

**2017 HOUSE TRANSPORTATION**

**HB 1320**

# 2017 HOUSE STANDING COMMITTEE MINUTES

## Transportation Committee Fort Totten Room, State Capitol

HB 1320  
2/2/2017  
27825

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Mary Brucker*

### Explanation or reason for introduction of bill/resolution:

A bill relating to a uniform truck permitting system for oversized or overweight vehicles; and to provide a penalty.

### Minutes:

Attachments 1-4

**Vice Chairman Rick C. Becker** opened the hearing on HB 1320.

**Chairman Ruby, District 38**, spoke to introduce and support HB 1320. This will establish a uniform truck permitting process across the state. There are some counties that participate in a system in the western part of the state which works very well. It's a place where a company can put in the starting and end points to get a map of where they can travel then it charges them the permit fee for every political subdivision that it touches. The idea is so those areas know who is on the road and if they decide they don't want everybody on a certain stretch of road they have the ability to limit that. This is very important especially during road restrictions where it gets very difficult and not a lot gets moved during those times.

**Chairman Ruby** distributed an amendment for HB 1320. (17.0797.02001) See attachment #1. It sets the uniform truck provision system for authorization of oversized or overweight vehicle movements that shall participate in the same system. The department shall allow for the most efficient routing of oversized or overweight loads through the state highway system and take into consideration impacts on city, county, townships, and state roads. A problem has occurred with the state engineers when they were three miles from their destination on a state highway system and were rerouted 12-15 miles on county and township roads to get them over to that area when they just should have stayed without the added expense and time. There is some discussion and language in here that talks about finding the closest reasonable route which is important to them. Some of those roads have issues with the extra weight and the limits like the highway system. I think this is a good bill. Sometimes there is resistance from the political subdivisions that don't want to be a part of this because they want to set their own fees and limit who is on the roads. A lot of times people will put in both points of their destination so they'll get to a certain area with a permit then jump over and run miles on some road that the township doesn't know about but also didn't get any payment.

This gets back to the authority of the political subdivisions. Read the amendment aloud on page 1, section 2, subsection 2a and 2b.

**Representative Weisz:** In other words, you're eliminating the townships ability to do a permit and eliminating the ability for cities, counties, and townships to change the fees or have their own fees if they are within that permitting system, correct?

**Chairman Ruby:** There would be some restrictions to that, however, if they set some requirements when they didn't want traffic on a certain road for that permit level, they could accept or make an agreement with a company to pay additional fees for access.

**Representative Weisz:** It requires them; it says they have no choice. Your township eliminated it from having their own permitting system if they are within the county, just so that's clear.

**Chairman Ruby:** Yes. That is uniformity and harmonization between the states, counties, and townships.

**Representative Jones:** It also makes clear that the city, county, or township may issue a penalty if people are violating this.

**Representative Nelson:** I was wondering about the inclement weather amendment. In the west you get counties saying it rained and the roads are in bad conditions so they shut down. Is that compatible to what they've been doing as far as time of notice and things like that so they can shut those roads down under those conditions?

**Chairman Ruby:** I was not part of that discussion. No one has brought any objections to these timelines to me at this point.

**Representative Nelson:** That's all in an amendment so that's not posted publicly. I don't know if a lot of people would even have seen that.

**Chairman Ruby:** The township and county representatives are here so they can speak to that.

**Geoff Simon, Director of the Western Dakota Energy Association:** Spoke to support HB 1320. Written testimony was provided. See attachment # 2. Ended testimony at 16:33.

**Representative Weisz:** Going back to the additional fees, if you have a permit why would anybody transition because the only way to do that is to bypass the permit system, correct? I'm trying to figure out if I'm a contractor or somebody else, why would I offer to pay more money if I already have the permit through the uniform permitting system?

**Geoff Simon:** We're talking about where there is going to be a lot of traffic on a road...

**Representative Weisz:** I understand the situations in our area but I don't understand how it plays in the permitting system. Also, in subsection b where it says each township must participate, why aren't the cities included in that?



**Geoff Simon:** Currently, we only have one city (Dickinson) participating in the system. These are usually moving in rural areas and if they cover a city road it's normally just a bypass.

**Ron Ness, North Dakota Petroleum Council,** spoke to support HB 1320 and provided written testimony. See attachment #3. Ended testimony at 24:20.

**Representative Weisz:** Going back to the additional fees, I don't have an issue with what you're doing but why would that be inside this uniform permitting process because if they have the permit, they really aren't required to do that so shouldn't that be outside the uniform permitting?

**Ron Ness:** You may be right. Typically, you're not getting a permit if you make that special deal.

**Chairman Ruby:** Wouldn't it be used if they set the restriction on that road at that time then you would make that agreement to do it? You couldn't get a permit for it at that point under their normal restrictions for their road.

**Ron Ness:** I think you're right but I think there are circumstances where I know I'm going to be going across a county or township road for a month and we're going to have a crew out there inspecting. The company would have to inspect the road before and after a move. I suspect they would have paid a fee in addition to that permit because the county wouldn't have allowed a permitted move without it.

**Shane Brians, Ham's Well Service in Westhope,** spoke to support HB 1320. The primary counties we travel in are Bottineau, Renville, Ward, Burke, Williams, and Divide. We are in support of HB 1320. On page 2 of the bill where it says, "The department should allow for the most efficient routing of oversized and overweight loads..." Now we are allowed one mile of state highway during restrictions. When you might be able to use 3-6 miles of state highway to get where you want to go they are rerouting us on 20 plus miles of township and county roads. I stress the efficiency and the directness of the route. It is time consuming for us and can cause more damage on these township and county roads that aren't suitable for it. The state highways are built and designed for the loads we carry. The second point I want to make is regarding the extreme weather amendment. I think this is a good amendment. You put a notice on your uniform county system on your internet which is real time. I think that will save a lot of potential damage on the roads. Some of the roads we are still driving on are frozen which are the best roads to drive on. In the summer there are more restrictions and it's harder to get to where we need to go. In the past you get your permit, regardless of two miles or 20 for the county and you pay your \$50 or \$60 to go. Some of these roads are still seven or eight ton restrictions on some of the county roads. We had permits that were typically \$50 or \$60 now we have the permit fee which is \$50, processing fee of \$16, and restricted fee that can be \$100-300 depending on how many miles you go. We pass this on to the companies we work for but in return they question us as to why we're still paying that much for permits when they still think it should be \$50 or \$60 because the roads are frozen and they're in good travel condition. The counties we work in and the wells we work on are stripper status so they are five to eight wells. The cost of the permits for



these smaller companies and smaller wells can be the deciding factor if we take the jobs or not. No one wants bad roads but there's not one size fits all for these counties. It seems that some of these counties are holding on to the signs longer than they should and it's affecting some jobs for us. I think the uniform permitting system is good. Communication is key between the counties, townships, and us.

