2019 HOUSE TRANSPORTATION COMMITTEE

HB 1367

2019 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1367
1/24/2019
#31396

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature Jeanette Cook

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide for a legislative management study of railroad crossings

Minutes: Attachments 1-3

Chairman Ruby opened the committee on HB 1367.

Representative Dobervich introduced HB 1367 and provided written testimony. See attachment # 1.

An e-mail was also provided by the daughter of a gentleman that died in a train vehicle collision in North Dakota, **Alexis**. See attachment # 2

Representative Kading: Do you know to what extent are the train companies liable when there is an accident?

Representative Dobervich: I am not an attorney and did not delve into the case law piece of this. This study is really wanting to get a sense of the scope, identify hot spots, and take a look at what is currently in those locations. We would like to collect data and do fact finding to see if we are doing everything that we should. I also reached out to the railroads, but they were not able to be here today. I don't have anything I can bring forward from them.

Chairman Ruby: The availability of federal funding for railroad crossing improvement projects is something that you'd want to look at. It should be ongoing. Did you hear any information about how much of that is taking place already?

Representative Dobervich: No, I wasn't able to connect with them, despite all of our efforts.

Vice Chairman Rick C. Becker: Wouldn't we be severely restricted in anything that we could implement that a finding might decide because it is so highly regulated by the federal government?

Representative Dobervich: I think that part of doing the study and collecting data is determining if it is a federal issue. Maybe there are federal things that we need to ask? More

and more vehicle driver behavior is becoming a major factor in these accidents. If there is something found, there may be things the state **can** do.

Hunter Andes, journalist from Wabek, North Dakota, spoke in support of HB 1367 and provided testimony and a packet of information explaining his concerns relating to this bill. There are pictures, letters, maps, and a newspaper article that explain his concerns about a crossing near Wabek which is near the town of Plaza. The information points out how dangerous the crossing is. See attachment #3.
(no mic)
I have been told by the county and the state that this is not the railroad. This is (inaudible) that oversees. The railroad has the right-of-way, and the road goes over the right-of-way, but the Department of Transportation will go on paying for it. In the Wabek case the county said they would pay 10% of the project.

Steve Erman, former Rugby resident from California, spoke in support of HB 1367. Steve showed a picture of his brother, Ken Erman, that was killed by a train seven miles from his farm. Every three minutes there is an accident. How can we make the train companies a little more responsible? We are complacent about railroad crossings. Maybe they could redesign them and find other ways to make them safer. Since the early seventies there have been six people killed on railroad crossings in our area by New Rockford. They were, my brother, a cousin, a friend, and other community members. We need help out there for this problem. Thank you for listening.

There was no further support for HB 1367.
There was no opposition or anyone to speak in a neutral capacity.

The hearing was closed on HB 1367.

Representative Owens moved a DO PASS on HB 1367.
Representative Jones seconded the motion.

Representative Hager: I'm not sure about some of these things and would like to hold the bill to have more time with this bill.

Chairman Ruby: We do have a motion and a second. The other thing that you would notice is that the bill says, "shall consider", so it will go to Legislative Management. There is no guarantee that it will get picked. I don't have a problem with sending it out to be considered. We do have a motion and a second. Do the people giving the motion want to rescind their motions?

Representative Owens: I don't care to wait. There is a study and any questions and issues involved will be addressed then.

A roll call vote was taken on HB 1367: Aye 12 Nay 0 Absent 2
The motion carried.
Representative Owens will carry HB 1367.

Date: 1-24-19
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1367

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 Owens Seconded By Jones

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN RUBY	X		REP LAURIEBETH HAGER	X	
VICE CHAIR BECKER	X		REP KARLA ROSE HANSON	A	
REP JIM GRUENEICH	X		REP MARVIN NELSON	X	
REP TERRY JONES	X				
REP TOM KADING	X				
REP EMILY O'BRIEN	A				
REP MARK OWENS	X				
REP BOB PAULSON	X				
REP GARY PAUR	X				
REP ROBIN WEISZ	X				
REP GREG WESTLIND	X				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Owens

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

REPORT OF STANDING COMMITTEE

HB 1367: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1367 was placed on the Eleventh order on the calendar.

2019 SENATE TRANSPORTATION

HB 1367

2019 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HB 1367
3/15/2019
33791

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Liz Stenehjem

Explanation or reason for introduction of bill/resolution:

A bill to provide for a legislative management study of railroad crossings.

Minutes: 4 Attachments

Representative Gretchen Dobervich, District 11, Fargo: Please see **Attachments #1-3** for testimony and additional information.

Hunter Andes: Please see **Attachment #4** for information. I'm here testifying at the request of Senator Kannianen. In my opinion this railroad crossing in Wabek is one of the most dangerous in North Dakota coming from the North. This is the Soo Line that runs from New Town to Max. It's the line that brings all the oil out of the Bakken. Two days ago I learned that the federal government is going to pay for 100% to put lights in at this railroad crossing because it's on the Fort Berthold Reservation. I still believe railroad crossings like this are a problem in North Dakota, and even though this is one that is supposed to be put in ASAP according to township officials and the county, I would like to report what I think the issue is as to why railroad safety is (inaudible) in the state.
Continued going through **Attachment #4**.

Senator Clemens: So on this road if there is a loaded semi traveling the speed limit, there's a stop sign down there, correct? So, by the time he sees the stop sign he's not able to stop?

Mr. Andes: Well, state highway 23 is up and there are warning signs, but it's not very far. Still to stop in time like the county commissioner said in the article, he said it's hard driving a semi. Stopping would be difficult, yes. Because you cannot see.

Senator Clemens: Are there any signs further up the hill warning of a stop ahead?

Mr. Andes: Yes, there are. However, the grade when you are in a loaded semi; you could see those lights flashing when you're going down, it's difficult to explain. But the lights would make it so the semi would be able to stop in time.

