2011 HOUSE TRANSPORTATION

HB 1344

2011 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee
Fort Totten Room, State Capitol

HB 1344
01/28/2011
Job # 13639

☐ Conference Committee

Committee Clerk Signature Jeanette Cook

Explanation or reason for introduction of bill/resolution:

HB 1344 is a bill for an act to provide for an interchange on Interstate 29.

Minutes: Attachments # 1 and #2

Rep. Curtiss Kreun, spoke to support HB 1344. He stated that he understands the STIP plan of the Department of Transportation, but action at the state level will really help alert all the parties of the need and desire for the interchange. Looking at the bill itself, it basically asks Department of Transportation to cooperate with appropriate political subdivisions and stakeholders to determine the feasibility and desirability of including an interchange at 47th Avenue South and Interstate 29 in Grand Forks. A map was provided of the area in Grand Forks that is being discussed. See attachment #1.

Rep. Curtiss Kreun: On the map you will see 47th Ave. S and the potential interchange. What is happened is we are almost fully developed on 32nd. If I had a bigger picture, I could show you if you go further to the left on the top of the picture where 32nd is, we put in 48th Ave. That connects 32nd and DeMers. Then the next step will be as we go across, to connect 32nd to 47th, which would encompass that developed area in there. That is why that area will potentially take off. Also, if you look at 47th in the middle, you can see where the industrial, commercial, and multi-family areas would also increase in potential development. If you take a look at Columbia Road, there are some questions about Merrifield overpass in the future. There has been a study done, but I don't believe that anything is going to happen at that juncture for quite some time, because it is a connection to Minnesota, and it requires a very expensive bridge. That is in the STIP plan first, but we may be moving this forward and that one second, because of those obstacles. Any consideration from this group would be appreciated.

Representative Onstad: You are asking that the Department of Transportation cooperate on this, so I am assuming that you have had contact with Department of Transportation. I was wondering if you are aware of the action of the committee on Highway 85?

Representative Kreun: Yes, I am very well aware of that action. This is similar to that bill. One of my co-sponsors will explain how we will address this in the near future. In the serious aspect of it, this has strong potential for development in our community, and we

have to take a look at it very critically and move it forward as fast as we can to make that development happen.

Representative Frantsvog: If you look at your map, and follow on 47th Ave. S where it says, "proposed overpass", what are the structures right to the right of that?

Representative Kreun: That is a park for camping. It used to be the KOA, but now it is a private RV park.

Chairman Ruby: Did you talk with Department of Transportation to see if they would normally wait until that area would be developed and the traffic would justify the interchange? Even if they are looking forward and seeing the trend of development, would they wait until it is at least in its early stages to really get serious before considering an overpass?

Representative Kreun: That question has been brought forth many times at the local level. Which comes first the chicken or the egg? The developers continue to indicate that if you put in an overpass, we will develop. The Department of Transportation tells us that if they develop, we will put in the overpass. The attempt here is to blend the two together. That is why the study is important to make sure that we can do this. Also, it is why we asked them to get together with the stakeholders as well. We have had an indication at the Merrifield overpass with the stakeholders, that they would donate land and do a lot of these things. So, when the justification came (the study came), and when it comes to the nitty-gritty of paying, it is a different story. In this particular case, these are different developers, different people, and I would like to bring them together in the beginning rather than go through the work and not be able to do it. We are trying to get the state, the city, the county, the MPO, and all of the players together at the same time to make a logical decision on when and should this happen.

Chairman Ruby: You mentioned the word "study". Are you suggesting that this get amended to be an interim study?

Rep. Curtiss Kreun: I will let my co-sponsor talk about that.

Representative Sukut: (Microphone was not on, and the speaker is very difficult to understand.) On line 7, if we were to eliminate (inaudible) and eight and nine, so we aren't dictating to the Department of Transportation that this actually become part of the state program by a specific date, and request that they work on the feasibility and desirability .... (Inaudible) is that something that could be considered.

Representative Kreun: Yes, I am sure that we are willing to work with the Department of Transportation, the MPO, and the stakeholders in any manner we can in order to get this to a point that makes it feasible.

Chairman Ruby: Are they not willing to do that without a bill telling them to work on the feasibility and desirability, or are they already working on that with the interested parties?

Representative Kreun: Sometimes the system does not move as fast as I think it would, if we are able to do this.

