

2009 SENATE TRANSPORTATION

SCR 4010

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 4010

Senate Transportation Committee

☐ Check here for Conference Committee

Hearing Date: February 6, 2009

Recorder Job Number: 8894

Committee Clerk Signature



Minutes:

Senator Lee opened the hearing on SCR 4010 a resolution directing the Legislative Council to study mass, public, and special needs transportation, including the creation of local passenger rail transportation and bus transportation within the state.

Linda Johnson Wurtz, Associate State Director for the Advocacy (AARP) testified in support of SCR 4010. She presented a fact sheet on the research she has done, on the research that has already been done. She said in reading 4010 she didn't see any conflicting research that they have already gone over and because of that they support SCR 4010. Attachment #1

Veronica Zietz, the executive director at the Arc in Bismarck and representing The Ark of Bismarck and The Arc of Cass County testified in support of SCR 4010. Written testimony found in attachment #2.

Senator Tim Mathern sponsor of SCR 4010 introduced the SCR and testified in support of it. He said he hears from many groups who have a need for this transportation. He thought at one point it would be important that we create a situation where anyone can ride any public transportation for any reason. So instead of having schools doing this and elderly doing this and the handicap doing this we say Public Transportation is a big deal and let's let anybody get on any ones bus and do that through a voucher system to pay for it. Wy. has attempted

that and it is not working as well as he thought it would. With the system that he liked not working, he transferred his original bill into a study resolution so we could learn more about it. He is also finding that people are moving to Fargo and Bismarck because they need medical services in Fargo and Bismarck and they don't have the transportation to get there. He believes public transportation will help people stay in communities other than Fargo and Bismarck. The last reason, he said was the high gas that kept people from going to tourist places in ND. They didn't want to spend the money for gas. Public Transportation is a way to still get places at affordable prices. This is the rational for his involvement in SCR 4010.

Senator Potter said that school buses sit unused probably 20 hours a day. Has liability insurance been an issue?

Senator Mathern said that there are liability issues that are different, one population on a bus to a different population on a bus. He believes common use will bring down the prices but doesn't know that for fact and liability issues and common use are a part of needs to be studied.

Senator Potter asked if there were places where inner city rail exists.

Senator Mathern said there are places like that. Right now an inner city rail is being developed between St. Cloud and Minneapolis-St. Paul. He again expressed the need for study.

Bruce Murry, a lawyer with the North Dakota Protection and Advocacy Project testified in support for SCR 4010. Written testimony #3.

No Opposition

Neutral Testimony

Bob Fode, Office of Transportation Program Director with ND Department of Transportation provided information related to SCR 4010 and what the Department of Transportation is doing now. Written testimony #4.

Senator Lee asked if this fits in well with the planning that they have done for the pilot projects for transportation.

Fode said yes it does. He said the only concern is for overlapping and hopefully they will coordinate with us to see where the Department of Transportation is at compared to what they really want to get accomplished with this study.

Closed the hearing on SCR 4010.

Senator Potter moved a Do Pass.

Senator Nething seconded.

Senator Potter said that it does no harm.

Senator Nething said that as time goes on the problem will only escalate and this is an opportunity for an Interim Study.

Roll call vote: 6-0-0

Senator Potter is the carrier.

Date: 2-6-09
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 4010

Senate Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Other

Motion Made By Senator Potter Seconded By Senator Nething

| Senator | Yes | No | Senator | Yes | No |
|---------------------------|-----|----|----------------------------|-----|----|
| Chairman Senator Gary Lee | ✓ | | Senator Tom Fiebiger | ✓ | |
| Senator George Nodland | ✓ | | Senator Richard Marcellais | ✓ | |
| Senator Dave Nething | ✓ | | Senator Tracy Potter | ✓ | |
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Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Potter

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

REPORT OF STANDING COMMITTEE

SCR 4010: Transportation Committee (Sen. G. Lee, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4010 was placed on the
Eleventh order on the calendar.

2009 HOUSE TRANSPORTATION

SCR 4010

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SCR 4010

House Transportation Committee

☐ Check here for Conference Committee

Hearing Date: 03/19/09

Recorder Job Number: 11274

Committee Clerk Signature

Jeanette Cook

Minutes:

Senator Tim Mathern, Fargo, introduced SCR 4010. See attachment #1.

Representative Schmidt stated that at one point when there was a fuel shortage, the school buses in his area couldn't get diesel fuel. He contacted the governor, and they were allowed to use dyed fuel. This bill doesn't address that kind of problem.

Senator Tim Mathern: There is another bill that would address the fuel shortage. That is building an oil refinery. This bill just addresses doing a better job with the facilities that we do have and making sure that we use them as efficiently as possible.

Representative Weiler: Yesterday in the House, we passed a bill that is going to do a pilot project to try to make the transportation in a certain area much more efficient. Along with the pilot project, that is kind of doing what you are talking about. I'm sure that you are familiar with that bill, correct?

Senator Tim Mathern: Actually, I'm not. But, if there is a pilot project working on this I think that is a positive thing.

Representative Weiler: It passed the House yesterday.

