \$0.338.

Depreciation Rate

To determine the depreciation rental rate the following components are used in the calculation:

1. Miles or hours vehicle to be in service.
2. Years vehicle to be in service.
3. The rate computation will include the adjustment for gain/loss from sale.

Financial Management Division will use this information as well as the estimated salvage value to determine the current depreciation schedule to be assigned to each group of new units. Estimated salvage value is based on a percentage of new vehicle cost as dictated by recent auctions. All vehicle depreciation is straight line over the useful months' life of the vehicle minus the estimated salvage value. The rate is computed annually on a per mile/hour basis to collect the revenue over the average expected life of the vehicles in each group.

For example: The group 09 Game & Fish enforcement pickup is sold after 3 years with an average of 80,000 miles. The purchase price 3 years ago was \$20,200 and the average sale price is \$7,400 for a total cost of ownership of \$12,800. This equates to a depreciation cost per mile of \$0.16.

Replacement Rate

The purpose of the replacement rate is to recover the cost associated with inflation of new vehicle prices from the time a new vehicle is purchased until the time it is to be replaced and/or the addition of new vehicles to a group to meet the state's needs.

For example: if the purchase price of a truck was \$36,000 in 1991 and to replace it at 15 years in 2006 with a truck that costs \$82,000 the difference of \$46,000 needs to be collected through the replacement rate to keep the fleet from going into a deficit. If the expected life of all of the trucks in that group is an average of 10,000 hours and all trucks in that group were going to inflate by \$46,000, a rate of \$4.60 per hour would have to be collected over the life of all of the trucks in that group.

If the new prices remain flat within a group or there are no new additions to the group the replacement rate may not be needed for periods of time. The sedans that are being purchased today are actually costing less than they did 4 years ago and the group is not increasing in size so therefore no replacement cost is needed in that group.

Replacement Guidelines

The following are examples of the guidelines used to replace some of the vehicle groups:

Group	Replacement age	Target miles/hours
01 Mini Passenger Vans	6 Years	75,000 Miles
02 Sedans	5 Years	70,000 Miles
04 Heavy Duty Pickups and Vans	7 Years	85,000 Miles
07 Highway Patrol Vehicles	3 ½ Years	70,000 Miles
09 Game & Fish Enforcement Pickups	3 Years	80,000 Miles
13 Compact SUV	6 Years	85,000 Miles
21 Single Axle Snow Plow Truck	15 Years	10,000 Hours
22 Tandem Axle Snow Plow Truck	17 Years	10,000 Hours

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
STATE FLEET SERVICES**

**LICENSED MOTOR VEHICLES
DEPRECIATION SCHEDULE**

January 1, 2009

DESCRIPTION	GROUP NO.	LIFE IN MONTHS	SALVAGE PERCENT
Mini-Passenger Van	1	72	20
Sedan/Wagon	2	60	35
Light Pickup/Cargo Van/Full-Size Utility	3	96	25
Heavy Pickup/ Van/Full-Size Utility	4	84	25
Highway Patrol	7	42	25
Game Enforcement /Special	9	36	40
Facility Service Vehicle	12	144	10
Compact Utility/All	13	72	20
Miscellaneous Truck/Mid-Size Bus	18	144	25
Distributor	19	240	25
Sign Truck/Garbage Truck	20	180	15
Single Axle Truck/All	21	180	25
Tandem Axle Truck/All	22	204	25
Truck Tractor	23	180	25
Rotary Snowplow	24	420	15
Motor Coach	26	180	10
Water Well Drill Truck	27	378	10
Lineworker Truck	29	240	15
Shuttle Bus	30	240	15
Fuel Truck	31	180	25
Drill Truck	32	240	10



North Dakota Department of Transportation

Francis G. Ziegler, P.E.
Director

John Hoeven
Governor

March 10, 2009

The Honorable Jeff Delzer
House Appropriations Subcommittee
House Chambers
600 East Boulevard Avenue
Bismarck, ND 58505

Dear Mr. Delzer:

This letter is a follow-up to questions asked by the Government Operations Subcommittee during the morning meeting on March 10.

Attached is the following information:

1. Number of maintenance sections updated/replaced to date
Number of salt sheds built and yet to be built
Size of Fargo equipment storage facility
2. Pie chart that reflects:
 - a. Original chart plus stimulus (ARRA) that flows through NDDOT
 - b. Less \$100 million general funds without the city, county, township, and transit funds (NDDOT component only)
3. Revised amendment document. This addresses all amendments presented to and requested by the Government Operations Subcommittee.
4. Breakdown of the National Highway Traffic Safety Administration (NHTSA) funding

Funding potential for a youth driver safety law? There is funding available from the 402 funds, however, the project must be directly applicable to the Highway Safety Plan and meet its goals and objectives. The Highway Safety Plan is submitted to NHTSA annually and if approved, projects within the plan will move forward.

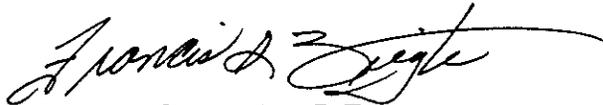
The Honorable Jeff Delzer
Page 2
March 10, 2009

5. Verification of maintenance effort needed to comply with ARRA (letter and certifications signed by the Governor and by the NDDOT Director).
6. Table of Federal Transit Authority (FTA) payments
7. Updated distribution table with federal regular, federal ARRA, and state funding

(Includes both federal regular for 2009, and projected for 2010 based on normal funding levels (steady state))

Also contains funding for reduced federal for 2010
8. Table regarding funding changes from 2007-09 to 2009-11
9. DL 3

Sincerely,



Francis G. Ziegler, P.E.
Director

01/jam

Maintenance Section Buildings/Salt Building Needs

Maintenance Section Buildings

64 outlying section buildings (excludes district headquarter buildings)

*We also have 5 subsections (Starkweather, Aneta, Halliday, Fessenden, Finley) which we will not be upgrading

Average age of buildings is approximately 30.33 years

17 substandard outlying section buildings remaining

New Generation Buildings Recently Constructed

Kenmare	1999
Napoleon	2000
Michigan	2000
Langdon	2001
Stanley	2001
Watford City	2001
Devils Lake	2002
Jamestown	2003
Parshall	2003
Medina	2004
Crosby	2004
Carrington	2005
Mott	2005
Glen Ullin	2006
Belfield	2006
Drayton	2007
Beulah	2009
Tioga	2009
Larimore*	2009

*When we prepared our budget, Bottineau was to be constructed in 2009. The decision was made to construct Larimore because of issues that could not be resolved by the end of the biennium.

Fargo equipment storage building will be approximately 10,000 square feet

Proposed section buildings for 2010-11: Bottineau, Wishek, Steele

Salt Buildings

220 salt buildings needed

*69 salt buildings constructed (varying age and condition)

*151 salt buildings to construct

--6 Headquarter

--8 Super section

--8 where none currently exist

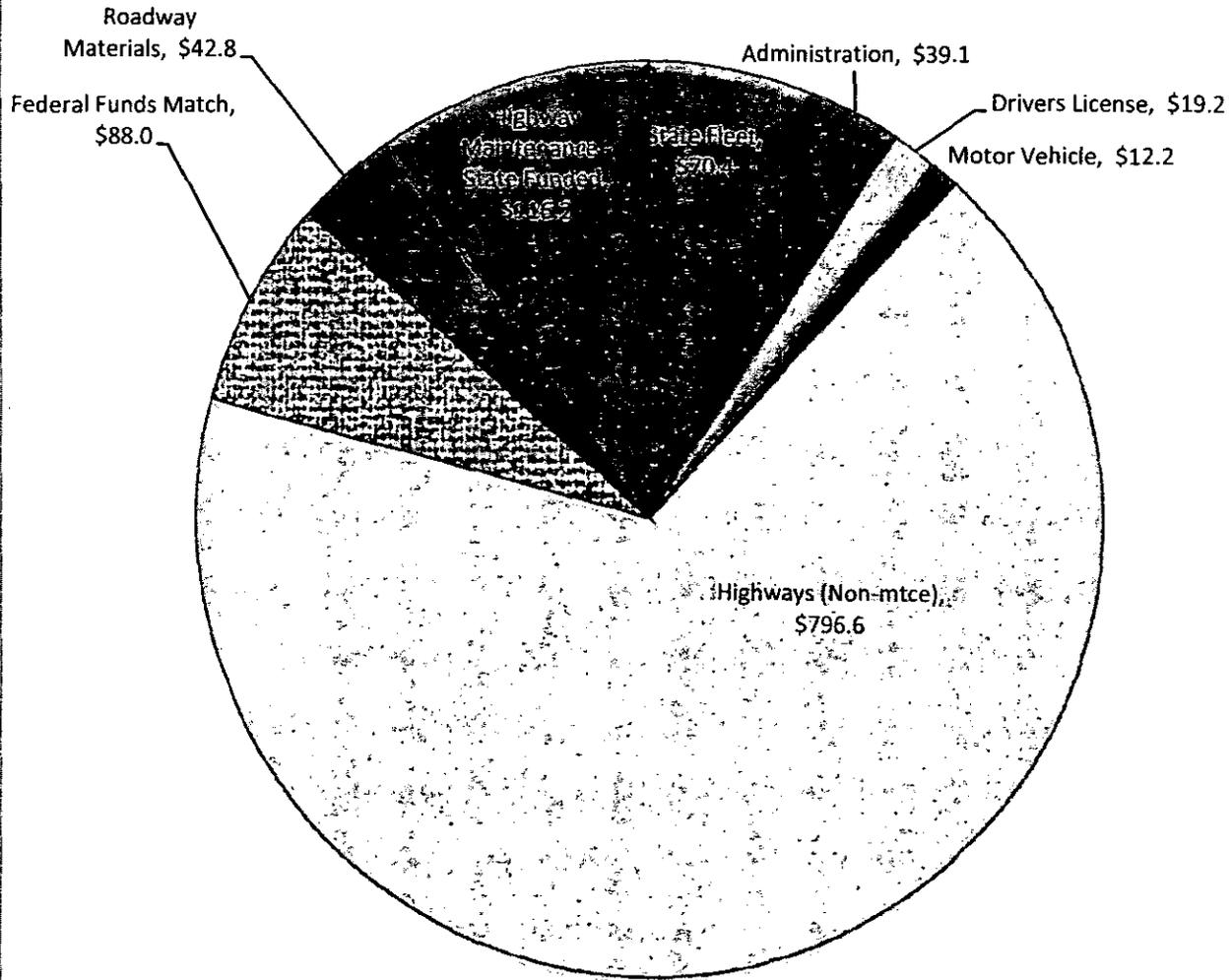
--35 salt only buildings to replace those in poor condition

--47 to store sand/salt mixture

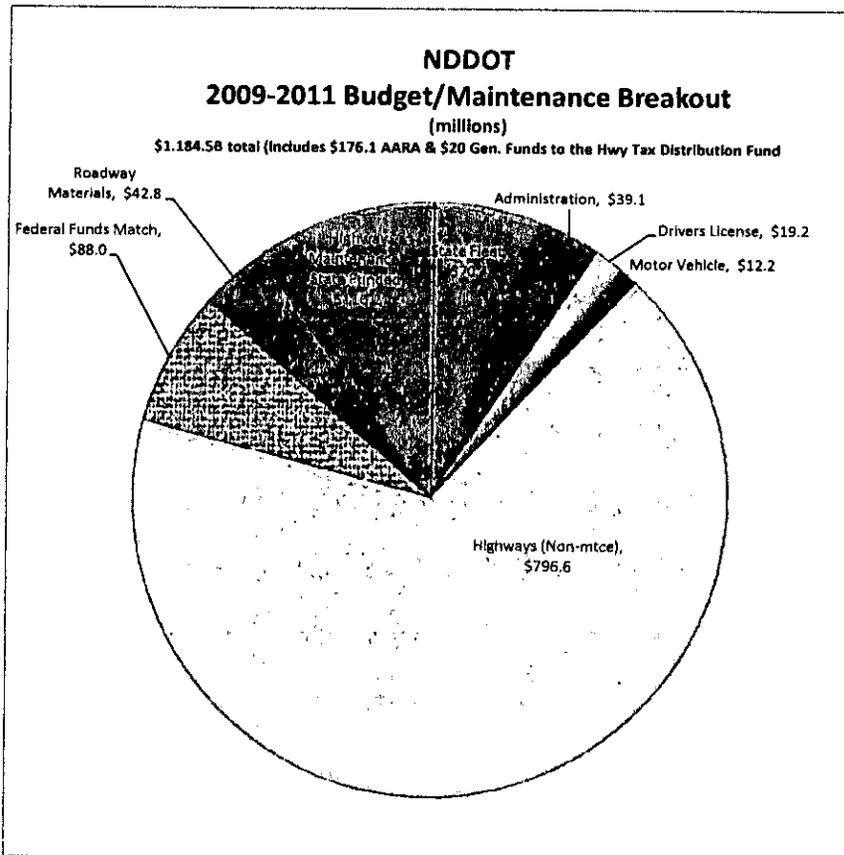
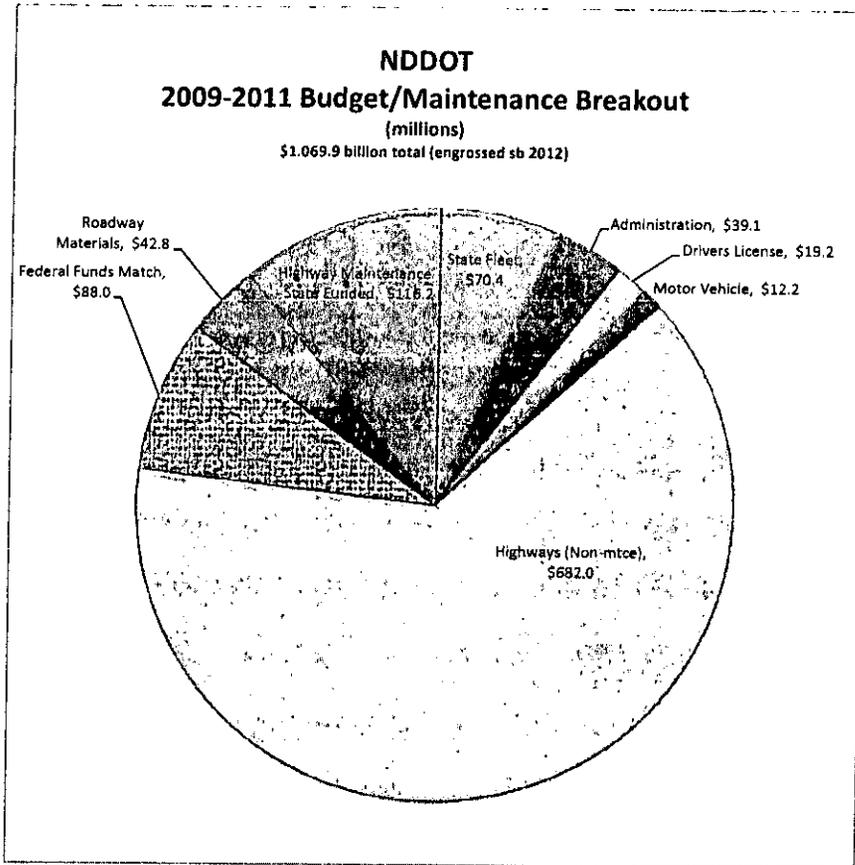
--47 for reload sites

NDDOT 2009-2011 Budget/Maintenance Breakout (millions)

\$1.184.5B total (includes \$176.1 AARA & \$20 Gen. Funds to the Hwy Tax Distribution Fund)



Attachment 2A



PROPOSED AMENDMENTS TO SENATE BILL NO. 2012

Page 1, line 6, remove "and", and after "transfer" insert "; to provide for the issuance of indebtedness to advance federal aid projects; and to declare an emergency"

Page 1, line 16, replace "\$24,194,030" with "\$24,336,348" and replace "\$151,520,269" with "151,662,587"

Page 1, line 18, replace "\$96,855,896" with "\$96,713,578" and replace "\$645,576,994" with "\$645,434,676"

Page 1, after line 19, insert:

"American Recovery and Reinvestment Act of 2009 0 176,082,000
176,082,000"

Page 1, line 20, replace "166,810,878" with "342,892,878" and replace "1,069,968,378" with "1,246,050,378"

Page 13, after line 15 insert:

"SECTION 15. AMENDMENT. Section 24-02-40.1 of the North Dakota Century Code is amended and reenacted as follows:

24-02-40.1. Grant or revenue anticipation financing. Notwithstanding any other provision of law, the department, whenever needed for the liberty memorial bridge improvement project and the United States highway 2 project improvements, or for the purpose of advancing projects to be funded with federal aid funds in the event such projects will be impacted by a delay in reauthorization of federal funding acts, may arrange with any state-owned or private financing agency or underwriter, including the Bank of North Dakota, grant or revenue anticipation financing through the issuance of evidences of indebtedness on such terms and conditions as the department determines if construction funds on hand are insufficient to meet current obligations or to achieve cost-savings or efficiencies in road construction. The department may refund the evidences of indebtedness as often as it is advantageous to do so. Evidences of indebtedness may be sold at public or private sale and must mature not more than fifteen years from their date or dates, and the proceeds of the sale may be invested on such terms and conditions as the department determines. Grant or revenue anticipation financing must be in amounts no larger than can be repaid from moneys known or reasonably anticipated to be due and forthcoming. The grant or revenue anticipation financing may not be used in anticipation of increased federal aid highway grants or increased state highway user revenue funds, and the financing may not be obligated for road construction that cannot be financed from known sources of grants or revenue. The department may pledge any federal aid grants received or to be received for debt service and related issuance costs for evidences of indebtedness issued under this

section directly to a trustee in trust for payment to holders of the evidences of indebtedness. The department may also pledge any biennially appropriated revenues for debt service on the evidences of indebtedness directly to a trustee in trust for payment to holders of the evidences of indebtedness. Any evidences of indebtedness issued under this section are not general obligations or debt of the state, the department, or any public officer or employee of the department or this state. The principal of and interest on the evidences of indebtedness are limited obligations payable solely from grants or revenues received or to be received by the department. The department may capitalize from proceeds of the evidences of indebtedness all expenses incidental to issuing the evidences of indebtedness, including any reserves for payment of the evidences of indebtedness

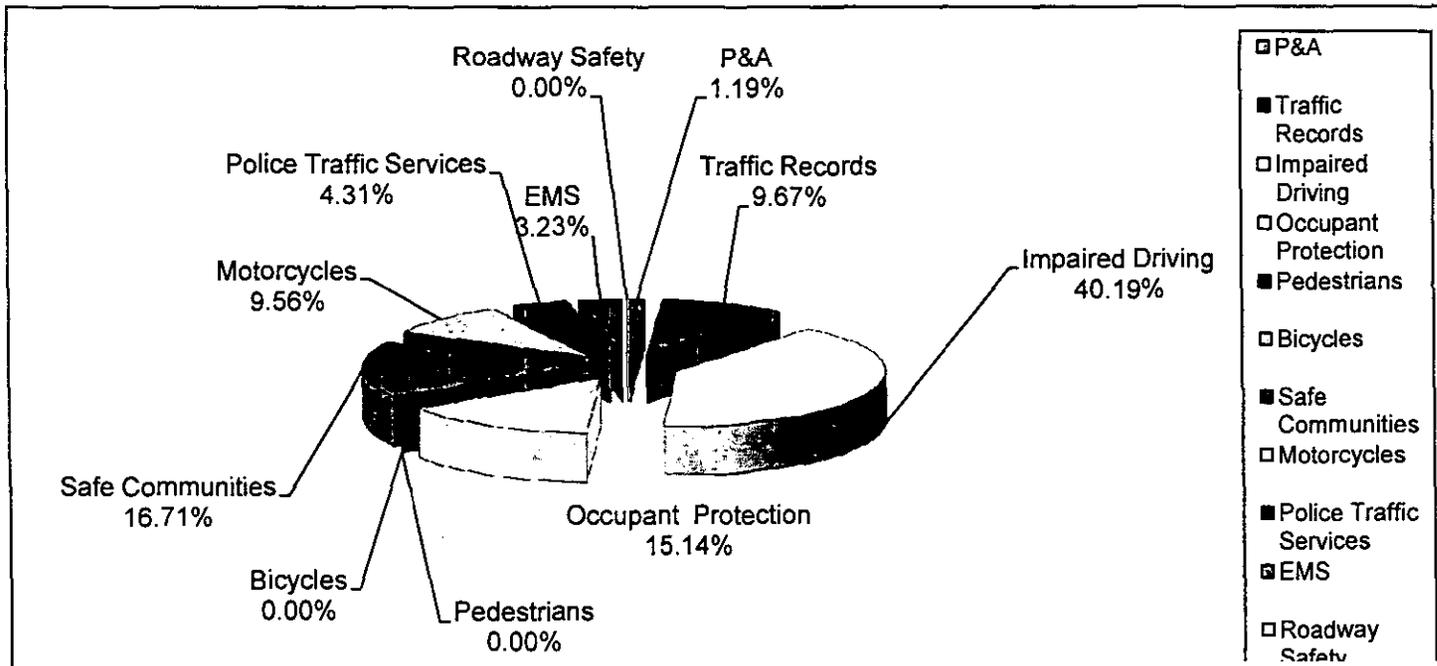
“SECTION 16. EMERGENCY. The appropriation provided in section 1 of this Act relating to the American Recovery and Reinvestment Act of 2009 is declared to be an emergency measure.”

Renumber accordingly

NHTSA Spending - October 1, 2007-September 30, 2008

ATTACHMENT 4

	402	408	410	410HFR	2010	State	Total	% of Total
P&A	\$49,492						\$49,492	1.2%
Traffic Records	\$0	401,279					\$401,279	9.7%
Impaired Driving	\$3,765		507,633	1,155,436			\$1,666,834	40.2%
Occupant Protection	\$627,896						\$627,896	15.1%
Pedestrians	\$0						\$0	0.0%
Bicycles	\$0						\$0	0.0%
Safe Communities	\$692,988						\$692,988	16.7%
Motorcycles	\$14,353				89,189	293,175	\$396,717	9.6%
Police Traffic Services	\$178,626						\$178,626	4.3%
EMS	\$133,764						\$133,764	3.2%
Roadway Safety	\$0						\$0	0.0%
TOTAL	\$1,700,884	\$401,279	\$507,633	\$1,155,436	\$89,189	\$293,175	\$4,147,596	





— State of —
North Dakota
Office of the Governor

John Hoeven
Governor

March 5, 2009

Mr. Ray LaHood, Secretary
c/o Joel Szabat, Deputy Assistant Secretary
for Transportation Policy
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Subject: Public Law 111-5—American Recovery and Reinvestment Act of 2009

Dear Mr. LaHood:

To expedite the delivery of funds through Public Law 111-5, the American Recovery and Reinvestment Act of 2009 (ARRA), I, Governor John Hoeven of the great state of North Dakota, hereby submit certifications for ARRA sections 1201 and 1607 and delegate authority for section-1511 certifications, as required and allowed under the ARRA.

Under section 1201, I certify that the state of North Dakota will maintain its effort with regard to state funding for the types of projects that are funded under ARRA. North Dakota's state legislature is currently in session and discussing the July 1, 2009 to June 30, 2011 budget. Therefore, the final state-funds budget for transportation projects may not be known until as late as the end of April 2009. However, I can assure you that the State will continue to invest in transportation as it has in the past.

Under section 1607, I certify that the state of North Dakota will request the use of ARRA funds and the funds will be used to create jobs and promote economic growth.

To the Director of the North Dakota Department of Transportation, I hereby delegate the authority to certify all surface transportation and transit projects under section 1511 of the ARRA.

The appropriate certification forms and signatures for sections 1201 and 1607 of the ARRA are enclosed.

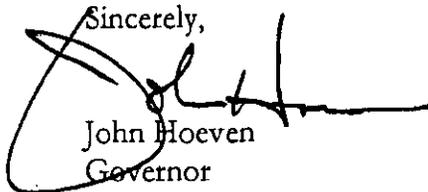
Secretary Ray LaHood

March 5, 2009

Page 2

North Dakota will effectively and efficiently utilize the funding provided by ARRA to create jobs and promote economic growth within our state and nation. If you have any questions or require additional information as it regards transportation and transit projects, please contact Mr. Francis G. Ziegler, PE, Director, North Dakota Department of Transportation, at (701) 328-2581 or 608 E Boulevard Ave, Bismarck, ND 58505.

Sincerely,

A handwritten signature in black ink, appearing to read "John Hoeven", written over a circular stamp or mark.

John Hoeven
Governor

38:34:58

Enclosures

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$20,000,000, to remain available through September 30, 2013: Provided, That the funding made available under this heading shall be used for conducting audits and investigations of projects and activities carried out with funds made available in this Act to the Department of Transportation: Provided further, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the Government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department.

GENERAL PROVISION—DEPARTMENT OF
TRANSPORTATION

SEC. 1201. (a) MAINTENANCE OF EFFORT.—Not later than 30 days after the date of enactment of this Act, for each amount that is distributed to a State or agency thereof from an appropriation in this Act for a covered program, the Governor of the State shall certify to the Secretary of Transportation that the State will maintain its effort with regard to State funding for the types of projects that are funded by the appropriation. As part of this certification, the Governor shall submit to the Secretary of Transportation a statement identifying the amount of funds the State planned to expend from State sources as of the date of enactment of this Act during the period beginning on the date of enactment of this Act through September 30, 2010, for the types of projects that are funded by the appropriation.

(b) FAILURE TO MAINTAIN EFFORT.—If a State is unable to maintain the level of effort certified pursuant to subsection (a), the State will be prohibited by the Secretary of Transportation from receiving additional limitation pursuant to the redistribution of the limitation on obligations for Federal-aid highway and highway safety construction programs that occurs after August 1 for fiscal year 2011.

(c) PERIODIC REPORTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, each grant recipient shall submit to the covered agency from which they received funding periodic reports on the use of the funds appropriated in this Act for covered programs. Such reports shall be collected and compiled by the covered agency and transmitted to Congress. Covered agencies may develop such reports on behalf of grant recipients to ensure the accuracy and consistency of such reports.

(2) CONTENTS OF REPORTS.—For amounts received under each covered program by a grant recipient under this Act, the grant recipient shall include in the periodic reports information tracking—

(A) the amount of Federal funds appropriated, allocated, obligated, and outlayed under the appropriation;

(B) the number of projects that have been put out to bid under the appropriation and the amount of Federal funds associated with such projects;

(C) the number of projects for which contracts have been awarded under the appropriation and the amount of Federal funds associated with such contracts;

(D) the number of projects for which work has begun under such contracts and the amount of Federal funds associated with such contracts;

(E) the number of projects for which work has been completed under such contracts and the amount of Federal funds associated with such contracts;

(F) the number of direct, on-project jobs created or sustained by the Federal funds provided for projects under the appropriation and, to the extent possible, the estimated indirect jobs created or sustained in the associated supplying industries, including the number of job-years created and the total increase in employment since the date of enactment of this Act; and

(G) for each covered program report information tracking the actual aggregate expenditures by each grant recipient from State sources for projects eligible for funding under the program during the period beginning on the date of enactment of this Act through September 30, 2010, as compared to the level of such expenditures that were planned to occur during such period as of the date of enactment of this Act.

(3) **TIMING OF REPORTS.**—Each grant recipient shall submit the first of the periodic reports required under this subsection not later than 90 days after the date of enactment of this Act and shall submit updated reports not later than 180 days, 1 year, 2 years, and 3 years after such date of enactment.

(d) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **COVERED AGENCY.**—The term “covered agency” means the Office of the Secretary of Transportation, the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, the Federal Transit Administration and the Maritime Administration of the Department of Transportation.

(2) **COVERED PROGRAM.**—The term “covered program” means funds appropriated in this Act for “Supplemental Discretionary Grants for a National Surface Transportation System” to the Office of the Secretary of Transportation, for “Supplemental Funding for Facilities and Equipment” and “Grants-in-Aid for Airports” to the Federal Aviation Administration; for “Highway Infrastructure Investment” to the Federal Highway Administration; for “Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service” and “Capital Grants to the National Railroad Passenger Corporation” to the Federal Railroad Administration; for “Transit Capital Assistance”, “Fixed Guideway Infrastructure Investment”, and “Capital Investment Grants” to the Federal Transit Administration; and “Supplemental Grants for Assistance to Small Shipyards” to the Maritime Administration.