Representative Owens, District 17: I stand in support for this. This is a matter of keeping the city moving forward in the direction that they are working on. We are asking or a little assistance from Department of Transportation through the process rather than it winding up on a list and (inaudible) by the time it gets there. We believe that Department of Transportation would be more than willing to help. Also, we have already talked to Tim Dawson in Legislative Council about how to change this to just a ... (inaudible) study request and to work with the city to do exactly what we looking to have done. The standing administration of this committee is not to micro-manage the Department of Transportation, which I do support.

Chairman Ruby: You are talking about an interim study?

Representative Owens: Yes.

Representative Gruchalla: Isn't it true that if you put in another exit anywhere around Grand Forks, wouldn't development occur? I am hearing that the developer of this area is the driving force for this exit. Couldn't there be another developer on the north side that would make his property more developable?

Representative Owens: In most cities that would be true, but in Grand Forks the only thing north of Highway 2 is locations that will probably never see future development. The city is moving west and south and will continue to do that for awhile. However, if you look at the map, just east of I-29, there is an area that is rapidly growing. You have 32nd Ave. at the top of the map, below that is 36th, then 40th, and then 47th. If you notice, housing development has just exploded right there between 36th and 40th. Some of that housing ... inaudible... there is still a little space to the east, maybe to Washington, the development is occurring without this exit as far as residential. That is ongoing. That is not the issue here. The continued development south between 47th and 40th, all that is houses right up to 47th, being somewhat of a commercial zone. The reason for that is that there are softball diamonds and schools there and there is even housing south of that. I know because I live south of that. There is still plenty of room between 40th and 47th for development as far as residential. The issue here is the continued expansion of Grand Forks commercially as well. That is what that 47th corridor has great potential for. While they don't need the exit to get to and from there, you are going to run them right through residential areas to do it. So, the expansion and the growth and the development residentially is there, and what we are talking about is the future development of the commercial on either side of I-29 at 47th. I don't think that there is any place north of Highway 2 that would have promise of development, even if put an exit there.

Representative Vigesaa: Is this proposed interchange within city limits?

Representative Owens: Precinct 65 is 32nd Ave. S to just below where that golf course is, or it may be one road south of there. It goes to I-29. That is where the city ends. Then over there where you have that development area, that is an industrial park.

Representative Vigesaa: When you have an interchange developed within city limits, does the city or county help to fund the project, or is it totally state dollars when it is an interchange on an interstate?

Representative Owens: I am going to defer to Department of Transportation on that. However, there has been discussion of some innovative ...(inauadible) investments once this study is done to speed up the process.

Representative Gruchalla: If you look south of 47nd Ave., there is a road that runs east and west, what is that?

Representative Owens: That is just a dirt road that goes out there. It doesn't have a name. Across from it is Pinehurst. That goes into the King Walks area of the housing associated with the golf course.

Representative Gruchalla: In future years with the development continuing, if that street would turn out to be the best one to have the interchange on?

Representative Owens: I think that street will never be a thoroughfare. It will never go past where you see it right now. 47th goes all the way to Washington and connects US 81 to the interstate at that point.

There was no further support for HB 1344.

Bob Fode, the Director of the Office of Transportation Programs for the North Dakota Department of Transportation, spoke in opposition to HB 1344 and provided written testimony. See attachment #2.

Representative Vigesaa: How far out does the STIP go?

Bob Fode: It is a four year plan, but there are things that are beyond what actually is published. We do have things out past 15-20 year, based on information that we have received from our district engineers.

Representative Delmore: Would this even be on the blip of your radar?

Bob Fode: Currently, this is not in the STIP. Currently this does not even exist in the long range transportation plan for the NPO (unsure of acronym), Grand Forks, or East Grand Forks. In order for this project to get into the STIP, it would actually have to be into the long range transportation plan of the NPO.

Representative Delmore: What type of process would people from the city need to do with Department of Transportation to get further attention than what this bill seems to be doing?

Bob Fode: The long range transportation plan for the NPO is updated every five years. The last time it was updated was 2008, so the NPO planning board will actually meet in

2012. That will be when the update is due. During that update process there is public input on where their priorities will be.

Representative Hogan: If this bill passes, what will you do?

Bob Fode: We would do just like we have been doing in the past, and that is to work with our partners, the NPOs to develop a study. Again we would work on the long range transportation plan to develop that. Then see what the priorities are, based on public input, and go from there.

Chairman Ruby: If this were to be converted into an interim study would that have any effect on what you are going to do? What would you consider an interim study to be?