Kayla Pulvermacher, North Dakota Farmers Union: We stand in support of this important study. We hear from our members quite often. In the rural areas issues quite similar to the

previous speaker. We've had long standing policy for a study. So we definitely hope you concur.

Larry Severson, North Dakota Township Officers Association: Rail crossing safety is definitely worthy of study. North Dakota Township Officers Association supports this study. We ask for your favorable consideration of this bill.

2019 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HB 1367
3/21/2019
34078

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Liz Stenehjem

Explanation or reason for introduction of bill/resolution:

A bill to provide for a legislative management study of railroad crossings

Minutes: No Attachments

Chairman Rust: Read HB 1367.

Committee had a brief discussion of bill and previous testimony.

Senator Fors: Isn't the railroad a private entity?

Chairman Rust: No, it is private.

Senator Patten: Completely private.

Senator Fors: Even as a private entity aren't they federally controlled and not state controlled?

Chairman Rust: Oh, no we pass laws to regulate railroads too. I think towns have certain speed limits that they cannot exceed when they go through, they have quite zones etc.

Senator Fors: What I'm getting at is why do we need a study then?

Senator Dwyer: I move a **Do Pass**

Senator Patten: I **Second** the motion

Roll Call Vote Taken
6-0-0 Do Pass
Carrier: Senator Bakke

Date: 3/21/2019
Roll Call Vote # 1

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1367

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 Senator Dwyer Seconded By Senator Patten

Senators	Yes	No	Senators	Yes	No
Senator Rust - Chairman	X		Senator Bakke	X	
Senator Clemens - Vice Chairman	X				
Senator Dwyer	X				
Senator Fors	X				
Senator Patten	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Bakke

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

REPORT OF STANDING COMMITTEE

HB 1367: Transportation Committee (Sen. Rust, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1367 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

HB 1367

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Testimony HB 1367 Rail Safety Study
Representative Gretchen Dobervich, District 11 Fargo
Tuesday, January 24, 2019 10:30am
House Transportation Committee

Chairman Ruby and Members of the House Transportation Committee, I am here today by constituent request to introduce HB 1367. This bill asks legislative management to consider studying railroad crossing to determine whether adequate safety measures exist to prevent collisions between trains and motor vehicles.

Over the last five years, there have been 104 vehicle-train collisions in North Dakota, resulting in 15 deaths and over 60 injuries. (Hjelseth, 2018) According to Trains magazine North Dakota had the highest number of crashes per capita (0.025 per 1,000).(Defeo,2019)

Why are vehicle-train collisions increasing in ND while they have leveled off nationally? Analysis shows that there is no single cause for the increase nationally. (Defeo,2019) A U.S. Government Accountability Office report indicates vehicle driver behavior maybe a major factor. (Defeo,2019)

The North Dakota Department of Transportation 2040 North Dakota State Rail Plan Draft lists key safety and community issues as:

- Condition of many of the state's rail lines need to be improved to prevent derailments
- First responders need to be adequately trained in dealing with railroad incidents
- Although the crude by rail shipments have decreased significantly, there is still a concern over the safe shipment of hazardous materials in the state
- Concerns remain over blocked crossings particularly in view of the trend towards longer trains for cost reduction reasons
- Grade crossing safety is high priority for the state
- Safety and community interests need to be considered in setting maximum train speeds

HB 1367 may provide information to assist the North Dakota Department of Transportation in their efforts to address these issues, identify locations of concern, determine need for public education efforts, etc.

This bill is seeking a study, versus a specific action or appropriation because when I visited with Legislative Council about a bill, their research showed no history of the issues being studied to determine scope, contributing factors and recommended solutions.

Thank you for your time and attention to this constituent request. I urge you to vote do pass on HB 1367 and welcome any questions.

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#1
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References

Defeo, Todd*, Technology May Be Needed to Help Reduce Grade Crossing Accidents* ripped from http://trn.trains.com/news/news-wire/2019/01/11-technology-may-be-needed-to-help-reduce-grade-crossing-accidents, January 11, 2019

Hjelseth, Mattie,*Train Collisions Are On the Rise in ND* ripped from https://www.kfyrtv.com/content/news/Train-collisions-are-on-the-rise-in-ND--485613701.html, Jun 14, 2018

North Dakota Department of Transportation, *2040 North Dakota State Rail Plan Draft*, ripped from https://www.dot.nd.gov/divisions/planning/railplan/4Draft%20Plan.pdf,May 2017

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1-24-19
#2

(Voice over intercom) “Alexis Irmen phone call on line 1, Alexis phone call line 1.” One sentence that turned my average day at work into a life of never being able to be genuinely 100% happy.

>>

>> My first reaction to being told my dad was in an accident on his way to work was just thinking he was being sent to the hospital. I called my mom on the way out of work to see where I had to go. Just silence when she answered and all I heard was sobbing and she told me to just wait until my fiancé got there to pick me up. I begged her to just say it because I had to hear it come out of her mouth. “Dads gone.” I was just in disbelief. “He was hit by a train on his way to work,” she finally choked out.

>>

>> Most people just go into shock and start crying, my reaction was thinking about how my dad didn’t see a train of all things coming towards him. A man who taught his three kids to always treat trains with respect and to double check when crossing the tracks, how? It didn’t take long to hear that those tracks didn’t have arms, were in a bad location with trees blocking you’re sight for too long, and placed at a bad angle. Because of just one location like this where a train is spotted too late, my family and our community have to suffer.

>>

>> David Irmen IS my dad. That’s what I say to people when I run into them and they’re not sure if they know who my family is. Once I say that they usually say something like,”Oh! I know who your dad was.” WAS. That is one simple word to many people, but to my family heart wrenching. That puts my Dad in the past. In the past where I will be the only one out of my siblings who doesn’t get to celebrate my wedding day with my Dad, the only one who doesn’t get to hand any of my new born babies over into his arms and look forward to them calling him grandpa, the one who only got to spend twenty-one years being his little girl, and someone who has to now worry daily about my mom, brother, and sister’s lives, because we share the same unbearable pain that will last us our lifetime. No matter how happy of moments we are able to celebrate in our lives, they’re forever dimmed with the realization that Dad isn’t hear to be a part of them with us.