(3) GRANT RECIPIENT.—The term “grant recipient” means a State or other recipient of assistance provided under a covered program in this Act. Such term does not include a Federal department or agency.

(e) Notwithstanding any other provision of law, sections 3501–3521 of title 44, United States Code, shall not apply to the provisions of this section.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

PUBLIC HOUSING CAPITAL FUND

For an additional amount for the “Public Housing Capital Fund” to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the “Act”), \$4,000,000,000, to remain available until September 30, 2011: Provided, That the Secretary of Housing and Urban Development shall distribute \$3,000,000,000 of this amount by the same formula used for amounts made available in fiscal year 2008, except that the Secretary may determine not to allocate funding to public housing agencies currently designated as troubled or to public housing agencies that elect not to accept such funding: Provided further, That the Secretary shall obligate funds allocated by formula within 30 days of enactment of this Act: Provided further, That the Secretary shall make available \$1,000,000,000 by competition for priority investments, including investments that leverage private sector funding or financing for renovations and energy conservation retrofit investments: Provided further, That the Secretary shall obligate competitive funding by September 30, 2009: Provided further, That public housing authorities shall give priority to capital projects that can award contracts based on bids within 120 days from the date the funds are made available to the public housing authorities: Provided further, That public housing agencies shall give priority consideration to the rehabilitation of vacant rental units: Provided further, That public housing agencies shall prioritize capital projects that are already underway or included in the 5-year capital fund plans required by the Act (42 U.S.C. 1437c–1(a)): Provided further, That notwithstanding any other provision of law, (1) funding provided under this heading may not be used for operating or rental assistance activities, and (2) any restriction of funding to replacement housing uses shall be inapplicable: Provided further, That notwithstanding any other provision of law, the Secretary shall institute measures to ensure that funds provided under this heading shall serve to supplement and not supplant expenditures from other Federal, State, or local sources or funds independently generated by the grantee: Provided further, That notwithstanding section 9(j), public housing agencies shall obligate 100 percent of the funds within 1 year of the date on which funds become available to the agency for obligation, shall expend at least 60 percent of funds within 2 years of the date on which funds become available to the agency for obligation, and shall expend 100 percent of the funds within 3 years of such date: Provided further, That if a public housing agency fails to comply with the 1-year obligation requirement, the Secretary



— State of —
North Dakota
Office of the Governor

John Hoeven
Governor

**CERTIFICATION UNDER SECTION 1201 OF THE AMERICAN
RECOVERY AND REINVESTMENT ACT:**

Pursuant to Title XII, section 1201 of the American Recovery and Reinvestment Act (Pub. L. 111-5 (February 17, 2009)), hereinafter ARRA, I, John Hoeven, Governor of the great State of North Dakota, hereby certify to the Secretary of Transportation that the State of North Dakota, hereinafter State, will maintain its effort with regard to State funding for the types of projects in DOT "covered programs" funded under ARRA.

As of February 17, 2009, and for the period of February 17, 2009 to September 30, 2010, the State planned only to match federal aid funds for projects similar to those eligible for the DOT surface transportation and transit "covered programs" funded under ARRA. The referenced State matching funds amount to approximately \$42.35 million for surface transportation and transit projects.

I understand that if the State is unable to maintain the level of funding identified in this list of the types of projects under the DOT "covered programs" funded under ARRA, the State will thereafter be prohibited by the Secretary of Transportation from receiving additional limitation on obligations for Federal-aid highway and highway safety construction programs that occurs after August 1 for federal fiscal year 2011.

Signed this 5th day of March, 2009



John Hoeven – Governor, State of North Dakota

- (1) the terms "elementary education" and "secondary education" have the meaning given such terms under State law;
- (2) the term "high-need local educational agency" means a local educational agency—
- (A) that serves not fewer than 10,000 children from families with incomes below the poverty line; or
- (B) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line;
- (3) the term "institution of higher education" has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);
- (4) the term "Secretary" means the Secretary of Education;
- (5) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and
- (6) any other term used that is defined in section 9101 of the ESEA (20 U.S.C. 7801) shall have the meaning given the term in such section.

TITLE XV—ACCOUNTABILITY AND TRANSPARENCY

SEC. 1501. DEFINITIONS.

In this title:

- (1) **AGENCY.**—The term "agency" has the meaning given under section 551 of title 5, United States Code.
- (2) **BOARD.**—The term "Board" means the Recovery Accountability and Transparency Board established in section 1521.
- (3) **CHAIRPERSON.**—The term "Chairperson" means the Chairperson of the Board.
- (4) **COVERED FUNDS.**—The term "covered funds" means any funds that are expended or obligated from appropriations made under this Act.
- (5) **PANEL.**—The term "Panel" means the Recovery Independent Advisory Panel established in section 1541.

Subtitle A—Transparency and Oversight Requirements

SEC. 1511. CERTIFICATIONS.

With respect to covered funds made available to State or local governments for infrastructure investments, the Governor, mayor, or other chief executive, as appropriate, shall certify that the infrastructure investment has received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Such certification shall include a description of the investment, the estimated total cost, and the amount of covered funds to be used, and shall be posted on a website and linked to the website established by section 1526. A State or local agency may not receive infrastructure investment funding from funds made available in this Act unless this certification is made and posted.



— State of —
North Dakota
Office of the Governor

John Hoeven
Governor

**CERTIFICATION UNDER SECTION 1511 OF THE AMERICAN
RECOVERY AND REINVESTMENT ACT:**

Pursuant to Title XV, Subtitle A, section 1511 of the American Recovery and Reinvestment Act (Pub. L. 111-5 (Feb. 17, 2009)), hereinafter ARRA, I, Francis G. Ziegler, Director of the Department of Transportation for the great of State of North Dakota, hereby certify that the infrastructure investments listed on the attached table and funded with amounts appropriated by ARRA under the heading "Highway Infrastructure Investment" to the Federal Highway Administration have received the full review and vetting required by law and that I accept responsibility that such investments are appropriate uses of taxpayer dollars. I further certify that the specific information required by section 1511 concerning each such investment (a description of the investment, the estimated total cost, and the amount of ARRA funds to be used) is provided on the attached table and is available to the public at <http://www.dot.nd.gov/> and linked to <http://Recovery.gov>.

I understand that my State may not receive ARRA infrastructure investment funding unless this certification is made and posted.

Signed this 5 day of March, 2009

A handwritten signature in cursive script, reading "Francis G. Ziegler". The signature is written in black ink and is positioned above the printed name and title.

Francis G. Ziegler
Director North Dakota Department of Transportation

Section 1511 Project List

April 3, 2009 Bid Opening

Highway	PCN	Location	Type of Work	Total Construction and Construction Engineering Cost Estimate
13	16828	Lamoure, Logan & McIntosh Counties: ND 13 from Jct ND 30, E to E Jct ND 56	Thin Lift Overlay	\$ 2,120,572.38
281	17416	Lamoure County: US 281, from Jct ND 13 to Jct ND 46	Microsurfacing, Chip Seal, Sand Seal & Incidentals	\$ 642,741.68
23	17646 17650	Mountrail & Ward Counties: ND 23 from Jct ND 8 E to US 83	Thin Lift Overlay	\$ 5,772,828.48
37	17661 17660	McLean & Mountrail Counties: ND 37 from Jct ND 23 Parshall S & E to Emmet Corner	Thin Lift Overlay	\$ 5,544,682.60
94	15912	Stark County: I-94 from Youngmans Butte to Eagles Nest	PCC Pavement	\$ 19,146,166.86
1804	17440	Williams County: ND 1804 from Beaver Creek W & E to BN Overpass	Thin Lift Overlay	\$ 4,568,080.18
29	17139 16781	Richland County: I-29 from Jct ND 13 to Christine Interchagne NB & SB	Concrete Pavement Repair	\$ 3,054,350.08
Total April 3 Bid Opening				\$ 40,849,422.26

* All projects are fully ARRA funded to, at least, the estimate shown.

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the head of a Federal department or agency determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the head of the department or agency shall publish in the Federal Register a detailed written justification as to why the provision is being waived.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

WAGE RATE REQUIREMENTS

SEC. 1606. Notwithstanding any other provision of law and in a manner consistent with other provisions in this Act, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

ADDITIONAL FUNDING DISTRIBUTION AND ASSURANCE OF APPROPRIATE USE OF FUNDS

SEC. 1607. (a) CERTIFICATION BY GOVERNOR.—Not later than 45 days after the date of enactment of this Act, for funds provided to any State or agency thereof, the Governor of the State shall certify that: (1) the State will request and use funds provided by this Act; and (2) the funds will be used to create jobs and promote economic growth.

(b) ACCEPTANCE BY STATE LEGISLATURE.—If funds provided to any State in any division of this Act are not accepted for use by the Governor, then acceptance by the State legislature, by means of the adoption of a concurrent resolution, shall be sufficient to provide funding to such State.

(c) DISTRIBUTION.—After the adoption of a State legislature's concurrent resolution, funding to the State will be for distribution to local governments, councils of government, public entities, and public-private entities within the State either by formula or at the State's discretion.

ECONOMIC STABILIZATION CONTRACTING

SEC. 1608. REFORM OF CONTRACTING PROCEDURES UNDER EESA.—Section 107(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5217(b)) is amended by inserting "and individuals with disabilities and businesses owned by individuals with disabilities (for purposes of this subsection the term 'individual with disability' has the same meaning as the term 'handicapped individual' as that term is defined in section 3(f) of the Small Business Act (15 U.S.C. 632(f)), after "(12 U.S.C. 1441a(r)(4)),".



— State of —
North Dakota

Office of the Governor

John Hoeven
Governor

**CERTIFICATION UNDER SECTION 1607 OF THE AMERICAN
RECOVERY AND REINVESTMENT ACT:**

Pursuant to Title XVI, section 1607 of the American Recovery and Reinvestment Act (Pub. L. 111-5 (February 17, 2009)), hereinafter ARRA, entitled "Additional Funding Distribution and Assistance of Appropriate Use of Funds," I, John Hoeven, Governor of the great State of North Dakota, hereby certify that:

1. The State of North Dakota will request and use funds provided by ARRA; and
2. Funds will be used to create jobs and promote economic growth.

Signed this 5th day of March, 2009



John Hoeven – Governor, State of North Dakota

Projected Federal Public Transit Grant Program Funding
Prepared March 10, 2009

Grant/Description	NDDOT Budget	Paid Directly by FTA	2009-2011 RURAL Apportionments
Sections 5303 & 5304, Combined Planning Grant To small urban areas for planning projects (80 federal/20 local)	X		981,262
Section 5307 To small urban areas for operating (50/50) & capital (80 federal/20 local).		X	0
Section 5309 (80 federal/20 local) Earmark funds apportioned by Congress. Funding is not guaranteed, and varies from year to year. Paid directly to MPOs; pass-through to rural projects.	X	X	1,719,600
Section 5310 Rural transit capital funding, to serve elderly & disabled riders (80 federal/20 local).	X		875,714
Section 5311 For rural transit for operating (50/50), capital (80 federal/20 local) & administration (80 federal/20 local).	X		8,458,668
Section 5311(b) RTAP For rural transit for training and technical assistance (100%).	X		196,944
Section 5311(c) Tribal Funds To Tribes, for operating (50/50), capital (80 federal/20 local) & planning (80 federal/20 local). Funding listed is for 2008 allocations for the Spirit Lake Tribe, Standing Rock Sioux Tribe and Turtle Mountain Band of Chippewa. The 2009 grant allocation process has not yet begun.		X	0
Section 5316 To small urban & rural transit for job & job training access for operating (50/50) and capital (80 federal/20 local).	X		385,620
Section 5317 To small urban & rural transit to reduce transportation barriers for the elderly and disabled. Operating (50/50) and capital (80 federal/20 local).	X		182,530
Subtotal Projected Federal Grant Funding			12,800,338
American Recovery & Reinvestment Act (ARRA) Small Urban and rural transit, capital only (100%). Paid directly to MPOs; pass-through to rural projects. Bismarck: \$1,404,227; Fargo: \$2,460,032; Grand Forks: \$1,176,567; Rural: \$5,956,263.	X	X	10,997,089
State Aid for Public Transit To transit projects statewide by county based on formula prescribed by the North Dakota Century Code.	X		4,700,000
TOTAL PROJECTED GRANT FUNDING			28,497,427

Federal & State Funding-Steady State

09-11 Biennium Federal Funds			
Agency	Highway	FTA	Total
State	\$ 324,208,000		\$ 324,208,000
City	\$ 81,380,000		\$ 81,380,000
County	\$ 43,440,000		\$ 43,440,000
3-MPO Transit		\$ 6,400,000	\$ 6,400,000
Rural Transit		\$ 6,400,000	\$ 6,400,000
PEP	\$ 51,872,000		\$ 51,872,000
	\$ 500,900,000	\$ 12,800,000	\$ 513,700,000

11-13 Biennium Federal Funds			
Agency	Highway	FTA	Total
State	\$ 324,208,000		\$ 324,208,000
City	\$ 81,380,000		\$ 81,380,000
County	\$ 43,440,000		\$ 43,440,000
3-MPO Transit		\$ 6,400,000	\$ 6,400,000
Rural Transit		\$ 6,400,000	\$ 6,400,000
PEP	\$ 51,872,000		\$ 51,872,000
	\$ 500,900,000	\$ 12,800,000	\$ 513,700,000

American Recovery & Reinvestment Act			
Agency	Highway	FTA	Total
State	\$ 127,600,000		127,600,000
City	\$ 28,200,000		28,200,000
County	\$ 14,300,000		14,300,000
3-MPO Transit		\$ 5,040,000	5,040,000
Rural Transit		\$ 5,956,000	5,956,000
	\$ 170,100,000	\$ 10,996,000	181,096,000

American Recovery & Reinvestment Act			
Agency	Highway	FTA	Total
State	0		0
City	0		0
County	0		0
3-MPO Transit		0	0
Rural Transit		0	0
	0	0	0

Funds Needed for Operating & Match		
	SB 2012 (\$20M)	Formula
State *	\$ 14,388,500	61.30%
County	\$ 3,117,500	21.50%
City	\$ 1,885,000	13.00%
Township	\$ 391,500	2.70%
Transit	\$ 217,500	1.50%
	\$ 20,000,000	100.00%

Funds Needed for Operating & Match		
	SB 2012 (\$100M)	Formula
State *	\$ 63,428,500	61.30%
County	\$ 20,317,500	21.50%
City	\$ 12,285,000	13.00%
Township	\$ 2,551,500	2.70%
Transit	\$ 1,417,500	1.50%
	\$ 100,000,000	100.00%

* Reflect \$5.5 million for the Administrative Assistance to Other Transferees.

Federal & State Funding

09-11 Biennium Federal Funds			
Agency	Highway	FTA	Total
State	\$ 324,208,000		\$ 324,208,000
City	\$ 81,380,000		\$ 81,380,000
County	\$ 43,440,000		\$ 43,440,000
3-MPO Transit		\$ 6,400,000	\$ 6,400,000
Rural Transit		\$ 6,400,000	\$ 6,400,000
PEP	\$ 51,872,000		\$ 51,872,000
	\$ 500,900,000	\$ 12,800,000	\$ 513,700,000

11-13 Biennium Federal Funds			
Agency	Highway	FTA	Total
State	\$ 222,300,000		\$ 222,300,000
City	\$ 71,000,000		\$ 71,000,000
County	\$ 36,000,000		\$ 36,000,000
3-MPO Transit		\$ 6,400,000	\$ 6,400,000
Rural Transit		\$ 6,400,000	\$ 6,400,000
PEP	\$ 38,700,000		\$ 38,700,000
	\$ 368,000,000	\$ 12,800,000	\$ 342,100,000

American Recovery & Reinvestment Act			
Agency	Highway	FTA	Total
State	\$ 127,600,000		127,600,000
City	\$ 28,200,000		28,200,000
County	\$ 14,300,000		14,300,000
3-MPO Transit		\$ 5,040,000	5,040,000
Rural Transit		\$ 5,956,000	5,956,000
	\$ 170,100,000	\$ 10,996,000	181,096,000

American Recovery & Reinvestment Act			
Agency	Highway	FTA	Total
State	0		0
City	0		0
County	0		0
3-MPO Transit		0	0
Rural Transit		0	0
	0	0	0

Funds Needed for Operating & Match		
	SB 2012 (\$20M)	Formula
State *	\$ 14,388,500	61.30%
County	\$ 3,117,500	21.50%
City	\$ 1,885,000	13.00%
Township	\$ 391,500	2.70%
Transit	\$ 217,500	1.50%
	\$ 20,000,000	100.00%

Funds Needed for Operating & Match		
	SB 2012 (\$100M)	Formula
State *	\$ 63,428,500	61.30%
County	\$ 20,317,500	21.50%
City	\$ 12,285,000	13.00%
Township	\$ 2,551,500	2.70%
Transit	\$ 1,417,500	1.50%
	\$ 100,000,000	100.00%

* Reflect \$5.5 million for the Administrative Assistance to Other Transferees.

North Dakota Department of Transportation
 Federal Funds Comparison
 Tuesday, March 10, 2009

Table 4 from House Appropriations, March 4, 2009	Biennium		
	2005-2007	2007-2009	2009-2011
Federal Funds	\$530.8	\$521.9	\$559.7
Federal Highway Administration (FHWA)	503.0	453.7	500.9
Emergency Relief	8.3	2.5	33.7
Railroad	4.8	8.6	2.3
Safety	5.2	5.6	10.0
Transit	8.3	11.2	12.8
FEMA	1.2		
Emergency Commission		40.3	
(\$36.8 million is FHWA, \$3.4 is Safety, \$.1 is the federal portion of state equity pool)			

Legislative Council Executive Budget Highlights	Enrolled	Engrossed	
	HB 1012	SB 2012	
Regular Federal Program (FHWA)	\$453.7	\$500.9	\$47.2
Formula Funds	446.7	497.9	51.2
Missile Roads	2.0	2.0	0.0
Forest Highways	0.8	1.0	0.2
Highways for Life	0.5		(0.5)
Lewis & Clark	0.6		(0.6)
Adjustment to Formula Funds	3.1		(3.1)

Attachment 8

Driver License Redesign

A question was asked whether or not North Dakota could utilize another state's driver license application versus the development of its' own. It is in a sense what we are pursuing. Four of the five vendors have had implemented driver license systems in other states but we will require extensive customization in order to comply with our state statutes. The vendor systems have been through multiple generations and growing pains and continue to improve in efficiency which is to our advantage. We also need to insure the integrity of our current records are maintained in any conversion.

The second question was whether the project could be completed within a biennium in order to reduce costs. A system of the size and complexity of driver license needs thorough analysis which will likely take 9-12 months in itself. Insuring that all the requirements are defined and in place is one of the primary reasons why large projects succeed. It eliminates the need for redoing entire sections because of miscommunication or misunderstanding. On the back end, extensive testing will be required to verify records will be valid. Rushing a system implementation is basically asking for failure. We have been informed that we could not have a workable product in a two year timeframe and this system is too important to take chances with.



North Dakota Department of Transportation

Francis G. Ziegler, P.E.
Director

John Hoeven
Governor

March 16, 2009

The Honorable Jeff Delzer
House Appropriations Subcommittee
House Chambers
600 East Boulevard Avenue
Bismarck, ND 58505

Dear Mr. Delzer:

At the March 11 meeting of the Government Operations Section, you requested additional information on the following topics:

- History of maintenance buildings that have been refurbished and those yet to be refurbished.
- Additional information on deadlines for using Economic Stimulus funding.
- Possible option for applying a cap to the reauthorization borrowing authority amendment.
- NDDOT's IT priorities--additional information on need of program and correlation with other agencies.

Our response is as follows:

- 1. History of maintenance buildings that have been reconstructed, refurbished, and those yet to be refurbished or reconstructed.**

Please see attachment.

- 2. Additional information on deadlines for using Economic Stimulus funding (excerpt from federal legislation).** Funds made available under this program shall be apportioned not later than 21 days after the date of enactment of the American Recovery and Reinvestment Act (ARRA): Provided further, that in selecting projects to be carried out with funds apportioned under this heading, priority shall be given to

projects that are projected for completion with a three-year time frame, and are located in economically distressed areas as defined by section 301 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3161). It is our understanding the three-year time frame started when the President signed the bill on February 17, 2009. In addition, the department must also adhere to the federal appropriation law which outlines the process we must follow for advertising, bidding, and awarding the projects.

3. Possible option for applying a cap to the reauthorization bonding authority amendment.

We have reviewed a possible cap amount and would recommend a number of \$50 million which is similar to the bonding amount exercised for the Memorial Bridge and US 2 four-laning project. This amount results in an annual payment amount that could be accommodated without significantly impacting future projects which would otherwise utilize the bond payback funds.

4. NDDOT's IT priorities--additional information on background of project and correlation with other agencies. Projects are listed in priority order.

a) **DL3 Drivers License System Rewrite**--NDDOT number one priority and described in earlier communications as well as in our testimony \$7.5 million.

b) Asset Management Connection Software \$540,000.

- **Project Description**--The NDDOT has been performing pavement analysis for more than 12 years. The majority of our roadway data resides and is maintained through a mainframe solution, which is in the process of being moved to a Linux platform (stability). These systems do not interact with regard to sharing of investments and proposing the optimum use of funds.
- **Need**—A new approach is needed to combine all the roadway data and pavement analysis into one usable system. This will provide management with additional performance reports and planning tools to make informed decisions on project priorities, to track NDDOT assets, and to track project conditions. The benefit would be performance curve and benefit/cost-based recommendations and reports that would be accessible throughout the NDDOT. Future asset management features would incorporate non-transportation, non-fleet, fixed assets such as buildings, radio buildings and towers, motorized vehicles that are not licensed, etc. An asset management system

will also provide greater assurance to the public of optimum investment decisions and agency accountability.

The NDDOT will have expended approximately \$250,000 by the end of this biennium (2007-09) on the initial phase of asset management.

c) **Project Name**--Registration Notification Renewal Card Printer Replacement \$374,400.

- **Project Description**--The current contract for service (lease) with ITI Technology expires in 2010 and is anticipated to go to 40 cents per card versus 21 cents per card. An RFP will need to be issued in 2009 for a replacement. An extension would result in the cost of \$360,000 since the vendor is supposedly losing money on our old contract and plans to increase costs to recover this loss.
- Current technology offers opportunities for better service in mailing motor vehicle registration renewal notices to the public. The hardware and software and supplies make up the expense of \$374,000. The contract is for five years. The 2011-13 biennium will also incur this cost but without a new RFP. This move allows NDDOT to print cheaper 8 and 1/2" by 11" forms rather than specialized registration notification cards. It will also allow NDDOT to consolidate multiple registration notices into one mailing saving postage.
- **Need**--Required in order to send registration notification to the public. This cost will be incurred whether we upgrade or not. The NDDOT cannot collect registration without this contract. This program was not submitting to SITAC as it was intended to be a continuation of existing service, but given the more recent circumstances, a change should be made to improve service. The majority of the cost is an operational increase rather than an IT increase.

d) **Project Name**--Position Information Questionnaires (PIQ) /Employee Info Re-Write \$241,837.

- **Project Description**--Need to re-write PIQ to be able to remove it from Lotus Notes due to decline in software support. PeopleSoft does not have a module to replace this. This would create enhancements from what is currently used and be web based.
- **Need**--Requirement to move PIQ off of Lotus Notes so that we can remove Lotus Notes and eliminate the Licensing Costs (approx \$33,718 per biennium). The system will be updated in cooperation with HRMS so that ultimately it could be used for employee classification processes throughout

state government. It is a high priority to NDDOT due to the distributed nature of NDDOT staff across eight districts and 64 sections. The system allows NDDOT to more quickly fill vacant positions through the use of electronic signing and transfer of Position Information Questionnaires from remote locations to the central office. This project is not a duplication of the HRMS FileNet classification project.

- The HRMS PIQ project is intended for storage of documents electronically. NDDOT's PIQ project is intended for processing signatures through the stages of classification, creating an interactive database for queries and electronic reports. The final product will be compatible with the scanned files the HRMS would be building.

e. **Project Name--**Department-Wide Electronic Forms Solution \$221,200.

- **Project Description--**Would provide FileNet access to all users, including the 64 sections including the 350 employees through the purchase of additional licenses. Actual programming costs are minimal. This would allow us to create and edit forms electronically and have the ability to route to anyone within the NDDOT for review and editing. This will cut our document processing time a great deal and improve our ability to respond to the public as quickly as possible.
- **Need:** FileNet is the electronic document management system platform supported by ITD. FileNet was introduced as an enterprise solution to be used by all state agencies. The FileNet system provides an organized method to track documents and streamlines electronic storage of information, saving storage space and meeting risk management requirements.
- Currently FileNet is used in the central offices and the main offices in the districts and it is not accessible to 64 section shops. This project could easily be adapted to other agencies.

Sincerely,



Francis G. Ziegler, P.E.
Director

01/th/jam
Attachment

ATTACHMENT 1

Maintenance Section Building/Salt Building Needs & History

Maintenance Section Buildings (Background)

64 outlying section buildings (excludes district headquarter buildings)

*We also have 5 subsections (Starkweather, Aneta, Halliday, Fessenden, Finley) which we will not be upgrading

Average age of buildings is approximately 30.33 years

17 substandard outlying section buildings remaining

New Generation Buildings Recently Constructed

Kenmare	1999	Crosby	2004
Napoleon	2000	Carrington	2005
Michigan	2000	Mott	2005
Langdon	2001	Glen Ullin	2006
Stanley	2001	Belfield	2006
Watford City	2001	Drayton	2007
Devils Lake	2002	Beulah	2009
Jamestown	2003	Tioga	2009
Parshall	2003	Larimore*	2009
Medina	2004		

*When we prepared our budget, Bottineau was to be constructed in 2009. The decision was made to construct Larimore because of issues that could not be resolved by the end of the biennium.

Fargo equipment storage building will be approximately 10,000 square feet.

Proposed section buildings for 2010-11: Bottineau, Wishek, and Steele.