**Mary Trahan, Mountrail County.** Spoke to support HB 1320. Permitting is my job. Regarding the concerns from Representative Weisz, the ability to have a request and pay some additional fees and why that belongs in this bill I have a specific example for you. We have a three-mile recreation county road that goes to a very busy active recreation center. This roadway hasn't been available because of some additional restrictions that were placed. Some of the funds given by the state were to be able to get upgraded to a legal weight status. An oil producer who is developing an area right off the lake wants to do a 21 well pad site and their only access is on this three-mile stretch of roadway that is used by our public for transportation in the summer and access to the busy recreation park. By having an ability and in this permit system, to work directly with that industry and have them have the ability to meet with our county commissioners is important in this bill. If we take that out of the bill we have no recourse to work with industry when we're told everything needs to be within the permit system as far as overweight travel. We encourage you to keep that language in the bill. Additionally, we would like to support the amendment about inclement weather. That system works really well in the Bakken area. It is a very effective communication tool.

**Representative Weisz:** Isn't this outside the permitting system? You didn't go through the uniform permit to get a permit for the hauler to do those three miles. You're already part of the agreement now, correct?

**Mary Trahan:** We are part of the agreement. In Mountrail County we have three roads on our county roadway system that are restricted to a no overweight travel status by our county commissioners. By allowing us to have a way to negotiate with the industry and allow them...

**Representative Weisz:** You can do that now.

**Mary Trahan:** Not with the law the way it is. The bill that was passed in 2015 took away our ability to use outside of the permit system for overweight travel.

**Representative Weisz:** You're saying we messed things up two years ago to prohibit you from doing that practice.

**Mary Trahan:** We believe it's a good system but by allowing us to continue to have an agreement it is not for an everyday move for a situation where an industry wants to move on a road that is already restricted...

**Representative Weisz:** You're currently prohibited from doing that agreement now based on what was passed in 2015.

**Mary Trahan:** My understanding is the bill that was passed in 2015 took away our ability to do permitting outside the permitting system because we belonged with the permitting system.



**Chairman Ruby:** That was the moratorium, right?

**Mary Trahan:** Yes. We now have a case by case agreement that we've used in the last year just a handful of times in order to work with industry and require that agreement in addition to the overweight permits on the permit system that would allow us to work with the industry. This allows them to have skin in the game for wanting to use and have wear and tear on a roadway that's not up to the standard of where it would need to be in order to allow travel on that road.

**Representative Weisz:** I'm not arguing about the weights or anything else. First, you told me it was prohibited and now you tell me you do it case by case. Can you enter into an agreement that says we'll let you on that three miles of road and you take care of the damages? Can you do that today, yes or no?

**Mary Trahan:** Yes. If it's not supposed to be an everyday occurrence type participating in the uniform permitting system, anything that would be outside the permitting system has to not be an everyday transaction.

**Chairman Ruby:** You have roads within the permitting system that have the limitation on. You have three roads not in the system and those are the ones you can make the individual agreements with?

**Mary Trahan:** In our county we have three roads that are restricted to overweight travel. We are directed not to allow any overweight travel on those roadways because our county participates in uniform county permitting system. When industry applies for the permit, then I'm not allowed to permit anything over either the maximum limit or the gross weight limit by our county commissioners. By allowing us the ability to continue to work outside the permitting system, it allows an agreement that would allow us to work with industry and move forward with that possible travel.

**Representative Weisz:** You're saying this is outside the uniform permitting system and that's my point. I don't think we want to limit your ability to work outside the permitting system if you want to make individual agreements within your county to go above and beyond what's allowed under the uniform permitting system.

**Representative Jones:** She's trying to say they look at this wording as their authority on a case by case basis to go outside of that. They say they need that authority in order to do that.

**Arik Spencer, North Dakota Motor Carriers Association,** spoke in support of HB 1320 and the amendment and provided written testimony. See attachment #4.

**Brent Bogar, Greater North Dakota Chamber:** HB 1377 last session had a moratorium in the counties being able to assess additional fees outside of the uniform permit system. It had language to continue to allow them to negotiate with the companies on a case by case basis. The moratorium for additional fees is still in place. The language as crafted is to allow them if they are going to do those types of negotiations then they have that ability to do that. It is clarifying to make sure the companies and the counties, townships, and cities participating have that ability to negotiate those one off type situations.



**Chairman Ruby:** Are they getting the permit on those roads then in addition to any damage they might work out a deal? That would be outside of the permit.

**Brent Bogar:** Typically, if the industry knows they have a move happening they will go before they get the permit system and that's why it takes an outside of the uniform permit system. If a company knows they are going to be moving into a location on county or township roads and it's going to create a lot of impact, they may approach the county or the township and negotiate that ahead of time instead of going through the permit process, then asking to negotiate this. Most of the time these are occurring on restricted roads where they might not be able to get that permit.

**Chairman Ruby:** If they get a permit, there is no ability to negotiate an additional fee because that's the moratorium. It would only be on the more restricted roads.

**Brent Bogar:** Correct.

**Representative Paur:** If you want to carry a 100,000-pound load and you have that three-mile stretch which is limited to 65,000, that whole permit would be limited to 65,000 wouldn't it?

**Brent Bogar:** The way the permit system works is if you get that permit you've applied for and told them what your load is then the county has the ability to approve that permit and then they can assess a fee for an overweight load.

**Representative Paur:** But with just a permit they would be limited to 65,000 pound.

**Brent Bogar:** No, because the permit gives them the ability to go. If they were under 65,000 they wouldn't need any permits. The permit is their permission to haul heavier.