Chairman Ruby: DOT is going to be coordinating with all the different entities. It didn't include rail, but if there is existing areas where rail could be integrated into that..... But, there is nothing as far as development of local transportation with passenger rail.

Senator Tim Mathern: I would suggest here, that it was brought to my attention that people could get across the state from the north but not across I-94. We have trains running from Medora to Fargo, but people aren't able to get on those trains because they don't have passenger cars. It seems like we should be able to do that, but it is complicated. It has to do with how the rails are built and the speed. This would incorporate a look at the issue too.

Chairman Ruby: I don't mind studying things that have to do with any of these areas, although, in the resolution it does talk about our involvement and membership into the Midwest Interstate Passenger Rail Compact. Aren't we taking a look at that and trying to work toward that goal through that compact? Isn't that the goal for them, to combine a seamless local rail and also a bus transportation system that would coordinate all of those?

Senator Tim Mathern: You are correct. I think this resolution is to say, "This group of people working on that issue, let's make sure that they are connected with the group of people working on specialized local transportation to see what we can do as a legislature to make sure that they are working together." That is the intent here.

Representative Potter: Can you explain what the Midwest Interstate Passenger Rail Compact is?

Senator Tim Mathern: I don't know if there is anybody here that knows the details of that. It literally is persons from different states who are looking at exactly what it says there. There is increased attention, since there is federal stimulus money. Should we be building some fast trains or some other ways of transporting in this region? There are other parts of the country that are getting the rail money for passenger transportation. This part of the country has been

out of that loop, since it was considered that there aren't enough people here in terms of the investment. The Compact was put together to say that we need to look in terms of our interests in this region. I don't know right now who is on that Compact. I suspect that it is someone from the DOT.

Chairman Ruby: Is the idea of having local rail transportation, from Grand Forks to Fargo, or something like that?

Senator Tim Mathern: Part of it is also making sure that we don't lose what we have. There are great pressures around the country as to where to move these resources. In our state we do at least have the ability to get from Williston to Fargo. There are pressures to keep that in place. I don't see this as going toward local rail inside the cities. It is more a matter of making sure that we have rail around the state. We have people, right now, moving by rail to make doctor appointments from Williston to Fargo. If we don't have that in place, the people may just move to Fargo to be close to medical institutions. I think we can do better than that.

Representative R. Kelsch: We joined that Midwest Interstate Passenger Rail Compact in 1999 or somewhere around there. I haven't heard anything about it since. Is it something that is actually working? Is it something that is making recommendations? Is it of value to North Dakota at all that we belong to it?

Senator Tim Mathern: You raise a great point. I don't know what the value is. I know that I want to know. I think that we need to make some connection that we as legislators need to make some connection and use the data to help make sure we have a good transportation in our state. Your comment makes the point that we do need to know more.

Representative R. Kelsch suggested that Jonathan Godfread, the intern, try to look it up and find some information.

John Risch, with the United Transportation Union representing the railroad workers across North Dakota, spoke to give information about the Midwest Interstate Passenger Rail Compact.

John Risch: I don't remember the exact year, but Representative Koppelman was always the North Dakota member on the committee. He attended meetings and was involved with it. As I remember the debate, the discussion was that the Midwest Rail Compact would encourage and promote rail transportation from a hub and spoke thing. Fargo/Moorhead would be the end of the spoke at least for the near term. I just wanted to provide that information. One thing that the current stimulus package does, is provide \$8.3 billion for high speed rail in this country. It is not very likely that high speed rail will hit North Dakota, but it may create some significant efforts around the country. There is another effort as far as rail transportation.

There are some folks that would like to get Amtrak back to Bismarck/Mandan on the BNSF line. I am a big supporter Amtrak, it is a great thing. We have thousands of members that work on Amtrak, but logistically it would be a great challenge to run Amtrak through Bismarck/Mandan because we have so much freight traffic. It is relatively slow freight traffic with the coal trails. The resolution seems like it is an OK idea. It is always good to study things.

A short discussion about coal trains hauling passengers and Amtrak stopping in Rugby followed. (18m)

Representative R. Kelsch gave information on the Midwest Interstate Passenger Rail Compact. Representative Koppelman introduced the measure for us to be involved in the Compact. It came out of Council state government. There is no House or Senate appointment. The governor's designee is Kim Koppelman and from the private sector is Dennis Ming, Dakota Missouri Valley and Western Railroad.

James M. Moench, the Executive Director of the North Dakota Disabilities Advocacy

Consortium, spoke in support of SCR 4010. See attachment #2. On SB 2223, he added that legislative oversight from the advocacy side would be a welcome thing to add to the mix. His group would also support SB 2223 as well.

Veronica Zietz, Executive Director of Arc of Bismarck and represents The Arc of Bismarck and The Arc of Cass County, spoke in support of SCR 4010. See attachment #3.

Representative Delmore: Do you have cases that you have tried to reconcile when people with disabilities in our state have been mistreated?