NDDOT SECTION BUILDING REFURBISHMENTS/ADDITIONS

Location	Building Size	Year Constructed
1. Underwood	40 X 60	1973
Add.	60 X 80	2005
2. Killdeer	40 X 60	1971
Add.	50 X 60	2005
3. Casselton	40 X 60	1974
Add.	50 X 50	2003
4. Wahpeton	50 X 70	1972
Add.	50 X 50	2003

NDDOT purchased existing buildings within the community and remodeled them @ the following locations:

Location	Building Size	Year Refurbished
1. Watford City	50 X 100	2001
2. Bowbells	40 X 60	2006
3. Center	40 X 80	2002
4. McClusky	60 X 120	2007 (most recent project completed)

NDDOT SECTION BUILDINGS NOT MEETING STANDARDS

Location

- | | |
|----------------|---------------|
| 1. Wishek | 10. Harvey |
| 2. Steele | 11. Hettinger |
| 3. Bottineau | 12. Ashley |
| 4. New Town | 13. Mayville |
| 5. Adams | 14. Ellendale |
| 6. Cavalier | 15. Maddock |
| 7. Towner | 16. Rugby |
| 8. Cooperstown | 17. Edgeley |
| 9. Velva | |

Salt Buildings

220 salt buildings needed

*69 salt buildings constructed (varying age and condition)

*151 salt buildings to construct

- 6 Headquarter
- 8 Super section
- 8 Where none currently exist
- 35 Salt only buildings to replace those in poor condition
- 47 To store sand/salt mixture
- 47 For reload sites

February 2009

COMPARISON OF ESTIMATED HIGHWAY FUNDING DISTRIBUTIONS - 2009-11 BIENNIUM

This memorandum provides information regarding the allocation of highway-related revenues, including 2007-09 distributions, estimated distributions for the 2009-11 biennium under current law, and estimated distributions based on changes included in Senate Bill No. 2012. Senate Bill No. 2012 includes proposed changes to highway funding that eliminates the direct distribution of \$13 of each motor vehicle registration fee to the state highway fund, eliminates the direct distribution of \$3 of each motor vehicle registration fee funding to the public transportation fund, eliminates the one cent per gallon direct distribution to the township highway aid fund from gasoline and special fuels taxes, and provides for the following distribution rates from the highway tax distribution fund:

	Current Distribution Rates	Proposed Distribution Rates
State highway fund	63%	61.30%
Counties	23%	21.50%
Cities	14%	13.00%
Townships	0%	2.70%
Transit programs	0%	1.50%
Total	100%	100%

In addition, as recommended in the executive budget, Senate Bill No. 2012 includes a transfer of \$120 million from the general fund to the highway tax distribution fund. The table below provides the amounts in millions that would be provided to various entities based on the current and proposed distribution formulas and also the effect of the \$120 million transfer from the general fund to the highway tax distribution fund:

Estimated Highway Funding Distributions (In Millions)					
	2007-09 Estimated Distributions	Excluding \$120 Million General Fund Transfer		Including \$120 Million General Fund Transfer	
		Estimated 2009-11 Distributions Under Current Law	Estimated 2009-11 Distributions With Proposed Changes	Estimated 2009-11 Distributions Under Current Law	Estimated 2009-11 Distributions With Proposed Changes
Total revenues subject to distribution	\$357.3	\$389.7	\$389.1 ⁵	\$509.7	\$509.1 ⁵
Distributions to:					
State highway fund ^{1,2}	\$221.7	\$243.3	\$240.6	\$318.9	\$314.2
Counties ¹	74.4	81.5	82.5	109.1	108.3
Cities ¹	45.3	49.6	49.8	66.4	65.4
Townships ³	10.2	10.6	10.4	10.6	13.6
Public transportation fund ⁴	5.7	4.7	5.8	4.7	7.6
Total distributions	\$357.3	\$389.7	\$389.1	\$509.7	\$509.1

¹The Senate version of Senate Bill No. 2012 includes the following changes in distribution amounts from the highway tax distribution fund:

	Current Distribution Rates	Proposed Distribution Rates
State highway fund	63%	61.3%
Counties	23%	21.5%
Cities	14%	13.0%

²North Dakota Century Code (NDCC) Section 39-04-19 provides that \$13 of each motor vehicle registration fee is deposited directly in the state highway fund. The Senate version of Senate Bill No. 2012 provides that these collections be deposited in the highway tax distribution fund beginning in the 2009-11 biennium. Revenue from the \$13 fee is estimated to generate \$18.2 million for the 2007-09 biennium and \$20 million for the 2009-11 biennium. Senate Bill No. 2012 provides that \$5.5 million be transferred from the highway tax distribution fund to the highway fund each biennium for administrative costs.

³North Dakota Century Code Section 54-27-19.1 provides that collections from one cent per gallon of motor vehicle fuels taxes be deposited in the township highway aid fund. The Senate version of Senate Bill No. 2012 removes the one cent per gallon distribution to the township highway aid fund, deposits these funds in the highway tax distribution fund, and provides that townships receive 2.70 percent of all funds available for distribution in the highway tax distribution fund.

⁴The 2007-09 legislative appropriation provides the public transportation fund with \$4.7 million from collections from \$3 of each motor vehicle registration and a \$1 million transfer from the general fund. The proposed changes to the distribution formula would deposit collections from the \$3 of each motor vehicle registration in the highway tax distribution fund and provide the public transportation fund with a 1.50 percent distribution of all funds available for distribution in the highway tax distribution fund.

⁵Senate Bill No. 2012 amends NDCC Section 54-27-19.1 to remove the provision that precludes fuel tax refunds from amounts deposited in the township highway aid fund. Therefore, net collections from gasoline, gasohol, and special fuels taxes are anticipated to be reduced by approximately \$600,000.

Highway Tax Distribution Fund Formula
 Tuesday, March 3, 2009

in millions	2007-09		Current SB 2012		No Revenue Infusion		\$120 Million		\$20 Million		\$100 Million	
	Enrolled	Law	Formula	Current Law *	SB 2012 Formula (a)	Current Law *	SB 2012 Formula (a)	Current Law *	SB 2012 Formula (a)	Current Law *	SB 2012 Formula (a)	
NDDOT *	\$ 222.10	63.00%	61.30%	\$243.3	\$240.6	\$318.9	\$314.2	\$255.9	\$252.9	\$306.3	\$301.9	
Counties	74.40	23.00%	21.50%	81.5	82.5	109.1	108.3	86.1	86.8	104.5	104.0	
Cities	45.30	14.00%	13.00%	49.6	49.8	66.4	65.4	52.4	52.4	63.6	62.8	
Townships	10.20	0.00%	2.70%	10.6	10.4	10.6	13.6	10.6	10.9	10.6	13.1	
Transit	5.70	0.00%	1.50%	4.7	5.8	4.7	7.6	4.7	6.1	4.7	7.3	
	<u>\$ 357.7</u>	<u>100.00%</u>	<u>100.00%</u>	<u>\$389.7</u>	<u>\$389.1</u>	<u>\$509.7</u>	<u>\$509.1</u>	<u>\$409.7</u>	<u>\$409.1</u>	<u>\$489.7</u>	<u>\$489.1</u>	

* Includes \$13 of each MV registration dedicated to the Highway Fund.

(a) NDDOT amount includes \$5.5 million "off the top" for the Administrative Assistance to Other Transferees.

POTENTIAL HIGHWAY FUNDING - SENATE BILL NO. 2012

The schedule below provides a potential option for providing highway funding to the state and political subdivisions:

	Statutory 2007-09 Distributions From Highway Tax Distribution Fund	Other Statutory Allocations ^{2,3,4}	Total 2007-09 Statutory Funding	2007-09 Weather- Related Cost-Sharing	2007-09 and 2009-11 Disaster Relief Funding	Estimated 2009-11 Distributions Under SB 2012 (Senate Version)	Removes \$120 Million General Fund Transfer to Highway Tax Distribution Fund	Deposit 25 Percent of Motor Vehicle Excise Tax in State Highway Fund	Funding From the General Fund for Devils Lake Highway Projects	Total 2009-11 Funding
Total revenues subject to distribution	\$323.2	\$34.1	\$357.3	\$71.5	\$43.0	\$509.1 ⁵	(\$120.0)	\$30.5	\$4.6	\$424.2
Distributions to:										
State highway fund ^{1,2}	\$203.5	\$18.2	\$221.7	\$7.5		\$314.2	(\$73.6)	\$30.5	\$4.6	\$275.7
Counties ¹	74.4		74.4	33.9		108.3	(25.8)			82.5
Cities ¹	45.3		45.3	20.1		65.4	(15.6)			49.8
Townships ³		10.2	10.2	10.0		13.6	(3.2)			10.4
Public transportation fund ⁴		5.7	5.7			7.6	(1.8)			5.8
Disaster relief funding					\$43.0 ⁶					
Total distributions	\$323.2	\$34.1	\$357.3	\$71.5	\$43.0	\$509.1	(\$120.0)	\$30.5	\$4.6	\$424.2

¹Senate Bill No. 2012 provides the following changes in distribution amounts from the highway tax distribution fund:

	Highway Tax Distribution Fund Rates		
	Current (2007-09)	SB 2012 (Senate Version)	SB 2012 (House Version)
State highway fund	63%	61.30%	61.30%
Counties	23%	21.50%	21.50%
Cities	14%	13.00%	13.00%
Townships	0%	2.70%	2.70%
Transit programs	0%	1.50%	1.50%
	100%	00.00%	100.00%

²North Dakota Century Code (NDCC) Section 39-04-19 provides that \$13 of each motor vehicle registration fee is deposited directly in the state highway fund. Senate Bill No. 2012 provides that these collections be deposited in the highway tax distribution fund beginning in the 2009-11 biennium. Revenue from the \$13 fee is estimated to generate \$18.2 million for the 2007-09 biennium and \$20 million for the 2009-11 biennium. Senate Bill No. 2012 provides that \$5.5 million be transferred from the highway tax distribution fund to the state highway fund each biennium for administrative costs.

³North Dakota Century Code Section 54-27-19.1 provides that collections from one cent per gallon of motor vehicle fuels taxes be deposited in the township highway aid fund. Both the Senate and House versions of Senate Bill No. 2012 remove the one cent per gallon distribution to the township highway aid fund, deposit these funds in the highway tax distribution fund, and provide that townships receive a percentage of all funds available for distribution in the highway tax distribution fund.

⁴The 2007-09 legislative appropriation provides the public transportation fund with \$4.7 million from collections from \$3 of each motor vehicle registration fee and a \$1 million transfer from the highway fund. Senate Bill No. 2012 would deposit collections from \$3 of each motor vehicle registration fee in the highway tax distribution fund and provide the public transportation fund with a percentage distribution of all funds available for distribution in the highway tax distribution fund.

⁵Senate Bill No. 2012 amends NDCC Section 54-27-19.1 to remove the provision that precludes fuel tax refunds from amounts deposited in the township highway aid fund. Therefore, net collections from gasoline, gasohol, and special fuels taxes are anticipated to be reduced by approximately \$600,000.

⁶Funding of \$43 million is transferred to a state disaster fund which is appropriated to the Adjutant General for counties, cities, and townships. Of the total amount, \$20 million is to be used for emergency snow removal grants for the 2007-09 biennium and \$23 million is to be used during the 2009-11 biennium for costs related to the 2009 flood disaster.

NHTSA Program Areas, Funding Sources and Funded Projects

(1) Planning and Administration (P&A) \$49,500

- a. Section 402 funds
- b. Used for staff salary, staff travel, supplies for general Section 402 program administration.

(2) Traffic Records \$401,280

- a. Section 408 funds
- b. Used for expenses for traffic records system management and projects under the North Dakota Traffic Records Strategic Plan (examples, node to GPS conversion project, TraCS implementation, etc.

(3) Impaired Driving \$1,666,800

- a. Section 410 funds
- b. Used for expenses for impaired driving prevention program activity including:
 - i. High visibility enforcement (media and law enforcement overtime) – *Drunk Driving. Over the Limit. Under Arrest.* campaign
 - ii. Social-norming campaigns (non-enforcement)
 - iii. Pass through to Attorney General’s Office for toxicology equipment (Intoxylizer 8000s and preliminary breath test devices)
 - iv. Traffic Safety Resource Prosecutor
 - v. Other impaired driving prevention programs (for example, server training, campus/university prevention initiatives, professional training, etc.)

<i>FY 2008 Impaired Driving Fund Breakdown</i>	410	402
Miscellaneous program administration costs		\$3,765
Program administration costs	\$29,222	
Overtime salaries for law enforcement	\$267,522	
Media campaigns	\$611,724	
Toxicology equipment (pass through to AG’s office)	\$283,020	
Traffic Safety Resource Prosecutor	\$87,439	
Video surveillance equipment for LE	\$141,577	
Server training (developed curriculum for use at local	\$23,456	
Training to law enforcement	\$7,526	
Parent/College freshman research project	\$11,862	
Parents LEAD	\$105,772	
First Offender Assistance Program	\$61,678	
Community-based programs:		
Club NDSU	\$7,715	
UND NightLife	\$11,862	
Alcohol screening and brief intervention	\$3,940	
Simulated Impaired Driving Experience (SIDNE)	\$8,720	
TOTAL	\$1,663,035	\$3,765
*Misc. program administration costs (402)	\$3,765	
GRAND TOTAL	\$1,666,800	

(4) Occupant Protection \$627,900

- a. Section 402 funds
- b. Used for occupant protection programs to increase seat belt use rate throughout the state including:
 - i. Pass through to ND Dept of Health to administer the state Child Passenger Protection program
 - ii. High visibility enforcement (media and law enforcement overtime) – Click It or Ticket campaign
 - iii. Social-norming media campaigns
 - iv. Annual seat belt survey

(5) Pedestrians

- a. Crash data does not justify expenses for pedestrian safety.

(6) Bicycles

- a. Crash data does not justify expenses for bicycle safety.

(7) Safe Communities \$693,000

- a. Section 402 funds
- b. Used for the administration of statewide Safe Communities programs (10 programs). Safe Communities exist to provide outreach for safety programming to the local level. They operate via coalitions/task forces.

(8) Motorcycles \$396,700

- a. State funds and Section 2010 funds
- b. State funds provide for the administration of the North Dakota Motorcycle Safety Program which provides classroom and skills instruction for new and experienced riders.
- c. Federal funds provide for ancillary expenses to support motorcycle safety education including social-norming media campaigns and lease of motorcycle ranges for skills training.

(9) Police Traffic Services \$178,600

- a. Section 402 funds
- b. Used for training, education, and equipment (radar units) to support law enforcement to enforce seat belt, impaired driving and speed laws in the state

(10) Emergency Medical Services \$133,800

- a. Section 402 funds
- b. Pass through funds to the ND Dept of Health in support of EMS services to assure timely and quality care at the crash site

(11) Roadway Safety

- a. North Dakota does not allocate NHTSA Section 402 funds for this purpose. HSIP funds are used.

**TESTIMONY BEFORE THE
SENATE APPROPRIATIONS COMMITTEE**

MONDAY JANUARY 19, 2009

GOOD MORNING CHAIRMAN HOLMBERG AND MEMBERS OF THE COMMITTEE. MY NAME IS ROBIN WERE AND I AM THE EXECUTIVE DIRECTOR OF BIS-MAN TRANSIT AND CAPITAL AREA TRANSIT BETTER KNOWN AS THE "CAT" HERE IN BISMARCK. I ALSO REPRESENT THE OTHER URBAN TRANSIT PROVIDERS IN FARGO AND GRAND FORKS.

I AM HERE THIS MORNING TO SUPPORT SENATE BILL #2012 THAT FUNDS ND DEPARTMENT OF TRANSPORTATION AND PROVIDES FUNDING FOR PUBLIC TRANSPORTTION.

IT IS ANTICIPATED THAT FOR THE YEAR 2009 THE FEDERAL TRANSIT ADMINISTRATION WILL BE ALLOCATING JUST OVER \$7.9 MILLION DOLLARS OF 5311 FUNDS FOR RURAL AND 5307 FUNDS FOR URBAN TRANSPORTATION IN NORTH DAKOTA. A MAJORITY OF THIS FUNDING WILL BE USED FOR OPERATING EXPENSES BY ND TRANSIT PROVIDERS. SINCE OPERATING EXPENSES REQUIRE A 50/50 MATCH IT MEANS WE WILL NEED \$7.9 MILLION OF STATE OR LOCAL FUNDS TO MATCH THE FEDERAL DOLLARS. THE FUNDING FOR PUBLIC TRANSPORTATION IN SB 2012 WILL PROVIDE PART OF THAT FUNDING.

SOME OF THE CURRENT NEEDS OF A SYSTEM LIKE BIS-MAN TRANSIT ARE FUNDS FOR OPERATING DUE TO THE INCREASED COST WE HAVE OCCURRED IN FUEL, MAINTENANCE OF EQUIPMENT AND FACILITIES AND THE NEED FOR EXPANSION OF SERVICES AND SOME SPECIALIZED SERVICES. CURRENTLY AT BIS-MAN TRANSIT WE HAVE APPROXIMATELY 1 MILLION DOLLARS IN CAPITAL 5309 FUNDING, BUT WE NEED TO MATCH THESE DOLLARS AT A 80/20 MATCH. IT IS ALSO ANTICIPATED THAT WITH THE PASSAGE OF A NEW FEDERAL HIGHWAY/TRANSIT BILL THERE WILL BE AN INCREASE IN FUNDING FOR PUBLIC TRANSPORTATION WHICH MATCHING FUNDS WILL BE NEEDED FOR

SO AGAIN I ASK FOR YOUR SUPPORT TO SB2012 INORDER TO PROVIDE MATCHING FUNDS FOR PUBLIC TRANSPORTATION.

THANK YOU FOR THE OPPORTUNITY TO SPEAK WITH YOU TODAY, I WOULD BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

1-19-2009

Chairman Holmberg and members of the Senate Appropriations committee.

My name is Darrell Francis, director for Souris Basin Transportation in Minot. I appear before you this morning asking for your favorable consideration of Senate Bill 2012, increasing transportation funding from \$5.7 million to \$7.8 million for the two year biennium.

Our organization (which now includes Minot Commission on Aging Transit) provided transportation in 2008: 72,623 rides for the Elderly and Disabled, and 9,819 general public in an 8 county region, including Minot.

The Federal funds available to us for the present fiscal year of operations is \$402,500, therefore (50/50) local match becomes \$402,500. Capital for this year: 2 accessible 11-passenger buses (@\$57,000), 3 accessible minivans (@\$34,000) for a total of \$214,000. Local cash match (80/20) for the federal funds is \$42,800. Total match for the program is \$445,300. Present State aid per year covers \$290,000 of the \$445,300, local funding needed \$155,300 or \$267,800 for the biennium. When we are unable to raise those funds, we no longer have access to the Federal transit dollars and those become the restraints on the services we can provide.

During the next two years there is a need for three additional routes for the weekday services and one for the evening and weekend services in and around the City of Minot and in the rural section of Ward County, where there are no present established service. Increase cost for this operations estimating at \$348,000 (Federal at \$174,000 and local match \$174,000) and the capital at \$92,000 (1 bus and 1 van, both accessible), match at \$18,400. Total local funding needed: \$192,400. Combining the present operations and growth, \$460,200 would be needed to meet the federal dollars over the next two years.

The Federal Transit Administration has provided the necessary dollars and with the increase demands and requests for the additional service area, we need the increase of state funding to help us meet those needs. Our priority will continue be the elderly and disabled with their medical and living needs.

Darrell Francis, Executive Director
Souris Basin Transportation
sbtransit@srt.com
701-852-8008

10

John Olson

From: James Gilmour [JGilmour@cityoffargo.com]
Sent: Friday, January 16, 2009 12:39 PM
To: Senator Tony Grindberg; Senator Tim Mathern; Senator Tom Fischer
Cc: Julie Bommelman; Pat Zavoral; Dave Piepkorn; Michael Williams; Sharon Odegaard; 'olsonpc@midconetwork.com'; Connie Sprynczynatyk
Subject: Transit Funding

Senators Grindberg, Mathern, and Fisher,

I'm contacting you on behalf of the City of Fargo regarding the transit funding portion of the DOT budget. The hearing on the DOT budget (SB 2012) will be on Monday, and I wanted to let you know that an increase in funding for our bus system is extremely important. The proposed budget would increase funding for all transportation by \$120 million, with public transportation receiving an increase from \$5.7 million to \$7.8 million for the two year biennium.

Fargo has identified a need for three new bus routes to serve areas in south Fargo where there is no bus service.

- West Acres to the Microsoft and Osgood area.
- K-Mart to the neighborhoods south of 32nd Ave. South.
- North-south on 25th St. from the 52nd Ave. S. commercial areas to 13th Ave. S

The cost of these three new routes will be over \$600,000 a year. The proposed increase in transit funding would provide Fargo about \$100,000 a year, so if matched with federal funding, one of these needed routes may be possible next year. Fargo already contributes about \$800,000 of local general fund money for public transportation, and has also raised bus fares this year. There have also been large increases in the costs of providing transit for persons with disabilities.

The Federal Transit Administration provides the State of North Dakota with \$8 million a year in funding for public transportation. Grants are provided to the State, Fargo, Bismarck, and Grand Forks. Of these funds, Fargo receives \$1.7 million a year. There are local match requirements (50% for operating and 20% for capital) for these funds, and so state and local funds are needed to match all available federal funds.

Higher gas prices, a concern for the environment, and a growing number of college students have increased ridership on the Fargo bus system. Ridership increased over 25% last year. Because of this increased ridership, there have been requests for service in newer south side neighborhoods, and the city of Fargo needs State of ND money to pay for these routes.

I won't be able to attend your hearing, so if you have any questions, please feel free to contact me. Thank you for your time and consideration.

Jim Gilmour, Director of Planning and Development
City of Fargo
200 N. 3rd St.

1/18/2009

3-4-2009

Chairman Delzer and Committee Members:

My name is Darrell Francis, director for Souris Basin Transportation, a region rural transit system covering North Central North Dakota. I appear before you this morning asking for your favorable consideration of Senate Bill 2012, increasing transportation funding to \$7.6 million for the two year biennium. Our organization (which now includes Minot Commission on Aging Transit) provided transportation in 2008: 72,623 rides for the Elderly and Disabled, and 9,819 general public in an 8 county region, including Minot.

The Federal funds available to us for the present fiscal year of operations is \$402,500, therefore (50/50) local match is **\$402,500**. Capital dollars for vehicles for Souris Basin Transportation alone this year is **\$42,800** (20% cash match). Our total match for the entire program is **\$445,300**. Present State aid per year covers \$290,000 of the \$445,300, **local funding needed \$155,300 or \$267,800 for the biennium, for our system only.**

Statewide there is \$560,000 (80%) federal dollars dedicated for vehicle replacements in the rural projects, and the match alone for these vehicles is near **\$140,000 (20%)**.

The stimulus dollars is not intended to help with operations or capital money for vehicles. The dollars can help the transit projects who are in need of garages and buildings.

The Federal Transit Administration has provided the necessary dollars and with the increase demands and requests for rural areas, we can access the existing funds with the increase from State Aid. Our priority will continue to be the elderly and disabled with their medical and living needs. If we are unable to provide the needed match for federal dollars, we will be limited to what we can replace for vehicles, routes, drivers, service hours, and operations. Our priority will continue to be the elderly and disabled with their medical and living needs, helping them live longer on their farms and in their homes. Please support SB 2012.

Darrell Francis, Executive Director
Souris Basin Transportation
sbtransit@srt.com
701-852-8008

TESTIMONY BEFORE THE
HOUSE APPROPRIATIONS COMMITTEE

WEDNESDAY MARCH 4, 2009

GOOD MORNING CHAIRMAN SVEDJAN AND MEMBERS OF THE COMMITTEE, MY NAME IS ROBIN WERRE AND I AM THE EXECUTIVE DIRECTOR OF BIS-MAN TRANSIT AND CAPITAL AREA TRANSIT BETTER KNOWN AS THE "CAT" HERE IS BISMARCK. I ALSO REPRESENT THE OTHER URBAN TRANSIT PROVIDERS IN FARGO AND GRAND FORKS.

I AM HERE THIS MORNING TO SUPPORT SENATE BILL #2012 THAT FUNDS ND DEPARTMENTY OF TRANSPORTATION AND PROVIDES FUNDING FOR PUBLIC TRANSPORTATION.

IT IS ANTICIPATED THAT FOR THE YEAR 2009 THE FEDERAL TRANSIT ADMINISTRATION WILL BE ALLOCATING JUST OVER \$7.9 MILLION DOLLARS OF 5311 FUNDS FOR RURAL AND 5307 FUNDS FOR URBAN TRANSPORTATION IN NORTH DAKOTA. A MAJORITY OF THIS FUNDING WILL BE USED FOR OPERATING EXPENSES BY ND TRANSIT PROVIDERS. SINCE OPERATING EXPENSES REQUIRE A 50/50 MATCH IT MEANS WE WILL NEED \$7.9 MILLION OF STATE OR LOCAL FUNDS TO MATCH THE FEDERAL DOLLARS. THE FUNDING FOR PUBLIC TRANSPORTATION IS SB 2012 WILL PROVIDE PART OF THAT FUNDING.

SOME OF THE CURRENT NEEDS OF A SYSTEM LIKE BIS-MAN TRANSIT ARE FUNDS FOR OPERATING DUE TO THE ENCREASED COST WE HAVE OCCURRED IN FUEL, MAINTENANCE OF EQUIPMENT AND FACILITIES AND THE NEED FOR EXPANSION OF SERVICES AND SOME SPECIALIZED SERVICES. CURRENTLY AT BIS-MAN TRANSIT WE HAVE APPROXIMATELY 1 MILLION DOLLARS IN CAPITAL 309 FUNDING, BUT WE NEED TO MATCH THESE DOLLARS AT A 80/20 MATCH. IT IS ALSO ANTICIPATED THAT WITH THE PASSAGE OF A NEW FEDERAL HIGHWAY/TRANSIT BILL THERE WILL BE AN INCREASE IN FUNDING FOR PUBLIC TRANSPORTATION WHICH MATCHING FUNDS WILL BE NEEDED FOR

SO AGAIN I ASK FOR YOUR SUPPORT TO SB2012 INORDE TO PROVIDE MATCHING FUNDS FOR PUBLIC TRANSPORTATION,

THANK YOU FOR THE OPPORTUNITY TO SPEAK WITH YOU TODAY. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

Testimony To The
THE SENATE APPROPRIATIONS COMMITTEE
 Prepared January 19, 2009 by
 Mark A. Johnson, CAE – Executive Director
 North Dakota Association of Counties

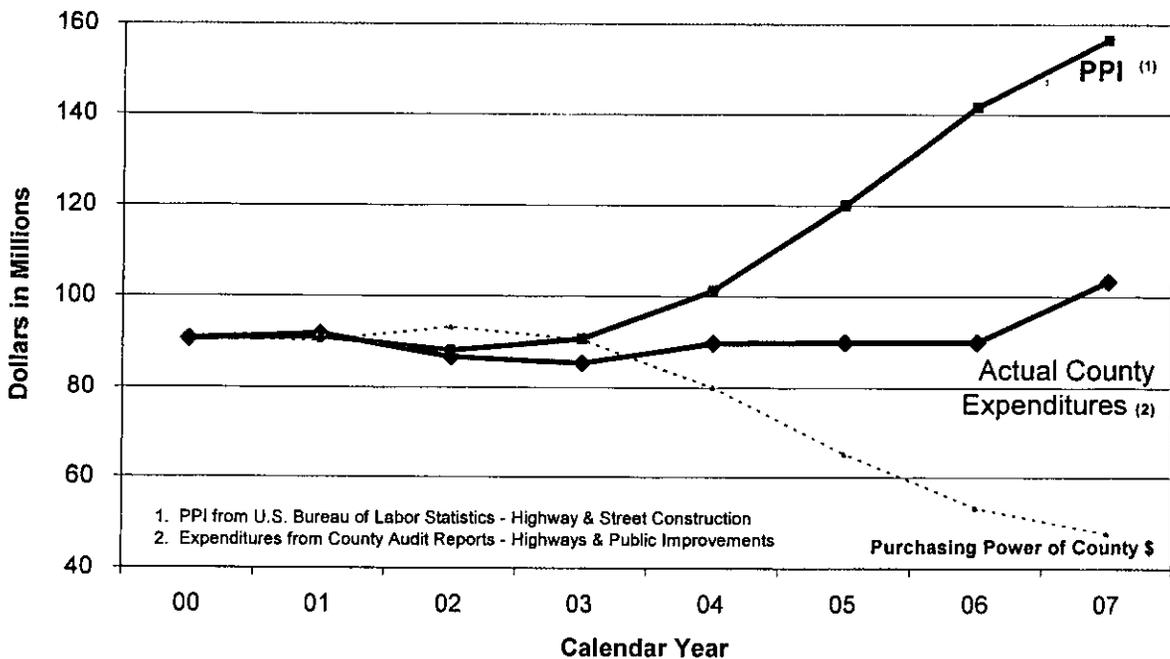
REGARDING SENATE BILL 2012

Chairman Holmberg and committee members, county government strongly supports SB2012 as it comes to you – with a \$120 Million infusion into the operation and maintenance of our State’s transportation infrastructure.

But North Dakotans have never been very keen on the idea of bandaging a wound without also providing a healing remedy for the long term, which is why counties also strongly support the restructuring of the funding formula, as proposed in SB2177. The formula in SB2177 would ensure that township and county roads, city streets, state highways and transit will all share proportionately in the added funding provided in SB2012.