**Aaron Burst, Association of Counties,** stood to support HB 1320 and the amendment. This came from our highway engineers and superintendents that if you have a large lane event it doesn't make sense spending days putting up signs then it dries out later.

**Larry Severson, North Dakota Committee of Township Officers,** spoke to cautiously support HB 1320. I've been speaking with township officers in that area and some have maintenance repair agreements with their contractors and are happy with their arrangements. Some like the hands off. Others had concerns with the ability to close roads and to set limits. After consultation with Mr. Simon their concerns were taken care of so we are in support of HB 1320.

**Representative Owens:** Does every township participate in the uniform permitting system?

**Larry Severson:** Those in the oil producing areas would have to participate in this system.

**Representative Owens:** Currently, are there any that don't participate?

**Larry Severson:** I'm not aware of any.

**Representative Jones:** What about the unorganized townships, do they come in involuntarily?

**Larry Severson:** They are managed by their county commission.

**Trudy Ruland, Mountrail County Commissioner** spoke to support HB 1320. In Mountrail County we have some of our townships that participate and some don't. The ones that do work through our Road and Bridge. Part of the problem is the lack of knowledge of what the uniform permitting system could bring them. There are those in the system now managed by WDEA and it has been working very well. It will be easier for everybody. Part of the misunderstanding of those three roads is they wouldn't be able to be traveled on because of the restrictions that road has.

There was no further testimony. Hearing was closed.



# 2017 HOUSE STANDING COMMITTEE MINUTES

## Transportation Committee Fort Totten Room, State Capitol

HB 1320

2/3/2017

27890

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Mary Bruckner*

### Explanation or reason for introduction of bill/resolution:

A bill relating to a uniform truck permitting system for oversized or overweight vehicles; and to provide a penalty.

### Minutes:

No attachments

**Chairman Ruby:** We had two proposed amendments; one was about the inclement weather and the other one came to us by Ron Ness. On the amendment language, "During frost law restrictions, the department shall utilize the most direct route requested or notify the county or townships that the request was denied", I was asked to remove the rest of that language, "and re-routed on county or township roads." If the committee likes that amendment, we would honor the wish to remove that language. The other amendment was at the request of the industry and it was liked by everyone. There was a big concern to get approval of the township but they now realize this is a benefit to them so they support the bill.

**Representative Paur:** MADE A MOTION TO ADOPT THE AMENDMENT .02001

**Representative Grueneich:** SECONDED

**Chairman Ruby:** Is there further discussion?

**Representative Schobinger:** Do we further amend after we pass this?

**Chairman Ruby:** We can or we can include that in this if that is the intent.

**Representative Schobinger:** Just this one.

**VOICE VOTE: MOTION CARRIED**

**Representative Schobinger:** MADE A MOTION TO FURTHER AMEND on page 2 line 3 after the word "roads" we would insert "During frost law restrictions, the department shall utilize the most direct route requested or notify the county or townships that the request was denied."

**Chairman Ruby:** And after "request" add "use state highways."

**Representative Schobinger:** MOTION TO INCLUDE THAT LANGUAGE AS WELL

**Representative Grueneich:** SECONDED

**Chairman Ruby:** Is there any discussion? The amendment on page 2, line 3 after the word "roads" it would say, "During frost law restrictions, the department shall utilize the most direct route requested or notify the county or townships that the request to use state highways was denied." What's nice about this permit process is all about the communication between all the different subdivisions of knowing which roads they really want anybody on, which posting of limits, and what their fees are they require for access of certain weights.

**VOICE VOTE: MOTION CARRIED**

**Chairman Ruby:** We have an amended bill before us.

**Representative Owens:** Representative Weisz had an issue yesterday but talked to the townships and counties and there was no amendment because of that conversation. He had the fix but I don't know what that is. Since he's not here I thought I would mention that.

**Chairman Ruby:** We can hold this bill until Representative Weisz can explain his amendment.

**Representative Nelson:** There was one other issue on the bill that said the townships had to participate if the county did but it didn't say the cities had to participate. You could potentially have routes that involve cities. If they have a centralized system, it would be nice to have all political subdivisions participate.

**Chairman Ruby:** The system is already in place so it's been operating for a few years now. They didn't come in with any concerns. This is saying the townships within a county that are part of the permitting system must be a part of it.

**Representative Nelson:** I'm just not as familiar with cities in other parts of the state. I'm from part of the state where our city is a township in size. I'll leave it for now.

**Chairman Ruby:** We'll hold this for now and maybe take this up later.



# 2017 HOUSE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Fort Totten Room, State Capitol

HB 1320  
2/3/2017  
27894

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Mary Bruckner*

## Explanation or reason for introduction of bill/resolution:

A bill relating to a uniform truck permitting system for oversized or overweight vehicles; and to provide a penalty.

## Minutes:

Attachment #1

**Chairman Ruby:** We adopted the inclement weather amendment and we adopted the amendment that was from Ron Ness saying "During frost law restrictions..." We understand that Representative Weisz has another amendment.

**Representative Weisz:** Distributed proposed amendment dated February 3, 2017. See attachment #1. I visited with the parties involved in this one. They agree that the way it was written it was within the uniform permit process that if you got the permit there is no additional and that didn't make sense. The amendment would overstrike where it talks about on page 2 "unless any person requests and agrees to pay additional fees" is struck out and after "the penalty to a person that violates the restrictions add language, "If a permit is denied, a person may request and agree to an additional fee or condition by the city, county or township for authorization to move an oversized or overweight vehicle on a road subject to the entity's jurisdiction." The lady from yesterday spoke of the three miles of roads. They are all part of a system where they don't allow oversized roads so you can't get a permit for those roads through the uniform permitting process. This would allow them the ability to ask for a permit and pay the fees. **MADE A MOTION TO ADOPT THIS AMENDMENT**

**Representative Owens: SECONDED**

**Chairman Ruby:** Is there any discussion?

**VOICE VOTE: MOTION CARRIED**

**Representative Weisz: MADE A MOTION FOR A DO PASS AS AMENDED**

**Representative Owens: SECONDED**

**Chairman Ruby:** Is there further discussion?

**Representative Jones:** On page 1 of the amendment it says, "within five days of the first date of inclement weather they will erect and maintain the signs." In a situation where you have a long term rain event maybe we should have "within five days of the first date of inclement weather" changed to the first date the weather was determined to be sufficient to cause a road closure or a change of weight restriction. It's probably just instructional for the Highway Department to get their signs up so it's probably not a big issue.