>>

>> Every day has become a struggle for us holding back tears when the random moments of real life hit and we are forced to remember that we won’t being getting a surprise visit or call from our dad again. I do not want anyone else to suffer how we have to now. The need for making railroad crossings safer is a problem no one questions until someone has died. That needs to end. Please keep our loss and everyone else who has lost someone to an accident similar to ours in your thoughts by taking the steps needed in implementing a safer future for railroad crossings.

>>

>> Sincerely,

>>

>> David’s daughter, Alexis.

WABEK, N. Oak.

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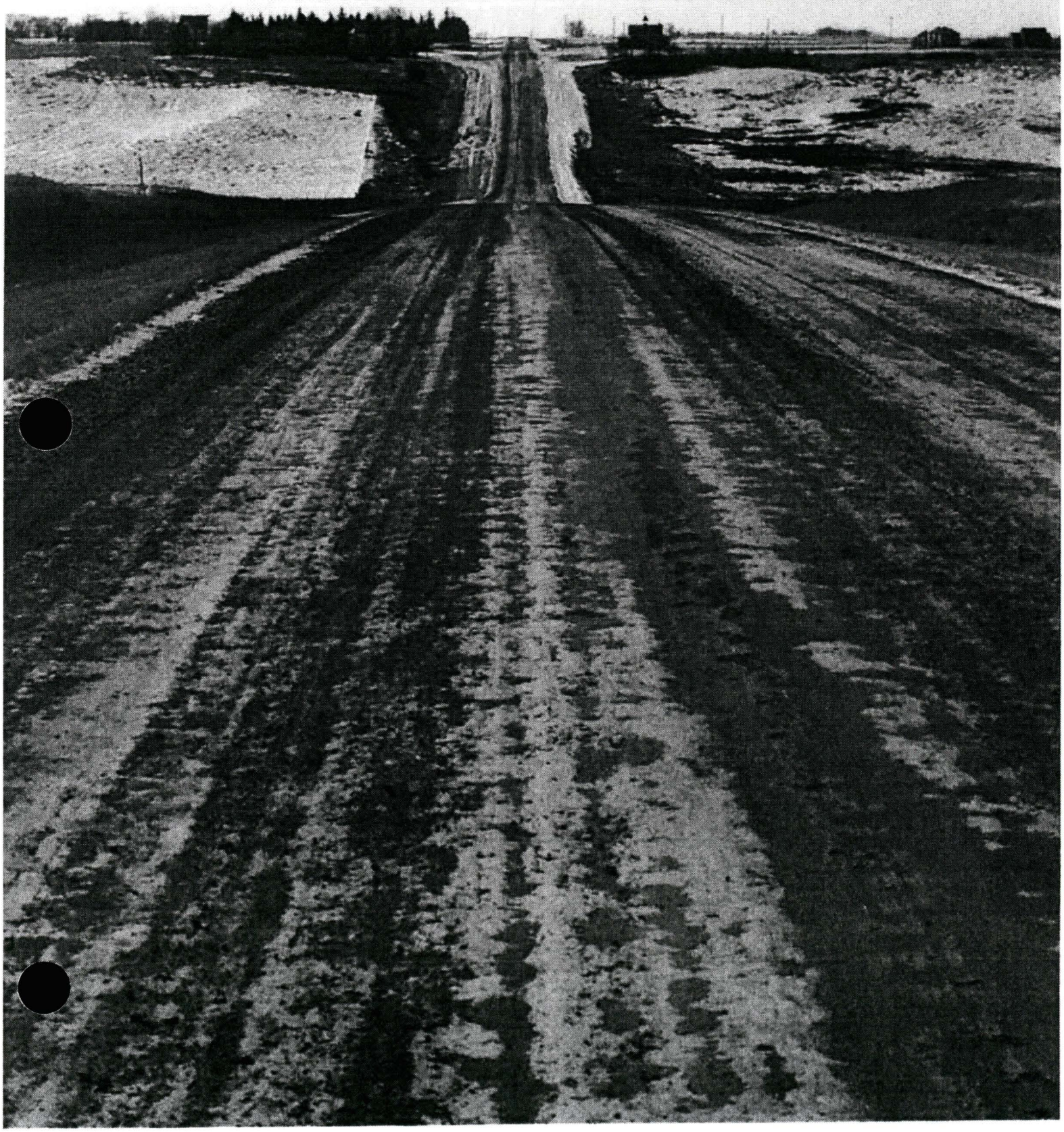

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February 18, 2015

Jim Styron, Rail Planner
Planning/Asset Management Division
ND Department of Transportation
608 East Boulevard Ave
Bismarck, ND 58505-0700

RE: North Dakota Railroad Crossing Requests

Dear Mr. Styron:

At the February 17, 2015 meeting of the Mountrail County Commissioners, the Board instructed me to make a request for a railroad safety enhancement project on the County Road referred to as 64th Ave NW between Sections 20 & 21 in Township 152, Range 88, north of Wabek Village.

The site distance near this crossing is poor making it unsafe for oncoming traffic. With the increase usage of the railroad due to the oil industry it is essential the crossing be improved. Please review the enclosed photos indicating the poor site distance and unsafe condition at such crossing.

Mountrail County is able to provide the 10% local share for such project. Your consideration on Mountrail County's request is greatly appreciated.