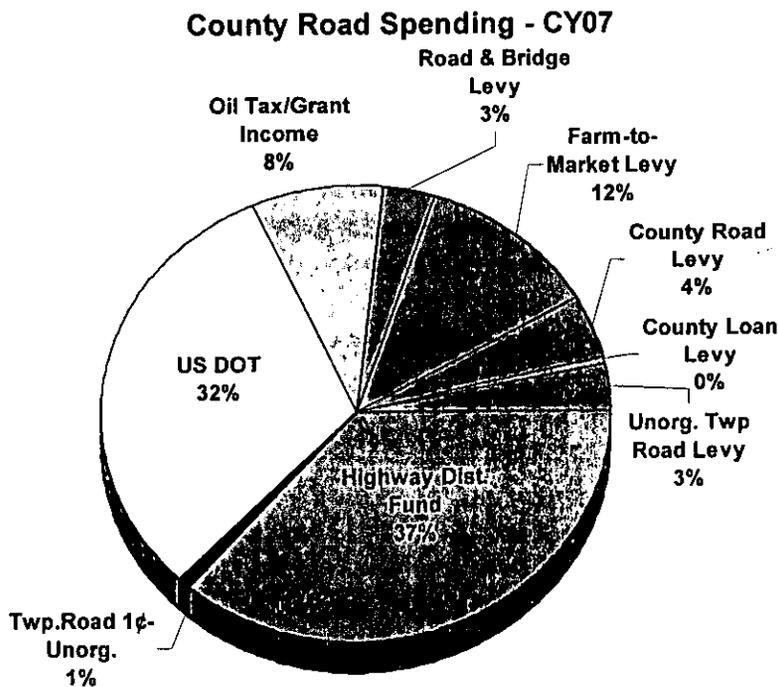
County government is not alone in its struggle to maintain its transportation infrastructure with relatively stagnant revenue and dramatically increasing costs, however the chart below suggests how serious the issue has become for North Dakota counties.

**County Highway Expenditures
 vs. Production Price Increase (PPI)**



Counties' purchasing power has been dramatically eroded by well over 25%, as measured by the Department of Labor's Production Price Index for road construction. In short, costs have risen while revenues have not. That combination has significantly reduced the miles of road and number of bridges that counties can adequately maintain. The most significant source of highway funding – the State Highway Distribution Fund, has remained almost stagnant for local government.

Counties have a significant infrastructure to maintain. NDDOT data indicates that counties collectively have 10,321 miles of major collector highways and 65,330 miles of local roads. In addition, they are responsible for 3,229 major bridge structures (> 20') of which 647 (20%) are now at a sufficiency rating of less than 50 – or at the point of replacement. The recent *Transportation Infrastructure Needs* study indicated that, with current revenues and the impact of construction inflation, North Dakota counties fall short about \$95.6 million annually on what they need to maintain their road systems.



The pie chart shows where counties now get the revenue they use for roads.

Counties certainly have no control over the federal share; and increasing property taxes is not a popular option.

This leaves enhancements to the State Highway Distribution Fund as the only realistic possibility for improving road funding.

Attached to this testimony is our estimation of what this

funding, distributed as provided by SB2177, would mean to each county's road program. Mr. Chairman and committee members, for these reasons we strongly support a "do pass" recommendation on SB2012 as well as its companion, SB2177 – a bold step in preserving North Dakota's road infrastructure.

STATE HIGHWAY DISTRIBUTION FUND PROJECTIONS

COUNTY	ACTUAL CY2008 ANNUAL CYTotal	PROJECTED CY2010 * New Formula AMOUNT	PROJECTED ANNUAL INCREASE
ADAMS	233,251	307,891	74,640
BARNES	1,033,845	1,364,676	330,831
BENSON	409,938	541,118	131,180
BILLINGS	116,733	154,087	37,354
BOTTINEAU	722,674	953,930	231,256
BOWMAN	364,648	481,335	116,687
BURKE	267,232	352,746	85,514
BURLEIGH	5,048,685	6,664,264	1,615,579
CASS	6,192,173	8,173,669	1,981,496
CAVALIER	503,730	664,923	161,194
DICKEY	525,634	693,837	168,203
DIVIDE	273,833	361,459	87,626
DUNN	393,287	519,139	125,852
EDDY	250,123	330,162	80,039
EMMONS	383,159	505,770	122,611
FOSTER	357,229	471,542	114,313
GOLDEN VALLEY	182,534	240,945	58,411
GRAND FORKS	2,587,810	3,415,909	828,099
GRANT	303,038	400,010	96,972
GRIGGS	277,539	366,351	88,812
HETTINGER	318,189	420,010	101,821
KIDDER	299,038	394,730	95,692
LaMOURE	531,605	701,719	170,114
LOGAN	231,352	305,384	74,033
McHENRY	607,334	801,681	194,347
McINTOSH	324,030	427,720	103,690
McKENZIE	527,646	696,493	168,847
McLEAN	986,133	1,301,696	315,563
MERCER	853,585	1,126,733	273,147
MORTON	2,017,288	2,662,820	645,532
MOUNTRAIL	638,527	842,855	204,329
NELSON	344,622	454,901	110,279
OLIVER	230,708	304,535	73,827
PEMBINA	790,011	1,042,815	252,804
PIERCE	423,523	559,050	135,527
RAMSEY	903,738	1,192,934	289,196
RANSOM	556,793	734,967	178,174
RENVILLE	293,376	387,257	93,880
RICHLAND	1,446,721	1,909,672	462,951
ROLETTE	762,308	1,006,247	243,939
SARGENT	461,077	608,621	147,545
SHERIDAN	191,789	253,162	61,373
SIOUX	156,424	206,479	50,056
SLOPE	110,070	145,292	35,222
STARK	1,705,794	2,251,648	545,854
STEELE	245,610	324,205	78,595
STUTSMAN	1,470,252	1,940,733	470,481
TOWNER	277,966	366,915	88,949
TRAILL	715,290	944,182	228,893
WALSH	1,069,665	1,411,958	342,293
WARD	3,436,319	4,535,941	1,099,622
WELLS	497,652	656,901	159,249
WILLIAMS	1,778,709	2,347,896	569,187
COUNTY TOTAL	45,630,239	60,231,916	14,601,677

* CY2010 will be first full year of new formula

**Testimony To The
THE SENATE APPROPRIATIONS COMMITTEE**
Prepared January 19, 2009 by
Cindy Schwehr, President
North Dakota County Commissioners Association

REGARDING SENATE BILL 2012

Chairman Holmberg, members of the committee:

Good morning. My name is Cindy Schwehr, and I am President of the North Dakota County Commissioners Association. I am speaking to you today as a representative of my county and my association, which is easy to do, because counties are very much united on this issue.

Like you, we commissioners are elected to our positions, and like you, we are faced with the challenge of maintaining our infrastructure in the face of rising costs. Because we have so much in common, I feel strongly that we need to take a team approach to funding our state's infrastructure at all levels...state, county, township and city.

Barnes County is quite representative of what you might call an "average" county. There are counties with more sparse populations than ours and counties with major population centers far larger than ours. The challenge we all face is that there are a lot of road miles to cover, and not a lot of people to fund those miles.

Barnes County's numbers tell a story that is common among counties.

- We maintain 340 miles of county roads, of which 230 miles are asphalt
- We also maintain over 1,000 miles for 36 of our 42 townships
- We project \$929,000 from Highway Distribution, \$300,000 from township revenue and 1/2 a mill from the general fund.
- Our Farm to Market funds—which are used for our 20% federal match, as well as chip seals, asphalt overlays, stripping and some gravel—have not grown despite dramatic cost increases

In sum, there has been no significant increase in the highway distribution dollars for many years, while fuel, wages, equipment, parts and building maintenance have all risen dramatically. The result is that, even with the money we will get from the Highway Distribution Fund, our \$1.5 million budget for maintaining roads and bridges will fall a quarter of a million dollars short, and our funds will dry up by the end of 2009.

Without the 32% increase in 2010 proposed by SB 2012, we will not be able to fund the highway department at the current level. By "current level" I am referring to a budget that

requires us to push many important projects back several years past the target date of needed repairs.

Without more funding from Highway Distribution, Barnes County would have just a few options. We cannot raise property taxes, because we are already at our maximum. Even if we could, I don't need to tell you how popular that would be. We could double our charge to townships, but where would they get the money to pay us? Or, we could quit doing the township work and lay off half our employees. This would mean people may have to wait several days even for snow to be plowed from county roads.

The 32% increase in highway distribution dollars proposed in this bill will offset our current \$250,000 shortfall, with a few dollars to spare. I cannot stress enough that this potential increase will not be a windfall, but a life preserver.

On behalf of Barnes County and the North Dakota County Commissioners Association, I strongly urge a "do pass" recommendation on SB 2012.

**January 19, 2009 testimony to
THE SENATE APPROPRIATIONS COMMITTEE REGARDING
SENATE BILL 2012**

By Keith Berndt, PE, Cass County Engineer

Good Morning Chairman Holmberg and committee members. We strongly support SB 2012 as currently drafted including provisions that a \$120 Million transfer be made into the Highway Distribution Fund that would be shared proportionately by the State Highway Department, Counties, Cities, Townships, and Transit.

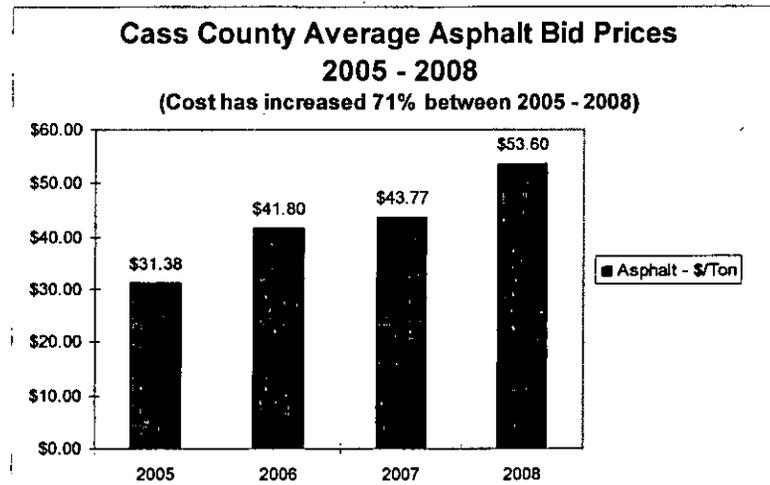
Counties across the State are struggling to meet the needs of the traveling public. Most trips on the State Highway System start and end on local roads. An adequate road network to move the tremendous quantities of sugar beets, corn and the many other products produced in North Dakota is imperative to the State's continued economic success.

Counties in the State are falling behind on the basic maintenance activities such as crack sealing, chip sealing and maintenance overlays. Many County roads are too narrow and the side-slopes are too steep to continue to safely add maintenance overlays without other geometric improvements.

The Cass County Highway Department is responsible 644 miles of County Collector Highways and 243 County and Township Bridges over 20 feet in length. Almost 1/2 of those bridges are more than 50 years old, and as in other North Dakota Counties, about 20% of all bridges have a sufficiency rating of less than 50 on a 100 point scale.

In our county, the State Highway Distribution Fund makes up over 50 %, of the total highway revenue with Federal Funds and property taxes making up the balance.

Inflation has significantly eroded the buying power of the available revenues. For instance, between 2005 and 2008 the average price for asphalt bid for Cass County projects increased from \$ 31.38/ton to \$53.60/ton, a **71% increase in 3 years.**



The U.S. Department of Transportation estimates that for every dollar invested in the Nation's Highway System, \$5.69 in economic benefits is realized.

Today you have an opportunity to support an outstanding investment in transportation that will benefit everyone in the State of North Dakota. For these reasons, we strongly support a do pass recommendation of SB2012.

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Testimony SB 2012
Senate Appropriations Committee
January 19, 2009

Mr. Chairman and committee members, I would like to thank you all for your commitment to the State of North Dakota by serving as citizen legislators. I am Donn Diederich Executive VP of Industrial Builders Inc a construction firm from Fargo. We are a highway heavy contractor building bridges, dams, water systems, flood control structures and agricultural processing facilities. I appreciate this opportunity to be able to testify today

I am also a past president of the AGC of ND and I've been asked to present the contractors views as to the importance of the extra transportation funding in SB 2012.

Tomorrow, we will have a new President and the 111th Congress will begin its business, there is much for them to do. As Director Ziegler pointed out in his testimony federal funding is extremely difficult to determine. Today, the continuing resolution that is funding the highway bill does not allow the DOT to commit to construct the full \$229 million North Dakota is expected to receive in 2009. They are forced to wait for Congress to pass an appropriations bill to bid and award much of the highway work that is to be done this year. The 5 year federal transportation bill expires on September 30th of this year. What will the new bill look like? The current federal transportation funding level for North Dakota is the envy of every state in the union. Can North Dakota count on the federal funding level to remain at its present level? We believe it's doubtful. Is the present funding mechanism adequate to fund the federal and state highway programs? Will a stimulus package be passed and will it include money for transportation and infrastructure projects? You will need to address these questions in the coming months.

The needs are there, in Mountrail County last year, the county's ability to maintain a paved road that was seeing increased traffic from the oil industry was becoming both a hazard and a budget buster. The county elected to return the roadway to gravel, which they could afford to maintain. In Cass County, there was a different set of options, the county had to maintain the paved road, but because of the high price of oil it took part of

this year's budget to complete. The component cost's associated with constructing the transportation system, steel, cement, oil and the fuel used to heat and haul materials have out paced the budgets of our state, city, county and township governments. There is a need for state transportation funding at all levels of state government .In Director Ziegler's report it points out that the part of the system that needs upgrading is the district corridor and collector roads. They were built with federal dollars and with the buying power of the present program being diminished we cannot get back to maintain them. I do not think the states transportation funding issues will be met by simply matching federal dollars.

There are many groups that have a stake in these transportation issues. Our Congressional delegation knows how important our present funding level is to us in the next five year transportation bill. A year from now there is a real chance that bill will not be passed and the DOT will be operating on another continuing resolution, again promised funding but no authority to spend it. A state funded program could get projects out while waiting, and get a start on our short construction season. If the stimulus package passes it is a one year program. What about 2010? You could add stability to a program that is on a rollercoaster funding ride. Long term funding is at a crossroad. The user fee from fuel does not appear to be able to fund the current program. State funding will have to become a greater portion of the mix. I believe the governors proposal to include general funds in the transportation budget will improve the states ability serve its citizens in the future.

Again, thank you for your willingness to serve the State of North Dakota. Thank you for this opportunity to testify. We would appreciate your support of the transportation funding in SB 2012 and I would attempt to address any questions.

Testimony to the Senate Appropriations Committee

January 19,2009 N D Township Officers Association
Prepared by Ken Yantes

Chairman Holmberg and Committee members my name is Ken Yantes and I serve as the Executive Secretary of just under 6000 North Dakota Township Officers from 1100 dues paid organized townships in North Dakota.

I have come here today to ask you to support SB2012.

In December at our Township Officers Annual Meeting a resolution was passed in support of our inclusion in the Townships being included in the distribution of dedicated transportation revenues as is found in SB2012.

For many years the townships have relied on the one cent per gallon gas tax as a mainstay in our road maintenance funding. Ten years ago this tax brought in about \$103 per mile per year. Recent declines in gallons used have reduced the tax income to us to about \$70 per mile. We fear that future sales may also be reduced due to alternate fuel usage.

Inflated costs of providing township road maintenance require us to ask for increased funding and this bill will help provide some of the needed funds.

Please vote to pass SB2012 as townships need to keep our roads safe for the traveling public.

SB2012 Testimony to the House Appropriations Committee, March 4, 2009

From: N D Township Officers Association, President, Kerry Schorsch

Mr. Chairman, Mr. Vice Chairman and Committee Members, my name is Kerry Schorsch. I am a farmer, businessman and township supervisor from Havelock Township in Hettinger County. I am also President of the North Dakota Township Officers Association. Our organization consists of just fewer than 6,000 publicly elected North Dakota Township Officers from 1,140 townships in North Dakota.

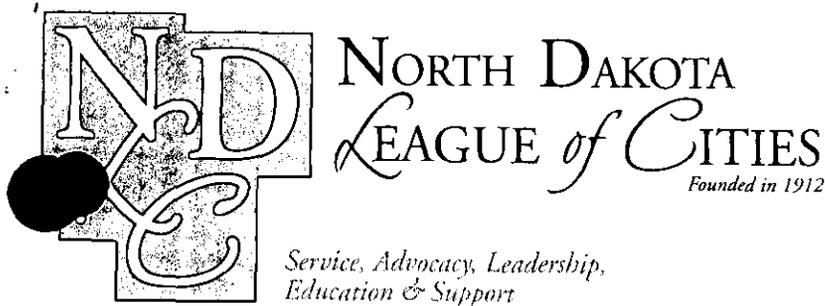
I have come here today to ask you to support SB2012 as passed out of the Senate by a 46 to 0 margin.

Your North Dakota townships maintain over 60,000 miles of public, rural roads. Those 60,000 miles of roads are more miles than the entire total of all other federal, state, county and city roads in our state. Most of our township roads were built in the 1930's, 40's and 50's when a typical one and a half or two ton farm truck hauled a 150 - 200 bushel load of wheat at speeds of 30 - 40 miles per hour. Now, those same, narrow roads are regularly shared by semi's hauling 1,000 bushels of wheat, 30 passenger school buses, 80,000 lb oil service trucks, UPS, rural mail carriers, and Mom or Dad hauling the kids to school. All of this at speeds of 50 - 60 mph or higher. And all too often, through mud or blowing and drifting snow. Our rural roads are becoming unsafe and are in need of repair.

In the spring of 2008, township representatives joined in a series of public meetings around the state. The North Dakota League of Cities, Association of Counties, North Dakota Department of Transportation, the Governor's office, public transit officials, concerned legislators and other public and private groups and individuals worked together at these meetings to arrive at a meaningful consensus of how to meet North Dakota's public transportation needs. The result of all those hours of travel, work, negotiation and planning is presented for you here today in Senate Bill 2012.

In December, 2008 at our Township Officers Annual Convention, a resolution was passed in support of the measures proposed in SB2012.

Please vote to pass SB2012 to help townships keep our roads safe for the traveling public.



Senate Appropriations Committee
Senate Bill 2012
January 19, 2009

For decades, the cities and counties in North Dakota have worked with the state's Department of Transportation to address transportation needs. North Dakota's 357 incorporated cities use state, federal and local funds to maintain and improve streets, and transportation funds have become the largest per capita payment to cities.

During the 2007-09 interim, the League participated with representatives of local government, the private sector, the Upper Great Plains Transportation Institute and the state in determining the public's view of our transportation system as a key component in growing North Dakota's economy.

The results of eight meetings around the state, and a wrap-up statewide conference in the spring of 2008, did not surprise anyone. There is widespread recognition across the private and public sector that transportation needs have outstripped available funding. In fact, the annual shortfall among cities, counties, townships, transit and the state *exceeds \$250 million per year*.

Together, using all available sources of funds, we have made substantial investments in transportation and this state-local partnership has served us well over the decades. City leaders recognize the value of maintaining a high level of transportation services at the local level, as well as the crucial need for a well-maintained network of highways that connect communities and indeed the United States.

The League supports the North Dakota Department of Transportation's 2009-11 budget as it includes continuation of our longstanding state-local partnership. We also support the executive budget recommendation that invests an additional \$120 million in transportation infrastructure and transit through the State Highway Distribution Fund. We will be supporting the companion bill that will bring cities, counties, transit, townships and the state into the distribution fund at the proportionate level of funding we are now sharing.

We applaud SB 20212's investment in this critical component of economic development and we will continue to be partners in funding state and local transportation needs.

Connie Sprynczynatyk
Executive Director

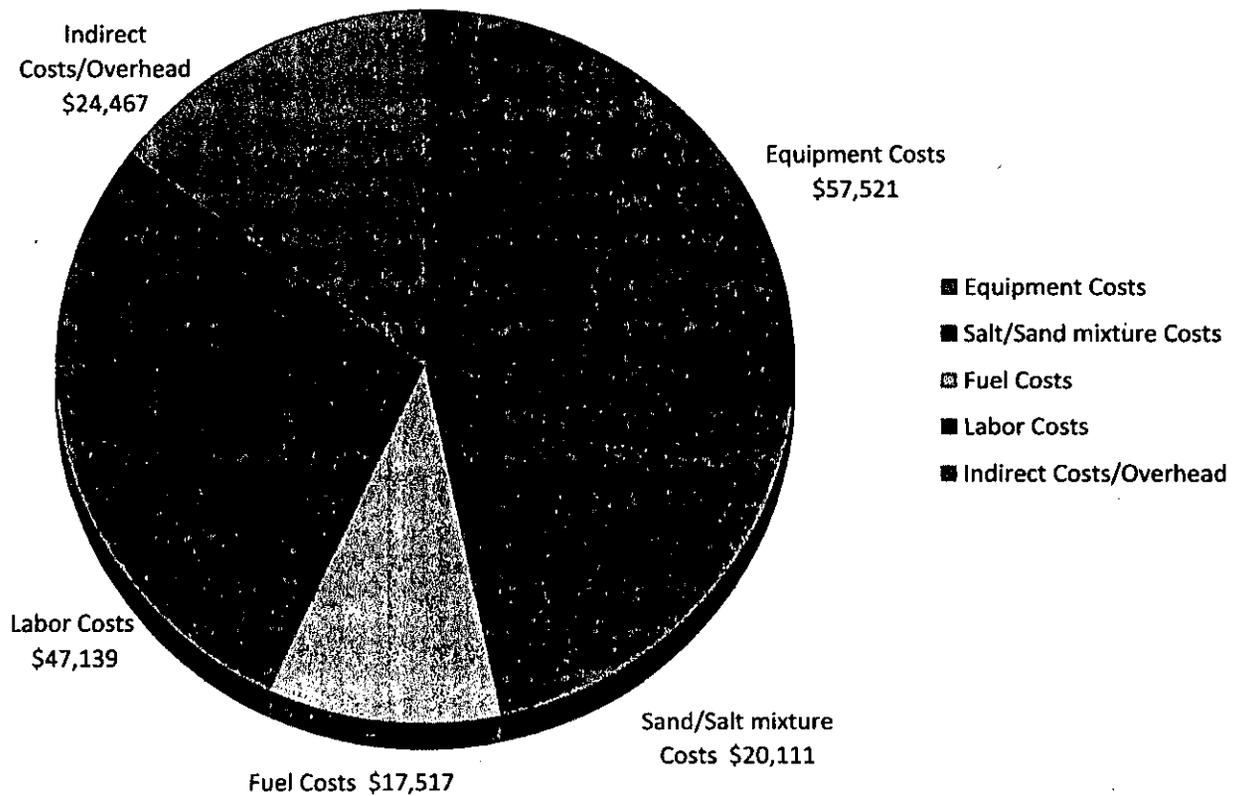
Bismarck Snow Storm Cost Analysis

Storm date - November 6 - 19, 2008

Snow total = 10.1 inches

Equipment Costs	\$	57,521
Salt/Sand mixture Costs	\$	20,111
Fuel Costs	\$	17,517
Labor Costs	\$	47,139
Indirect Costs/Overhead	\$	24,467

Total cost for 10.1 inch snow cleanup \$ 166,755



Testimony – HB 2012
House Appropriations Committee
March 4, 2009

Mr. Chairman and committee members: first, I would like to thank all of you for your commitment to the great state of North Dakota by serving as legislators.

My name is Rob Rebel. I am the 2009 vice president of the AGC Highway Division, and the Senior Aggregate Engineer of Knife River Corporation. Although our corporation does business in fifteen states, our corporate office is located here in Bismarck and we are proud to call North Dakota our home. Knife River Corporation is a materials construction company that produces aggregate, asphalt, and ready mix, in addition to operating road construction businesses. I sincerely appreciate the opportunity to testify today.

As you may know, the 5-year federal transportation bill is set to expire on September 30 of this year. A very important fact relating to North Dakota's current funding under this bill is that we receive over \$2.00 for every \$1.00 we contribute. This level of funding is coveted by a majority of the states that receive a smaller return on their dollars. There is belief in our industry as well as within the NDDOT that a new highway bill may not bring the same level of funding to our state. In addition, there is the possibility that 2010 could see us operating under a continuing resolution which would promise funding, but give the NDDOT no authority to spend. Consider these two important questions: 1) What if a new transportation bill is not approved in a timely manner; and, 2) What if there is a change in the contribution formula for North Dakota? We must do everything in our power to be proactive on the maintenance and reconstruction of our state highway system – now.

As we are all aware, details of the federal stimulus package have been released and North Dakota is scheduled to receive a total of \$200M (\$170M specifically for highways and bridges, \$11M for transit and \$19M for clean water). You are also likely aware that 50% of the funds are to be allocated within 120 days and the remaining 50% within one year.

There are those who believe that these funds will be more than sufficient, a bonus if you will, for the NDDOT budget. Some may also believe that because of the stimulus money, the proposed state contribution of \$120M may be in less demand. My personal opinion is that is not true – these funds are needed now, more than ever.

I have also heard some concern regarding the industry's ability to build the additional projects associated with an improved budget. I am fully convinced we can complete substantially more work and I support this with the knowledge that many of our contractors have, over the last few years, sought work outside North Dakota's borders in South Dakota, Montana and Wyoming, in order to keep their people employed. This fact, coupled with the fact that a relatively flat NDDOT budget in a world of rising costs means our contractors have been adjusting to smaller amounts of work each year. I also know conclusively that some of our contractors have reduced their workforces over the years as the volume of work continues to decrease. We have the capacity and would enjoy the opportunity to prove it.

I have been in the highway construction business here in North Dakota for just over 20 years. Since my earliest association with this industry, I have known that our efforts have always gone more toward maintaining our system, as opposed to improving it. We simply have not had the funds. Let me use as an example the past 5 years of 2004-2008. The NDDOT budget has averaged approximately \$250M per year. The most important thing to understand about the budget is that there have been no substantial annual increases. As you may know, the cost to maintain or reconstruct a roadway has risen substantially and our state budget has not kept pace. Every year we are able to reconstruct or maintain fewer and fewer miles of our system so not only are we getting farther and farther behind on improving it, we are getting behind on maintaining it. As an attempt to keep the roadways safe, we have moved even farther from an improvement mentality toward a maintenance mentality. The longer this cycle continues, the poorer our roads will become.

Allow me to offer a few examples: The cost to reconstruct one mile of interstate in 2004 was just over \$1M. The cost today is just over \$1.5M, an increase of 50%. The cost to overlay one mile of a typical rural highway in 2004 was approximately \$90,000. The cost today is just over \$150,000 an increase of 67%. In 2004, asphalt oil ranged in price from \$225 to \$350 per ton. In

2008 we saw asphalt prices reaching \$600 per ton at their peak, an increase of over 70%. You would be correct in assuming asphalt oil prices in 2008 were affected by the price of crude oil reaching over \$140/barrel, and you would be correct. What you may not know is that at our February 2009 bid letting, asphalt oil quotes were averaging around \$550/ton while the price of crude was around \$40/barrel (a 9% reduction in asphalt oil while crude oil prices were reduced over 70%). Further examples are labor, up 25% since 2004, diesel fuel from an average of \$1.45 per gallon to an average of \$3.39 per gallon- up 133% since 2004, and cement, from \$88/ton to \$133/ton - up 51% since 2004.

For years now, those of us in the highway construction industry believed that our costs were increasing by approximately 13.5% per year. The above data is a testament to that belief. In consideration of the increasing costs, the annual NDDOT budget would need to be over \$400M just to keep even with costs, and at that level we are still only maintaining our system, not improving it. Our current budget levels, even in consideration of the stimulus dollars we are about to receive, will not get us anywhere close to where we need to be.

I'm sure most of you have seen the articles in the Bismarck Tribune the last few days regarding our highway system. The articles indicate the NDDOT believes we need to spend a half-billion dollars per year on our system for the next 20 years. We know that our transportation system plays a major role in the growth of our economy. If we truly desire to grow our economy in North Dakota, we must invest in our transportation system.

Thank you for the opportunity to testify, and again, thank you for your service to the state of North Dakota. Speaking on behalf of the North Dakota highway industry, I sincerely request your support of the transfer of \$120M from the state general fund to the highway distribution fund for full distribution over this biennium.