Veronica Zietz: I have heard multiple complaints that self advocate or riders have had with the transportation system. The complaints are not always accepted or taken seriously. So, even though there are problems, they are not being dealt with.

Representative Delmore: Someone does advocate for those people when they are mistreated in our public transit, hopefully?

Veronica Zietz: Yes, the individuals do have advocacy help if they need it. But, once again the problems aren't always something that can be fixed.

Chairman Ruby: Are they generally some kind of abuse by a driver or not being accommodated as to where they wanted to go? What are the complaints?

Veronica Zietz: There have been a wide variety of complaints: anything from being late, to standing and waiting for a few hours, maybe being left somewhere. I have heard that operators have used derogatory language or names toward individuals. I haven't witnessed it, but don't think that people would just come up with that sort of thing.

Written testimony was provided from an individual rider, Leon Dietrich in District #35.

See attachment # 4.

Linda Johnson Wurtz, Associate State Director for Advocacy for AARP North Dakota,

spoke in support of SCR 4010. She provided a document with the listings of the transit studies that have been done in the past few years. See attachment #5. She wants this to be part of the record, so when the DOT starts to do the study they don't have to go over trodden ground. It may not be extensive, but it does give a start on where to begin designing the study.

Linda Johnson Wurtz: I would like to address Representative Weiler question that referred to SB 2223. SB 2223 is a pilot study in one region of the state. We hope the outcome from that is a model for coordinating transportation among the people and entities in that region. They are going to be resolving issues of insurance. How do we insure the drivers and vehicles when we are carrying more than one population? How do we reimburse from Human Services reimbursement, from veterans reimbursement? How do we integrate all these different reimbursements? So, these are administrative issues that people are going to have to come to the table in that little region and work these out. Perhaps they will get input from Federal Transportation Authority, from United We Ride in Denver, to learn how others have overcome these challenges. It will happen in that region of the state. Hopefully, in two years we will have a model that we can move across the state and say that these are ways that we have integrated our transportation system. Then we can all make better use of the transit that we have out there before we start adding money to our transit systems.

What is proposed here in this bill is much broader. It is a statewide look at our transit system and what are the challenges we are looking at statewide. How will we move our people from Dickinson to Fargo or move them from the northern part of the state to the southern part. It is a paper type review. We will look at how people move from place to place, learn how other states have resolved these issues, so that when we are done with the pilot and have a model of coordination in a region, we can look at this study. Then we want to figure out

how these two things can work together so that we can have a transit system across our state that is efficient and effective and works for all of our people. I hope that if I advocate DOT heavily enough, that will happen for all of us.

Representative Weiler: Do we have an extraordinary number of people that are having to go from Dickinson to Fargo or Williston to Bismarck? Is it overwhelming?

Linda Johnson Wurtz: Thank you for asking that question. Every time I leave the podium, I think of it. The answer is NO, and that is the issue. The issue is that we are such a small state, that we can't have a separate bus and a separate dispatch, and a separate route for every population. We need to start sharing and working together. That is the whole issue. There are not a whole bunch of veterans that go from Dickinson to Fargo, and there are not a whole bunch of seniors that go from Dickinson to Fargo. So, hopefully the bus that leaves from Dickinson can take any of those populations and eventually pick up people along the route that also need to go to Fargo. That is the meaning of coordination. Eventually we will have a transit system that will be effective for the whole state.

Representative Weiler: According to Senator Mathern's testimony, pretty soon we are going to have nobody living in the small areas of the state. They will only live in the four large cities, so how can we not have an enormous amount of people that need to get from Dickinson to Fargo? You are saying there are very few, but Senator Mathern seems to tell us that there are all these problems that they have to take the rail from Williston to Fargo. He left me with the indication that this is a big problem in the state. We've got all these people that need to get from here to here. And you are saying that we have very few. So, which is it?

Linda Johnson Wurtz: I'm saying that there are very few people in each population. There are a few people that need for a Human Services reason and will have Human Services voucher and reimbursement to make that trip. Then there are a few veterans. Together they

add up to a population that needs to move across the state. What I am saying is that we can't have a separate bus for each population that needs to go. But, what Senator Mathern is saying is that people want to continue to live in New Salem, Dickinson, Hazen, and Beulah. So, we need to gather together and incorporate all of them, there are quite a few people that need to move across the state. Even more so, as we move forward, we are a mobile society. For our economy to work we need to be more mobile. I think I am talking special populations, and Senator Mathern is talking collectively.

Representative Thorpe: With all the communication that we have available these days, we should be able to coordinate all of the different organizations running buses. One bus should be able to make stops all along the way instead of running three different buses. Is that what you see in this study?

Linda Johnson Wurtz: Absolutely, the buses can stop along the way, and we don't necessarily need a twenty passenger bus leaving Steele. Perhaps that Steele bus can connect with one coming from Bismarck. The other issue is what happens when the people get to Fargo? I hope that part of the study will be how the people can move around the larger city once they get there.

Representative Weiler: You made the comment that we study things so that we know what to do in the future. I see seven studies listed here that have happened in North Dakota over the last twelve years. We have studied the heck out of this thing. Nothing is happening. Now we need to study it again?