Sincerely,

Jana Heberlie

Jana Heberlie, County Engineer
Mountrail County Road & Bridge Department

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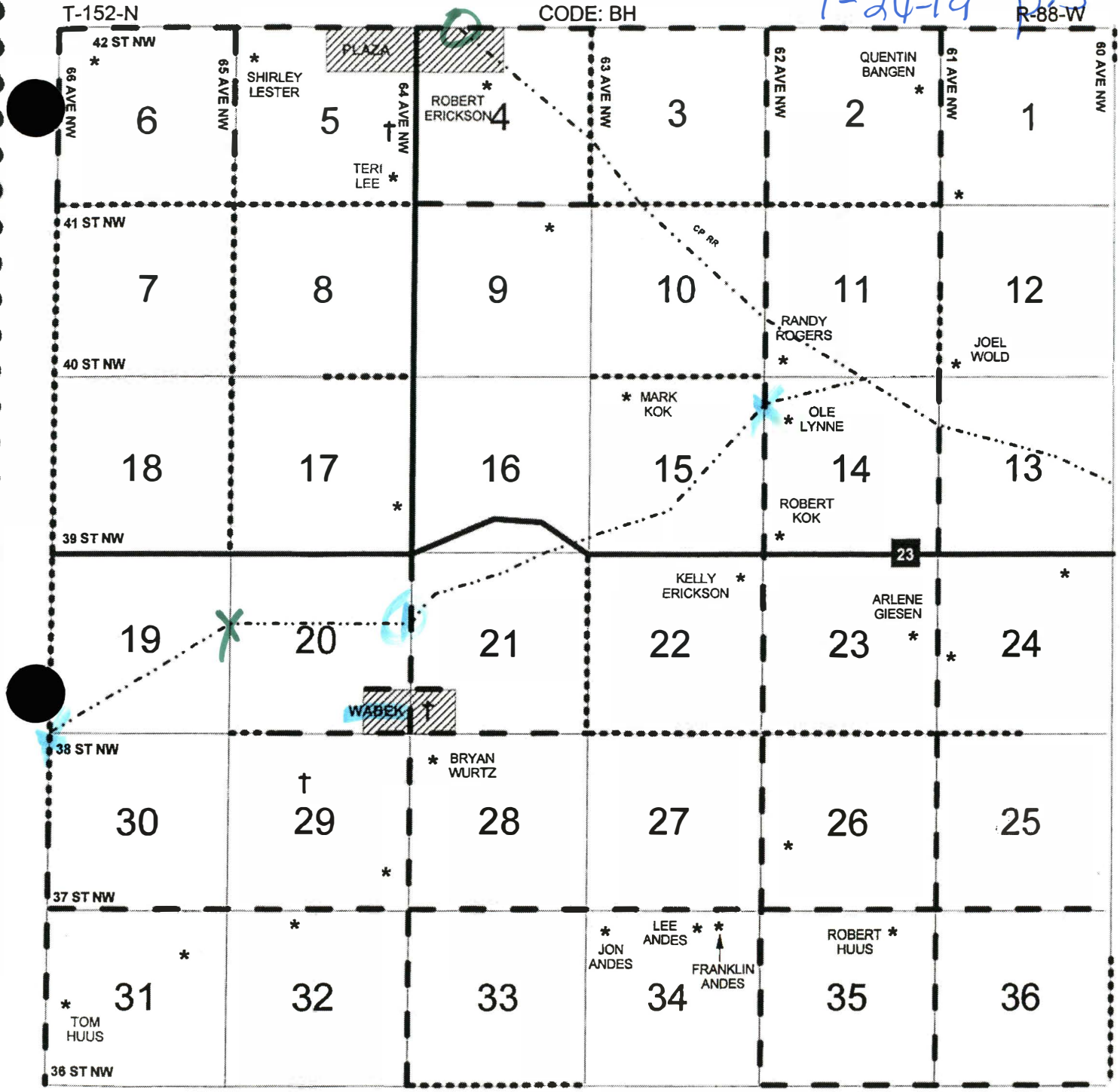
1-24-19 D3

PLAZA DIRECTORY

T-152-N CODE: BH R-88-W

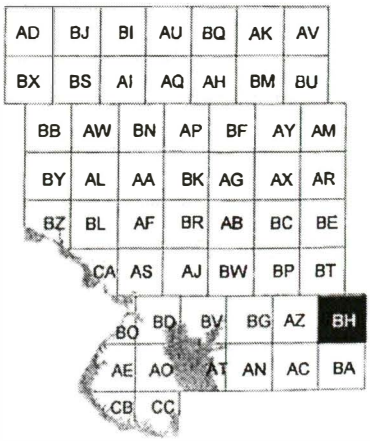


DOT REMOVED - HAZARD FOR FIRES

OTHER CONCERNING CROSSINGS

WABEK CROSSING

DEAD END LINE IN PLAZA



MOUNTRAIL COUNTY

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North Dakota Department of Transportation

Grant Levi, P.E.
Director

Jack Dalrymple
Governor

July 1, 2015

Diagnostic Team: County, CP Rail, State

On June 17, 2015, a crossing diagnostic was conducted and the findings are as follows:

DOT 693296N – This single mainline track crossing is on a gravel county major collector road (CR 6) north of Wabek, in Mountrail County. The approach speeds are 45> mph; with a 2014 traffic count of 105 vehicles per day. The train counts and speeds are - 6 trains per day at 25 mph restricted. Crossing has poor line of sight in both northwest and northeast quadrants for the south bound traffic, because of trees and existing hills near the track. Crossing is on a bus route with 4 buses per day during the school year.

Determination: The diagnostic team determined that in the interim; this crossing needs to have stop sign installed on the north crossbuck assembly to have adequate warning protection. County will install stop ahead sign on the advance warning signs to the north. The county will supply the stop sign to the railroad for their installation of the sign at the crossing. It is also deemed to be a candidate for future installation of fully automated signal system and will be placed on the ranked list. The county will be notified well in advance to sponsor the 10% local match if it rises in rank to be funded

If you have additional comments, please send them via email to jstyron@nd.gov . These finding will placed in the appropriate file for future reference. Thank You for your participation on the crossing review.