Table 1. Annual Estimates of the Population for Incorporated Places in North Dakota, Listed Alphabetically: April 1, 2000 to July 1, 2007

Geographic Area	Population Estimates								April 1, 2000	
	July 1, 2007	July 1, 2006	July 1, 2005	July 1, 2004	July 1, 2003	July 1, 2002	July 1, 2001	July 1, 2000	Estimates Base	Census
Fargo city	92,660	91,817	91,930	93,064	91,983	91,945	92,046	90,914	90,651	90,599
Bismarck city	59,503	58,583	57,814	56,920	56,691	56,413	55,950	55,767	55,754	55,532
Grand Forks city	51,740	51,670	50,816	50,909	49,124	48,894	48,888	49,250	49,366	49,321
Minot city	35,281	35,263	35,476	35,720	35,530	35,624	36,039	36,570	36,632	36,567
West Fargo city	23,081	22,400	20,281	18,355	16,999	16,412	15,855	15,540	15,455	14,940
Mandan city	17,736	17,329	17,055	16,879	16,716	16,666	16,643	16,777	16,764	16,718
Dickinson city	15,916	15,630	15,723	15,688	15,676	15,717	15,827	15,966	16,027	16,010
Jamestown city	14,680	14,844	14,832	14,891	15,086	15,246	15,367	15,522	15,560	15,527
Williston city	12,393	12,182	12,102	12,116	12,181	12,298	12,306	12,446	12,516	12,512
Wahpeton city	7,703	7,852	8,149	8,240	8,395	8,255	8,343	8,561	8,586	8,586
Devils Lake city	6,675	6,683	6,741	6,821	6,915	7,053	7,079	7,216	7,245	7,222
Valley City city	6,300	6,342	6,388	6,437	6,411	6,498	6,606	6,784	6,826	6,826
Grafton city	4,045	4,111	4,175	4,219	4,273	4,308	4,418	4,504	4,516	4,516
Beulah city	2,904	2,909	2,945	2,988	3,032	3,072	3,095	3,134	3,152	3,152
Rugby city	2,578	2,613	2,634	2,688	2,748	2,819	2,869	2,926	2,939	2,939
Lincoln city	2,537	2,441	2,307	2,150	1,999	1,858	1,779	1,739	1,729	1,730
Hazen city	2,243	2,254	2,285	2,323	2,360	2,388	2,401	2,441	2,457	2,457
Lisbon city	2,194	2,190	2,217	2,227	2,253	2,270	2,286	2,292	2,292	2,292
Carrington city	2,098	2,119	2,118	2,095	2,101	2,142	2,185	2,253	2,268	2,268
Bottineau city	2,052	2,083	2,122	2,135	2,205	2,240	2,275	2,324	2,336	2,336
Casselton city	1,993	1,979	1,978	1,950	1,930	1,911	1,908	1,892	1,888	1,855
Mayville city	1,982	1,885	1,889	1,906	1,885	1,888	1,893	1,951	1,953	1,953
Oakes city	1,799	1,816	1,845	1,849	1,865	1,915	1,948	1,981	1,985	1,979
Horace city	1,751	1,703	1,682	1,659	1,586	1,538	1,559	1,555	1,553	915
New Town city	1,696	1,683	1,697	1,648	1,617	1,624	1,641	1,659	1,666	1,367
Langdon city	1,691	1,752	1,817	1,866	1,911	1,967	2,018	2,086	2,101	2,101
Harvey city	1,647	1,674	1,725	1,762	1,799	1,849	1,895	1,978	1,989	1,989
Ellendale city	1,493	1,488	1,494	1,594	1,497	1,506	1,531	1,556	1,559	1,559
Hillsboro city	1,480	1,474	1,492	1,506	1,502	1,517	1,537	1,561	1,563	1,563
Bowman city	1,466	1,459	1,473	1,517	1,505	1,513	1,534	1,594	1,600	1,600
Rolla city	1,423	1,416	1,419	1,427	1,418	1,427	1,431	1,422	1,420	1,417
Watford City city	1,373	1,346	1,345	1,334	1,349	1,385	1,391	1,426	1,435	1,435
Park River city	1,366	1,392	1,413	1,427	1,447	1,462	1,500	1,531	1,535	1,535
Cavalier city	1,354	1,394	1,414	1,451	1,466	1,473	1,500	1,532	1,537	1,537
Larimore city	1,304	1,326	1,355	1,381	1,388	1,404	1,412	1,429	1,433	1,433
New Rockford city	1,274	1,290	1,334	1,360	1,379	1,391	1,415	1,454	1,463	1,463

4/25/09
conf
SB. 2012

NDDOT Emergency Statewide Funding Needs
***Devils Lake Flooding/grade raises**
April 21, 2009

1. Devil Lake Acorn Ridge Area - Road Acting as Dam (RAAD) to protect Camp Grafton.

- Need increase in the grants line item of \$24 million

Section 1937 fund dam work (RAAD)	**\$9.7 million
State match for 1937 funds	2.3 million (from General Fund)
Emergency Relief Federal Funding for roadway	9.7 million
State match for ER	<u>2.3 million</u>
	***\$24.0 million

**Section 1937 funds are federal RAAD funds for which the State will not be reimbursed until 2014.

***Requesting authority to fund this work from the General Fund until funding becomes available. The DOT director will deposit any reimbursements up to \$19.4 million from federal sources for expenses paid with funding from the General Fund relating to the grade raise project for the Acorn Ridge project.

2. Raising roadways in Devils Lake Basin currently between elev. 1453 & 1455;
Hwy 20(S.E. of D.L.); US 281 (N of Hwy 2); Hwy 2 (East of D.L.);
Hwy 19 (West of D.L); Hwy 57 (S of D.L.)

- Need \$28 million spending authority in the capital assets line item for ER funding (\$22.7 million federal + \$5.3 million State match) = \$28 million

3. Raising roadways in Devils Lake Basin currently below elev. 1453 (ND 20 within Spirit Lake National at Spring Lake & Geske's Curve)

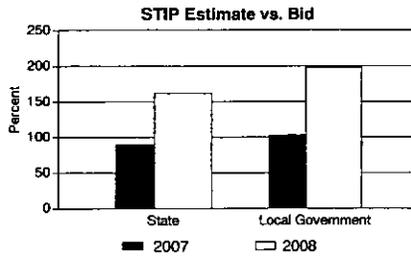
- Need \$33.4 million (\$31.7 million + \$1.7 million) spending authority (100% federal aid) (\$31.7 million is included in SB 2012) Need \$1.7 million addition spending authority in capital assets line item.

4. Recent statewide flooding: We will request additional spending authority from the Emergency Commission as ER funding becomes available. State match will be required. NDCC 24-02-44 currently allows DOT to borrow for ER match. Total extent of damage is unknown at this time.

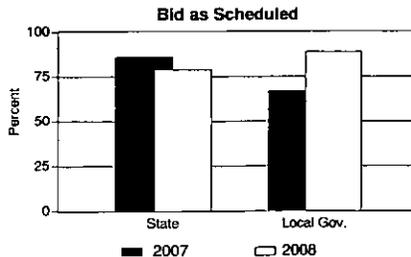
*Follow-up to the memo to leadership dated April 8, 2009.

Project Development and Delivery

These graphs illustrate total bid cost compared to the estimates published in the Statewide Transportation Improvement Plan (STIP) and percentage of projects bid compared to scheduled. The ideal ratio of estimate versus the bid is 100 percent. During 2007, bid costs were 90 percent of STIP estimates for NDDOT and 103 percent for local government organizations (cities and counties). This compares to 162 percent for NDDOT and 198 percent for local government for 2008.



NDDOT developed 96 major projects for 2007, and 171 major projects for 2008 construction, which were outlined in the previous STIP. In 2007, 86 percent of the STIP projects were bid as planned. In 2008, 79 percent (135 out of 171 projects) were bid as scheduled. There were also 18 STIP projects that were developed by local government organizations in 2008. Eighty-nine percent (16 out of 18 projects) were bid as scheduled.



VISION

A Transportation Organization Promoting

- Safe Ways
- Superior Service
- Economic Growth

MISSION

Providing a transportation system that safely moves people and goods.

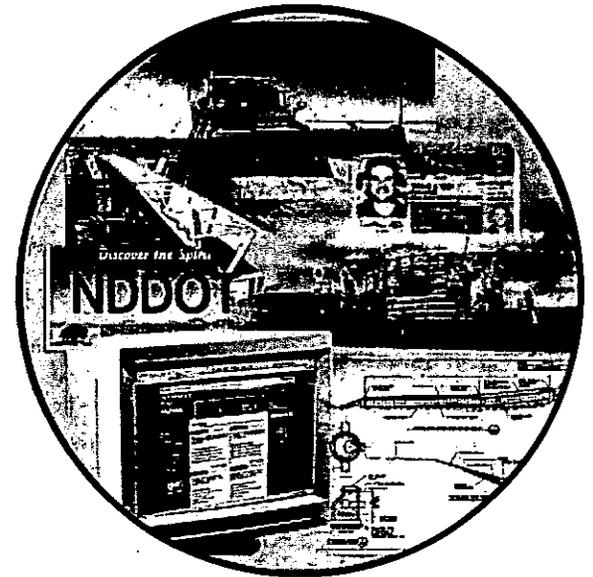
GOALS

- Improve the quality and efficiency of transportation systems and services.
- Enhance customer satisfaction.
- Improve traveler and workforce safety.
- Enhance employee recruitment, development, and well being.
- Strengthen stakeholder relationships.

VALUES

- Professionalism**—Our employees strive to improve themselves and the products and services they deliver.
- Respect**—Our employees treat others courteously and are treated with courtesy by the department.
- Integrity**—Our employees deal honestly with co-workers and with contacts outside the department.
- Dedication**—Our employees assume responsibility for their work and do the job right the first time.
- Excellence**—Our employees continually exceed and raise the high standards they set for themselves.

Performance Measures Report Card



North Dakota Department of Transportation

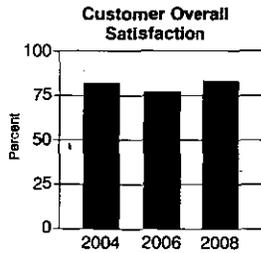
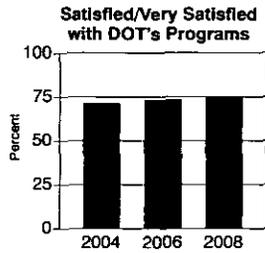


DIRECTOR
Francis G. Ziegler, P.E.
Bismarck, North Dakota
www.dot.nd.gov
December 2008

In 2004, the North Dakota Department of Transportation (NDDOT) identified five significant Performance Measure outcome areas that were directly tied to our strategic goals and customer satisfaction areas. The 2008 report expands on these measures and helps the department revise its strategies to better enhance our products and services.

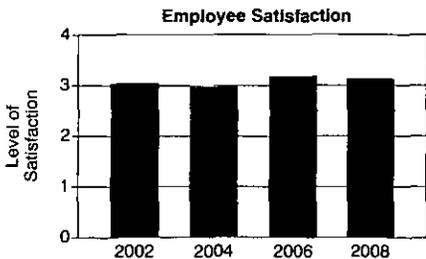
Customer Satisfaction

In 2008, the average overall customer satisfaction with NDDOT's programs was 75 percent, a slight increase from 2006's 73 percent. When asked a single question during the survey on how the department is doing overall, almost 84 percent said they were satisfied or very satisfied in 2008. Five categories are in the 90 percentile rating: overall safety, highway signing, rest area cleanliness, and the Drivers License and Traffic Safety and Motor Vehicle division's customer service.



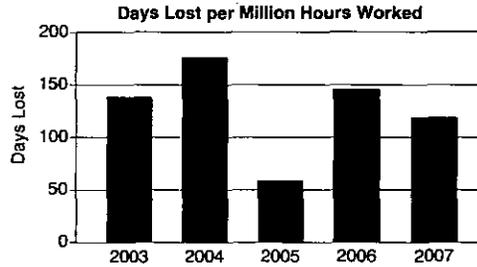
Employee Satisfaction

In 2002, NDDOT started conducting biennial employee satisfaction surveys. Overall satisfaction saw a noteworthy improvement climbing to 3.19 in 2006, the result in 2008 was 3.14.



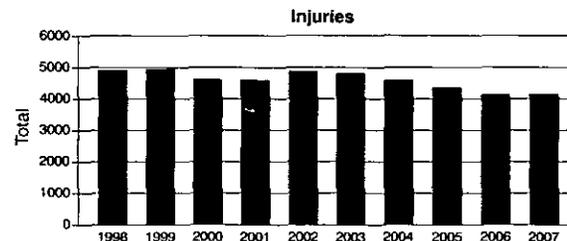
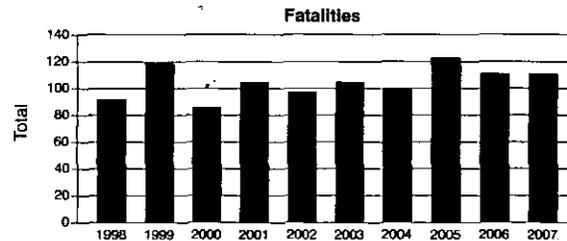
Worker Safety

In 2004, the department saw a number of workplace accidents that resulted in 177 days lost per million hours worked by employees. In 2007, the department lost 119 days per million hours worked. Over this timeframe, NDDOT employees worked an average of approximately 2.37 million hours annually.



Highway Safety

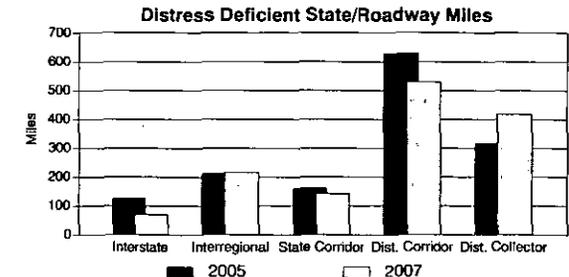
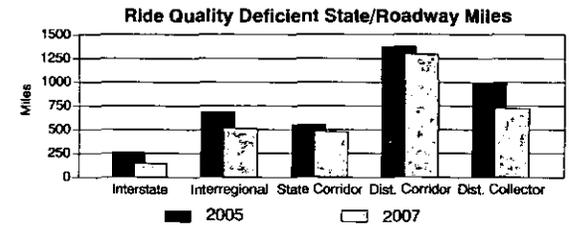
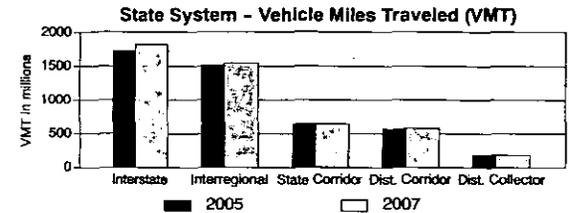
From 1998 through 2007, North Dakota has averaged 4,608 highway injuries and 105 highway deaths each year. In 2007, there were 4,161 injuries and 111 fatalities.



Highway System Condition

North Dakota has 7,382 centerline miles (8,482 current roadway miles with available roadway data) on its state highway system. These miles fall into five categories of the Highway Performance Classification System (HPCS). The department puts an emphasis on the roadways that accumulate the most Vehicle Miles Traveled (VMT). The data depicted below was collected in the fall of 2005 and 2007. Data collected in the fall of 2008 will be processed over the next six months and that data will likely reflect the deterioration resulting from the increased traffic seen recently in various parts of the state.

NOTE: As of 2007, the calculation of ride quality will be using International Roughness Index (IRI) instead of Public Ride Perception Index (PRPL). 2005 data for the charts listed below has been recalculated using IRI.



Employees

GOAL: Enhance employee recruitment, development, and well being.

Objectives:

- 4.1 Develop an ongoing employee recruitment and retention program. NLT: July 2009 (Owner: Deputy Director for Business Support)
- 4.2 Develop ongoing professional growth and development programs for employees emphasizing quality products and services. NLT: August 2010 (Owner: Deputy Director for Engineering and Deputy Director for Driver and Vehicle Services)
- 4.3 Review and enhance health and wellness programs. NLT: January 2010 (Owner: Deputy Director for Business Support)
- 4.4 Develop and implement a Workforce Assessment plan. NLT: May 2010 (Owner: Deputy Director for Business Support and Deputy Director for Engineering)
- 4.5 Continue to improve work facilities. NLT: December 2013 (Owner: Deputy Director for Engineering)

Stakeholders

GOAL: Strengthen stakeholder relationships.

Objectives:

- 5.1 Establish a communication strategy to inform stakeholders about NDDOT. NLT: June 2009 (Owner: Deputy Director for Business Support)
- 5.2 Promote transportation partnerships. NLT: December 2010 (Owner: Deputy Director for Business Support and Deputy Director for Driver and Vehicle Services)

The purpose of this plan is to identify and convey the Department's areas of special emphasis.

The scope of this five-year plan focuses on objectives that achieve the Department's emphasis areas positively affecting our employees, customers, stakeholders and the transportation system.

This plan will be used to identify objectives and measure performance toward achieving our strategic vision, mission and goals.

2008-2013

North Dakota Department of Transportation Strategic Plan

A message from the Director:

NDDOT's Strategic Plan is an invaluable tool that guides the Department through a process to increase efficiencies and develop programs that best serve our employee and customer needs.

- The strategic planning process has and will continue to provide guidance and produce programs such as: career pathing, wellness, ride and load carrying improvements, customer satisfaction enhancements and the Strategic Highway Safety Plan, to name a few.
- This Strategic Plan will impact all of the Department's core functions, which are ultimately delivered to the customers.
- P.R.I.D.E. (Professionalism, Respect, Integrity, Dedication, and Excellence), our values create quality products and services and make this a great place to work.

Finally, in all that we do, we must daily challenge ourselves to make a contribution to the mission of "Providing a transportation system that safely moves people and goods."



NDDOT
North Dakota
Department of Transportation

Quality and Efficiency

GOAL: Improve the quality and efficiency of transportation systems and services.

Objectives:

- 1.1 Enhance the state highway system by improving ride, load, capacity, preservation and maintenance service levels. NLT: January 2012 (Owner: Deputy Director for Engineering)
- 1.2 Complete the development of and implement an Asset Management Program. NLT: November 2010 (Owner: Deputy Director for Engineering)
- 1.3 Enhance the strategic performance measurement system. NLT: June 2010 (Owner: Deputy Director for Business Support)
- 1.4 Conduct a statewide highway needs assessment. NLT: December 2008 (Owner: Deputy Director for Engineering)
- 1.5 Analyze data needs, collection standards, and processes. NLT: May 2011 (Owner: Deputy Director for Business Support)
- 1.6 Enhance engineering products and services by continually improving project development and construction oversight. NLT: December 2009 (Owner: Deputy Director for Engineering)
- 1.7 Evaluate policies and programs to determine roles and responsibilities to effectively manage DOT's core functions. NLT: July 2009 (Owner: Deputy Director for Business Support)

Customers

GOAL: Enhance customer satisfaction.

Objectives:

- 2.1 Enhance customer service through coordinated survey processes to determine areas of needed improvement and actions. NLT: February 2010 (Owner: Deputy Director for Business Support)
- 2.2 Enhance external and internal communications by developing and implementing a strategic communication plan. NLT: June 2009 (Owner: Deputy Director for Business Support)

Vision

A Transportation Organization Promoting

Safe Ways

Superior Service

Economic Growth

Mission

Providing a transportation system that safely moves people and goods.

Goals

Improve the quality and efficiency of transportation systems and services.

Enhance customer satisfaction.

Improve traveler and workforce safety.

Enhance employee recruitment, development, and well being.

Strengthen stakeholder relationships.

Values

Professionalism - Our employees strive to improve themselves and the products and services they deliver.

Respect - Our employees treat others courteously and are treated with courtesy by the Department.

Integrity - Our employees deal honestly with coworkers and with contacts outside the Department.

Dedication - Our employees assume responsibility for their work and do the job right the first time.

Excellence - Our employees continually exceed and raise the high standards they set for themselves.

Director: Francis G. Ziegler

Deputy Director for Engineering: Grant Levi

Deputy Director for Business Support: Tim Homer

Deputy Director for Driver & Vehicle Services: Linda Butts

Customers continued...

Objectives:

- 2.3 Enhance public involvement in project development Context Sensitive Solutions (CSS) and processes. NLT: December 2009 (Owner: Deputy Director for Engineering)
- 2.4 Enhance the harmony and compatibility of truck movements and truck size/weight laws, policies and regulations. NLT: May 2009 (Owner: Deputy Director for Engineering)

Safety

GOAL: Improve traveler and workforce safety.

Objectives:

- 3.1 Improve work zone safety. NLT: December 2013 (Owner: Deputy Director for Engineering)
- 3.2 Enhance DOT workforce safety and security. NLT: March 2010 (Owner: Deputy Director for Engineering and Deputy Director for Business Support)
- 3.3 Enhance security of the state transportation system by coordinating with appropriate stakeholders. NLT: December 2013 (Owner: Deputy Director for Engineering)
- 3.4 Work toward zero deaths by coordinating the DOT's engineering and education programs with external partners. NLT: January 2013 (Owner: Deputy Director for Engineering and Deputy Director for Driver and Vehicle Services)
- 3.5 Enhance snow and ice maintenance service levels. NLT: October 2009 (Owner: Deputy Director for Engineering)

North Dakota Transportation Handbook

December 2008

Prepared by

**NORTH DAKOTA
DEPARTMENT OF TRANSPORTATION**

BISMARCK, NORTH DAKOTA

www.dot.nd.gov

DIRECTOR

Francis G. Ziegler, P.E.

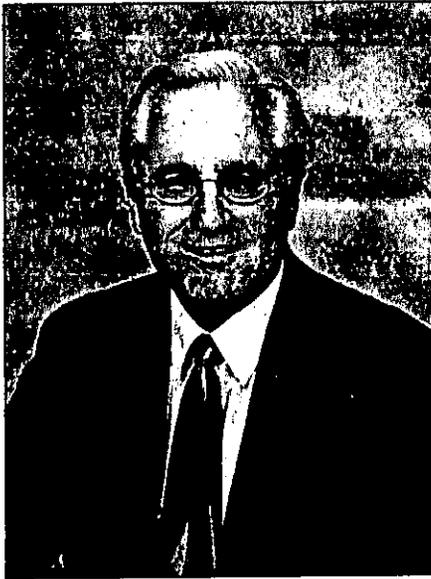
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Message from Director Francis Ziegler

Welcome to the *2008 North Dakota Transportation Handbook*. This publication is an overview of the North Dakota Department of Transportation (NDDOT), and it is filled with information about how we provide a transportation system that safely moves people and goods. NDDOT employees take great pride in meeting this challenge daily as we work on roads and bridges, or help with public transit and other transportation services.

This handbook provides important facts about our state highways, bridges, and other transportation projects. It also includes the strategic plan; drivers license and motor vehicle statistics; transit programs; transportation funding, rail and air transportation. To learn more about these areas, please visit the NDDOT Web site at dot.nd.gov or call us at (701) 328-2500.

Francis G. Ziegler, P.E., Director
North Dakota Department of Transportation

Recent Major Accomplishments

Four-laning US 2 from Williston to Minot – In October 2008, the US 2 four-laning projects were dedicated with a ribbon-cutting ceremony celebrating the completion of the corridor and total addition of 97 miles of four-lane highway between Minot and Williston. This endeavor graded, surfaced, or resurfaced a total of 191 roadway miles of single-direction highway. To ensure the best value for the investment of the public's funds, the project construction was accelerated, in a time of extreme inflation, through the use of bonds which will be repaid with 80 percent federal and 20 percent state funds. The \$124 million corridor completes the four-lane connection "across the state by 2008" stretching from Grand Forks to Williston.

Six-laning I-29 in Fargo area – The I-29 reconstruction projects through the Fargo corridor were completed in 2007. Started in 2000, these projects included the reconstruction of six interchanges, seven new loop ramps, 15 new bridges and the expansion of two bridges. Eight miles of the I-29 roadway were expanded through Fargo. The projects also included improved or added pedestrian/bike paths at 32nd Avenue South, 13th Avenue South, Main Avenue, 12th Avenue North and 19th Avenue North. The reconstructed I-29 provides motorists with longer merging lanes, improved signage and additional lighting. The total cost was \$149.4 million.

Liberty Memorial Bridge – The new Liberty Memorial Bridge between Bismarck and Mandan was completed and dedicated to honor all veterans in November 2008. The new bridge includes five overlooks, each dedicated to a military branch. While the entire project isn't finished until the plazas and parks are completed in 2010, the construction cost at this time is \$49.7 million. The total estimated cost of the project is approximately \$62 million, which includes construction, engineering, right of way, bond repayment, and utilities.

Rail Freight Strategy – A unified state rail freight strategy has been developed to help North Dakota's agricultural producers and processors, manufacturers, and other industries move products to world markets. The strategy promotes west bound co-service intermodal containerized shipping of primarily agricultural and specialty crops to Pacific Rim markets from North Dakota. A feasibility study was completed in 2007. It's envisioned the Minot-Fargo co-service operation in concert with the Northern Plains Commerce Center (NPCC) will provide state shippers with expanded market and shipping opportunities. The NPCC in Bismarck is home to a transloading facility which also has intermodal capabilities.

TransAction II

The statewide strategic transportation plan, called TransAction, was developed in 2002 at the direction of Governor Hoeven. TransAction encompassed all governmental jurisdictions, modes of transportation and various transportation interests, businesses and the general public.

In 2007, NDDOT updated the plan to TransAction II. The updated plan covers a twenty-year planning horizon. TransAction II provides broad strategic direction for collaborative transportation efforts across all modes, the public and private sectors, and governmental jurisdictions. The plan identifies the state's mission, vision, goals and initiatives and strategies for achieving a statewide transportation system.

Mission

North Dakota will provide a safe and secure transportation system that offers personal choices, enhances business opportunities, economic competitiveness and promotes the wise use of all resources.

Vision

North Dakota's transportation system is an important part of regional, national, and global transportation systems, developed strategically to help grow and diversify the economy and enhance our quality of life.

Goals

- Safe and secure transportation for residents, visitors, and freight.
- A transportation system that allows for optimum personal mobility.
- A transportation system that allows the efficient and effective movement of freight.
- A transportation system that enhances economic diversity, growth, and competitiveness with consideration of environmental and social impacts.
- Funding sufficient to protect and enhance North Dakota's transportation infrastructure and address future transportation needs.
- A transportation environment where communication, cooperation, and collaboration exists.

For more information go to NDDOT Web site:
www.dot.nd.gov.

Strategic Plan

The North Dakota Department of Transportation's Strategic Plan was initially developed in 2002 and is in its fourth iteration with the 2008 - 2013 Strategic Plan. The plan guides the department through an improvement process that positively affects our employees, customers, and stakeholders by developing innovative programs, processes, and products. The Plan also sends a clear message to employees on the vision, mission, goals, and values the department has adopted.

Vision

*A Transportation Organization Promoting
Safe Ways
Superior Service
Economic Growth*

Mission

Providing a transportation system that safely moves people and goods.

Goals

- Improve the quality and efficiency of transportation systems and services.
- Enhance customer satisfaction.
- Improve traveler and workforce safety.
- Enhance employee recruitment, development, and well-being.
- Strengthen stakeholder relationships.

Values

Professionalism - Our employees strive to improve themselves and the products and services they deliver.

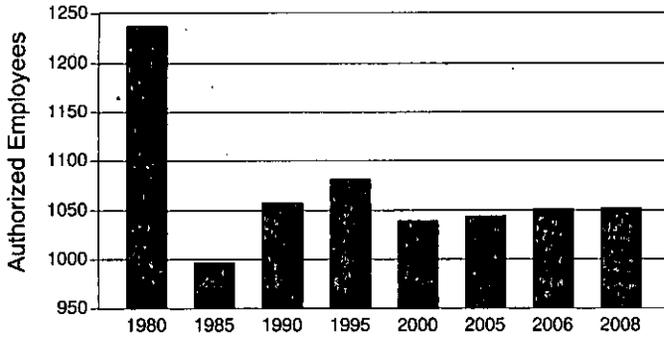
Respect - Our employees treat others courteously and are treated with courtesy by the department.

Integrity - Our employees deal honestly with coworkers and with contacts outside the department.

Dedication - Our employees assume responsibility for their work and do the job right the first time.

Excellence - Our employees continually exceed and raise the high standards they set for themselves.