**Chairman Ruby:** I don't know if that's an issue. It didn't seem that the timeline bothered anybody.

**Representative Weisz:** They have to put it on the road site within one hour after the initial determination of inclement weather. All the companies are notified so I don't think it's an issue either.

**Representative Jones:** I understand that but my question is where it says within five days from when they put it on the website they have to get their signs erected. I can envision someone understanding it was done, but if they don't get their signs up they can fight this saying they didn't get their signs up within five days of the first day of the weather event. It's probably okay.

**Chairman Ruby:** I'm okay with it but it's up to the committee. Any further discussion?

**ROLL CALL VOTE: 12 YES 0 NO 2 ABSENT**

**MOTION CARRIED**

**Representative Weisz will carry this bill.**



PROPOSED AMENDMENTS TO HOUSE BILL NO. 1320

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "39-12-02" insert "and 39-12-03"

Page 1, line 2, after "vehicles" insert "and local authority to limit use of vehicles on highways"

Page 2, line 9, replace "any" with "a"

Page 3, after line 30, insert:

**"SECTION 2. AMENDMENT.** Section 39-12-03 of the North Dakota Century Code is amended and reenacted as follows:

**39-12-03. Director or local authorities may limit use of vehicles on highways - Exception for inclement weather.**

1. Whenever ~~any~~a highway will be seriously damaged or destroyed by reason of deterioration, rain, snow, or other climatic conditions unless the use of vehicles is prohibited or the weight of the vehicle thereon is limited, the director or employees authorized by the director by an order, and local authorities by ordinance or resolution, may prohibit the operation of vehicles upon such highway or may impose weight restrictions ~~as to the weight of~~on vehicles. The director or employees making ~~such~~the order and local authorities enacting ~~any~~ such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the order, ordinance, or resolution. ~~Such~~The signs must be erected and maintained at each end of ~~that~~the portion of ~~any~~ highway affected ~~thereby~~, and ~~such~~the order, ordinance, or resolution is not effective until ~~such~~the signs are erected and maintained. The operation of trucks or other commercial vehicles or limitations as to the weight ~~thereof~~of vehicles on designated highways may be prohibited or limited in the same manner.
2. In instances of inclement weather, as determined by the local authorities, changes may be made to existing posted restrictions on a portion of a highway if the local authority:
  - a. Gives public notice of the change in the posted restrictions on any portion of a highway by publishing the inclement weather restriction on the local authority's website and a uniform county permit system or similar permit system within one hour after the initial determination of inclement weather; and
  - b. Within five days of the first date of inclement weather, erects and maintains a sign at each end of the portion of the highway affected by the inclement weather restriction."

Renumber accordingly

Prepared by Legislative Counsel Intern 7 for  
Rep. Weisz  
February 3, 2017

## PROPOSED AMENDMENTS TO HOUSE BILL NO. 1320

Page 2, line 9, overstrike “, unless any person”

Page 2, line 10, overstrike “requests and agrees to pay additional fees.”

Page 2, line 11, after the period, insert “If a permit is denied, a person may request and agree to an additional fee or condition by the city, county or township for authorization to move an oversized or overweight vehicle on a road subject to the entity’s jurisdiction.”

Renumber accordingly



February 3, 2017

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1320

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "39-12-02" insert "and 39-12-03"

Page 1, line 2, after "vehicles" insert "and local authority to limit use of vehicles on highways"

Page 2, line 3, after the underscored period insert "During frost law restrictions, the department shall utilize the most direct route requested or notify the city, county, or township the request to use state highways is denied."

Page 2, line 9, remove ", unless any person"

Page 2, line 10, remove "requests and agrees to pay additional fees"

Page 2, line 11, after the underscored period insert "If a permit is denied, a person may receive an additional fee or condition from the city, county, or township in exchange for authorization to move an oversized or overweight vehicle on a road under the jurisdiction of the city, county, or township."

Page 3, after line 30, insert:

**"SECTION 2. AMENDMENT.** Section 39-12-03 of the North Dakota Century Code is amended and reenacted as follows:

**39-12-03. Director or local authorities may limit use of vehicles on highways - Exception for inclement weather.**

1. Whenever ~~any~~ a highway will be seriously damaged or destroyed by reason of deterioration, rain, snow, or other climatic conditions unless the use of vehicles is prohibited or the weight of the vehicle thereon is limited, the director or employees authorized by the director by an order, and local authorities by ordinance or resolution, may prohibit the operation of vehicles upon such highway or may impose weight restrictions ~~as to the weight of~~ on vehicles. The director or employees making ~~such~~ the order and local authorities enacting ~~any such~~ the ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the order, ordinance, or resolution. ~~Such~~ The signs must be erected and maintained at each end of ~~that~~ the portion of ~~any~~ a highway affected thereby, and ~~such~~ the order, ordinance, or resolution is not effective until ~~such~~ the signs are erected and maintained. The operation of trucks or other commercial vehicles or limitations as to the weight ~~thereof~~ of vehicles on designated highways may be prohibited or limited in the same manner.
2. In instances of inclement weather, as determined by the local authorities, changes may be made to existing posted restrictions on a portion of a highway if the local authority:
  - a. Gives public notice of the change in the posted restrictions on any portion of a highway by publishing the inclement weather restriction on the local authority's website and a uniform county permit system or

similar permit system within one hour after the initial determination of inclement weather; and

- b. Within five days of the first date of inclement weather, erects and maintains a sign at each end of the portion of the highway affected by the inclement weather restriction."

