

2017 HOUSE TRANSPORTATION

HB 1172

2017 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1172
1/26/2017
#27507

- Subcommittee
 Conference Committee

Committee Clerk Signature

Jeannette Cook

Explanation or reason for introduction of bill/resolution:

A bill relating to development of a four-lane highway for portions of United States Highway 52.

Minutes:

Attachments #1 → 6

Vice Chairman Rick C. Becker brought HB 1172 before the committee.

Chairman Ruby, District 38, introduced HB 1172 and spoke to support the bill

Chairman Ruby: Running through a good portion of our state and going into Canada is Highway 52. It travels from Jamestown northwest to Minot and continues in a northwest direction to Portal, North Dakota. Portal is a 24-hour port between the United States and Canada. Several sessions ago we used this exact language asking the Department of Transportation to develop an environmental document saying when they are going to do some major roadwork on Hwy 52 to go to a four-lane highway. We passed a bill like this for the four-lane between Minot and Voltaire. Nothing has happened between there because it had just been improved. They did some improvements there because there are a lot of trucks carrying canola to a plant at Voltaire. Previously, Representative Froseth attempted to have the same language applied from the Hwy 2 and Hwy 52 split to Portal. It had been recently improved, so there will be nothing that will happen in the near future on that either. We may still be 10 years out at this point. Rep. Froseth wanted that four-laned because of the increased amount of truck traffic that we have seen on that road.

Chairman Ruby provided an article “**‘Twinning’ 39 Highway continues**”, see attachment #1, pages 1-2. It has some of the history of some or Representative Froseth’s efforts. In Canada they call four-laning, twinning, and they are already working on twinning the road from Regina to Portal. The trucks will be choosing that road more often as it becomes four-laned.

I am asking is to instruct the Department of Transportation that when they are going to do a major road project on Highway 52, that they will develop the environmental document for four-laning it.

8:23

Representative Weisz: Are you sure that this isn't just a convenient way to get more people to end up going to Minot to do more shopping?

Chairman Ruby: If there is a flow of traffic that is more convenient, people tend to travel that way. They already travel a lot between Minot and Velva. It may be more convenient for people to jump on the four-lane and cruise to Minot. Four-laning this highway will make it much safer. Many times we were told that the traffic on Hwy 2 didn't justify four-laning. By national standards that is true, but by those same standards our interstate highways don't have enough traffic to justify four-laning. We need Highway 52 four-laned, as traffic picks up again it is necessary. If it is done incrementally and when it makes sense, like this bill is asking for, I think it is the right way to go.

Representative Jones: How much more will it cost to do it this way?

Chairman Ruby: I don't have a number for that because we don't know exactly when they will be doing the road.

Representative Jones: Do you have any ideas how much it will speed the project up? It takes almost as long to do the EA work as it does to build a project. It may make 2-3 years difference in the project time if the EA is completed ahead of time.

Chairman Ruby: That is a good point. We just want to leave the time up to them. If it speeds up the process or takes a little more time because of the extra figuring they have to do for easements or right-of-ways, that is what we want to do. When they are ready, this is what we would like them to do on this road.

Representative Nelson: In the west some of the highways have gone to Super 2's. I know Minot to Voltaire is very busy, but it seems that from Voltaire to Jamestown a Super 2 would handle that type of traffic. Have you considered the Super 2 option?

Chairman Ruby: I didn't. Highway 52 is a major highway, and felt it would be best to do all of it this way.

Bruce Carlson, a civilian and no longer a registered lobbyist with his retirement from Verendrye Electric Cooperative in Velva, spoke in favor of HB 1172. He thinks this is a baby step in the big picture.

He shared some developments in a document that gave information on a "Coalition to Four Lane Highway 52", see attachment # 2. The goal is to do some long term planning for Highway 52, but the main driver is the four-laning of Canadian highway to Portal. We already have problems, but they will be exponential once the Canadian highway is finished.

He provided a position paper from ADM Processing Company east of Velva. See attachment #3 and 4. ADA also supports HB 1166.

Bruce Carlson also provided written testimony that he gave in 2007. He stated that the situation is exactly today. See attachment #5.

Sephainie Hoffart, President/CEO of the Minot Area Development Corporation, provided written testimony in support of HB 1172. See attachment #6.

There was no further support for HB 1172.
There was no opposition to HB 1172.

Chairman Ruby asked Ron Henke to answer questions.