Linda Johnson Wurtz: Two things about this issue, and that is the reason that I brought this document to you. Number one, yes, we have studied it enough. That is why we brought forward the pilot. It is time to stop studying and develop a model that will work for us. The second thing is what you are looking at here and why I wanted this to be part of the record, is

so that we don't duplicate this study. What is asked for in this study is broader and more specialized because it is looking at specialized needs of people and how to get people from place to place. We have studied in the past is what we have as far as buses, how many wheels we have on the ground, and how we move from place to place and how many people we move from place to place. I think this will be more specialized.

Representative Weiler: As I look at these studies, 'Person Mobility in North Dakota', that seems pretty broad, not regionalized. 'Performance of Coordinated and Non-Coordinated Rural Transit Systems in the Upper Great Plains' We have studied, and Linda, you yourself said it is time to stop studying. Now we have a pilot project that has passed. I would recommend that we do stop studying and do not pass this piece of legislation.

Linda Johnson Wurtz: I, again, think that this is a broader look which includes rail and air and how everything connects. Hopefully, down the road we can get people from New Salem to Fargo. Then we need to connect them to air. Maybe they need to go to Florida. Let's look at some of the new technologies that other states are looking at. Let's plan ahead for an aging population because in 2025 25% of us are going to 65 years or older. Let's not let our rural areas go away because we can't get from the west to the east. This study doesn't duplicate what we have already done. I think it builds on what we have done.

Representative Heller: Is this a mandated study?

Representative R. Kelsch: This session they have started to do something different at Legislative Council. They have started rewriting resolutions. It used to be that the resolution stated "shall consider studying". Now, all of them are saying, "directing the Legislative Council". The only time it is a mandate is when it is in a bill. Any time it is a resolution it is still "shall consider". So, we amended a study in our Education Committee, and Legislative

Council told us that we don't need that on there. We will have to pull it back to set the record straight. This is their new way of writing the resolutions.

Representative Frantsvog: I would encourage the people who testified on this bill to make contact with the DOT and become aware of when they plan to do the project, so they can become a part of that project and provide input.

Linda Johnson Wurtz: That will happen, because most of the people who testified here today have been part of the coalition who have been working on SB 2223 with me. The DOT has also been working with me.

Information was given that the web addresses of the studies on Linda Johnson Wurtz's list are also provided on the list.

Representative Heller: Didn't you get all the information that you needed when they did all these studies?

Linda Johnson Wurtz: Again, this study will be broader than the ones that are on the list. It will be statewide, and I think that this study will be complimentary.

Darcy Andahl, a non-driver from Bismarck, spoke in support of SCR 4010. See attachment #6.

Representative Thorpe: When you took a flight out of Bismarck, did you have any trouble making connections to get to your flight?

Darcy Andahl: The P & A helped me out, but a lot of people don't know about the P&A.

Representative Thorpe: When you got to St. Paul did they have arrangements for your transportation so you could get to where you needed to go?

Darcy Andahl: I had to do that on my own. There were taxis at the airport. I had to pay for that myself. People that drive take it for granted that to get from point A to point B is easy.

When you don't drive it gets very challenging. I wonder why the state will pay for the medical treatment but not the transportation.

Representative Thorpe: So, you would be in agreement that even in Minnesota we need to study and figure out how we coordinate and how we help individuals like yourself to coordinate your transportation. I really do think that there should be a study. Would you agree?

Darcy Andahl: I totally agree.

Jim Jacobson, the Director of the Protective Services Unit for the North Dakota Protection and Advocacy Project, handed out testimony prepared by **Bruce Murry, a lawyer with the North Dakota Protection and Advocacy Project (P & A)** in support of SCR 4010. He would also encourage a Do Pass on this legislation.

There was testimony in opposition to SCR 4010.

The hearing was closed on SCR 4010

Representative Thorpe moved a Do Pass on SCR 4010.

Representative Gruchalla seconded the motion.

Representative Weiler: We have studied, and studied, and studied. Now we have a pilot project. I don't think we need to waste the North Dakota taxpayers' money to study this again. Darcy, who gave some outstanding testimony, this study will not help her one bit. This study is not going to study the local transit. Her problem is with funding the transportation. There is not one single bit in here that talks about studying the funding. I am not going to support this. I am not going to waste the taxpayers' money to study something that has been studied over, and over, and over.

Representative R. Kelsch: The studies that have been done were by the DOT as well as the pilot project. The difference here is that this is a legislative study. This would be something that we would study ourselves and look at these issues and the feasibility. Sometime I wonder

what happens to the recommendations that are made by departments after a study is done. If they are not bringing them forward to us, then that is a waste of tax payer dollars. Typically, when we study something we at least bring some recommendations forward.

Representative Gruchalla: During the interim the DOT had a lot of input on transit. There is lack of coordination between the different groups. The southeast was mentioned. I think that there were three or four different buses that were running somewhere down in the Lisbon area to Fargo everyday about the same time. There were different groups like the veteran's home, the senior rides, and human services. There were only a few people in each one. That was the intent with the pilot study, to try to coordinate all the groups to save the tax payer dollars. This study looks like it will be more comprehensive to get all the transportation groups together. I think this is a good study.