Renumber accordingly



Date: 2-3-17  
Roll Call Vote #: 1

**2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1320**

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: 17.0797.02001

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 Paur Seconded By Grueneich

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) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

102001

Date: 2-3-17  
Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1320

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description:

Page 2 line 3 after "roads" insert

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

Rep. Shobinger

Seconded By

Rep. Grueneich

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) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

Shobinger



Date: 2-3-17  
Roll Call Vote #: -1

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1320

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description: Rep. Weisz Feb. 3, 2017

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 Weisz Seconded By Owens

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby			Rep. Gretchen Dobervich	X	
Vice Chair. Rick C. Becker			Rep. Marvin Nelson		
Rep. Bert Anderson	X				
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) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

Date: 2-3-17  
Roll Call Vote #: 2

**2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1320**

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 Weisz Seconded By Owens

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	✓		Rep. Gretchen Dobervich	A	
Vice Chair. Rick C. Becker	✓		Rep. Marvin Nelson	✓	
Rep. Bert Anderson	A				
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) 12 No 0

Absent 2

Floor Assignment Weisz

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



**REPORT OF STANDING COMMITTEE**

**HB 1320: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1320 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "39-12-02" insert "and 39-12-03"

Page 1, line 2, after "vehicles" insert "and local authority to limit use of vehicles on highways"

Page 2, line 3, after the underscored period insert "During frost law restrictions, the department shall utilize the most direct route requested or notify the city, county, or township the request to use state highways is denied."

Page 2, line 9, remove ", unless any person"

Page 2, line 10, remove "requests and agrees to pay additional fees"

Page 2, line 11, after the underscored period insert "If a permit is denied, a person may receive an additional fee or condition from the city, county, or township in exchange for authorization to move an oversized or overweight vehicle on a road under the jurisdiction of the city, county, or township."

Page 3, after line 30, insert:

**"SECTION 2. AMENDMENT.** Section 39-12-03 of the North Dakota Century Code is amended and reenacted as follows:

**39-12-03. Director or local authorities may limit use of vehicles on highways - Exception for inclement weather.**

1. Whenever ~~any~~ highway will be seriously damaged or destroyed by reason of deterioration, rain, snow, or other climatic conditions unless the use of vehicles is prohibited or the weight of the vehicle thereon is limited, the director or employees authorized by the director by an order, and local authorities by ordinance or resolution, may prohibit the operation of vehicles upon such highway or may impose weight restrictions as to the weight of on vehicles. The director or employees making ~~such the~~ order and local authorities enacting ~~any such the~~ ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the order, ordinance, or resolution. ~~Such~~ The signs must be erected and maintained at each end of ~~that the~~ portion of ~~any~~ highway affected ~~thereby~~, and ~~such the~~ order, ordinance, or resolution is not effective until ~~such the~~ signs are erected and maintained. The operation of trucks or other commercial vehicles or limitations as to the weight ~~thereof of vehicles~~ on designated highways may be prohibited or limited in the same manner.
2. In instances of inclement weather, as determined by the local authorities, changes may be made to existing posted restrictions on a portion of a highway if the local authority:
  - a. Gives public notice of the change in the posted restrictions on any portion of a highway by publishing the inclement weather restriction on the local authority's website and a uniform county permit system or similar permit system within one hour after the initial determination of inclement weather; and

- b. Within five days of the first date of inclement weather, erects and maintains a sign at each end of the portion of the highway affected by the inclement weather restriction."

Renumber accordingly



**2017 SENATE TRANSPORTATION**

**HB 1320**

# 2017 SENATE STANDING COMMITTEE MINUTES

## Transportation Committee Lewis and Clark Room, State Capitol

HB 1320  
3/16/2017  
29364

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Mary Meender*

### Explanation or reason for introduction of bill/resolution:

Related to a uniform truck permitting system for oversized or overweight vehicles and local authority to limit use of vehicles on highways; and to provide a penalty.

### Minutes:

Attachments #1-3

**Chairman Laffen:** Opened the hearing on HB 1320.

**Representative Dan Ruby:** We currently have the unified primitive system in the western portion of the state, including about 17 counties, and I believe the city of Dickinson, that are part of that permitting system. You go on and punch in your start location and end location and it automatically maps in where you can go based on the weight and size and which roads will be affected. It calculates what your permit fee will be for each of those political sub divisions that it affects and when you pay that fee it automatically distributes each portion that goes to each political sub division. It's very easy for the shippers, simple for the counties and townships, they receive their funds for the traffic on their roads, and then it also can make agreements with the county or whomever to fix that road that they need to drive on if that road isn't in the map already. Last session we put a moratorium on what the local sub divisions can charge, because some of the counties and townships were charging a higher permit fee than what was part of this agreement and system. Through a lot of discussion, it was brought for us to introduce and what it basically says is any township that is within a county, that is a part of that permit system, are required to participate with the permit levels and permitting systems. We put on several amendments to get the buy in from everybody to make sure it is set up right. I think it is pretty much there except for a small suggested amendment you will hear later. It is more of a compromise between the industry and the DOT, dealing mainly with the shortest route direct. It seems to be a successful program for all and there has been talk about expanding it, state wide. We think it will be a benefit monetarily to the townships and counties unless they are overcharging.

**Senator Rust:** What kind of feedback are you getting from those counties that have been charging more? Are they coming on board or what have they said about it? Do you believe they are aware of it?

**Rep. D. Ruby:** We have not been contacted by any counties that are against this and yes they all up to speed on this.

**Chairman Laffen:** Questions? None. Thank you. Further testimony in favor on HB 1320?

**(9:57) Ron Ness with the ND Petroleum Council:** The amendment I have handed out is between DOT and Petroleum Council. **See attachment #1.** We encourage you to adopt the amendment and we fully support the bill.

**Chairman Laffen:** Questions? Further testimony in favor of HB 1320?

**(11: 14) Geoff Simon, Director of Western Dakota Energy Association: See attachment #2.** We are in favor of this bill and Representative Ruby and Ron Ness have done an excellent job of representing this already. We do handle permits in the oil country and we are in the process of working with a software company to make google maps for overweight loads.

**Chairman Laffen:** Questions? None. Thank you. Further testimony in favor of HB 1320?

**(13:09) Arik Spencer, from ND Motor Vehicle Carriers Association:** We are in support of the bill and the amendment. **See attachment #3.**

**Chairman Laffen:** Questions? None Thank you. Further testimony?

**(13:33) Larry Syverson, from Township Officer's Association:** After some discussions we are in support of this bill.

**Chairman Laffen:** Any questions? None. Further testimony in favor?

**Terry Traynor, Association of Counties:** We are in favor.

**Chairman Laffen:** Further testimony in favor of HB 1320? None. Opposition? None. Neutral? None. We will close the hearing on HB 1320.