Chairman Ruby: Right now, what would be the difference in cost of doing an Environmental Document for a two lane versus a four lane?

Ron Henke, North Dakota Department of Transportation: That is hard to answer. You don't know how many environmental issues you have to deal with. I could share with the committee that we are working on the four-lane option for Highway 85 from Watford City to I 94. Our contract with the consultant right now is between \$12 and \$13 million for just the environmental documents.

Chairman Ruby: Do you recognize any stretches of Highway 52 that may be up for major roadbed improvement in the next five years?

Ron Henke: I don't have the information with me. One thing that we have do with environmental documents, that is required by federal law, is have a logical terminate point. We could do one from Minot to the border and a separate one from Minot to Jamestown. I can see what we have on our list for major projects and get that to you.

The hearing on HB 1172 was closed.

Representative Dobervich moved a DO PASS on HB 1172.
Representative Sukut seconded the motion.

Representative Weisz: I will oppose this motion because we generally let the Department of Transportation make decisions on what is best for the whole state.

Chairman Ruby: I understand what you are saying. There have been situations that we have resisted, the ones that say we want this repaved, or we want this widened or four-laned.

Representative Sukut: We spent from the early 70s to 2008 to get Highway 2 four-laned. We went through five administrations. This is a minor start on a long, long process. It may be a long time before the Highway Department will even get at this project. I don't think it will do any harm. It might not do any good either, but it is a start. I support all these highway projects in the state. We have a great highway system in our state, and I support anything that will make our highways as safe as possible. I will support the motion.

Representative Nelson: One thing that we do know is that Highway 5 through Rolette County has more traffic. We have more traffic than most of I-94. Right around Minot you beat us for a few miles. We are now back to the old days. We spent what we got in taxes, and we took the federal funds, but it actually wasn't enough to maintain our highway system

throughout the state. We are back to that now; we are not going to put general fund money into the highway funds. We are going to be back to those taxes. So, if we spend extra money constructing roads that we really don't have to do, then there is going to be that much less money for maintenance. We will watch our highway system decline. We were lucky that the boom took place when it did because it bailed out the highway system across the whole state. So, under different circumstances I can understand this, but under the circumstances we have now I don't think I feel right about spending the extra millions of dollars to do the environmental assessment. I will not support the bill.

**A roll call vote was taken on HB 1172. Aye 9 Nay 4 Absent 1
The motion carried.**

Representative Sukut will carry HB 1172.

Date: 1-26-17
 Roll Call Vote #: 1

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1172**

House Transportation Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Dobervich Seconded By Sukut

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Gretchen Dobervich	✓	
Vice Chair. Rick C. Becker		✓	Rep. Marvin Nelson		✓
Rep. Bert Anderson	✓				
Rep. Jim Grueneich	✓	✓			
Rep. Terry Jones	✓				
Rep. Emily O'Brien	✓				
Rep. Mark Owens	✓				
Rep. Gary Paur		✓			
Rep. Randy Schobinger	✓				
Rep. Gary Sukut	✓				
Rep. Robin Weisz		✓			
Rep. Greg Westlind	✓				

Total (Yes) 9 No 4

Absent 1

Floor Assignment Sukut

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

REPORT OF STANDING COMMITTEE

HB 1172: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS**
(9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1172 was placed on the
Eleventh order on the calendar.

2017 TESTIMONY

HB 1172

'Twinning' 39 Highway continues

By Marvin Baker

Federal officials in Canada consider the Trans Canada Highway the most efficient east-west route in the nation. Numerous others have found a better alternative that leads them through the northern tier of North Dakota.

Saskatchewan Provincial Highway 39 has become part of a major trucking and tourism route across Canada, taking them across the border at the 24-hour Portal port of entry with 81 miles of travel on U.S. Highway 52 to Minot.

Provincial 39 has become one of Canada's busiest highways, according to the Saskatchewan Department of Highways and Transportation. North Portal is the busiest border crossing in Saskatchewan, responsible for 100,000 trucks annually totaling \$6 billion in trade.

Currently, a section of Provincial 39 continues to be four-laned, or twinned, as it is called on the Canadian side, from Estevan to the small community of Bienfait.

In the coming years, sections of highway, most notably from Bienfait to the border, both sides of Weyburn, both sides of Estevan and open road to Regina will be rebuilt until the entire 155-mile section is a divided highway between Regina and North Portal.