Representative Schmidt: In regard to the tax payer dollars, the interim transportation committee is going to be having studies, this will be one of the things on their agenda. So, I don't think that it will be a waste of tax payer money because there will be some good to come out of it.

Representative Delmore: We need to recognize that it is a resolution. If the council decides that there is no need to study it again, they won't. However, the fourth whereas, does talk about a voucher program for people like Darcy. There could be money available, and we could look into that. I think that if you have a good chairman on the transportation committed, it won't be a DOT show because there will be a lot of players that will be included. Legislative Council staff is very good at contacting more than just a state agency. I think it is a good study and would urge a Do Pass.

Chairman Ruby: I think that if we knew more about the Midwest Passenger Rail Compact it would be helpful. We should know whether it has done anything that has benefited North Dakota, and if we should continue being in it.

A roll call vote was taken on SCR 4010. **Aye 8 Nay 4 Absent 2**

The motion passed.

Representative Potter will carry SCR 4010.

Date: 3/19/09

Roll Call Vote #: _____

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HER 4010

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do pass ☐ Don't Pass ☐ Amended

Motion Made By Thorpe Seconded By Gruchalla

| Representatives | Yes | No | Representatives | Yes | No |
|--------------------------------|-----|----|--------------------------|-----|----|
| Representative Ruby - Chairman | ✓ | | Representative Delmore | ✓ | |
| Rep. Weiler - Vice Chairman | | ✓ | Representative Griffin | | |
| Representative Frantsvog | | ✓ | Representative Gruchalla | ✓ | |
| Representative Heller | | ✓ | Representative Potter | ✓ | |
| Representative R. Kelsch | ✓ | | Representative Schmidt | ✓ | |
| Representative Sukut | ✓ | | Representative Thorpe | ✓ | |
| Representative Vigasaa | | ✓ | | | |
| Representative Weisz | | | | | |
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Total Yes 8 No 4

Absent 2

Bill Carrier Thorpe Potter

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

REPORT OF STANDING COMMITTEE (410)
March 19, 2009 1:44 p.m.

Module No: HR-50-5370
Carrier: Potter
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SCR 4010: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS**
(8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). SCR 4010 was placed on the
Fourteenth order on the calendar.

2009 TESTIMONY

SCR 4010



Provided to: Senate Transportation Committee, February 6, 2009

Linda Johnson Wurtz
Associate State Director for Advocacy

Resources Toward Developing Transit Coordination:

Note – Three of these studies were commissioned by the NDDOT.

Realized Travel Demand and Relative Desired Mobility of Elderly Women in Rural and Small Urban North Dakota, October (2007)

<http://www.ugpti.org>

Personal Mobility in North Dakota: Trends, Gaps, and Recommended Enhancements (2005) - NDDOT Commissioned Study

<http://www.ugpti.org>

ITS Transit Case Studies: Making a Case for Coordination of Community Transportation Services Using ITS (2005)

<http://www.ugpti.org>

Enhancing Passenger Mobility Services in North Dakota through Increased Coordination (2004) – NDDOT Commissioned Study

<http://www.ugpti.org>

The Evaluation of Transportation Needs of the Disadvantaged in North Dakota (2003)

<http://www.ugpti.org>

An Evaluation of Regionalizing Rural Transit Systems in North Dakota (1997)

<http://www.ugpti.org> – NDDOT Commissioned Study

Performance of Coordinated and Non-Coordinated Rural Transit Systems in the Upper Great Plains (1997)

<http://www.ugpti.org>



The Arc of Bismarck

1211 Park Avenue
Bismarck, ND 58504
Phone/Fax: 701-222-1854
arcbis@midconetwork.com
www.thearcofbismarck.org

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Testimony of Support
Senate Concurrent Resolution No. 4010
February 5, 2009

Good morning Chairman Lee and members of the Transportation Committee. My name is Veronica Zietz (#166); I'm the Executive Director at The Arc of Bismarck. I am here today representing The Arc of Bismarck and The Arc of Cass County.

I support SCR No. 4010 because it would allow for a study of transportation in North Dakota, including the study of transportation needs for individuals with disabilities. People with disabilities have a lot of trouble with transportation. It is estimated that about 30% of people with disabilities in the United States consider transportation inadequate and more than half of those individuals have major problems with transportation. I can only imagine that these rates would be amplified in a rural state like North Dakota. The completion of study on transportation as suggested by SCR No. 4010 could identify the disparities in services for individuals with disabilities and others who rely on public transportation. Once these problems are identified we could then take the initiative to improve our current transportation system.

Lack of transportation is a huge problem for individuals that have a disability. Accessible transportation is often an indicator of employment, political participation, socializing, religious attendance, and overall quality of life. It is necessary for all individuals, including those with a disability to have access to transportation for the sake of their health and their livelihood.