# 2017 SENATE STANDING COMMITTEE MINUTES

## Transportation Committee Lewis and Clark Room, State Capitol

HB 1320  
3/23/2017  
29637

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Mary Munder*

### Explanation or reason for introduction of bill/resolution:

Related to a uniform truck permitting system for oversized or overweight vehicles and local authority to limit use of vehicles on highways; and to provide a penalty.

### Minutes:

**Chairman Laffen:** Opened the hearing on HB 1320. We have a proposed amendment from Ron Ness from our last meeting.

**Senator Rust:** One of the things it said was if a township participates in the uniform permitting system they are no longer able to come up with their own little system in addition to that. They cannot tack on any other fees.

**Chairman Laffen:** Senator Rust you are correct. What it does is try to limit the townships from creating some really ridiculous routes for these trucks where they are headed.

**Senator Casper:** The amendment tries to keep the DOT from doing that too.

**Senator Rust:** That's the second part, that the DOT can't do it too.

**Senator Clemens:** I think they want all the participating counties to be on the same page with this.

**Senator Nelson:** They are eliminating proposed language not the current language, they are eliminating the underscored language.

**Senator Casper:** What I recall about this is there seemed to be a unity between the department and the folks who testified. Also there was no written testimony but there was quite a few of me too's.

**Chairman Laffen:** DOT did not testify.

**Senator Casper:** I move the amendment on HB 1320.

**Senator Campbell: Seconded.**

**Chairman Laffen:** I am looking this over and no one was against this. Testimony was all good for it. We have a motion and a second. Discussion? None.

**Roll Call taken: Yeas-6, Nays-0, Absent-0. Motion carried.**

**Chairman Laffen:** We now have an amended HB 1320. Your wishes?

**Senator Casper: I move for a Do Pass on engrossed HB 1320 as amended.**

**Senator Nelson: Seconded**

**Chairman Laffen:** Discussion? None

**Roll Call taken: Yeas-6, Nays-0, Absent-0. Motion carried**

**Senator Clemens will carry the bill.**

**Chairman Laffen:** Closed the hearing on HB 1320.

17.0797.03001  
Title.04000

Adopted by the Senate Transportation  
Committee

March 23, 2017

CJ  
3/23-2017  
1 of 1

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1320

Page 2, line 1, remove "The department shall allow for the most efficient routing of"

Page 2, remove lines 2 through 5

Renumber accordingly



Date: 3-23-17  
Roll Call Vote #: /

2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. "Enter Bill/Resolution No." HB1320

Senate Transportation Committee

☐ Subcommittee

Amendment LC# or Description: 17-0797-03001 Title: 04000

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 Casper Seconded By Campbell

Senators	Yes	No	Senators	Yes	No
Chairman Lonnie J. Laffen	✓		Senator Carolyn Nelson	✓	
Senator Tom Campbell	✓				
Senator David Rust	✓				
Senator David Clemens	✓				
Vice Chairman Jonathan Casper	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment \_\_\_\_\_

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

Date: 3.23.17  
Roll Call Vote #: 2

2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. "Enter Bill/Resolution No."

Senate 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 Casper Seconded By Nelson

Senators	Yes	No	Senators	Yes	No
Chairman Lonnie J. Laffen	✓		Senator Carolyn Nelson	✓	
Senator Tom Campbell	✓				
Senator David Rust	✓				
Senator David Clemens	✓				
Vice Chairman Jonathan Casper	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Clemens

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

**REPORT OF STANDING COMMITTEE**

**HB 1320, as engrossed: Transportation Committee (Sen. Laffen, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1320  
was placed on the Sixth order on the calendar.

Page 2, line 1, remove "The department shall allow for the most efficient routing of"

Page 2, remove lines 2 through 5

Renumber accordingly



**2017 TESTIMONY**

**HB 1320**

HB1320  
2-2-17  
#1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1320

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "39-12-02" insert "and 39-12-03"

Page 1, line 2, after "vehicles" insert "and local authority to limit use of vehicles on highways"

Page 2, line 9, replace "any" with "a"

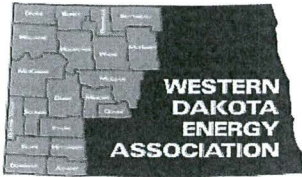
Page 3, after line 30, insert:

**"SECTION 2. AMENDMENT.** Section 39-12-03 of the North Dakota Century Code is amended and reenacted as follows:

**39-12-03. Director or local authorities may limit use of vehicles on highways - Exception for inclement weather.**

1. Whenever ~~any~~ highway will be seriously damaged or destroyed by reason of deterioration, rain, snow, or other climatic conditions unless the use of vehicles is prohibited or the weight of the vehicle thereon is limited, the director or employees authorized by the director by an order, and local authorities by ordinance or resolution, may prohibit the operation of vehicles upon such highway or may impose weight restrictions ~~as to the weight of~~ vehicles. The director or employees making ~~such~~ the order and local authorities enacting ~~any~~ such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the order, ordinance, or resolution. ~~Such~~ The signs must be erected and maintained at each end of ~~that~~ the portion of any highway affected thereby, and ~~such~~ the order, ordinance, or resolution is not effective until ~~such~~ the signs are erected and maintained. The operation of trucks or other commercial vehicles or limitations as to the weight thereof ~~of vehicles~~ on designated highways may be prohibited or limited in the same manner.
2. In instances of inclement weather, as determined by the local authorities, changes may be made to existing posted restrictions on a portion of a highway if the local authority:
  - a. Gives public notice of the change in the posted restrictions on any portion of a highway by publishing the inclement weather restriction on the local authority's website and a uniform county permit system or similar permit system within one hour after the initial determination of inclement weather; and
  - b. Within five days of the first date of inclement weather, erects and maintains a sign at each end of the portion of the highway affected by the inclement weather restriction."