JIM STYRON – RAIL PLANNER

608 East Boulevard Avenue • Bismarck, North Dakota 58505-0700
Information: 1-855-NDROADS (1-855-637-6237) • FAX: (701) 328-0310 • TTY: 711 • www.dot.nd.gov

Mountrail County
RECORD

Friday, July 6, 2018 Vol. 103, No. 1 www.bhgnews.com Copy $1.00

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...rd members of United Quality Cooperative, Jarred Billadeau,Chairman-Parshall District; David Brenna, Keene District; Colin Vachal, Ross District; Ben Waldock, Parshall ...ct; Matt Bangen, Secretary/Treasurer-New Town District; Lance Hollinger,Vice Chairman-Ross District; Kyle Nichols-At large; Larry Jones, Keene District; and Chris Rohde, ...Town District break ground for the cooperative's new elevator in Parshall. *Photo by Jerry W. Kram*

Parshall's skyline to get overhaul

United Quality is building a 27 story elevator

BY JERRY W. KRAM

While work has been ongoing for a while, the board of United Quality Cooperative finally had a groundbreaking for its new $18 million elevator under construction in Parshall.

According to United Quality CEO Eric Jacobson, when the old elevator was demolished in March, some of the concrete dated back to 1925. An addition was added 30 years later, so most of the old structure was between 60 and 90 years old.

"It all came down along with two newer steel bins to make room for our new 820,000 bushel concrete facility," Jacobson said. "Then construction began in late April. We've been digging down since then and now we are starting to build up. We should start getting above grade in August."

The elevator should be finished next spring or early summer, Jacobson said. He doesn't expect any changes in staffing with the new plant. The new elevator will rise nearly 27 stories, 265 feet, compared to 130 feet for the old elevator.

Along with an additional 200,000 bushels of capacity, the elevator will be able to unload trucks and load trains much faster, said Operations Manager Gary Urlacher.

"Farmers are getting much bigger," Urlacher said. "There equipment is much bigger. They want to get in and out of the elevator much faster. Smaller trucks can hold 800-900 bushels, but some of the tri-axles come in with 1,150 bushels. The farmers don't want to be in the fields waiting for their trucks to dump."

The elevator can take in 20,000 bushels an hour, Urlacher said. That is fast enough to empty a semi load of grain in minutes. The elevator will be able to fill a grain car of a train in about two minutes at a rate of 85,000 bushels an hour. The old elevator was only half to two-thirds as fast.

See **SKYLINE** on page 3

Former Commissioner: Tragedy looms below Wabek

A southbound driver's biggest fear

BY HUNTER ANDES
BHG NEWS SERVICE

One of the most dangerous railroad intersections in Mountrail County does not have cross arms, lights or bells — just cross bucks and stop signs.

Its location is approximately three and a half miles south of Plaza along Mountrail County Road No. 1 at the ...t town of Wabek. This ghost town ...wn for two things to the people in ...mmunity: the western bar on top ...f the hill and the dangerous railroad crossing in the coulee below.

"I think the crossing at Wabek is an extremely dangerous one," Mountrail County Engineer Jana Hennessy said. "Canadian Pacific Railway and the North Dakota Department of Transportation are very well aware of this crossing. We personally sent a letter to NDDOT addressing the issue."

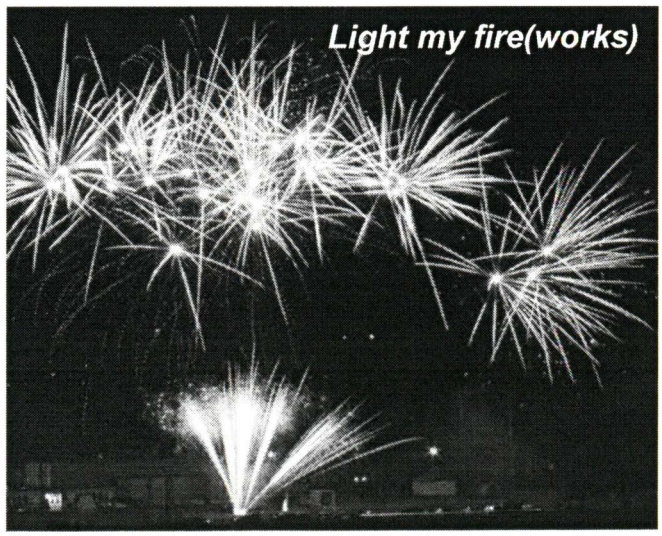
Hennessy said they tried getting cross arms and lights installed, but stop signs were put up instead.

"It's on the list to receive lights and arms," she said. "The county wants this to happen. The problem is, it's not entirely up to us. But there is certainly no doubt something more needs to be done about this problem."

Former Mountrail County Commissioner Gary Johnson of Plaza said there should have been cross arms and lights at the Wabek train crossing many years ago.

"Someone's going to get killed down there one of these times," Johnson said. "It's amazing that nobody has yet, but I know there have been some close calls."

See **WABEK** on page 12



Rising water forced Parshall's usual annual fireworks show to move from the baseball diamond at the south of town to the practice field north of the High School, but everything seemed to work just as well in the new location. This year's fireworks were sponsored by the Parshall Promoters, City of Parshall, Parshall Fireworks and the Parshall Volunteer Fire Department. *Photo by Jerry W. Kram*

A New Town bound Canadian Pacific Railway locomotive, pulling oil cars, about to cross the passive-marked railroad crossing in the Wabek Coulee on Mountrail County Road No. 1. This crossing is one of the most dangerous in the area because the coulee walls block a southbound driver's view on both sides of the road. Note the roughly 50-yard field of vision between the road and the coulee wall Gary Johnson referenced in the story. The other side has an even smaller field of vision.

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Photo by Hunter Andes

WABEK:

Continued from page 1

He said he doesn't understand why the crossing in Plaza just got lights and cross arms because there's probably the same amount of traffic on that road.

"Trains hardly ever go to Plaza — what, maybe once a week?" Johnson said. "Wabek has upwards of at least three to four trains a day. It used to have even more. That crossing needs to have the cross arms and lights before someone in our community gets struck because they couldn't see the train coming."

Jim Styron is rail planner for the North Dakota Department of Transportation.