North Dakota's public transportation system is seriously lacking in both urban and rural areas. Currently some of our cities have public bus systems already in place these include Fargo, Bismarck, Minot, and Grand Forks. As a resident of Bismarck and an advisor to a group of self-advocates I have heard many complaints as to inter-city transportation. Complaints by consumers have included that transportation is unreliable, unaffordable, and even some instances of maltreatment by operators have been reported. However, even with these transportation problems in urban areas I suspect it is even more difficult for individuals with disabilities in rural North Dakota to find accessible transportation. Inter-state travel is also a huge issue for individuals with disabilities. Transportation out of state is often medically necessary for individuals with disabilities who have unique health conditions; once again although necessary, transportation isn't always available or affordable.

The legislation that is being recommended in SCR No. 4010 will make it possible to conduct a study of transportation inadequacies in North Dakota. The outcomes of this study will allow the transportation problems in North Dakota to finally be realized and adequately dealt with. Passing SCR No. 4010 will show our support and concern for the many individuals with disabilities who regularly rely on public transportation and their independence.

Thank you for your time and consideration.

TESTIMONY – PROTECTION AND ADVOCACY PROJECT

SENATE CONCURRENT RESOLUTION 4010 (2009)

SENATE TRANSPORTATION COMMITTEE

Honorable Gary A. Lee, Chairman

Feb 6 ~~March 11~~, 2009

#3
Same
Given to
House

Chairman Lee, and members of the Senate Transportation Committee, I am Bruce Murry, a lawyer with the North Dakota Protection and Advocacy Project (P&A). P&A hopes the state can help find answers to the questions posed by SCR 4010.

People with access to transit have another tool to help them manage their costs and resources. Transit programs give people with disabilities better access to employment and health care if they can't drive or telecommute. Getting out and around reduces isolation, and makes abuse, neglect, and exploitation less likely. For citizens who should drive only under certain circumstances, or perhaps not at all, transit creates another option to remain engaged in their community.

North Dakota's geographic resources and barriers make some transportation strategies less useful here. It might be necessary to blend park-and-ride, straight-line, hub-and-spoke or round-robin approaches for mass transit to be effective for our state.

Services and populations cannot always be located together. Sparse populations make it hard for industries and markets to fine tune service delivery. Current transportation industries and programs are fragmented. Bus lines and schedules seldom align with those of trains and planes. Government efforts often distribute resources in silos – both geographically and demographically. Riders in some areas have no options. Sometimes elderly, working-aged, and young North Dakotans pass each other on Interstates, county roads, and streets in near empty buses. Fluctuation in energy prices sends mass transit use on a roller coaster ride. (When gas was \$4.30 per gallon, my family took a trip on a packed train – despite stories I'd heard of nearly empty Amtrak cars through North Dakota.) State employees often joke that State Fleet should just charter a daily bus between Bismarck and Fargo, or lay a rail line in the interstate median.

North Dakota's state government is a substantial consumer or payer for all of the foregoing activities. Obvious stakeholders include riders, businesses, NDDOT, the Small Urban & Rural Transit Center, NDDHS, and legislators. It stands to reason that our state might benefit from its government studying how it spends its transportation dollars. If the state looked for more effective or economical ways for people to move within and between communities, North Dakotans would benefit as both consumers and taxpayers.

SENATE TRANSPORTATION COMMITTEE

February 6, 2009

Lewis & Clark Room – 9:30 a.m.

#4

North Dakota Department of Transportation

Bob Fode

Senate Concurrent Resolution 4010

Good morning Mr. Chairman and members of the committee. I'm Bob Fode, Office of Transportation Programs Director, with the North Dakota Department of Transportation (NDDOT). I'm here to provide you with information related to Senate Concurrent Resolution 4010.

The NDDOT supports transportation planning efforts, both passenger and freight. Some of our planning activities include:

- TransAction II which was updated in 2007. It includes 12 initiatives, one of those deals with personal mobility. Other department planning efforts include the Statewide Transportation Improvement Program (STIP), Rail Plan, Bikeway Plan, and Transit Plan.
- Provides input into the Metropolitan Planning Organizations (Bismarck/Mandan, Grand Forks/East Grand Forks, and Fargo/Moorhead) planning activities, which includes their Transit Plan.
- Work with the Small Urban and Rural Transit Center (SURTC) for research and other transit planning activities. Some of them include:
 - Southwest Transit Study is researching ways to maximizing transportation resources in the southwest area of the state in order to improve personal mobility
 - Roughrider Transit Management Coordination Center—proposed next step based on results from the Southwest Transit Study
 - NDinfo.com is a searchable web site that includes all FTA- and state-subsidized public transit projects in the state and who they can contact for rides.
- Regionalization of transit services. This concept will improve coordination and provide better public transit service statewide. The objectives of this effort are to:
 - Provide a consistent fare structure and rider use rules/guidelines throughout the state,
 - Improve route planning and scheduling in order to provide riders with better transportation options within the state,
 - Reduce overall administrative costs, and
 - Invest administrative cost savings into improved operation of the statewide rural transit system.
- An associate member of the Midwest Interstate Passenger Rail Compact.
- Participate in cooperative efforts with the ND Aeronautics Commission to improve the portion of infrastructure that supports air passenger service.