The current 18-mile project is part of a \$27 million commitment to make the road more streamlined and safer.

"Projects like this take a lot of years of planning before construction can take place," said Doug Wakabayashi, the executive director of the Saskatchewan Ministry of Highways. "It's a long-term project."

Because Estevan is Saskatchewan's eighth-largest city and the Bienfait area has several coal mines, it was decided the Estevan to Bienfait section would be the first to improve safety on the highway, according to Wakabayashi.

Daily traffic counts indicate the 18-mile stretch of road currently has 6,000 vehicles daily.

Provincial 39 was first paved in 1947 and underwent a resurfacing in 2001, starting with about 3 miles of four-lane highway at the border and at Weyburn.

There are currently no plans to four lane U.S. Highway 52 from Portal to Minot, although testi-

mony has been heard regarding it in the North Dakota Legislature.

Rep. Glen Froseth, R-Kenmare, has twice introduced legislation that would have put a four-lane U.S. 52 project on the statewide strategic transportation plan, however, the idea only got a lukewarm response.

Grant Levi, the director of the North Dakota Department of Transportation, didn't return messages seeking comment about a possible bottleneck at the border when Provincial 39 is completed, however, in the past he has gone on record indicating he has no desire to pursue a four-lane U.S. 52.

Because resurfacing of U.S. 52 took place in 2006, Levi said the asphalt should be good for about 20 years. In addition, he said that because most of the highway would be divided in the Des Lacs River Valley, it would pose some challenges.

The challenge, however, as talk on the street would seem to indicate, is what is North Dakota going to do when traffic increases dramatically at the completion of Provincial 39?

The highway has already seen subtle, but steady increases in the past 20 years, according to the Saskatchewan Department of Highways and Transportation.

Truck drivers and tourists are using it as a preferred route, over the Trans Canada Highway or Interstate 29 at Pembina, primarily because over-the-road trips are shorter and fuel is less expensive in the United States.

A grassroots group called the Soo Line Highway Corridor Association, based in Weyburn, put together a mileage chart indicating why Provincial 39 and U.S. 52 are becoming a favorite route for travelers from western Canada.

Because Calgary is a major transportation hub for all of western Canada, it was used as the reference point to Fargo, Minneapolis, Chicago, Kansas City and Miami.

As an example, if truckers were going from Calgary to Fargo through the Coutts, Alberta/Sweetgrass, Mont., port of entry, it would be 1,146 miles. Through the Emerson, Manitoba/Pembina port, the mileage would be 1,045 and the mileage through the Portal crossing would be 994 miles.

A Calgary to Kansas City route, which includes a straight shot of I-29 from the border at Pembina is 1,639 miles. Through Portal it's 1,549 miles.

The savings in mileage is primarily because the highway from Regina to Jamestown is diagonal while the Coutts crossing requires motorists to switch highways from time to time and the Emerson route requires a trip east across the Trans Canada to Winnipeg, then south to the international boundary.

The Soo Line Highway Corridor Association, which was formed in 2007, is concerned about U.S. 52 in North Dakota. It has no jurisdiction in North Dakota, but said in a statement the reason this massive project got under way in the first place was because of safety.

Often called "Heaven's Flowered Highway," Provincial 39 has seen an average of three fatalities a year because of collisions. Dividing the highway would result in a 60 percent reduction in collisions, according to the Saskatchewan Department of Highways and Transportation.

"The Soo Line Highway Corridor will be the preferred choice for tourists and freight transporters traveling to or from eastern and central regions of Canada and the U.S. to and from North Dakota, Saskatchewan and Alberta," the association stated. "The concept is to promote 39 Highway from Regina to the U.S. border and then ultimately on the U.S. side along U.S. Highway 52 to Minot."

The city of Minot would be a major tourism and trade benefactor should the entire highway become four laned. If it came to fruition, a divided highway trade corridor would exist from Prince Albert, Saskatchewan through Saskatoon and Regina, to Minot.

The Minot Area Development Corp., has written a white paper in favor of a four-lane U.S. 52 and Minot Mayor Chuck Barney is in favor of the idea, but would also like to see it four-laned to Velva, an additional 22 miles.

No other official action has taken place in Minot or Bismarck to indicate any plans for a four-lane project.

Meanwhile the "twinning" plan from Bienfait to the border has been announced for 2017.