In 2015, he responded to a letter Hennessy wrote on behalf of the Mountrail County Commission.

"The sight distance near this crossing is poor, which makes it unsafe for oncoming traffic," Hennessy wrote in her letter to Styron. "With the increase usage of the railroad due to the oil industry, it is essential the crossing be improved. Mountrail County is able to provide 10 percent of local share for such project."

She also enclosed numerous photos in the letter showing Mountrail County's concerns.

"The approach speeds are less than 45 MPH; with a traffic count of 105 vehicles per day," Styron said in his letter back to Mountrail County. "The train count is six per-day. Crossing has poor line of sight because of trees and existing hills near the track."

He also said in the letter that the county must supply and erect a stop sign. He said the crossing is deemed to be on a ranked list as a candidate for a future fully automated signal system.

Last Friday, Styron was asked to comment, but he declined. He said he wasn't allowed to talk to the press.

On Monday, NDDOT Public Information Officer Jamie Olson said Wabek's crossing meets safety requirements. She said it doesn't need anything other than stop signs.

"We monitor these crossings, and this particular crossing meets the safety requirements," Olson said. "Back in 2015, we did install stop signs after looking at it closer and feel this is all that is necessary at this time."

Olson said not a lot of people travel the roadway, so DOT doesn't see the need for the cross arms and lights.

"The vehicle traffic is only around 105 per day, and the train speeds are 45 MPH and under," she said. "Not many trains go through there. We can't just put crossing arms and lights up at all the crossings. We understand there are concerns about it, but there are certain requirements we have to go by."

Johnson and Hennessy do not look at the situation the same way NDDOT does.

"If you ask me, 105 vehicles per day travelling the Wabek Road is quite a few," Johnson said. "Yeah, it meets safety requirements all right — until somebody gets killed."

He said visibility is the main concern.

"There is none. You simply cannot see if a train is coming from the west 'til you're already on the tracks. The coulee walls are completely obstructing the line of sight," Johnson said. "From the east, you can only see maybe 50 yards. It's worse yet at night because you can't see anything at all."

> "Yeah, it meets safety requirements all right — until somebody gets killed."
> Gary Johnson, former Mountrail County Commissioner

Hennessy expressed just as much concern as Johnson.

"You can't see anything," she said. "It's very concerning to me because that road is an artery for a lot of people."

In addition to being the artery for local traffic, the Wabek Road is also a missile base road and the main road area farmers use to get their grain to market.

Johnson said one of these times a loaded truck is going to go down the Wabek Coulee and not come up the other side.

"Those stop signs are a joke," Johnson said. "The visibility is terrible, and the grade is steep. A loaded truck is going to come down, not see the train, and then a farmer will be dead."

He said something tragic will have to happen before the state sees there is a problem.

"All it takes is one person to be dead for them to realize — all it takes is one," he said. "It shouldn't have to be this way."

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- Wrangler Cafe

LAST WEEK'S WINNERS ARE:

1. DeAndra Hunter-$25 gc to Parshall Food Pride
2. Robert Fimbrres- $25 gc to Brad's Hardware
3. Joani Tucker- $25 gc to Countryside Hill Embroiodery
4. Rosanna Gray- $25 gc to Parshall Cenex

Drawing slips will be collected at noon on Fridays with the winners notified and announced shortly after on the Parshall Promoters Facebook page. Main Street Promotion will run until August 31. Limit one entry per person per day at each business. No purchase necessary to enter.

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Thursday, July 12, Noon - 7pm

FREE Hot Dog Lunch in picnic area by pool 11:30am - 1:30 pm

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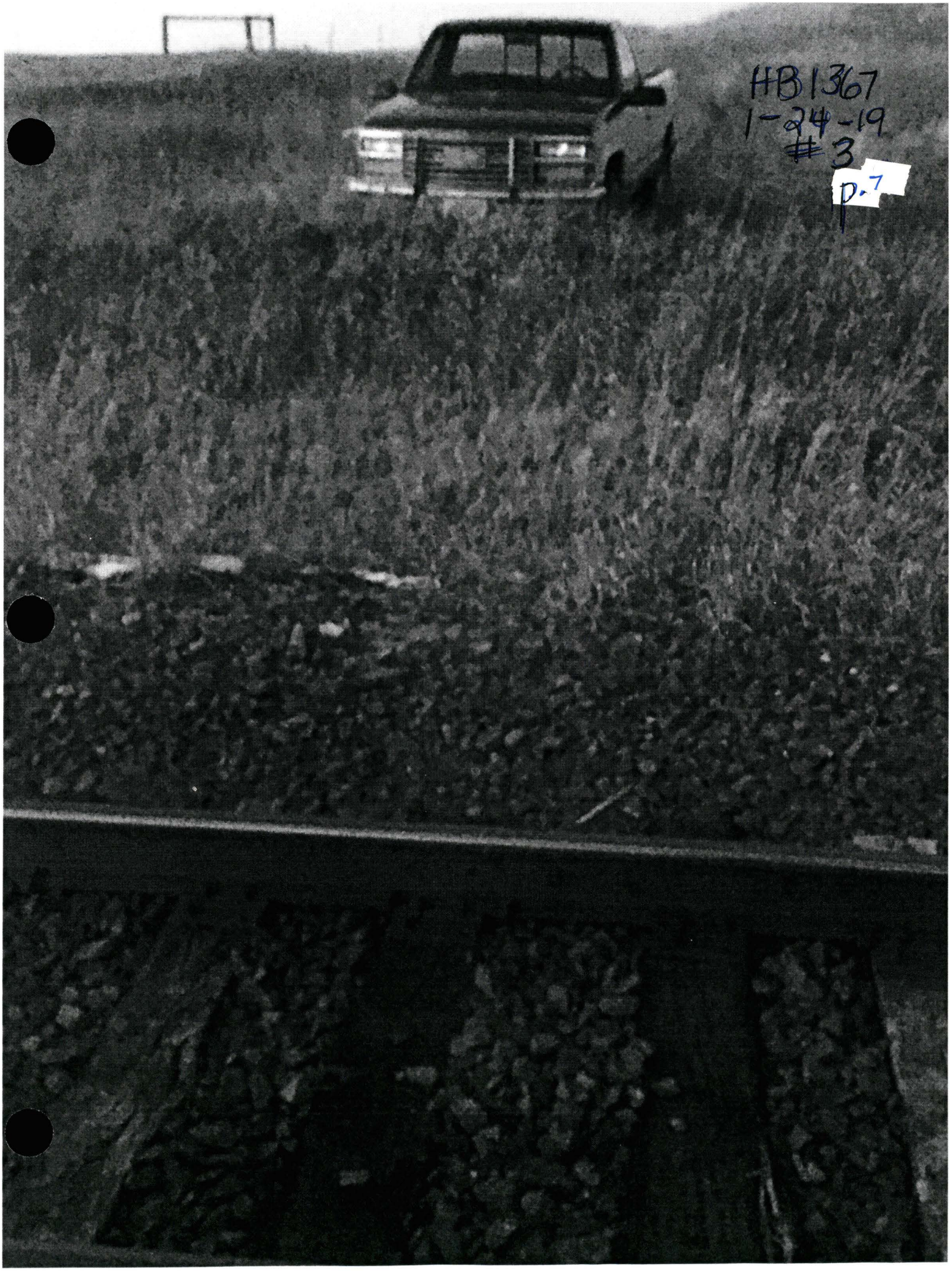
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Testimony HB 1367 Rail Safety Study
Representative Gretchen Dobervich, District 11 Fargo
Friday, March 15, 2019 10:30am
Senate Transportation Committee