Mr. Chairman this concludes my testimony. I would be happy to answer any question.

Attachment # 1

**House Transportation Committee
SCR4010-March 19, 2009
Senator Tim Mathern**

Chairman Ruby and Members of the Transportation Committee,

My name is Tim Mathern. I am a Fargo Senator and I am here to introduce SCR 4010. The resolution directs the Legislative Council to study mass, public, and special needs transportation including the creation of local passenger

rail transportation and bus transportation within this state.

Two issues incited me to introduce this study resolution.

- 1. During the gas crisis of the past year people were finding it difficult to go to our tourism attractions, get to services in the larger cities, or to work. The lack of public transportation was glaring.**
- 2. I learned of other states that have considered ways to become more efficient in their transportation spending by using existing systems for all populations. Example..... school, senior citizen, handicapped accessible, city bus....**

I originally drafted a bill to require present systems to be available for all those in need by using a voucher system but in the process I learned that while this sounded good there were some problems in other states we might learn from. I also learned there were existing studies that somehow did not gain the proper attention of the legislature. For these reasons and others a study was the way to go.

I understand that there may be some amendment suggestions to broaden our view which I am supportive of.

In a rural state like North Dakota we must be very attentive to transportation needs. To do otherwise, leads to a situation where eventually everybody lives in our four largest cities to meet their needs.

I ask that you give the resolution a do pass. I believe it provides a vehicle to look at our transportation system which will benefit North Dakotans as a whole. The next time a gas crisis hits we will be better prepared and we can enhance our services in the meantime.

Thank you.

Thank you.

Testimony
North Dakota Disabilities Advocacy Consortium
SCR 4010
House Transportation Committee
Chairman - Representative Dan Ruby

Representative Ruby and members of the House Transportation Committee, my name is James M. Moench, Executive Director of the North Dakota Disabilities Advocacy Consortium (NDDAC). The Consortium is made up of 24 member organizations concerned with addressing the issues that affect people with disabilities. (List of members on back page). NDDAC supports Senate Concurrent Resolution 4010.

NDDAC supports a strong, modern, flexible transportation system in North Dakota. We are especially concerned with the transportation needs of persons with disabilities and the aged. All too often those needs are not being met even though many different kinds of transit vehicles may be passing their front door.

Whether they stay in their rural community or move to our larger cities, persons with disabilities rely heavily on public transportation to meet their mobility needs. They should be able to make efficient use of all the different transportation assets in their community. Planning and coordination are the keys to making this a reality. NDDAC member believe the study contained in SCR 4010 could determine a plan to bring even more efficiency into the way that transportation is managed in ND.

People need reliable transportation to live their lives for work, medical, spiritual, social, friendship, shopping, or maintaining family activities and contacts. Daily living activities that we all need to do and most of us take for granted. SCR 4010 will help to provide transportation flexibility and availability for the future.

Thank you.

NORTH DAKOTA DISABILITIES ADVOCACY CONSORTIUM

2008-09 Membership

1. AARP
2. American People Self Advocacy Association
3. Autism Society of North Dakota
4. Experience Works, Inc.
5. Fair Housing of the Dakotas
6. Family Voices of North Dakota
7. Independence, Inc.
8. Mental Health America of North Dakota
9. Metro Area Transit – Fargo, ND
10. ND APSE: The Network on Employment
11. ND Association for the Disabled
12. ND Association of Community Facilities
13. ND Association of the Blind
14. ND Association of the Deaf
15. ND Center for Persons with Disabilities
16. ND Children's Caucus
17. ND Consumer & Family Network
18. ND Federation of Families for Children's Mental Health
19. ND IPAT Consumer Advisory Committee
20. Protection & Advocacy Project
21. Senior Health Insurance Counseling/Prescription Connection
22. The Arc of Bismarck
23. The Arc of Cass County
24. The Arc of North Dakota



The Arc of Bismarck

1211 Park Avenue
Bismarck, ND 58504
Phone/Fax: 701-222-1854
arcbis@midconetwork.com
www.thearcofbismarck.org

Testimony of Support Senate Concurrent Resolution No. 4010 March 19, 2009

Good morning Chairman Ruby and members of the Transportation Committee. My name is Veronica Zietz (#166); I'm the Executive Director at The Arc of Bismarck. I am here today representing The Arc of Bismarck and The Arc of Cass County. The Arc is a nonprofit organization focused on providing education, advocacy and supports to adults and children with disabilities to foster empowerment and full inclusion in the community.

I support SCR No. 4010 because it would allow for a study of transportation in North Dakota, including the study of transportation needs for individuals with disabilities. People with disabilities have a lot of trouble with transportation. It is estimated that about 30% of people with disabilities in the United States consider transportation inadequate and more than half of those individuals have major problems with transportation. I can only imagine that these rates would be amplified in a rural state like North Dakota. The completion of a study on transportation as suggested by SCR No. 4010 could identify the disparities in services for individuals with disabilities and others who rely on public transportation. Once these problems are identified we could then take the initiative to improve our current transportation system.