NDDOT Employee Facts 1980 to 2008

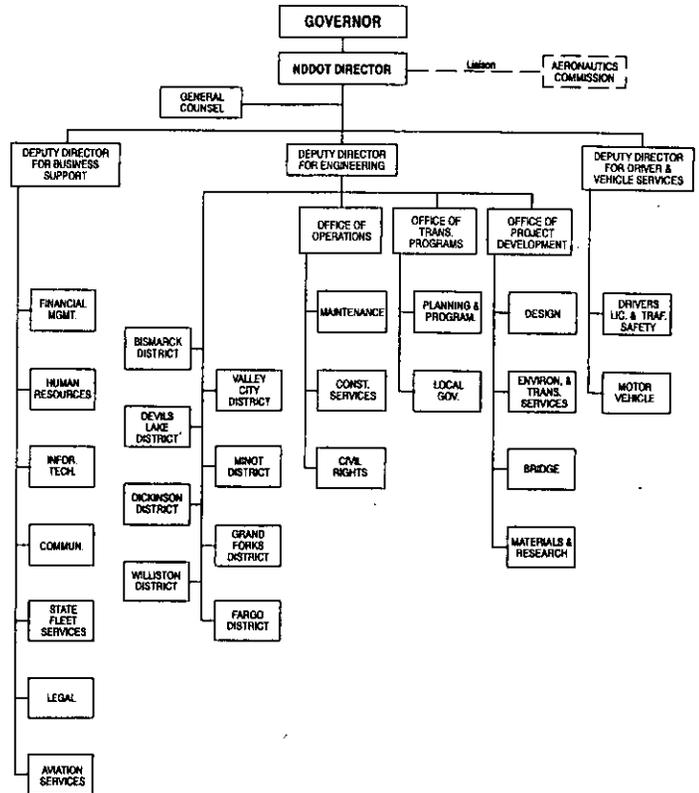


- NDDOT had 1,052.5 authorized budgeted positions as of December 2008.
- At the peak of the construction season, NDDOT employed 129 temporary workers in 2008.



NDDOT equipment operator works on construction project.

Organizational Chart



Organization

- The ND State Highway Department was created in March 1917 and became the ND Department of Transportation (NDDOT) on January 1, 1990.
- NDDOT is led by a director appointed by the governor. The department also has three deputy directors: business support, engineering, and driver and vehicle services.
- The central office is in Bismarck, with eight district offices: Bismarck, Devils Lake, Dickinson, Fargo, Grand Forks, Minot, Valley City, and Williston.
- NDDOT oversees the development of surface transportation (highways, bridges, rail, transit, pedestrian and bicycle paths, and safe routes to schools) in the state. The ND Aeronautics Commission is responsible for the state's air transportation.

Contact Information

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Director

Timothy J. Horner, P.E. (701) 328-2581
Deputy Director for Business Support

Grant Levi, P.E. (701) 328-2584
Deputy Director for Engineering

Linda Butts (701) 328-2581
Deputy Director for Driver and Vehicle Services

Motor Vehicle Registration
and Titling (701) 328-2725

Drivers License and Traffic Safety ... (701) 328-2600

Central Office Information Desk (701) 328-2500

For District offices see page 8.

History

- 1889 Creation of a North Dakota state office dedicated to roads
- 1911 First ND motor vehicle licenses issued
- 1913 First highway commission created
- 1917 Creation of North Dakota State Highway Department
- 1922 ND has 20 miles of gravel roads, 1,000+ miles of dirt trails
- 1933 Highway commission abolished. F.A. Vogel becomes first independent highway commissioner
- 1935 First driver's license issued
- 1956 First ND Interstate contracts let (US 10 between Valley City and Jamestown)
- 1977 ND is first state in union to let contracts for final Interstate highway (I-29 between Drayton and Pembina)
- 1990 Highway Department becomes Department of Transportation
- 2002 NDDOT is lead agency for creation of first statewide strategic transportation plan for all jurisdictions and modes of transportation
- 2006 The Four Bears Bridge spanning Lake Sakakawea near New Town was completed in 2005 with the plaza area finished in 2006. An additional 46 roadway miles were completed and added to the state highway system at the end of 2006 as a result of the US Highway 2 four-lane initiative.
- 2008 NDDOT completed the four-laning of US Highway 2 between Williston and Minot with a total of 97 miles of four-lane highway added to the system when the project was finished in October 2008. The new Liberty Memorial Bridge in Bismarck-Mandan was completed in November 2008.

ND 511 Travel Information



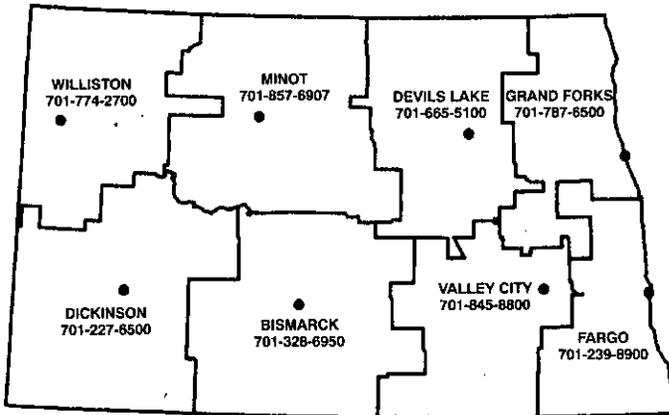
Preventing snow and ice formation on the road surface (anti-icing) is a proactive approach to winter driver safety in North Dakota.

- Statewide Road Conditions 511
- Weather Information 511
- Internet Web Page www.511.nd.gov
- Emergency Road Assistance 911



North Dakota 511 Travel Information went online on February 10, 2003, and is the only number to call to get official weather and road information from the North Dakota Department of Transportation. Callers may access weather reports, information on road conditions and construction, and seasonal load limits from anywhere in the state by calling 511 on their home, office, or cellular telephone. In 2007, a total of 238,919 calls were placed to 511. In 2008, a total of 212,764 calls were placed from January to December.

ND State Highway Districts



ND Road Mileage - 2007

State Highway System*	7,385
County System	18,969
Other Rural Roads	56,621
City Streets	3,867
Trails	19,826
Total	106,668

* NDDOT maintains approximately 8,511 roadway miles of highway.

- North Dakota has 2,727 miles of road on the National Highway System (NHS)—including 571 miles of Interstate roads—that are part of the state highway network.
- North Dakota has more miles of road per capita than any state in the nation. There are approximately 166 miles of road for every 1,000 people, which translates into a small population base that supports a large road network.

ND Bridge System Condition - June 2008

System	No. of State Bridges	No. of Railroad Bridges	Total Bridges	No. of S.D. or F.O.*	Percent S.D. or F.O.*
State	1,710	4	1,714	62	3.6%
Urban	102	2	104	12	11.5%
County	3,124	36	3,160	854	27.0%
Total	4,936	42	4,978	928	18.6%

* A bridge designated "structurally deficient (S.D.*)" does not mean that the bridge is unsafe; it means that either the deck, the superstructure, or the substructure has a condition that warrants attention. This can be as simple as a concrete bridge deck needing work and requiring a bridge deck overlay.

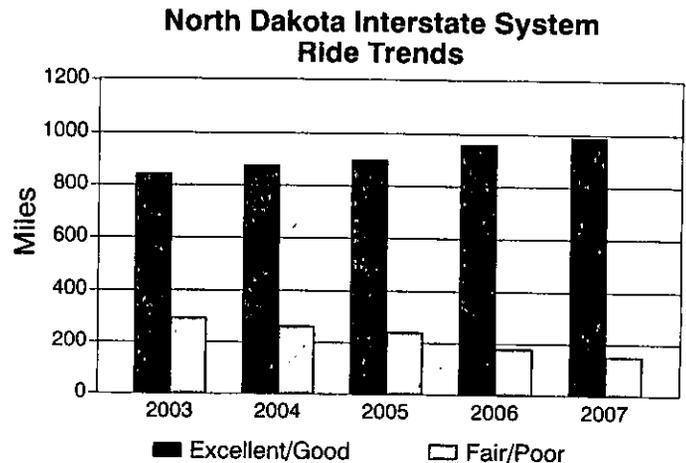
A bridge designated "functionally obsolete (F.O.*)" means that some part of the bridge does not meet a design standard such as vertical clearance, deck width, etc. It has nothing to do with the structural integrity of the bridge.

Commitment to a Smooth Ride

The North Dakota Department of Transportation is committed to providing motorists with as smooth a ride as possible on state roadways. A smooth roadway creates a more pleasant driving experience and a safer ride. A smooth pavement has less distress and lasts longer, keeping maintenance costs down.

The department is working with both the asphalt and concrete industries to use the best materials, equipment, and technology available to meet stringent quality standards. The department also uses ride quality to help determine which roadways receive a higher priority when it comes to maintenance, overlays, or reconstruction.

Ride Index - 2007



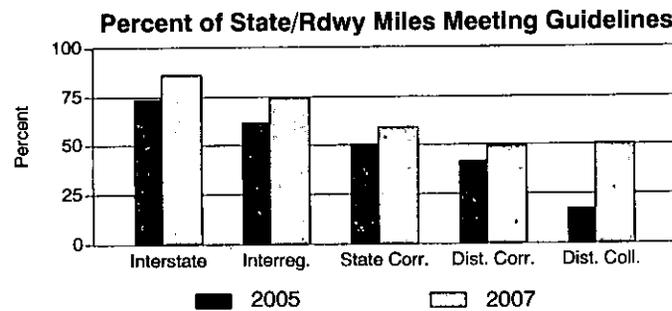
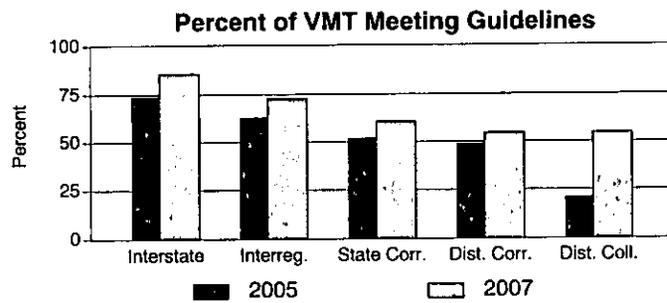
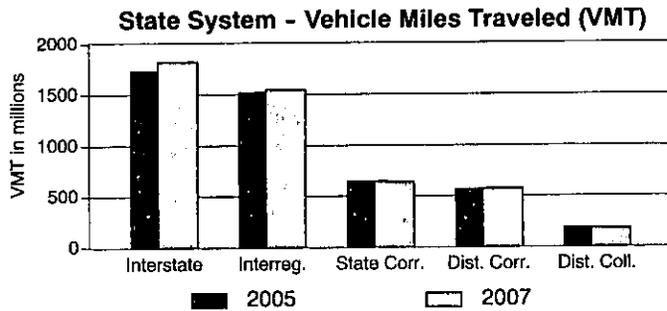
SOURCE: NDDOT condition data, International Roughness Index (IRI)

Due to NDDOT's commitment to a smooth ride, ride quality on the Interstate has steadily improved since 2003. The department has moved to defining ride quality using the International Roughness Index (IRI). The IRI is a worldwide standard for measuring pavement smoothness. The IRI is a numerical value calculated from the measured longitudinal profile of the roadway surface. NDDOT has developed IRI ranges that relate to a perception of excellent, good, fair, and poor ride quality. The IRI data is collected in the fall of each year. The years in the chart above reflect the year the data was collected.

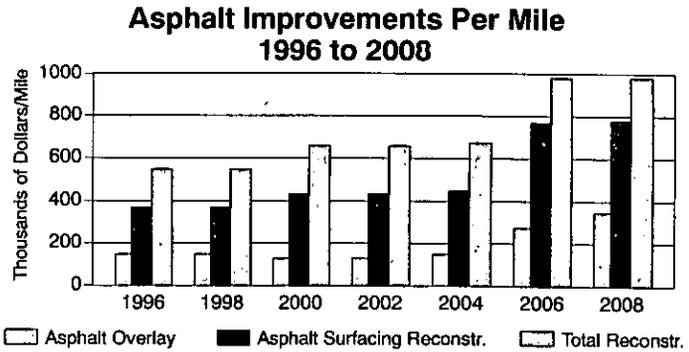
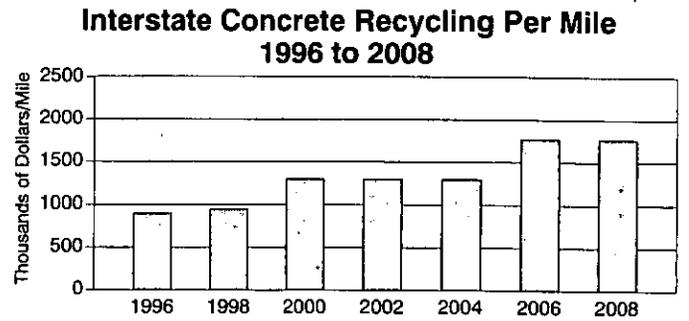
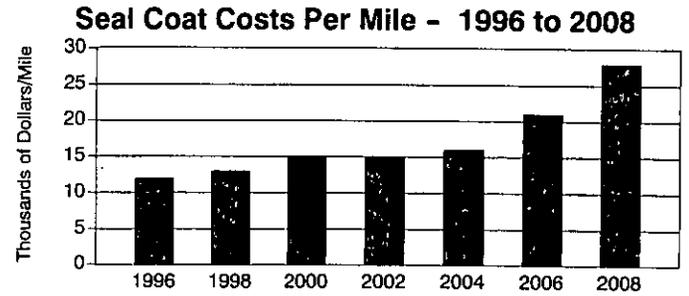
State Highway System Pavement Conditions

North Dakota has 7,385 centerline miles (8,511 current roadway miles) on its state highway system. These miles fall into five categories of the Highway Performance Classification System (HPCS). The department puts an emphasis on the roadways that accumulate the most Vehicle Miles Traveled (VMT). The following charts show the number of miles and the respective travel on each system as well as the percent of the system that meet performance guidelines. In 2005, 4,014 roadway miles met guidelines compared to 5,245 roadway miles in 2007.

NOTE: As of 2007, the calculation of ride quality will be using International Roughness Index (IRI) instead of Public Ride Perception Index (PRPL). 2005 data for the charts listed below has been recalculated using IRI.



Construction Expenditures

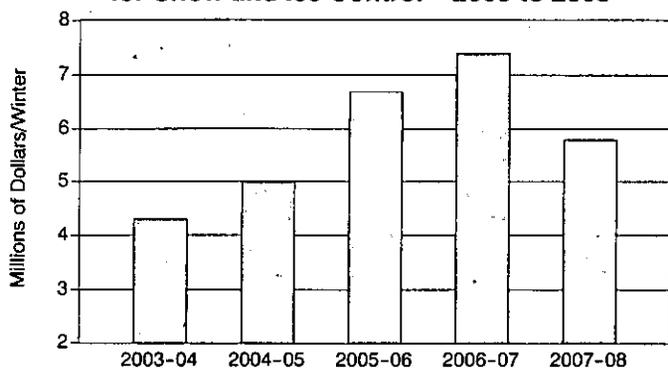


Average Construction Costs - 2008

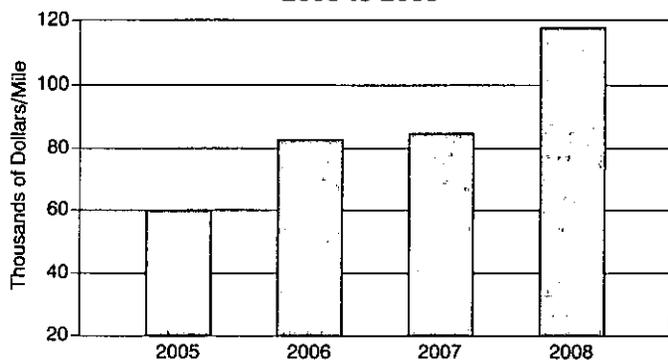
Improvement	Dollars/Mile
Non-Interstate seal coat (by contract)	\$ 28,000
Interstate seal coat (by contract)	\$ 31,000
Thin lift overlay	\$ 118,000
3" asphalt overlay	\$ 350,000
Asphalt surfacing reconstruction (includes subgrade repair and resurfacing)	\$ 780,000
Total reconstruction (includes grading and asphalt surfacing)	\$ 985,000
Interstate concrete paving (two lanes in one direction)	\$1,700,000

Maintenance Expenditures

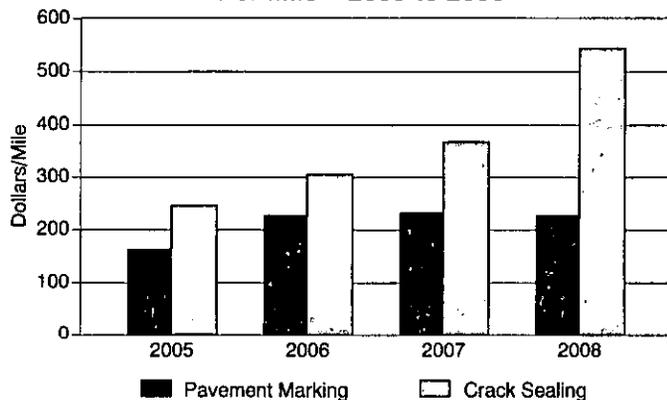
Equipment and Salt Costs Per Winter for Snow and Ice Control - 2003 to 2008



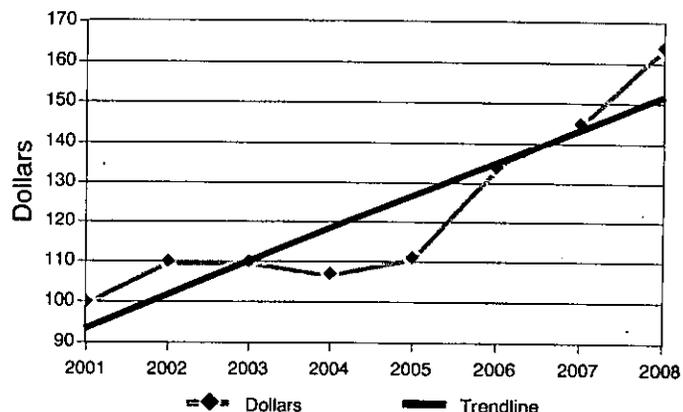
Contract Patching Costs Per Mile 2005 to 2008



Pavement Marking and Crack Sealing Costs Per Mile - 2005 to 2008



Construction Cost Index



Increased Costs – As the price of oil has increased and become more volatile, the cost for highway construction and maintenance bid items has increased dramatically. In North Dakota, the overall highway/bridge construction inflation totaled approximately 53 percent from 2004 to 2008 and was approximately 13 percent from 2007 to 2008 (through the July 2008 bid opening). This contrasts strongly with the inflation from 2001 to 2004, averaging just 2.4 percent per year, according to NDDOT's Construction Cost Index (NDCCI). Combining these effects means that average items costing \$100 in 2001 cost the NDDOT \$164 in 2008 (as shown in the above chart).

Est. Roadway and Bridge Funding Needs (Millions) - 2008

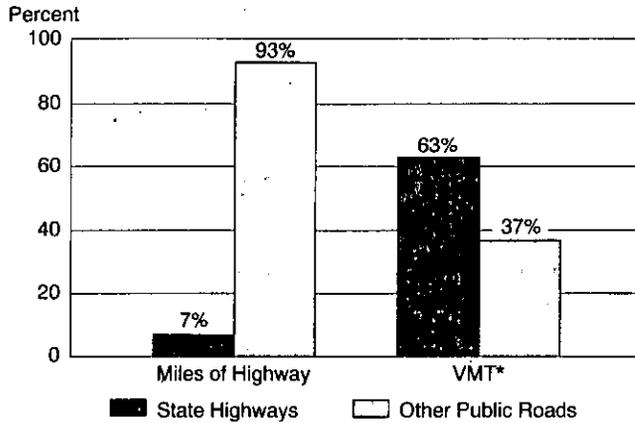
Jurisdiction	Highways	Bridges
State	\$216.6	\$ 26.3
County	140.0	19.8
Small Cities	29.7	*
Townships	36.3	*
Urban Centers	70.7	*
Total	\$493.4	\$ 46.1
Total Highways and Bridges		\$539.5

* Not estimated.

SOURCE: Upper Great Plains Transportation Institute

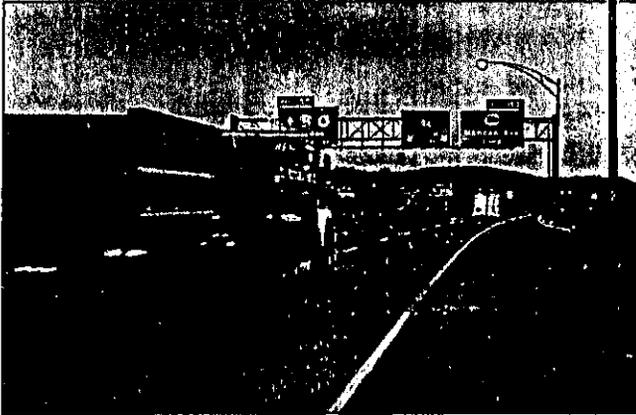
Upper Great Plains Transportation Institute developed the above funding needs (in 2008 dollars) based on the annualized 20-year program necessary to maintain the indicated roadway authorities' existing systems. These values do *not* include capacity improvements, snow/ice control, mowing or other right-of-way maintenance items. They account strictly for maintenance of the existing physical infrastructure.

System Size vs. Use



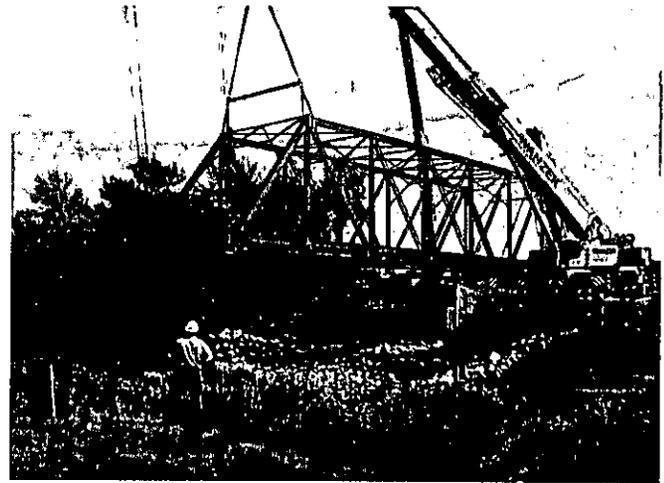
* VMT - Vehicle Miles of Travel

- The ND state highway system consists of 7 percent of the total public road mileage in the state, but carries 63 percent of the total vehicle miles traveled.
- Total vehicle miles traveled (VMT) on North Dakota roads in 2007 was 7.7 billion.
- Truck traffic accounts for 16 percent of the total traffic on the state system and 20 percent of the total traffic on North Dakota's Interstate system.



- The highest traffic volumes on state highways, including truck traffic, are on I-29 between Fargo and Grand Forks and I-94 between Fargo and Bismarck.
- The Interstate system makes up about 13.5 percent of the total roadway miles on the state highway system but carries about 38 percent of the annual vehicle miles of travel (VMT) and 48 percent of the annual truck VMT.

Transportation Enhancements



Crossing the Sheyenne River just south of 49th Avenue South in Fargo/West Fargo is the historic Osgood Bridge. It has now been rehabilitated for use as a bicycle/pedestrian facility.

Transportation Enhancement (TE) projects are federally funded and designed to strengthen the cultural, aesthetic, and environmental attributes of the state. TE projects must have a connection to the surface transportation system. They are divided into three categories: 1) bicycle and pedestrian, 2) scenic and environmental, and 3) historic.

NDDOT has placed its TE funds into four programs: 1) NDDOT-initiated projects, 2) Tourism Plan projects, 3) urban projects, and 4) county projects.

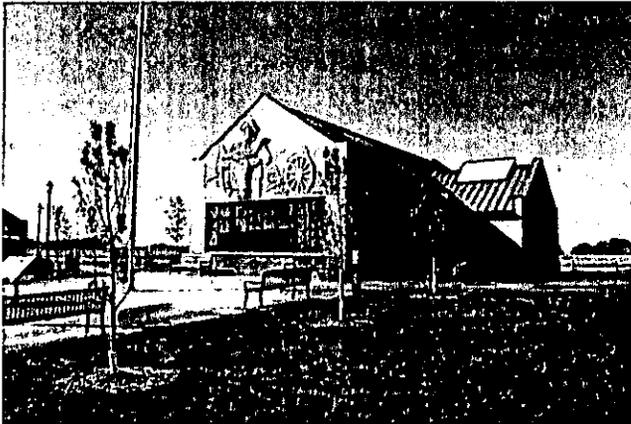
NDDOT spends about \$4 million per year on TE projects. Major projects completed, underway, or proposed include a bicycle/pedestrian path in Minot along the US 83 bypass, the Liberty Memorial Bridge Parks in Bismarck and Mandan, a landscaping project in Dickinson along I-94 from Exit 59 to Exit 64, Living Snow Fence projects along state, county, and township roadways, and the rehabilitation of the Elks Footbridge in Valley City.

Registration, Driver, and Safety Information

- In 2007, North Dakota had a total of 854,970 vehicle registrations.
- In 2007, North Dakota had a crash fatality rate of 1.44 deaths per 100 million vehicle miles traveled, compared to the national average of 1.37 fatalities.
- There were 111 people killed on North Dakota highways in 2007. The highest number of traffic fatalities ever recorded in the state was 227 in 1971.
- The total number of crashes increased in 2007 to 16,229 crashes, compared to 15,094 crashes in 2006.

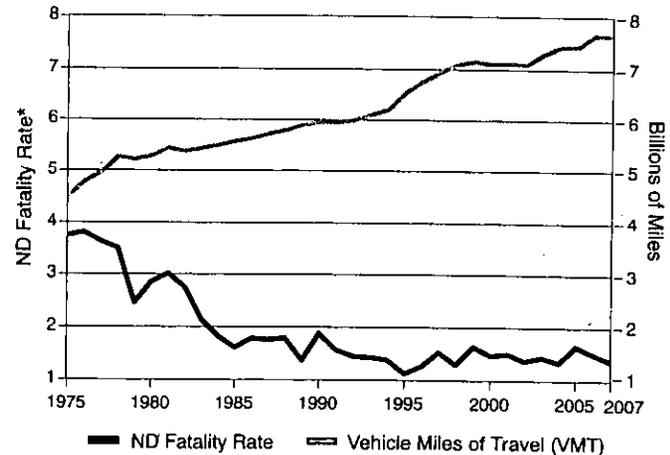
Rest Areas

The North Dakota Department of Transportation maintains 32 rest areas and visitor centers conveniently located across the state. Visitor centers are modern, cheerful, and decorated in themes with historical information specific to the site they are located. Many of the rest areas have wireless Internet services, in addition to picnic shelters, pay phones, vending machines, and ADA-approved restroom facilities.



Elm River Rest Area

Highway Safety - 1975 to 2007



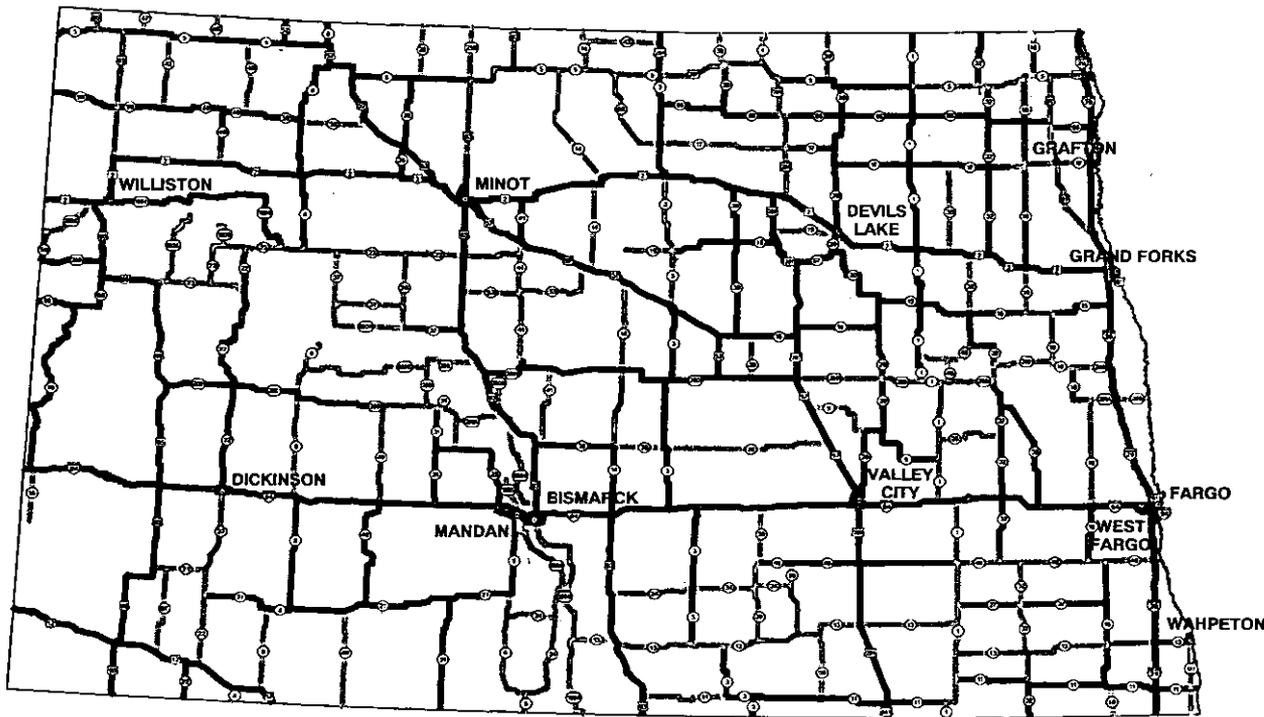
DEATHS AND DEATH RATES - How Do We Compare?