Chairman Rust and Members of the Senate Transportation Committee, I am here today by constituent request to introduce HB 1367. This bill asks legislative management to consider studying railroad crossing to determine whether adequate safety measures exist to prevent collisions between trains and motor vehicles.

Over the last five years, there have been 104 vehicle-train collisions in North Dakota, resulting in 15 deaths and over 60 injuries. (Hjelseth, 2018) According to Trains magazine North Dakota had the highest number of crashes per capita (0.025 per 1,000).(Defeo,2019)

Why are vehicle-train collisions increasing in ND while they have leveled off nationally? Analysis shows that there is no single cause for the increase nationally. (Defeo,2019) A U.S. Government Accountability Office report indicates vehicle driver behavior maybe a major factor. (Defeo,2019)

The North Dakota Department of Transportation 2040 North Dakota State Rail Plan Draft lists key safety and community issues as:

- Condition of many of the state's rail lines need to be improved to prevent derailments
- First responders need to be adequately trained in dealing with railroad incidents
- Although the crude by rail shipments have decreased significantly, there is still a concern over the safe shipment of hazardous materials in the state
- Concerns remain over blocked crossings particularly in view of the trend towards longer trains for cost reduction reasons
- Grade crossing safety is high priority for the state
- Safety and community interests need to be considered in setting maximum train speeds

HB 1367 may provide information to assist the North Dakota Department of Transportation in their efforts to address these issues, identify locations of concern, determine need for public education efforts, etc.

This bill is seeking a study, versus a specific action or appropriation because when I visited with Legislative Council about a bill, their research showed no history of the issues being studied to determine scope, contributing factors and recommended solutions.

Thank you for your time and attention to this constituent request. I urge you to vote do pass on HB 1367 and welcome any questions.

#1 HB 1367
pg 2 3/15/19

References

Defeo, Todd, *Technology May Be Needed to Help Reduce Grade Crossing Accidents* ripped from http://trn.trains.com/news/news-wire/2019/01/11-technology-may-be-needed-to-help-reduce-grade-crossing-accidents, January 11, 2019

Hjelseth, Mattie,*Train Collisions Are On the Rise in ND* ripped from https://www.kfyrtv.com/content/news/Train-collisions-are-on-the-rise-in-ND--485613701.html, Jun 14, 2018

North Dakota Department of Transportation, *2040 North Dakota State Rail Plan Draft*, ripped from https://www.dot.nd.gov/divisions/planning/railplan/4Draft%20Plan.pdf,May 2017

HB 1367 #2
3/15/19 pg 1

From: Steve Irmen <steveirmen1@gmail.com>

Sent: Thursday, March 14, 2019 1:16 PM

To: Dobervich, Gretchen <gdobervich@nd.gov>

Subject: Re: Senate Hearing for the Study Scheduled

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

To the ones who will listen, besides accidents and injuries their are other issues. Trains blocking intersections for 30 to 90 minutes and longer. Bremen ND. Happens often. The concern of residents living in that area, getting home or going places can be very frustrating. The big issue is safety. A fire truck, ambulance or police will be stopped at the blocked intersections not being able to get to an emergency. Fires,injuries, heart attacks, strokes, falling off a roof, agricultural accidents. If emergency vehicles can not get through intersections and have to go all the way around can take 30/60 minutes to get to emergency is way to long. Response time is critical no matter what. Taking the long way around can be catastrophic. Can be life or death or loss of property.

My friends and I who have had to sit at intersections for long periods of valuable time are stuck waiting. We have call the railroad authorities, but are always talking to deaf ears. Please this needs to be address before it's to late. RXR crossings must never be blocked by trains parked for long periods of time. When will the train companies be held responsible? Help save lives please. All lives matter. Thank you Crazy Dave's little brother, Steve. My brother Dave was killed just a few miles from Bremen. Please help!!