Renumber accordingly



**Testimony in support of HB 1320**  
**Geoff Simon, WDEA Executive Director**  
**House Transportation Committee**  
**February 2, 2017**

HB 1320  
2-2-17  
#2

Chairman Ruby and committee members, I am Geoff Simon, executive director of the Western Dakota Energy Association. Our members are the counties, cities and school districts in the oil, gas and coal-producing counties. In addition to providing advocacy and information for our members, our association operates the Uniform County Truck Permit System for overweight and over-length trucks in the oil-producing counties.

House Bill 1320 was drafted in response to concerns aired during the 2015 Legislature that the uniform permit system wasn't all that uniform. Some counties and townships were imposing additional fees and basically going their own with permitting of heavy trucks on county and township roads. As a result, the 2015 Legislature enacted HB 1377 which provided for an interim study of uniform truck permitting, including the county system as well as the Highway Patrol's e-permit system for state highways. That legislation also imposed a moratorium on non-uniform fees through the current biennium to give the state, counties and trucking interests some time to sort it all out.

The intent was clear. The legislature wanted state and county truck permitting systems that were uniform, worked in harmony with each other, that operated efficiently, and in the case of the county system, would ultimately be available not only to the oil-producing region, but to all 53 counties in North Dakota. WDEA is working in that direction. Our board adopted new bylaws in December that provide a new governing structure to ensure opportunity for input from non-oil producing counties that may choose to participate. And we are currently working with a software developer on a mapping and navigation system. Our goal is a program that will automatically select the most efficient route for permit applicants, factoring in the size of the truck and its cargo, and the carrying capacity and any restrictions on roads and bridges between the starting point and the destination.

The legislation you see before you will help facilitate that effort. It is the byproduct of a working group that included the Western Dakota Energy Association, the ND Petroleum Council, the ND Association of Counties, the ND Motor Carriers Association, the ND Association of Township Officers, several energy industry participants, and a few key legislators including Chairman Ruby.

HB 1320 accomplishes several objectives mapped out by the interim committee's work:

- 1) It establishes a truly uniform system by ensuring the participation of all political subdivisions in a county.
- 2) The bill instructs the ND DOT and Highway Patrol to choose the most efficient routing, considering the impacts on city, county, township, and state roads.
- 3) It provides for notification and public input if and when fee changes are proposed.
- 4) It allows additional fees, usually a road repair agreement, when those agreements make sense.
- 5) And, with the amendment, the bill provides counties and the uniform permit system an enforcement tool to discourage damage to roads when restrictions are in place, including imposition of penalties when warranted.

The bill is a positive step to provide uniformity and efficiency in the movement of oversize vehicles in the Bakken region, and potentially, throughout the state of North Dakota. Your favorable consideration would be greatly appreciated.

That concludes my testimony and I would stand by for questions.





NORTH DAKOTA  
PETROLEUM  
COUNCIL

100 West Broadway, Ste. 200 | P.O. Box 1395 | Bismarck, ND 58501-1395  
701.223.6380 | ndpc@ndoil.org | www.NDOil.org

HB1320  
2-2-17  
#3  
Page 1

**House Bill 1320**  
**Testimony of Ron Ness**  
**House Transportation Committee**  
**February 2, 2017**

Chairman Ruby and members of the House Transportation Committee, my name is Ron Ness, president of the North Dakota Petroleum Council. Last year the North Dakota Petroleum Council represented more than 500 companies in all aspects of the oil and gas industry, including oil and gas production, refining, pipeline, transportation, mineral leasing, consulting, legal work, and oilfield service activities in North Dakota. I appear before you today in support of House Bill 1320.

Last session, House Bill 1377 did the following:

***SECTION 5. LEGISLATIVE MANAGEMENT STUDY - UNIFORM TRUCK PERMITTING.***

*During the 2015-16 interim, the legislative management shall study truck permitting systems in oil and gas producing counties. The study must review the North Dakota association of oil and gas producing counties' uniform county truck permit program, including the system's integration with the highway patrol's online electronic truck permitting and routing system and the communications between county representatives and industry representatives regarding road conditions. The study must evaluate the appropriateness of additional fees assessed by the board of county commissioners and other local authorities to the oil and gas industry related to additional road permitting fees and analyze other relevant data regarding uniform truck permitting fees and procedures. The study must include input from representatives of the North Dakota petroleum council, representatives of the*

*North Dakota association of oil and gas producing counties, and other interested persons. The legislative management shall report its findings and recommendations, if any, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.*

**SECTION 6. MORATORIUM ON ADDITIONAL FEES FOR USE OF COUNTY ROADS.** *For the period beginning June 1, 2015, through June 30, 2017, notwithstanding the provisions of chapter 39-12, the board of county commissioners and other local authorities having control of roads may not impose any additional fees for the use of county roads, except the fees established in the North Dakota association of oil and gas producing counties' uniform county truck permit program, unless an operator, company, or individual requests and agrees to pay the additional fees. However, the board of county commissioners and other local authorities may issue penalties to operators, companies, or individuals who violate posted road restrictions.*

As a result, the West Dakota Energy Association and the Petroleum Council have been working together over the interim to develop the key components of HB 1320 that address three key components of better road utilization, permitting, and routing in oil producing counties using technology to improve and expedite the process for all parties. In addition, the Motor Carriers and the Townships have joined the discussion and have provided their input to improve the outcome and are supporting the results in HB 1320. This has long been a frustrating issue for political subdivisions and the entities using the permitting system.

The bill has four main components:

1. Provides that everyone uses the uniform permitting process – (this is huge for uniformity)
2. Requires the ND DOT to use the most efficient routing system and consider impacts to other roads, not just the state highway system. (This is a significant and positive change.)
3. Provides a process for fee changes and provides an opportunity for public input.

4. Allows political subdivisions to allow for special agreements where agreeable to both parties.

NDPC is also supportive of WDEA amendments being offered to address road closures from significant events. This is an important piece of legislation that is best addressed during a slow-down in activity. These changes will provide a better and more efficient process for road utilization and permitting when activity is elevated in the future. It also ensures, due process and fairness by using technology that is now available.

I would like to suggest an amendment to the bill on page 2, line 3 after the word "roads." insert "During frost law restrictions, the department shall utilize the most direct route requested or notify the county or townships that the request was denied and re-routed on county or township roads."