#1
#B1172
1-26-17



Work underway on Canadian 4-lane to U.S. border . . . Four-laning of Saskatchewan Provincial Highway 39 continues from Estevan to Bienfait in this photograph courtesy of the Saskatchewan Department of Highways and Transportation. Sections of the road will continue to be four laned until the entire highway is completed from Regina to the U.S. border at Portal.

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#2

Coalition to Four Lane US Highway 52

Background

A coalition has been formed to pursue four laning US Highway 52 from the Canadian border at Portal to Jamestown. This isn't the first attempt as Representative Glen Froseth of Kenmare has introduced legislation on two occasions to add this project on the long term plan for the Department of Transportation. In light of the announcement from Saskatchewan Premier Brad Hall of four laning or "twinning" Provincial Highway 39 from the international border to Regina, it is time for North Dakota to step up and continue the process on US Highway 52. Traffic will increase considerably when Provincial Highway 39 is completed. Commerce between Saskatchewan and North Dakota continues to increase as Portal is the second busiest port of entry in North Dakota and is the preferred trucking route with 24 hour border crossing. Since the completion of the new port of entry at Portal, both commercial and non-commercial traffic have increased dramatically, which is a critical factor to why US Highway 52 should be four laned.

Business Case

Traffic counts on US Highway 52 have increased significantly since 2004 and is heavily used by agriculture, oil and other commerce.

US Highway 52 is a diagonal highway in northwestern North Dakota that connects to several other roads making it a favorable route from Fairbanks, Alaska to Fargo, ND.

According to Statistics Canada, 38% of North Dakota's agriculture exports are destined for Canada.

Long haul drivers are using US Highway 52 as a preferred route for many travelers from British Columbia and Ontario because of its diagonal course saving time and fuel is less expensive in the United States.

Even with the slowdown in the oil industry, the amount of truck traffic on US Highway 52 from Velva to Jamestown accounts for 29% of the average daily vehicle count. A great example is the ADM Plant near Velva which receives 18,000-20,000 semi-trucks per year. Normal truck traffic on two lane highways average 10%. Motorist safety is another top concern in addition to the significant traffic increase and continued growth expectations.

Communities and businesses along US Highway 52 that support this coalition will directly experience the great benefits of alleviating traffic congestion, motorist safety and increasing commerce within the state and internationally.

Future Direction

We strongly believe it is the perfect time to form a coalition and to be one voice. The North Dakota Department of Transportation will be working on the "State Transportation Improvement Plan" (STIP) this summer and we need to be prepared to defend four laning US Highway 52. Attendance and testimonials at the STIP meetings are critical as we know this project will take multi-year long range planning. We realize four laning US Highway 52 will need to be completed in stages as the magnitude of this project is vast, costly and time intensive. The most effective way for continuing progression is to be included in the Department of Transportation's STIP plan that will be put in front of the ND Legislative body in 2017. We encourage all communities along US Highway 52 to join our coalition and help our vision of four laning this highway become reality.



HB 1172

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ADM would support HB 1166 and any effort the state would make to improve the state highway transportation networks that could benefit the local farm to market grain movements as well as improving ND traffic safety. This possible future infrastructure improvement would be a great benefit to many businesses along the Highway 52 route from Minot to Jamestown. With the expansion of the ADM crush plant and the addition of the new Biodiesel plant in the Velva industrial park we are certain that truck traffic numbers will increase in the immediate area around Velva.

Thank You

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4

Widen Highway 52 without delay

**Eric Mack
Velva**

As commercial manager for the Archer Daniels Midland Company canola plant on Highway 52, I am writing to express our agreement with the January 8 editorial in support of widening the highway from the Canadian border through Voltaire.

In a typical year, we rely on 18,000-20,000 trucks to receive canola seed from farmers in North Dakota, eastern Montana, southeast

Saskatchewan and southwest Manitoba. During the peak harvest season, we see approximately 280-300 trucks per day come and go from our facility, and we expect those numbers to grow. And we are just one company. Businesses such as CF Industries, Dakota Midland Grain, Gooseneck Implement and Verendrye Electric all call the stretch of U.S. Highway 52 between Velva and Voltaire home.

By widening that stretch of Highway 52 to four lanes, we can help ensure that everyone is doing what they can to conduct commerce in a safe, effective way while also ensuring that every employee as well as members and visitors to our communities are provided the best and safest route home to their loved ones.