Bob Fode: I don't know if the interim study would do anything for us as a department. Again, the NPO and long range transportation plan is up, it is due. They will rework that in 2012. We are a partner in that long range transportation plan, and so, we are going to do that in 2012 regardless of what the legislature body does this legislative session.

Chairman Ruby: I have a concern about having a ton of projects in the interim committee, if they even get selected. If so, how do ... (inaudible) ask the request to bring in information that you wouldn't necessarily have yet, because it wouldn't be part of that long term plan. I don't understand what we would accomplish with that.

Bob Fode: The question was asked about the cost sharing. What happens is the federal highway system on the interstate would allow us to do a 90/10, which would be 10% state funds and 90% federal. The federal highway folks would allow us to take the bridge and be able to tie in, which would go on beyond our interstate right-of-way. Once we go beyond that tie in, and we have to tie into the street network on either side, that would be a city or a cost share to them. All the way to the tie in of the structure, that would be the state cost. The other this is that there was a park that was pointed out. That even makes this a little more difficult, because it become a 4-F property. 4-F property is definitely a difficult hurdle to get around. We can't affect 4-F, and if we do it takes a little bit of work on the environmental side. It would be difficult to turn this project around very quickly.

The hearing on HB 1344 was closed. The committee will hold HB 1344.

2011 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee
Fort Totten Room, State Capitol

HB 1344
02/17/2011
Job # 14676

☐ Conference Committee

Committee Clerk Signature Jeanette Cook

Minutes: Attachment #1

Representative Owens presented an amendment on HB 1344. See attachment #1.

Representative R. Kelsch: Would you please explain why the study would be necessary?

Representative Owens: During the process of this bill, it came out in the hearing that there was a disconnect between the city and the MPO (Metropolitan Planning Organization). The state stated that they are not going to consider something for the STIP until they know that the MPO has it in their long term plan. So, the question came up as to what is the complete process in this system for a city or a county to work with an MPO to get the MPO to make adjustments to long term plans for consideration of growth or changes in the area. Then, once it is on the long term plan, how long does it take? This study is to understand the process from conception, through MPO, to the STIP, and to completion.

Representative Onstad: Would a visit from the City of Grand Forks and the Department of Transportation ... (inaudible, mic not used).

Representative Owens: I asked that question of the city. The answer was something to the effect: "The MPO is rouge organization, and we have no control." So, that is one of the reasons that I would like to know the process.

Representative Delmore moved a DO PASS on the amendment for HB 1344.
Representative Vigesaa seconded the motion.
A voice vote was taken. The motion carried.

Representative Delmore moved a DO PASS as amended on HB 1344.
Representative Owens seconded the motion.
A roll call vote was taken. Aye 9 Nay 5 Absent 0
The motion carried.
Representative Sukut will carry HB 1344.

VR
2/17/11

11.0627.01001
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Prepared by the Legislative Council staff for
Representative Kreun
February 11, 2011

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1344

Page 1, line 1, after "A BILL" replace the remainder of the bill with "to provide for a legislative management study of transportation infrastructure development.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - TRANSPORTATION INFRASTRUCTURE DEVELOPMENT. During the 2011-12 interim, the legislative management shall consider studying transportation infrastructure program development from local planning to state completion, including the relevance, consistency, and substance of current laws with a focus on reducing delay from planning to completion. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly

Date: 2/17/11

Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1344

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Delmore Seconded By Vigesaa

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Representative Delmore		
Vice Chairman Weiler			Representative Gruchalla		
Representative Frantsvog			Representative Hogan		
Representative Heller			Representative Onstad		
Representative R. Kelsch					
Representative Louser					
Representative Owens					
Representative Sukut					
Representative Vigesaa					
Representative Weisz					

Voice Vote Carried

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Amend.

Date: 2/12/11

Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1344

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Delmore Seconded By Owens

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Representative Delmore	X	
Vice Chairman Weiler		X	Representative Gruchalla	X	
Representative Frantsvog		X	Representative Hogan	X	
Representative Heller	X		Representative Onstad	X	
Representative R. Kelsch		X			
Representative Louser		X			
Representative Owens	X				
Representative Sukut	X				
Representative Vigesaa		X			
Representative Weisz	X				

Total (Yes) 9 No 5

Absent 0

Floor Assignment Sukut

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

REPORT OF STANDING COMMITTEE

HB 1344: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1344 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "to provide for a legislative management study of transportation infrastructure development.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - TRANSPORTATION INFRASTRUCTURE DEVELOPMENT. During the 2011-12 interim, the legislative management shall consider studying transportation infrastructure program development from local planning to state completion, including the relevance, consistency, and substance of current laws with a focus on reducing delay from planning to completion. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly

2011 SENATE TRANSPORTATION

HB 1344

2011 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

HB 1344
March 31, 2011
16243

☐ Conference Committee

Explanation or reason for introduction of bill/resolution:

A bill to provide for a legislative management study of transportation infrastructure development.