	2007 Fatalities	2007 Fatality Rate*
North Dakota	111	1.44
Nation	41,089	1.37

* Deaths per 100 million VMT

- North Dakota's 2008 statewide survey revealed that 81.6 percent of all front seat occupants use seat belts, which was a decrease of 0.6 percentage points from 2007. Nationally, 83 percent of all front seat occupants used seat belts in 2008.
- In January 2007, North Dakota had 470,107 licensed drivers; 237,304 were male and 232,803 were female.
- In 2007, alcohol-related vehicle fatalities comprised 57 percent of all vehicle fatalities in North Dakota. The national figure was 32 percent.
- Of the 16,229 total crashes in 2007, 4,340, nearly 27 percent, were animal-related. Of the 8,243 rural crashes, 4,199 or 51 percent, involved animals.

State Highway Performance Classification System



RURAL INTERSTATE SYSTEM

Maintaining a high degree of reliability and mobility on these highways is critical to support and promote international, national, regional and statewide trade and economic activity. Movements are primarily long-distance, interstate and intrastate traffic. Rural Interstates are multiple-lane (usually four) facilities and have full access control. The goal is to be free of height restrictions and load limits restricted by legal weights. Ride and distress scores are generally in the good to excellent categories. High volumes of traffic, as well as a high percentage of trucks, are relatively consistent year round. Travel speeds average 65 to 70 miles per hour. Rural Interstates demonstrate a high degree of safety with crash rates below the statewide average.

INTERREGIONAL SYSTEM

Maintaining a high degree of reliability and mobility on these highways is critical since they support and promote international, national, regional and state trade and economic activity. Movements on these highways are primarily

long-distance, interstate and intrastate traffic. Interregional System highways are either two-lane or multiple lane facilities. Segments or specific locations may have partially controlled access. The goal is to be free of height restrictions, have load limits restricted by legal weights, and have limited passing restrictions. Accommodating truck traffic is a priority. Ride and distress scores are generally in the good to excellent categories. Moderate to high volumes of traffic, as well as a high percentage of trucks, are relatively consistent year round. Daytime travel speeds average 60 to 65 miles per hour. The Interregional System demonstrates a high degree of safety with crash rates below the statewide average.

STATE CORRIDOR

Maintaining a moderately high degree of reliability and mobility on these highways is critical since they support the movement of agricultural commodities, freight, and manufactured products within the state. State Corridors provide connectivity between lower and higher level roadways. Movements on these highways are primarily medium-distance intrastate traffic. State Corridors are typically 2-lane facilities and have segments or locations with partially controlled access. These highways have either paved or aggregate shoulders, some segments may have limited passing zone restrictions, and may be restricted to legal weight or an 8-ton seasonal load limit. Bridges and overhead structures provide for the unrestricted movement of legal loads. Ride and distress scores are generally in the good category. Moderately high volumes of traffic are relatively consistent year round. Daytime travel speeds average 60 to 65 miles per hour. State Corridors demonstrate a moderately high degree of safety with crash rates less than the statewide average.

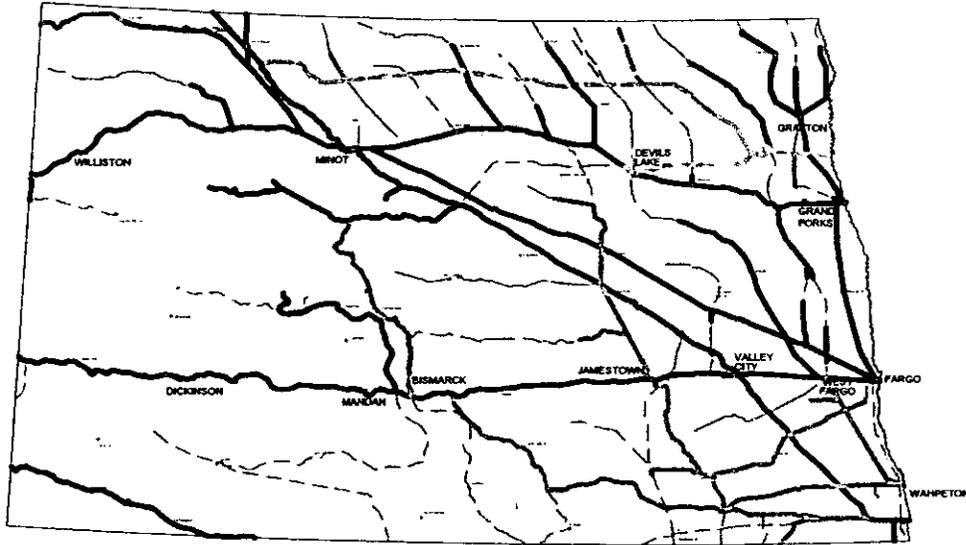
DISTRICT CORRIDOR

Maintaining a moderate degree of reliability and mobility on these highways is desirable. Movements on these highways are primarily short to medium distance intrastate traffic. District Corridors are two lane facilities. Generally, access control is not purchased. These highways have narrow paved or gravel shoulders, segments with restricted passing zones, and may be restricted to 8- or 7-ton seasonal load limits. Bridge structures provide for the unrestricted movement of legal loads. Ride and distress scores are generally in the fair and good categories. Moderate volumes of traffic are relatively consistent year round. Occasional increases in seasonal traffic volumes and truck movements occur. Daytime travel speeds average 55 to 65 miles per hour. District Corridors are safe highways with crash rates at or near the statewide average.

DISTRICT COLLECTOR

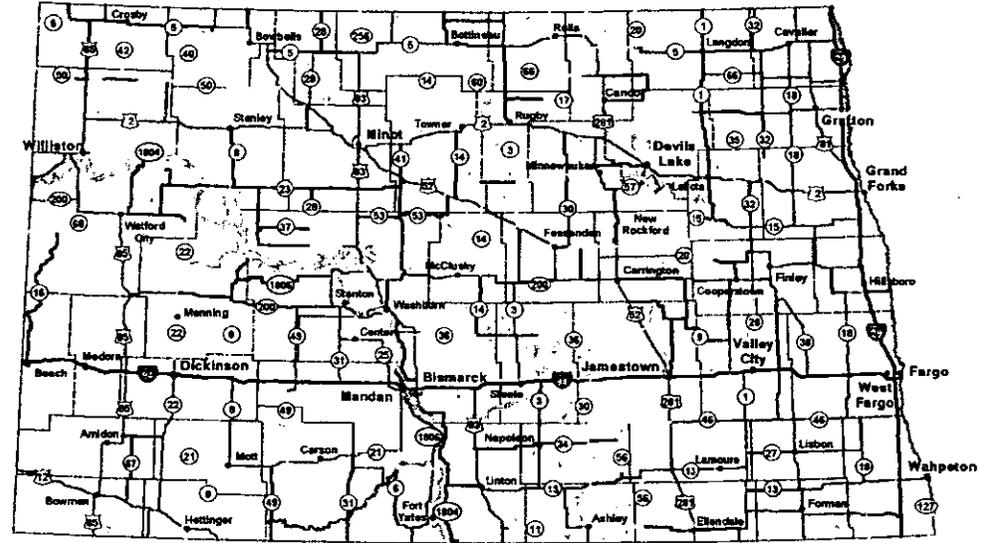
Maintaining reliability and mobility on these highways is a lower priority. These highways are generally short routes that provide connectivity to the higher road level systems. Movements on these highways are primarily short distance, local, farm to market traffic. District Collectors are two lane facilities. Generally, access control is not purchased. These highways generally have no shoulders. Segments with restricted passing zones exist. Seasonal load limits are of 7 or 6 tons are normal, although some segments may have year round load restrictions. Bridge structures provide for the movement of typical legal loads. Some structures have load, height, and width restrictions. Ride and distress scores are generally in the fair category. Low volumes of traffic are normal year round. Small increases in truck movements may occur during spring planting and fall harvest periods. Daytime travel speeds average 50 to 55 miles per hour. District Collectors are moderately safe highways with crash rates near the statewide average.

Railroads In North Dakota



- | | |
|------------------------------------|-------------------------------|
| ARCHER DANIELS MIDLAND - | MOHALL RAILROAD INC. - |
| BNSF RAILWAY - | NORTHERN PLAINS - |
| CANADIAN PACIFIC RAILWAY - | MOHALL CENTRAL RAILROAD - |
| DAKOTA MISSOURI VALLEY & WESTERN - | DAKOTA NORTHERN RAILROAD - |
| RED RIVER VALLEY & WESTERN - | YELLOWSTONE VALLEY RAILROAD - |
| AMTRAK - | ABANDONED (1980-2008) - |

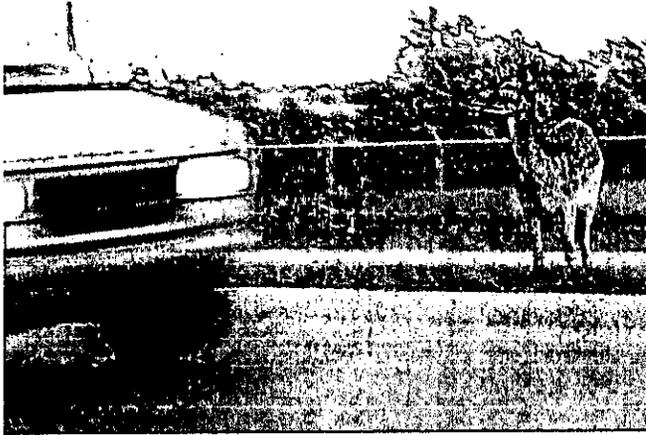
Spring Load Restriction Map - 2008



Interstate System	by Legal Wt				Phone numbers (701)			
	8 - Ton	7 - Ton	6 - Ton					
Single Axle	20,000 lbs	16,000 lbs	14,000 lbs	12,000 lbs	Highway Patrol	328-2621	Minot	837-7625
Tandem Axle	34,000 lbs	32,000 lbs	28,000 lbs	24,000 lbs	NDDOT Office	328-2545	Dickinson	227-6500
3 Axle Group or more per Axle	17,000 lbs	14,000 lbs	12,000 lbs	10,000 lbs	Bismarck	328-6950	Grand Forks	787-6500
Max. Axle Group	48,000 lbs	42,000 lbs	36,000 lbs	30,000 lbs	Valley City	845-8800	Williston	774-2700
Gross Weight	105,500 lbs	105,500 lbs	105,500 lbs	80,000 lbs	Devils Lake	685-5100	Fargo	239-8900

Call Highway Patrol for vehicle size/weight and permits. Call 511 for enroute information.
 Spring load restrictions are established on an annual basis from about the end of February to May 1.

Animal vs. Non-Animal Crashes - 1998 to 2008



Year	2003	2004	2005	2006	2007
Deer	3,981	4,283	3,821	3,957	4,118
Small Animal	46	44	44	52	76
Other Large Game	31	31	29	32	33
Farm Animals	113	109	103	115	113
Animal	4,171	4,467	3,997	4,156	4,340
Non-Animal	12,381	12,585	11,846	10,938	11,889
Total Crashes	16,552	17,052	15,843	15,094	16,229

ND Rail Freight and Passenger Service

- NDDOT has historically administered two rail assistance programs, Local Rail Freight Assistance (LRFA) and the Freight Rail Improvement Program (FRIP). LRFA uses federal funds; FRIP uses state funds. October 16, 2008, the President signed legislation creating Public Law 110-432, which transfers control of LRFA funds to the states.
- Since the initial development of the LRFA in 1980 and FRIP in 1995, the rail assistance programs have provided \$32.4 million for 45 projects that rehabilitated 624 miles of branchline track, constructed nine facility access spurs, and supported three major flood disaster recovery projects.
- There are 3,538 public at-grade highway- or roadway-rail crossings in the state, 16 percent of which have active warning devices. NDDOT normally funds 20 to 25 crossing improvements per year, as resources permit.
- Since 1980, 1,630 miles of rail line in North Dakota have been abandoned. This loss of rail service has put an additional strain on our state and local road network.¹
- North Dakota ranks 20th among the states in rail tons (29.8 million) originated in the state.²
- North Dakota ranked 36th in rail tons (11.9 million) terminated in the state.³

ND Rail System Mileage - 2008⁴

Railroads	Main-line	Branch-line	Total	Abandoned 2007-2008
BNSF	1,107	656	1,763	-
CPR	353	92	445	-
DMVW	-	399	399	-
DNRR	-	70	70	-
NPR	-	295	295	112
RRVW	-	428	428	-
YSVR	-	9	9	-
Total	1,460	1,949	3,409	112

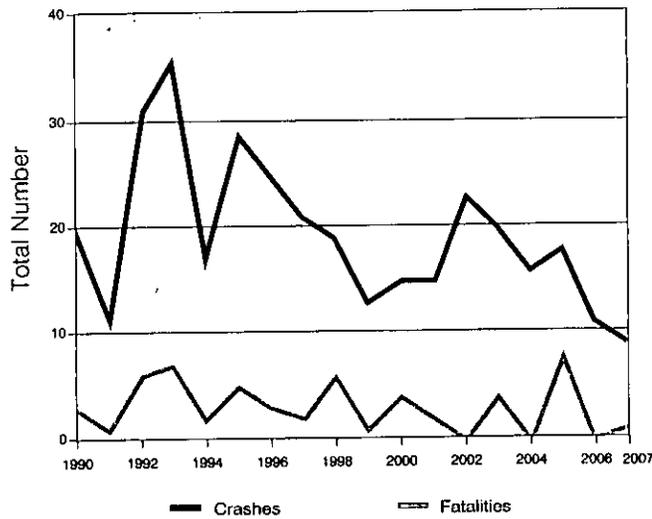
¹ NDDOT Rail Plan, Surface Transportation Board (STB)

² Association of American Railroads (AAR), 2006 STB *Carload Waybill Sample*, the most recent available.

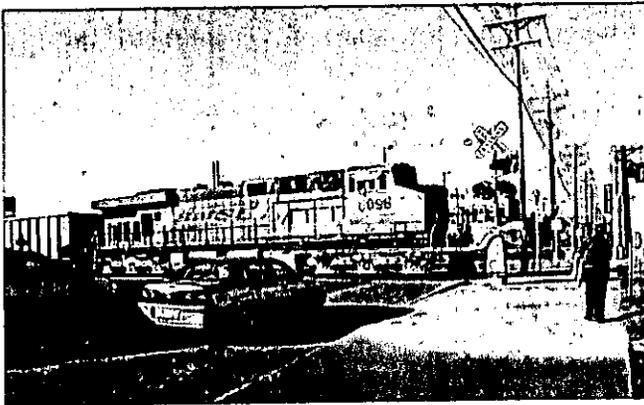
³ *ibid*

⁴ AAR, NDDOT Rail Plan, railroads

Motor Vehicle Crashes and Fatalities at North Dakota Railroad Crossings - 1990 to 2007



SOURCE: Federal Railroad Administration safety data.



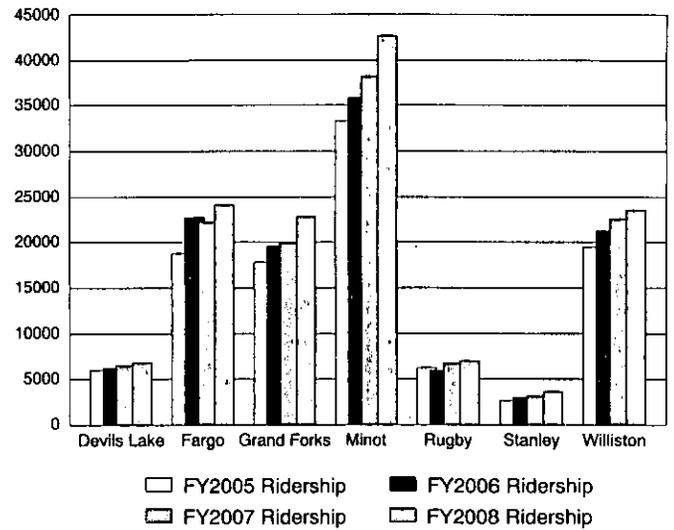
Third Street railroad crossing in Bismarck.

Amtrak Ridership - 2004 to 2007

Amtrak serves North Dakota with one long-distance east/west daily train called the Empire Builder. It follows a route from Chicago-Minneapolis/St. Paul through North Dakota to Seattle/Portland.

ND Boardings On/Off

City	FY2005	FY2006	FY2007	FY2008
Devils Lake	6,039	6,272	6,536	6,860
Fargo	18,812	22,771	22,259	24,142
Grand Forks	17,847	19,574	19,916	22,842
Minot	33,314	35,829	38,254	42,801
Rugby	6,272	5,975	6,783	7,048
Stanley	2,694	3,018	3,190	3,694
Williston	19,504	21,300	22,648	23,619
Total	104,482	114,739	119,586	131,006

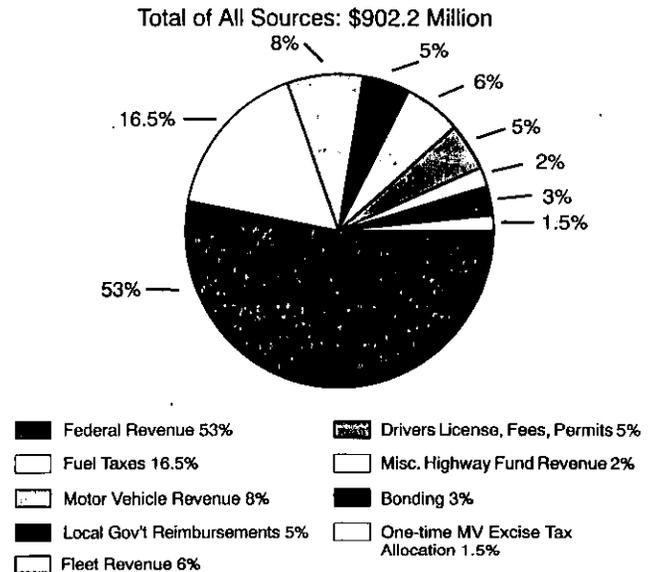


SOURCE: National Railroad Passenger Corporation

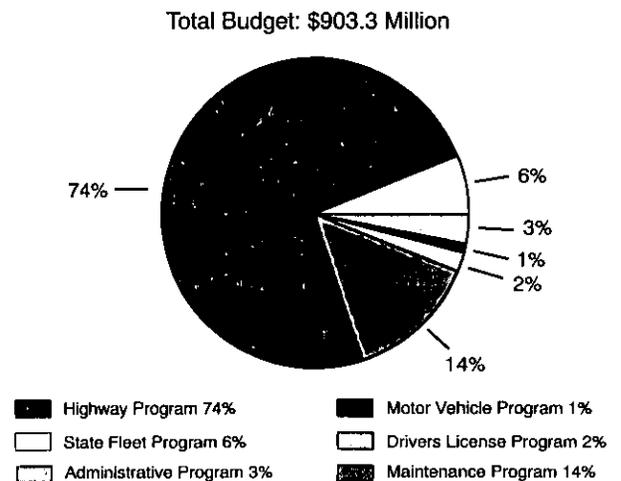
Revenue and Expenditures

- Historically, North Dakota has received about \$2.06 of Federal Highway funds for every \$1 North Dakota drivers paid into the Federal Highway Trust Fund.
- To fund highway improvement projects, North Dakota must match federal-aid highway funds at a ratio of about 4:1, or 80 percent federal and 20 percent state.
- The major sources of revenue going into the state highway tax distribution fund include gasoline, gasohol and diesel fuel taxes; motor vehicle registration fees; and the special fuels excise tax. The 2007 legislative session changed the tax rates for dyed special fuel used for agricultural, industrial, and railroad purposes to 4 cents/gallon for special fuel and 2 percent for liquefied petroleum (LPG). Heating fuel is taxed at 2 cents/gallon for special fuel and 1 percent for LPG from January 1, 2008 through June 30, 2009. Heating fuel will not be taxed after June 30, 2009. The revenue in the distribution fund is allocated in the following manner: 63 percent to the state, 23 percent to the counties, and 14 percent to the cities.
- Under previous federal legislation (ISTEA 1992-1997), North Dakota's annual highway obligational authority was about \$99 million. Under TEA-21 (1998-2003), North Dakota's annual average obligational authority approached \$160 million. Under SAFETEA-LU (2005 to 2009) it is estimated that NDDOT will receive an annual average equal to approximately \$222 million.
- From 1994 through 2008, North Dakota received about \$227 million in federal emergency relief funds to repair roads damaged by flooding.
- In 2008, the total tax on a gallon of gasoline in North Dakota was 41.4 cents. Of that, 23 cents is state tax and 18.4 cents is federal tax.
- The NDDOT maintenance program is funded by state funds.
- The Federal Highway Administration estimates that about 34.8 jobs in the private sector are directly associated with every \$1 million the federal government spends in transportation projects.
- A recent study conducted by the Upper Great Plains Transportation Institute in Fargo revealed that investing in our transportation system returns \$4.90 for every \$1 spent. The study shows that an investment in transportation is an investment in North Dakota's economic future.

Budgeted Biennial Funding Sources - 2007 to 2009

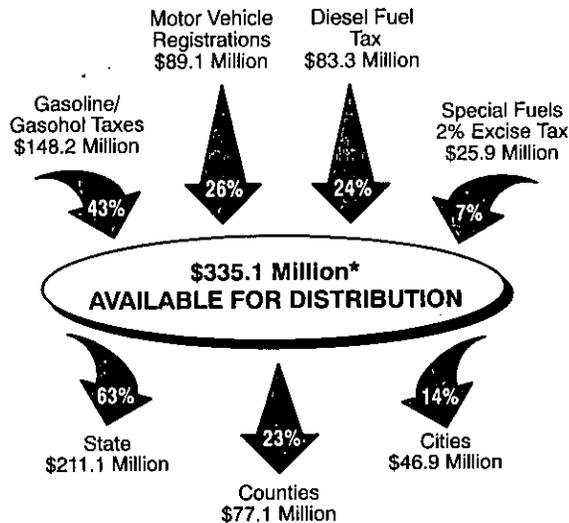


Budgeted Biennial Expenditures - 2007 to 2009



NOTE: NDDOT funding sources, as passed by the 2007 Legislature, are slightly less than the related budget (approximately \$1.1 million). NDDOT can spend its budget only to the extent of available revenues. In the event that the revenues do not come in ahead of the projections, NDDOT will leave at least \$1.1 million of the budget unexpended.

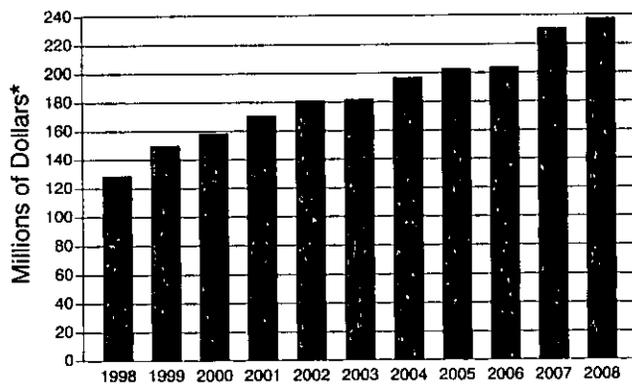
ND Highway Tax Distribution Fund Revenue and Distribution - 2005 to 2007



NOTE: One cent (equalling about \$5.3 million annually) of the state motor fuel tax goes directly to the townships and is not allocated through the Highway Distribution Fund.

* A total of \$11.4 million was withheld prior to distribution for allocation of \$7.6 million to the Highway Patrol Fund, \$3.4 million to the Ethanol Subsidy Fund and \$400,000 to the Motorboat Safety/Snowmobile Fund.

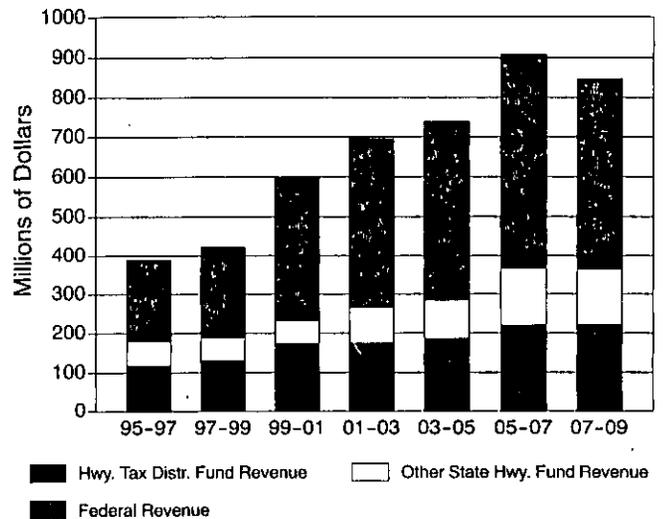
Congressional Appropriated Highway Funds for Core Programs



* Demonstration Project Funds and end-of-year Redistributions of Spending Authority is not included.

NOTE: In 2005, Congress passed the Safe Accountable Flexible Efficient Transportation Equity Act - a legacy for users (SAFETEA-LU) for federal highway and transit funding.

Gross NDDOT Biennial Revenue Sources (excluding Fleet)



ND Motor Fuel Tax History

Year	Cents/Gal.
1919	1/4
1926	2
1929	3
1939	4
1951	5
1955	6
1970	7
1978	8
1983*	13
1987	17
1993	18
1996	20
1999	21
2005	23

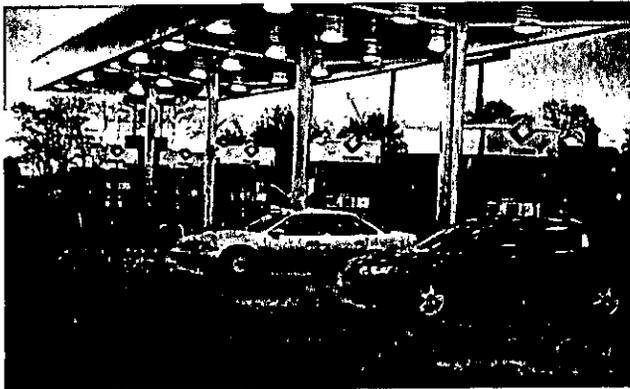
* Beginning in 1983 the state legislature dedicated 1 cent of the state motor fuel tax to townships for road purposes.

**Motor Fuel Tax Rates
Cents Per Gallon - 2008**

Tax Rates	Gasoline	Diesel	Gasohol
Montana	27.0	27.8	27.0
Nebraska	23.9	23.3	23.9
South Dakota	22.0	22.0	20.0
Minnesota*	20.0/22.0	20.0/22.0	20.0/22.0
North Dakota	23.0	23.0	23.0
National Average	21.8	22.6	21.7
Federal	18.4	24.4	13.1
Highest:			
Washington	36.0		36.0
Pennsylvania		38.1	
Lowest:			
Alaska:	8.0	8.0	8.0

* Approximately four months of the year, Minnesota adds a two-cent tax for environment cleanup, making its tax a total of 22 cents per gallon.