We cannot afford to sit back and wait. Our dependence on Highway 52 will only increase in the years to come. It would be a mistake to stop this project short of alleviating all of the congestion on Highway 52, or to take a "wait and see" approach to the entire project itself.

We have a tremendous opportunity to provide members of our communities and the businesses that call our communities home another resource to succeed and thrive, in any market condition, and to improve safety for all of the people who work at those businesses and who use Highway 52. We should not let that opportunity pass by.

**TESTIMONY OF BRUCE R. CARLSON
MANAGER OF VERENDRYE ELECTRIC COOPERATIVE
TO THE ND SENATE TRANSPORTATION COMMITTEE
March 8, 2007**

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#5

Mr. Chairman and members of the committee, my name is Bruce Carlson, General Manager of Verendrye Electric Cooperative, headquartered in Velva. Verendrye serves 10,400 meters in six counties over 4,400 miles of power line. In order to keep the lights on for our membership, VEC rolls 41 mobile units down the road with a total of over a half million miles driven per year. Our facilities west of Velva on Highway 52 serves as a hub and nerve center for the cooperative. I strongly support HB1166 and ask for your support for the construction of four lanes on Highway #52 from Minot to the Velva Industrial Park near Voltaire, North Dakota.

Semi-truck traffic is a special concern, especially with our own large units, which often include pole trailers. VEC handles approximately 240 incoming and outgoing truckloads of construction materials per year. Verendrye changes out over 600 poles per year due to construction and our aggressive maintenance programs. Most poles are 40-feet in length with some 50-feet in length. On all loads, at least 10 feet of pole is extending beyond the pole trailer's axle and safety is a concern. These pole trailer traffic numbers do not include our other units: two bucket trucks, two underground trucks pulling trenchers and our backhoe, our semi-truck moving the payloader and cable, VEC's smaller service trucks and all employee personal vehicles.

It's ironic with our large 134-township service area that over the past ten years VEC has been involved in two serious accidents. Both of these accidents occurred between Velva and Logan. It's also ironic that a semi-truck carrying anhydrous ammonia was involved in one of the accidents. It's a miracle that our Member Services Representative wasn't killed with our service truck being totaled.

Probably the best common sense example of the need for four-lane highway comes from our board member who lives in Berthold. On the way to Velva for a recent board meeting, Ralph Birdsall counted 123 west-bound vehicles in the 20 miles stretch between Minot and our headquarters on the west side of Velva.

On behalf of Verendrye Electric Cooperative, I strongly urge this committee to support HB1166, as overwhelmingly passed by the North Dakota House of Representatives, and continue the project development process to four lane Highway 52 where it ends near Bell School and proceed to the Velva Industrial Park.

December 9, 2016

HB1172
1-26-17
H6

RE: U.S. Highway 52

To Whom It May Concern;

It has come to the attention of the Minot Area Development Corporation (MADC), that the Saskatchewan government has put into place, and is going into its third season of a four-laning, or "twinning," of Provincial Highway 39 that connects to U.S. Highway 52 at the 24-hour Portal port of entry.

This is a concern for those who live along or near U.S. 52 because when that highway is finished in several years, traffic into the United States and more specifically to Minot, is going to increase significantly. Yet, the North Dakota Department of Transportation has no plans to even study the issue, let alone put a construction project into motion.

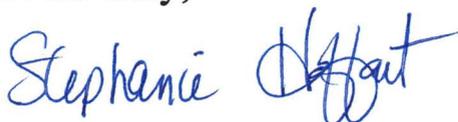
The MADC has met and talked about the economic and safety significance of a four-lane U.S. 52 and how it would benefit those communities along the route. It would also fit into Governor-elect Doug Burgum's Main Street Initiative idea.

It would be in our best interest to support such a project, so I'm asking you for a letter or resolution of support for a four-lane U.S. Highway 52 project. Thus far, the city of Kenmare has officially endorsed the idea.

In 2014, Canadian Prime Minister Stephen Harper announced the 120-mile Provincial 39 project from Regina to the border. In 2015, a four-lane bypass was built around Estevan. In 2016, the road was widened from Estevan to Bienfait. Next season it will be "twinned" from Bienfait to the border. Thereafter, a Weyburn bypass is planned and four-laning between Estevan and Weyburn. Then the open highway back to Regina.

It would be in our best interest to consider the benefits and consequences of this now before it positively becomes a consequence.

Yours truly,



Stephanie Hoffart
President/CEO