Minutes: *One Attachment*

Senator G. Lee opened the hearing on HB 1344.

Representative Kreun, District #43, introduced HB 1344. What they are trying to accomplish is to enhance the transportation infrastructure in this particular area. See attachment #1. He explained the need for an interchange in the Grand Forks area. He said that to speed this development up they would like a study to get things on a fast track.

Senator Nething said that he understood the problem but wondered how this study, which is a legislative management study, would solve the problem.

Representative Kreun replied that we haven't done the traffic studies, costs analysis and all of the components and we need to know those prior to moving forward. He said that he thinks the study will bring a lot of that information to them.

Senator Nething expressed his concern because this study doesn't specifically say the Grand Forks area it just says we are to study the program development and then from local planning to state completion. He said what this says is that we will study the process of how these studies occur. That is what he sees and he doesn't see how that helps them. If we said in the largest city in NE North Dakota it could help them.

Representative Kreun said that their intent was to put in that particular interchange but this is the language legislative council suggested.

Senator Sitte asked for information on the specifics of the interchanges and how far apart they are.

Representative Kreun explained using the map he had handed out. He said that the city was expanding to the South rapidly and expressed the need for that interchange. It would be a two mile distance to the next interchange.

Senator Mathern asked why the Department of Transportation is not in this study resolution. From the testimony it is assumed that you expect them there.

Representative Kreun said that if this is not accelerated in some way it is his understanding that this could be a four to six year wait. He reminded the committee that this is an engrossed bill and they were more specific in the original bill.

Senator Lee said if he understood it correctly, he is really speaking to the original bill rather than this particular study.

Representative Kreun replied that this would get them going in the right direction. We would work with the Department of Transportation with this bill as well. We are here to encourage and that is why it was softened up some.

Senator Nething asked if they need legislation to do this.

Representative Kreun said that what this does is speed up the process.

Representative Owens, District #17, testified in support of HB 1344. He said that the first bill dealt specifically with this interchange. He explained how the bill changed and why.

Discussion centered on the process and the interests of moving this interchange to a higher priority.

No Opposing testimony.

Senator Lee closed the hearing on HB 1344.

Committee Work

Senator Nething expressed his concern for their situation but he doesn't see how this bill will really help their situations. His opinion is that they need to sit down with all the major players and discuss what has to be done.

Senator Nodland explained what the Dickinson area has done and concluded that they didn't need a bill but they needed to bring the people that need to be involved together at the table.

Senator Oehlke said that if they start the development then there will be a need for the road. There has to be commitment on both sides.

Senator Lee said the study will take a couple years and they are still going to be delaying the project.

Senator Nething said that they could have what needs to be done faster than we can do the study.

Senator Nething moved a **Do Not Pass**.

Senator Nodland seconded the motion.

Roll call vote: 6-0-0. **Motion passed.**

Senator Oehlke is the carrier.

Date: 3-31-11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. Eng. 1344

Senate _____ Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☐ Do Pass ☒ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Nething Seconded By Senator Nodland

Senators	Yes	No	Senators	Yes	No
Senator Gary Lee	✓		Senator Tim Mathern	✓	
Senator Dave Oehlke	✓				
Senator Dave Nething	✓				
Senator George Nodland	✓				
Senator Margaret Sitte	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Oehlke