Lack of transportation is a huge problem for individuals that have a disability. Accessible transportation is often an indicator of employment, political participation, socializing, religious attendance, and overall quality of life. It is necessary for all individuals, including those with a disability to have access to reliable and affordable transportation for the sake of their health and their livelihood.

North Dakota's public transportation system is seriously lacking in both urban and rural areas. Currently some of our cities have public bus systems already in place these include Fargo, Bismarck, Minot, and Grand Forks. As a resident of Bismarck and an advisor to a group of self-advocates I have heard many complaints as to inter-city transportation. Complaints by consumers have included that transportation is unreliable, unaffordable, and even some instances of maltreatment by operators have been reported. However, even with these transportation problems in urban areas I suspect it is even more difficult for individuals with disabilities in rural North Dakota to find accessible transportation. Inter-state travel is also a huge issue for individuals with disabilities. Transportation out of state is often medically necessary for individuals with disabilities who have unique health conditions; once again although necessary, transportation isn't always available or affordable.

The legislation that is being recommended in SCR No. 4010 will make it possible to conduct a study of transportation inadequacies in North Dakota, and to propose possible solutions such as efficient transportation options like rail. The outcomes of this study will allow the transportation problems in North Dakota to finally be realized and adequately dealt with. Passing SCR No. 4010 will show your support and concern for the many individuals with disabilities who regularly rely on public transportation for their independence.

Thank you for your time and consideration.

Attachment #4

Testimony of Support Senate Concurrent Resolution 4010 March 19, 2009

Good morning Chairman Ruby and members of the Transportation Committee. My name is Leon Dietrich and I live in district #35. I am in support of Concurrent Resolution No. 4010. I am a non-driver and I think this bill could help solve some of my transportation problems. Currently, if I want to go out of town I would have to carpool and if I want to go out-of-state I would have to fly. If you passed this bill the proposed study would find that other sources of transportation would give consumers more options that are truly needed around the state.

Once I attended a self-advocacy conference and the only way to travel there was by plane. I remember that we had plane troubles from the weather. We ended up landing in Fargo instead of Bismarck, and then had to take a bus back to Bismarck; needless to say we didn't get home until five in the morning. This was a big inconvenience and it was very expensive too. I think it would be awesome if we had more affordable transportation options in North Dakota.

I know if North Dakota had a train or rail system I would definitely utilize it. It would be convenient and inexpensive to travel to places like Fargo or Fergus Falls. I could easily take vacations and visit good friends.

I also think it is important to have good transportation systems in town. Right now Bismarck has the CAT Bus and Door-to-Door Transit. I like taking the CAT Bus but they're not always running when I need a ride, so I think this study could be very beneficial to the public. It would be a great idea to have other sources of transportation in North Dakota such as a rail system or metro within towns. Alternative transportation within the city would give riders more options and allow us to be more independent.

In closing, please support Senate Concurrent Resolution No. 4010. Thank you for time and consideration.

Respectfully,
Leon Dietrich
420 East Main #409
Bismarck, ND 58501
701-220-4320

Attachment#6

Testimony of Support
Senate Concurrent Resolution No. 4010
March 19, 2009

Good Morning Chairman Ruby and members of the Transportation Committee. My name is Darcy Andahl; I am from Bismarck and I live in District #32. I support Senate Concurrent Resolution No. 4010, because it would direct the Legislative Council to perform a study on transportation needs in North Dakota.

As a non-driver, I know that getting around town is very challenging. In Bismarck, transportation includes the Capitol Area Transit (CAT Bus) and the para-transit. I use transit because it is my only option, also for medical appointments it is the most affordable solution, because it is covered by Medicaid. Speaking from experience, I use transit daily to run errands and to get to appointments. Transit is often expensive and unreliable. Transit requires riders like me to call for rides at least a day in advance, they charge \$2.50 per ride and they charge \$5.00 if you miss the ride (no show) and then they are often late. More than once Transit's tardiness caused me to miss medical appointments. My health is very important to me and I can't afford to be missing doctor's appointments. I think having a study like this done could benefit consumers of public transportation by providing us with more affordable and reliable options.

Travelling out of town is also very tough. Living in Bismarck, it is very hard to get to other towns and it is also very expensive. Two years ago I had to take a trip by myself to St Paul, Minnesota to receive treatments from the hospital. The state would pay for my treatment, but not for the transportation to get there. I had to search out the most affordable option with the help of Protection and Advocacy. However, I ended up taking a plane trip, which was over \$600. This was very close to even jeopardizing my services. The plane trip was very stressful especially when my suitcase with all of my medication was lost. Though things turned out ok, I think the transportation to other towns and out-of-state could be improved.

I think transportation needs vast improvements and by passing this bill we could identify the problems and make necessary changes. Please support Senate Concurrent Resolution No. 4010. Thank you for your time.

Darcy Andahl
158 East Indiana Ave. #104
Bismarck, ND 58404
701-250-6549
dandahl@bis.midco.net