** From 9/1/08 through 8/31/09, motor fuel tax suspension for all fuel types and uses.



**2006 Motor Fuel Tax Revenue -
Annual Yield of 1 Cent of Motor Fuel Tax***

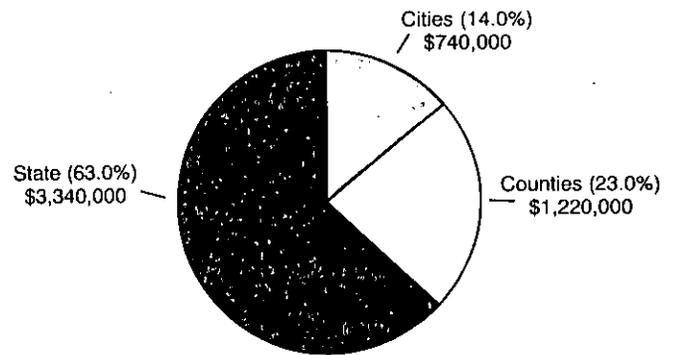
Regional Tax Yield	Millions
Minnesota	\$ 31.8
Nebraska	11.8
Montana	7.2
South Dakota	5.8
North Dakota	5.3
National Tax Yield	
Highest: California	\$185.6
Lowest: Dist. of Columbia	1.4
Average	34.3

* Motor fuel includes gasoline, gasohol, and diesel fuel.

SOURCE: FHWA Highway Statistics

Motor Fuel Tax Annual Revenue - FY2008

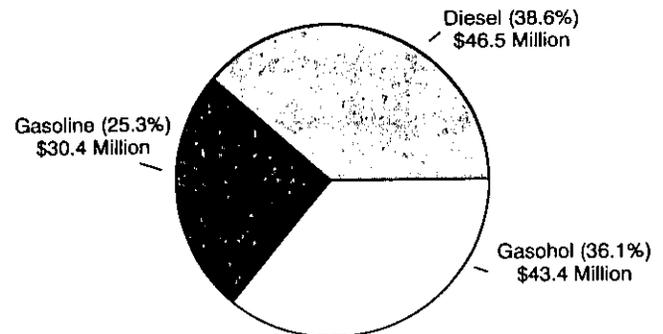
**Statewide Impact of 1 Cent
Motor Fuel Tax**



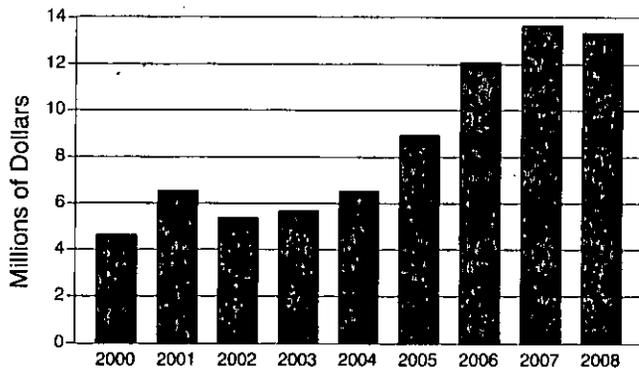
Based on FY2008 revenue, 1 cent of the state motor fuel tax will generate about \$5.3 million annually.

Net Tax Annual Receipts

Total Receipts: \$120.3 Million

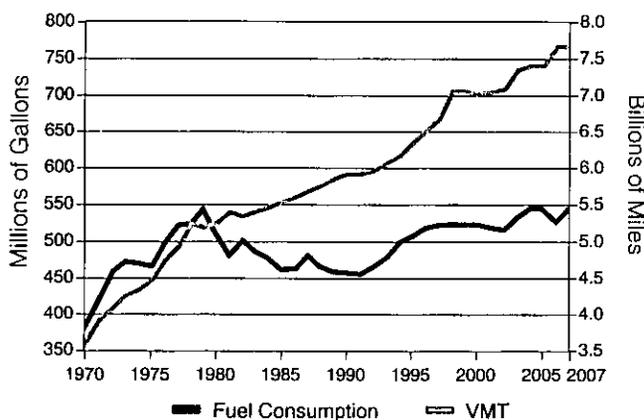


Special Fuels Excise Tax - FY1980 to FY2008



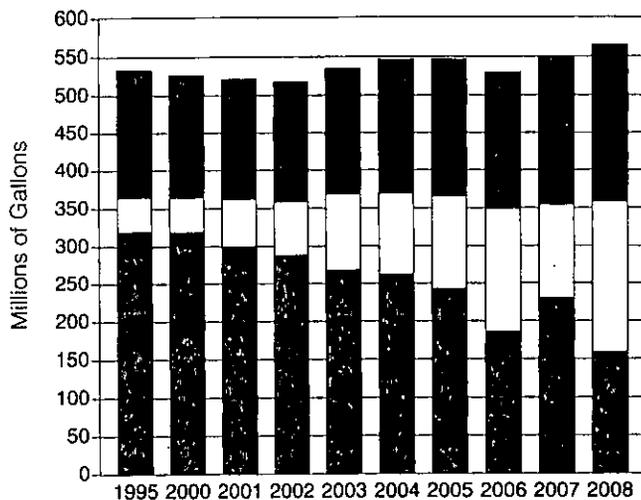
The 2007 legislative session changed the rates for dyed special fuel used for agricultural, industrial, and railroad purposes to 4 cents/gallon for special fuel and 2 percent for liquefied petroleum (LPG). Heating fuel is taxed at 2 cents/gallon for special fuel and 1 percent for LPG from January 1, 2008 through June 30, 2009. Heating fuel will not be taxed after June 30, 2009.

Fuel Consumption vs. Vehicle Miles Traveled - 1970 to 2007



- Vehicle miles of travel (VMT) on North Dakota's system increased steadily from 1970 to 1999, then leveled off from 1999 to 2003, increased again in 2004 to 2005, and leveled off in 2007.
- As a result of the increased fuel efficiency of vehicles, and the fluctuating price of motor fuel, revenue generated from motor fuel taxes has not kept pace with increased transportation system demands.

ND Fuel Consumption - FY1995 to FY2008



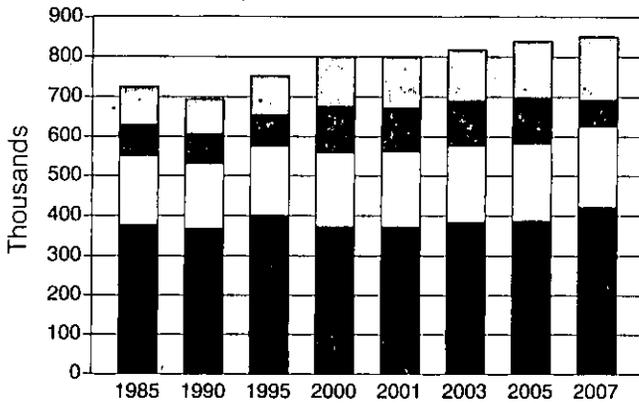
	Millions of Gallons			
	2005	2006	2007	2008
Gas*	243.5	186.8	230.6	158.9
Gasohol	123.6	164.9	124.4	200.0
Diesel*	181.3	180.7	194.8	206.2

* Gross gallons taxed.



Traffic moves smoothly on Interstate 94 between Bismarck and Mandan.

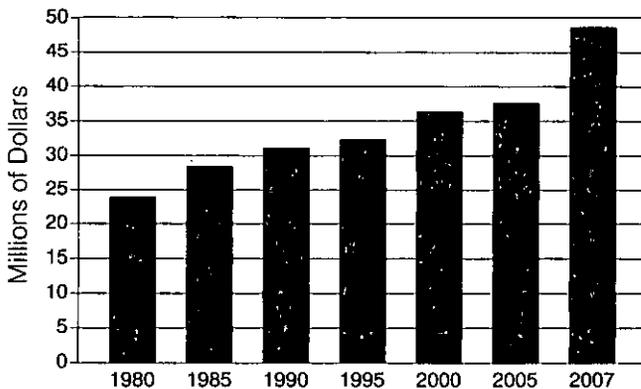
Vehicle Registrations - 1985 to 2007



	2005	2007
Cars	388,399	422,284
Pickups	194,507	205,563
Trucks	115,408	66,581
Others*	142,740	160,542
Total	843,054	854,970

* (motorcycles, buses, motorhomes, snowmobiles, and trailers)

ND Vehicle Registration Fees Available for use in the Highway Tax Distribution Fund and State Highway Fund



Vehicle Registration Fee Comparison

State	Fee ¹	2007 Ford Taurus 3,415 lbs	2007 3/4 Ton Pickup 12,000 GW	2007 KW Tractor 80,000	2000 Farm Truck 44,000	2005 Farm Truck 44,000
MN	Flat Fee	229.00	301.00	1,760.00	161.00	268.00
	Other Fee	-	-	-	-	-
	Total	\$229.00	\$301.00	\$1,760.00	\$161.00	\$268.00
MT ²	Flat Fee	328.00	217.00	300.00	by county	354.00
	Other Fee	-	-	-	-	-
	Total	\$328.00	\$217.00	\$300.00	by county	\$354.00
ND	Flat Fee	93.00	142.00	1,059.00	184.00	219.00
	Other Fee	-	-	-	-	-
	Total	\$93.00	\$142.00	\$1,059.00	\$184.00	\$219.00
SD	Flat Fee	42.00	55.00 ⁴	⁵	106.00	128.00
	Other Fee	-	-	⁵	-	-
	Total	\$42.00	\$55.00	⁵	\$106.00	\$128.00
WY ³	Flat Fee	-	-	-	-	-
	County Fee	299.31	506.49	⁶	181.50	520.00
	Total	\$299.31	\$506.49	⁶	\$181.50	\$520.00

- ¹ Other fees can include vehicle valuation, property, or other taxes or fees.
² Montana registration fees are computed on vehicles registered in Deer Lodge. Flat fee charged by the state of Montana plus additional fees charged by the county the vehicle is being registered in.
³ Wyoming registration fees are computed on vehicles registered in Laramie County.
⁴ For a 4-ton truck in South Dakota.
⁵ South Dakota fees are based on tonnage and by county.
⁶ Wyoming fees are based on factory price.

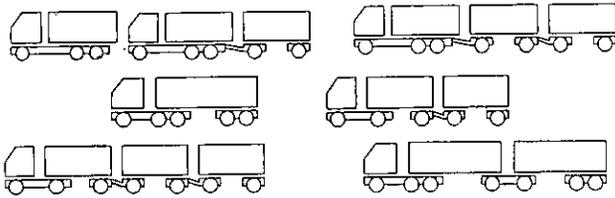
Compiled by: North Dakota Motor Vehicle Division, 2008.

Vehicle Registration Fee Increase History

- 1977** Passenger vehicle fees were increased \$5; pickups and small truck increases ranged from \$4 to \$7; farm trucks were increased \$10; large non-farm truck increases ranged from \$14 to \$20.
- 1981** Passenger vehicles and pickups were increased \$5; small trucks were increased \$10; farm and non-farm truck increases ranged from \$10 to \$25.
- 1983** Passenger vehicle increases ranged from \$1 to \$20; pickup increases ranged from \$1 to \$11; small truck increases ranged from \$2 to \$5; farm truck fees were not changed; large truck fee reductions ranged from \$17 to \$258.
- 1987** Most vehicle registrations were increased by \$6.
- 1999** Most vehicle registrations, except farm trucks, were increased by \$1 per vehicle. In addition a \$1 increase went into the Public Transportation Fund.
- 2001** Most vehicle registrations were increased by \$7 per vehicle.
- 2003** Most vehicle registrations were increased by \$3 per vehicle.
- 2005** Most vehicle registrations were increased by \$10, plus a \$1 increase for the Public Transportation Fund. Pickup fees were aligned with passenger registrations. The first half the fee increase for pickups occurred in July 2005.
- 2007** Implemented second half of 2005 pickup fee increase.

ND Truck Size and Weight

Basic Truck Configurations



General Information

Legal Width: 8 ft. 6 in. Legal Height: 14 ft.

Legal Length: The length of a vehicle may vary depending on the configuration and on the jurisdiction of the highway. Maximum length may not exceed 110 feet.

Legal Axle Weights:

Single axle: 20,000 lbs. 3 axles or more: 48,000 lbs.
Tandem axle: 34,000 lbs. Gross Veh. Wt. 105,500 lbs.
(unless posted)

NOTE: The above weights apply to state highways other than Interstate highways.

Call Highway Patrol, Permit Section, at (701) 328-2621 for more information, www.nd.gov/ndhp.

State Fleet Services

NDDOT is responsible for all state-owned licensed motor vehicles which make up the state fleet. The number of vehicles in the state fleet varies throughout the year from a low of approximately 3,000 to a peak of approximately 3,290 which is based on need, summer programs, and purchasing/disposal patterns. These vehicles are used by all state agencies, including NDDOT, the university system, and agricultural research centers. State Fleet Services purchases and maintains the vehicles. When the vehicles are due for replacement or no longer needed, they are sold at public auction.

State Fleet Services (continued)

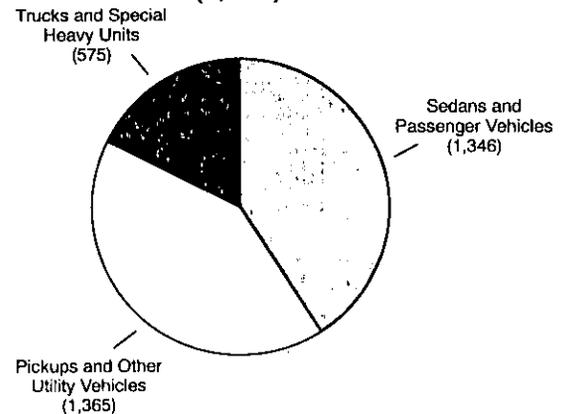
The total state fleet vehicle count as of July 1, 2008, was 3,286. This fleet is comprised of 2,711 light vehicles and 575 heavy trucks.

Approximately 420 vehicles are located in 10 motor pool locations throughout the state for daily check out. The balance of the vehicles are assigned directly to agencies and institutions based on their employee-specific needs. All vehicle usage is charged to the agency or institution on a per-mile basis for light vehicles or per-operating hour fee for trucks.

State Fleet is budgeted as an intergovernmental service fund. Rental rates are established based on fleet expenses so that all revenue from rental rates must balance with the fleet's total expenses.

- State Fleet purchases and disposes of approximately 450 light vehicles and 35 heavy trucks each year.
- State vehicles traveled 38.3 million miles in FY2008.
- State Fleet used 2.8 million gallons of fuel in FY2008, at a cost of \$8.8 million.
- State Fleet has used E10 fuel at its fueling sites since 2003 and expanded bio-diesel to all of its sites in 2006.
- There are 14 state-owned refueling sites state-wide.
- State Fleet coordinates the defensive driving and vehicle safety courses for all state employees.

ND State Fleet Vehicles - July 2008
(3,286)



Federal Transit Programs

Rural Public Transportation

1. Provides federal funds to rural areas (populations of less than 50,000) for the purchase and operational costs of transit buses and vans. Under this program, operating costs are subsidized at 50 percent and purchases of buses and vans are subsidized at 80 percent. There are presently 25 organizations funded through the program, receiving a combined total of more than \$3 million per year.
2. Provides funds to rural areas for training and technical assistance to improve rural public transportation services. About \$83,000 (100 percent federal) is allocated annually for this training and technical program.

Transportation for the Elderly and Disabled

Provides funding to private nonprofit organizations to purchase buses and vans to transport the elderly and disabled. About \$368,000 is provided annually to local projects. A 20 percent local match is required to purchase the vehicles. Since the program's implementation in 1975, more than 200 buses and vans have been purchased to use in North Dakota. The department is working with the Department of Human Services to streamline transportation of Medicaid recipients.

Urban Public Transportation

These funds are used to support and improve public transportation in urbanized areas that have a population of 50,000 or more (Bismarck, Fargo, and Grand Forks). The \$3.5 million in this program is used to purchase buses and for operation and administrative expenditures.

Urban Transit Planning

More than \$300,000 is distributed annually to Bismarck, Fargo, and Grand Forks for planning purposes.

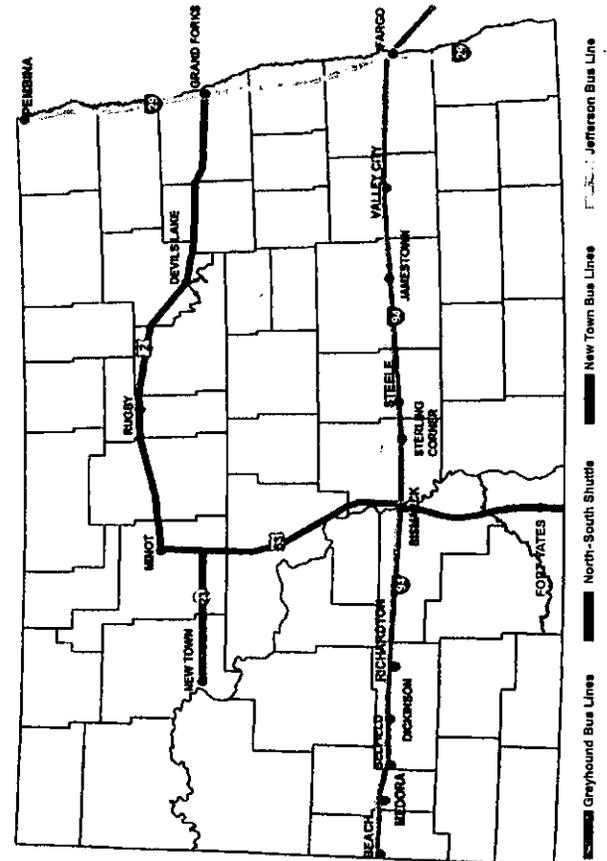
State Transit Program

State Aid For Public Transportation

Provides about \$2.2 million per year to support public transit services throughout North Dakota. No local match funding is required. Currently, 32 local transit projects are funded through this program. Funds for this program come from a \$3 fee collected with each motor vehicle registration and renewal. A one-time increase of \$1 million was provided by the 2007 Legislature.

1. The cities of Bismarck, Fargo, Grand Forks, and Minot have city-wide bus services.
2. North Dakota has four inter-city bus lines.
3. There are 32 public transit systems located throughout the state. These systems provide public transportation to residents of rural communities.
4. State and federal funds support nearly all the urban and rural transit systems cited above. Collectively, these systems operate approximately 235 buses, vans, and cars, that provide more than 1.7 million rides per year.

North Dakota Intercity Bus Service



Aeronautics Commission - Aviation Transportation

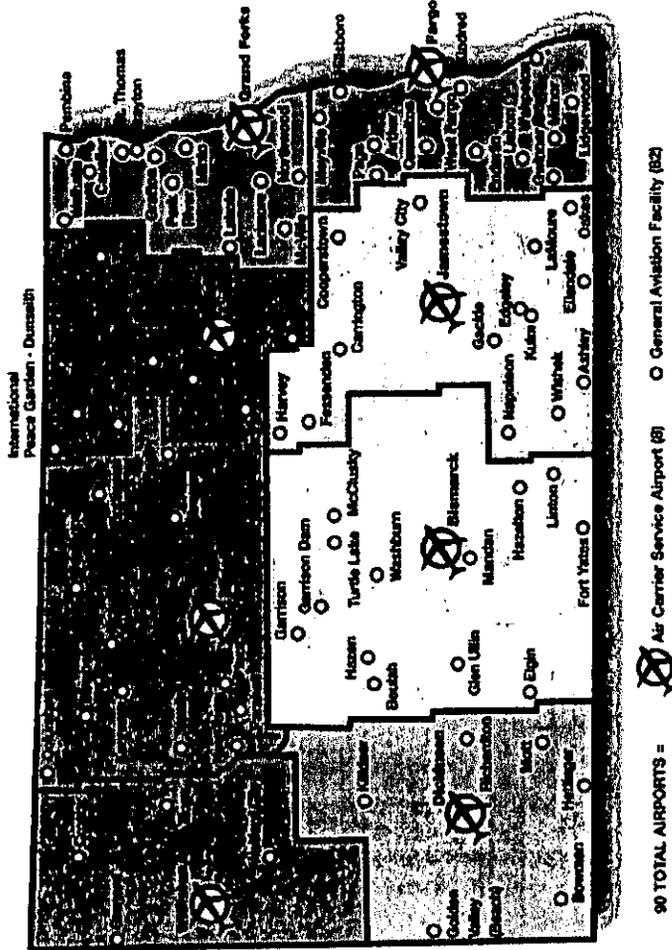
Aeronautics Vision

To encourage an unencumbered business climate and to foster a positive evolution of the industry.

Aeronautics Mission

To provide at the highest priority, economic and technical assistance to insure an orderly and cost effective support system that enables the advancement of the state's aviation system.

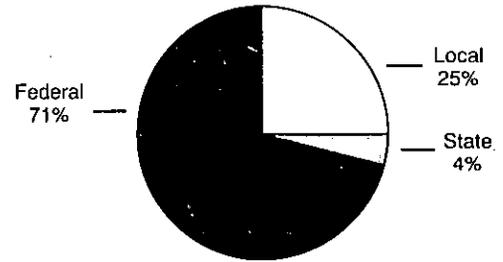
Public Airports in North Dakota



Aeronautics Commission - Aviation Transportation (continued)

Airport Funding

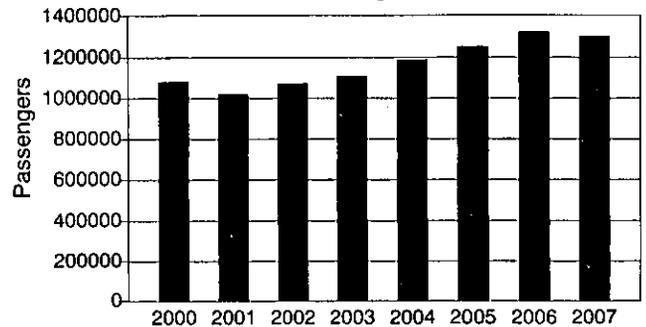
\$30 million annually



Aviation Facts About North Dakota

- \$1.2 billion of aviation economic impact occurs annually.
- 12,002 jobs are attributed to aviation activity.
- 1,683 based aircraft, helicopters, and ultralight vehicles.
- 2,249 licensed pilots.
- 90 public-use airports have 51 aviation businesses based on them.
- 220 rural private grass airfields.
- 6 airline services in North Dakota: Northwest, Great Lakes, United Express, Frontier, Northwest AirlinK-Mesaba, and Allegiant offering 104 daily flights.
- 139 spray businesses operate in North Dakota utilizing 247 aircraft and helicopters.

Airline Passenger History



SOURCE: ND Aeronautics Commission
(701) 328-9650
www.nd.gov/ndaero

In the Works

Drayton Bridge – ND 66 east of Drayton frequently goes under water resulting in closure of the Red River Bridge at Drayton. NDDOT plans to replace the existing structure with a longer bridge and to raise the approach roads to help alleviate the situation. The project was bid in November 2008. Construction on the 4,090-foot bridge is scheduled to begin in 2009 with completion scheduled for the fall of 2010 at an estimated cost of \$28 million. The bridge will be jointly funded between Federal Highway Administration, North Dakota, and Minnesota with the NDDOT as the lead agency.

Local Land Use and Transportation Studies – In 2007, NDDOT and the Standing Rock Sioux Tribe began the development of a land use and transportation study for the four square mile area at the intersection of ND Highway 24 and BIA Route 31. The study identifies future land use alternatives and associated transportation improvements to serve the area. In 2008, NDDOT and the City of Williston began development of a land use and transportation US 85 Corridor study. The study will project land use development and transportation improvements 20 years into the future.

Dickinson-area I-94 Improvement – NDDOT will continue improving several segments of I-94 in the Dickinson area. The first segment to be improved will be the east bound lanes from Gladstone to Taylor, with concrete pavement repairs and an asphalt overlay. In 2010 the east-bound lanes will be reconstructed with new pavement from Youngman's Butte to near Eagles Nest and in 2011 the west bound lanes will be reconstructed with new pavement. The total cost of these improvements is estimated at \$62.7 million.

NDDOT to change from PRPI to IRI to measure ride quality – Previously the department used the verbal rating of PRPI (Public Ride Perception Index) to describe ride quality. The PRPI category ratings of excellent, good, fair, or poor ride were derived from the IRI (International Roughness Index) measurement and category of the worst 15 percent of the mile being described. The IRI is a calculation based on the actual profile of the roadway and is a standard worldwide statistic used to describe ride quality. After reviewing years of network wide IRI data and researching national trends in reporting ride quality, it was determined IRI would be a more standardized method of describing ride quality for the ND highway system.

I-29 Fargo Improvement Project – I-29 will be reconstructed from the North Fargo Interchange to the Sheyenne River Bridge in 2009 and 2010. The project will include a grade raise to elevate a segment of I-29 higher than the 50-year flood design elevation.

Major Challenges

Transportation Funding – North Dakota is very dependent on federal funding to preserve and improve its transportation system. Historically, North Dakota has received just over \$2 for every \$1 sent into the Federal Highway Trust Fund. During the current biennium about 53 percent of the NDDOT's total budget is federal revenue and over 80 percent of the construction program is federally funded. There are some major challenges facing the future of federal highway funding. Expenditures from the Federal Highway Trust Fund have been exceeding revenue going into the fund. Trust fund balances have declined sharply as a result of reduced travel and motor fuel purchases due to high prices at the pump. In September 2008, Congress passed a measure transferring \$8 billion of general fund revenue to the Highway Trust Fund as a short-term funding fix. The current federal highway bill, SAFETEA-LU, expires on September 30, 2009. There is a general consensus that there is a need to increase overall funding for transportation infrastructure.

If federal funding is not increased, North Dakota will be faced with raising additional revenue at the state level or reducing services. The major sources of revenue at the state level come from motor fuel taxes and vehicle registration fees. Currently, revenue generated from these fees has been relatively flat, and has not kept pace with increasing costs.

Increased Costs – As the price of oil has become more volatile, the cost for highway construction and maintenance bid items has increased dramatically. In North Dakota, the overall highway/bridge construction inflation totaled approximately 53 percent from 2004 to 2008 and was approximately 13 percent from 2007 to 2008 (through the July 2008 bid opening). This contrasts strongly with the inflation from 2001 to 2004, averaging just 2.4 percent per year, according to NDDOT's Construction Cost Index (NDCCI). Combining these effects means that average items costing \$100 in 2001 cost the NDDOT \$164 in 2008.

More staggering than the overall inflation rate is the inflation of oil-based products and fuel-intensive processes, such as bituminous pavement, asphalt cement, and earthwork. Bituminous pavement that cost the NDDOT \$100 in 2001, cost the department approximately \$173 in 2008, again based on the NDCCI. From 2006 to 2008 bituminous pavement incurred nearly a 24 percent increase in cost. Over this same 2006-2008 timeframe, the most commonly used asphalt cement, in North Dakota, incurred nearly a 65 percent increase in average bid price. Similarly, earthwork incurred over a 35 percent increase from 2007 to 2008.

Disadvantaged Business Enterprises (DBE)

The Disadvantaged Business Enterprise (DBE) Program, administered by the Civil Rights Division, encourages the development and use of companies owned and controlled by minorities, women, and socially and economically disadvantaged individuals on federal-aided highway construction projects. The companies can be contractors, suppliers, or manufacturers with capabilities in the transportation industry. In order to participate in the program, the companies must be annually certified by NDDOT. Under the program, select contracts are assigned percentage goals, based on the total dollar amount of the contract, for participation by certified DBE firms. The prime contractor must meet the assigned DBE goal or prove that sufficient good faith efforts were made in an attempt to meet the goal.

Contact the Civil Rights Division at (701) 328-2576.

Number of DBE's Certified

FY2008	82
FY2007	76
FY2006	80
FY2005	85
FY2004	83
FY2003	81

DBE Annual Participation Goal

FY2008	7.38%
FY2007	7.68%
FY2006	8.12%
FY2005	7.40%
FY2004	7.38%
FY2003	6.98%

FY	DBE \$'s Achieved	Non-DBE
2008	\$17,110,241	\$244,037,380
2007	18,569,117	200,913,830
2006	21,111,370	263,151,133
2005	16,931,067	225,008,990
2004	13,150,084	167,755,961
2003	13,557,367	177,030,545

FY	Total	% Achieved
2008	\$261,147,621	6.62
2007	219,482,944	8.42
2006	284,262,503	7.43
2005	241,400,057	6.78
2004	180,906,045	7.29
2003	190,587,912	7.11