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

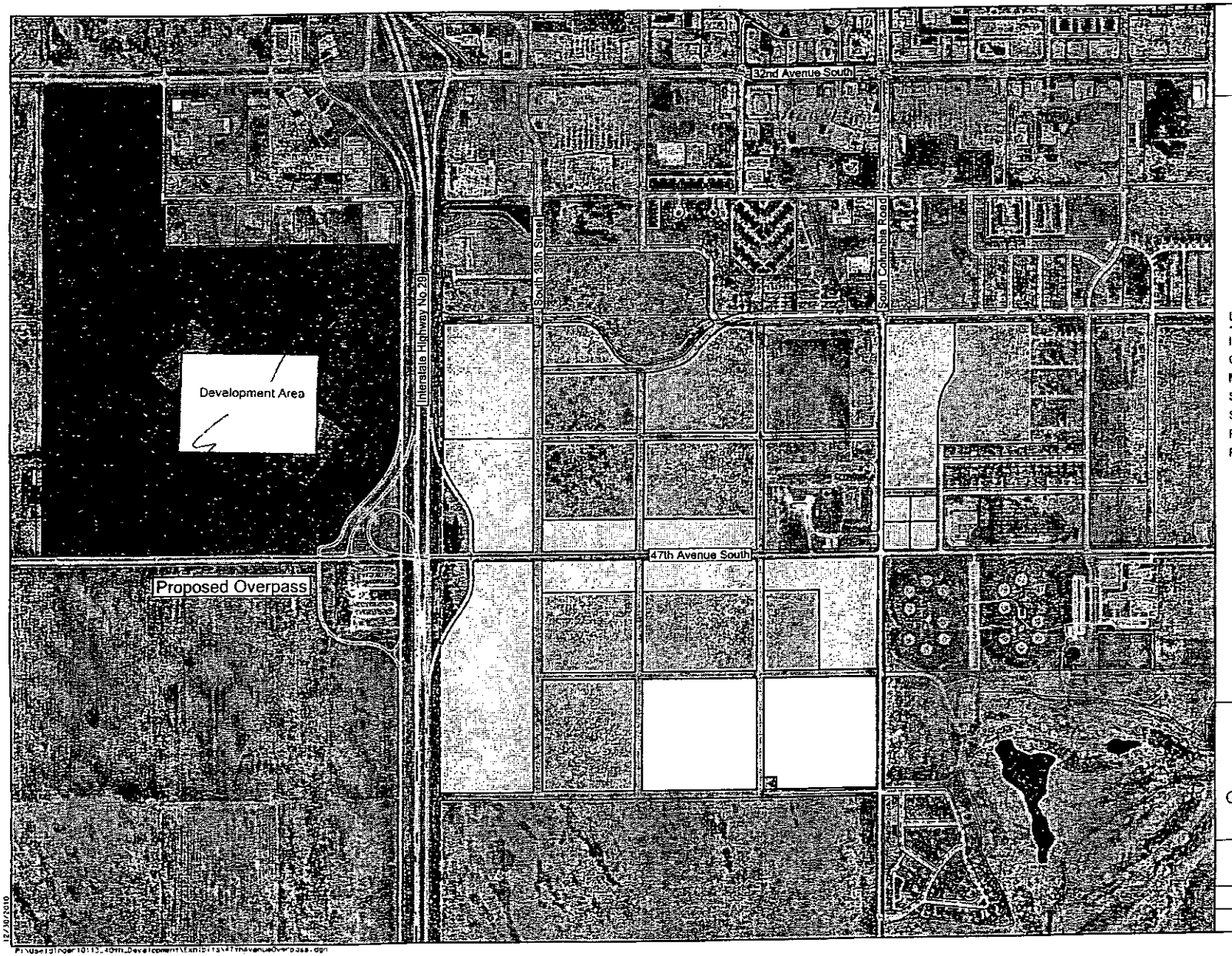
REPORT OF STANDING COMMITTEE

HB 1344, as engrossed: Transportation Committee (Sen. G. Lee, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1344 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

HB 1344

#1



CPS
CIVIL ENGINEERING / PLANNING / SURVEYING

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Scale In Feet
0 1000' 2000'

LEGEND
- INDUSTRIAL
- COMMERCIAL
- MULTI-FAMILY
- SINGLE FAMILY
- SENIOR HOUSING
- PARK
- PROPOSED OVERPASS

Proposed
47th Avenue South
Overpass
Grand Forks, North Dakota

Exhibit

Drawn By	Checked By	Date
MS	MK	12-23-2010
CPS Project No.	Owner Project No.	Drawing No.
10113		1 of 1

12/30/2010

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#2

HOUSE APPROPRIATION COMMITTEE
January 28 – 10 a.m. – Fort Totten Room

North Dakota Department of Transportation
Bob Fode, Director, Office of Transportation Programs

HB 1344

Mr. Chairman and members of the committee, my name is Bob Fode. I am the Director of the Office of Transportation Programs for the North Dakota Department of Transportation. I'm here to oppose HB 1344 (47th Avenue South/I-29 Interchange, Grand Forks).

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

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

We believe the STIP process takes into account the best interest of the state. Establishing projects priorities by statute diminishes the Departments' ability to manage the state highway system.

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