We urge a Do Pass on HB 1320. I would be happy to answer any questions.



**TESTIMONY HB 1320**  
**HOUSE TRANSPORTATION COMMITTEE**  
**FEBRUARY 2, 2017**

#4  
HB 1320  
2-2-17

Mr. Chairman and members of the House Transportation Committee my name is Arik Spencer, Executive Vice President of the North Dakota Motor Carriers Association. NDMCA represents the trucking and transportation industry in North Dakota and has been in existence since 1937. I am here this morning to testify in Support of House Bill 1320.

The North Dakota Motor Carriers Association supports the work done by the West Dakota Energy Association and the North Dakota Petroleum Council during the interim to develop HB 1320. Our members share these same concerns and are hopeful that this bill will result in:

1. Improved permitting uniformity among political subdivisions
2. Improved permitting coordination between the DOT and political subdivisions
3. The establishment of a more public process for fee changes and the opportunity for public input.
4. Allowing for political subdivisions to enter into special agreements with permit system users where mutually agreeable.

NDMCA is also supportive of WDEA amendments being offered to address road closures from significant events. HB 1320 will provide a better and more efficient process for road utilization and permitting in the future.

We ask that you give HB 1320 a do pass recommendation.

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

2/3/17  
HB 1320  
#1

Prepared by Legislative Counsel Intern 7 for  
Rep. Weisz  
February 3, 2017

## PROPOSED AMENDMENTS TO HOUSE BILL NO. 1320

Page 2, line 9, overstrike “, unless any person”

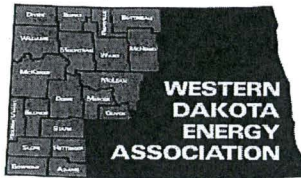
Page 2, line 10, overstrike “requests and agrees to pay additional fees.”

Page 2, line 11, after the period, insert “If a permit is denied, a person may request and agree to an additional fee or condition by the city, county or township for authorization to move an oversized or overweight vehicle on a road subject to the entity’s jurisdiction.”

Renumber accordingly

Page 2 line 1 after the word "system." overstrike ~~The department shall allow for the most efficient routing of oversized or overweight loads through the state highway system and take into consideration the impacts on city, county, township, and state roads. During frost law restrictions, the department shall utilize the most direct route requested or notify the city, county, or township the request to use state highways is denied.~~





**Testimony in support of HB 1320**  
**Geoff Simon, WDEA Executive Director**  
**Senate Transportation Committee**  
**March 16, 2017**

*Attach. # 2 pg 1*  
*3-16-17 HB 1320*

Chairman Laffen and committee members, I am Geoff Simon, executive director of the Western Dakota Energy Association. Our members are the counties, cities and school districts in the oil, gas and coal-producing counties. In addition to providing advocacy and information for our members, our association operates the Uniform County Truck Permit System for overweight and over-length trucks in the oil-producing counties.

House Bill 1320 was drafted in response to concerns aired during the 2015 Legislature that the uniform permit system wasn't all that uniform. Some counties and townships were imposing additional fees and basically going their own with permitting of heavy trucks on county and township roads. As a result, the 2015 Legislature enacted HB 1377 which provided for an interim study of uniform truck permitting, including the county system as well as the Highway Patrol's e-permit system for state highways. That legislation also imposed a moratorium on non-uniform fees through the current biennium to give the state, counties and trucking interests some time to sort it all out.

The intent was clear. The legislature wanted state and county truck permitting systems that were uniform, worked in harmony with each other, that operated efficiently, and in the case of the county system, would ultimately be available not only to the oil-producing region, but to all 53 counties in North Dakota. WDEA is working in that direction. Our board adopted new bylaws in December that provide a new governing structure to ensure opportunity for input from non-oil producing counties that may choose to participate. And we are currently working with a software developer on a mapping and navigation system. Our goal is a program that will automatically select the most efficient route for permit applicants, factoring in the size of the truck and its cargo, and the carrying capacity and any restrictions on roads and bridges between the starting point and the destination.

The legislation you see before you will help facilitate that effort. It is the byproduct of a working group that included the Western Dakota Energy Association, the ND Petroleum Council, the ND Association of Counties, the ND Motor Carriers Association, the ND Association of Township Officers, several energy industry participants, and a few key legislators.

HB 1320 accomplishes several objectives mapped out by the interim committee's work:

- 1) It establishes a truly uniform system by ensuring the participation of all political subdivisions in a county.
- 2) The bill instructs the ND DOT and Highway Patrol to choose the most efficient routing, considering the impacts on city, county, township, and state roads.
- 3) It provides for notification and public input if and when fee changes are proposed.
- 4) It allows additional fees, usually a road repair agreement, when those agreements make sense.
- 5) And the bill provides counties and the uniform permit system an enforcement tool to discourage damage to roads when restrictions are in place, including imposition of penalties when warranted.

The bill is a positive step to provide uniformity and efficiency in the movement of oversize vehicles in the Bakken region, and potentially, throughout the state of North Dakota. Your favorable consideration would be appreciated.

That concludes my testimony and I would stand by for questions.

*Attachment #3 pg. 1*  
*HB 1320 3.16.17*

**TESTIMONY HB 1320**  
**SENATE TRANSPORTATION COMMITTEE**  
**MARCH 16, 2017**

Mr. Chairman and members of the Senate Transportation Committee my name is Arik Spencer, Executive Vice President of the North Dakota Motor Carriers Association. NDMCA represents the trucking and transportation industry in North Dakota and has been in existence since 1937. I am here this morning to testify in Support of House Bill 1320.

The North Dakota Motor Carriers Association supports the work done by the West Dakota Energy Association and the North Dakota Petroleum Council during the interim to develop HB 1320. Our members share these same concerns and are hopeful that this bill will result in:

1. Improved permitting uniformity among political subdivisions
2. Improved permitting coordination between the DOT and political subdivisions
3. The establishment of a more public process for fee changes and the opportunity for public input.
4. Allowing for political subdivisions to enter into special agreements with permit system users where mutually agreeable.

HB 1320 will provide a better and more efficient process for road utilization and permitting in the future.

We ask that you give HB 1320 a do pass recommendation.

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