From: tamra Kost <triplekhorses@gmail.com>

Sent: Wednesday, January 30, 2019 8:10 PM

To: Dobervich, Gretchen <gdobervich@nd.gov>

Subject: Railroad crossings

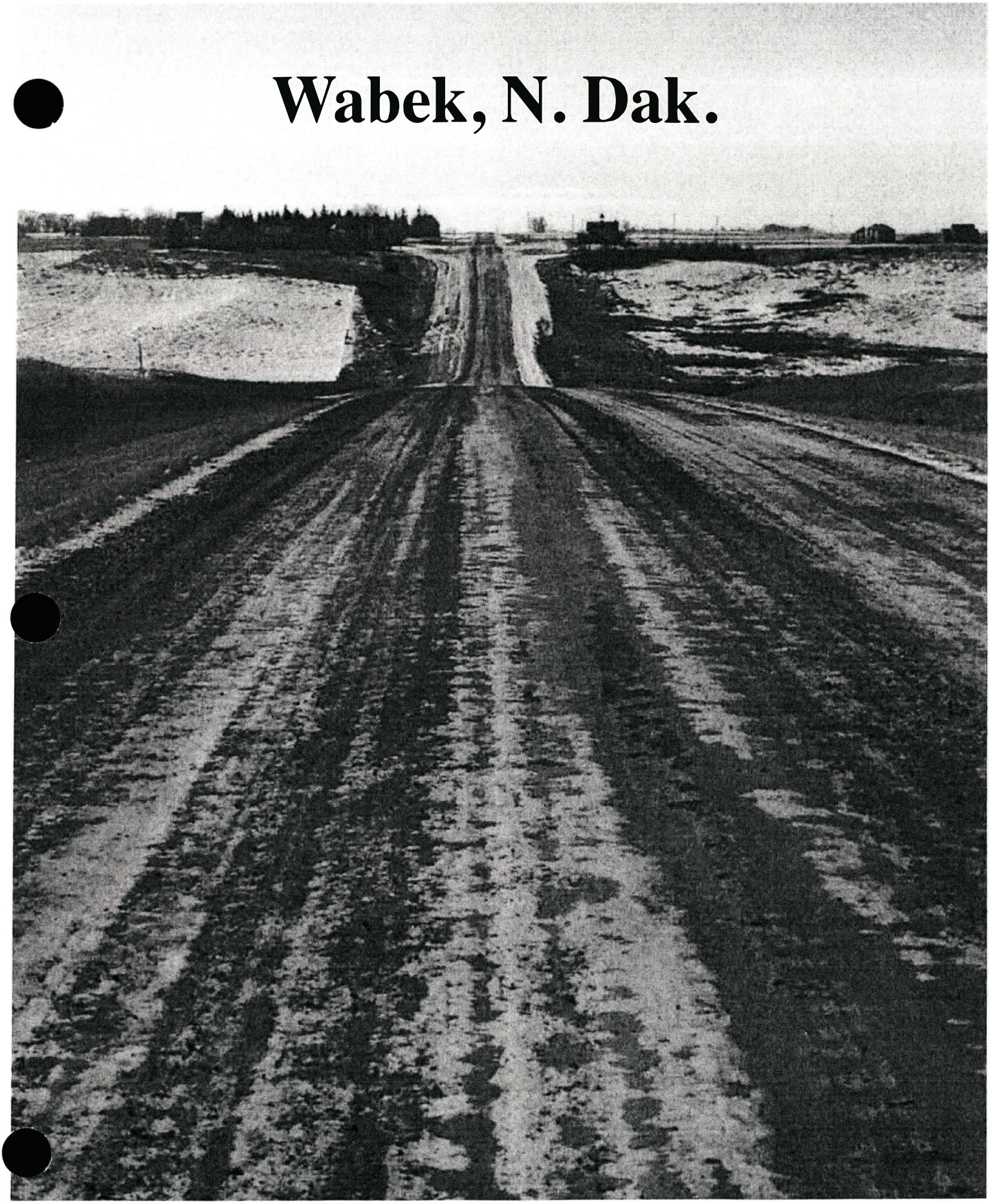
CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Just read about the bill concerning rural crossings.I live on a farm that has the Canadian Pacific passing thru with 3 rural crossings within 1 mile on all directions of my farmstead.This track also runs on an angle so it is so important as this is such a busy road for farmers,and out of habit and the angles I am so afraid these are accidents waiting to happen.Even more dangerous is a train with many flatbed cars,therefore you can see the crossing signs from both directions thus very misleading for traffic and NOT ALL CARS have reflective tape or reflective items.This is a huge concern for everyone!!

Thanks for reading this email.

Tamra Kost

Wabek, N. Dak.



HB1367
3/15/19
#4
pg 2

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February 18, 2015

Jim Styron, Rail Planner
Planning/Asset Management Division
ND Department of Transportation
608 East Boulevard Ave
Bismarck, ND 58505-0700

RE: North Dakota Railroad Crossing Requests

Dear Mr. Styron:

At the February 17, 2015 meeting of the Mountrail County Commissioners, the Board instructed me to make a request for a railroad safety enhancement project on the County Road referred to as 64th Ave NW between Sections 20 & 21 in Township 152, Range 88, north of Wabek Village.

The site distance near this crossing is poor making it unsafe for oncoming traffic. With the increase usage of the railroad due to the oil industry it is essential the crossing be improved. Please review the enclosed photos indicating the poor site distance and unsafe condition at such crossing.

Mountrail County is able to provide the 10% local share for such project. Your consideration on Mountrail County's request is greatly appreciated.

Sincerely,

Jana Heberlie

Jana Heberlie, County Engineer
Mountrail County Road & Bridge Department

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North Dakota Department of Transportation

Grant Levi, P.E.
Director

Jack Dalrymple
Governor

July 1, 2015

Diagnostic Team: County, CP Rail, State

On June 17, 2015, a crossing diagnostic was conducted and the findings are as follows:

DOT 693296N – This single mainline track crossing is on a gravel county major collector road (CR 6) north of Wabek, in Mountrail County. The approach speeds are 45> mph; with a 2014 traffic count of 105 vehicles per day. The train counts and speeds are - 6 trains per day at 25 mph restricted. Crossing has poor line of sight in both northwest and northeast quadrants for the south bound traffic, because of trees and existing hills near the track. Crossing is on a bus route with 4 buses per day during the school year.

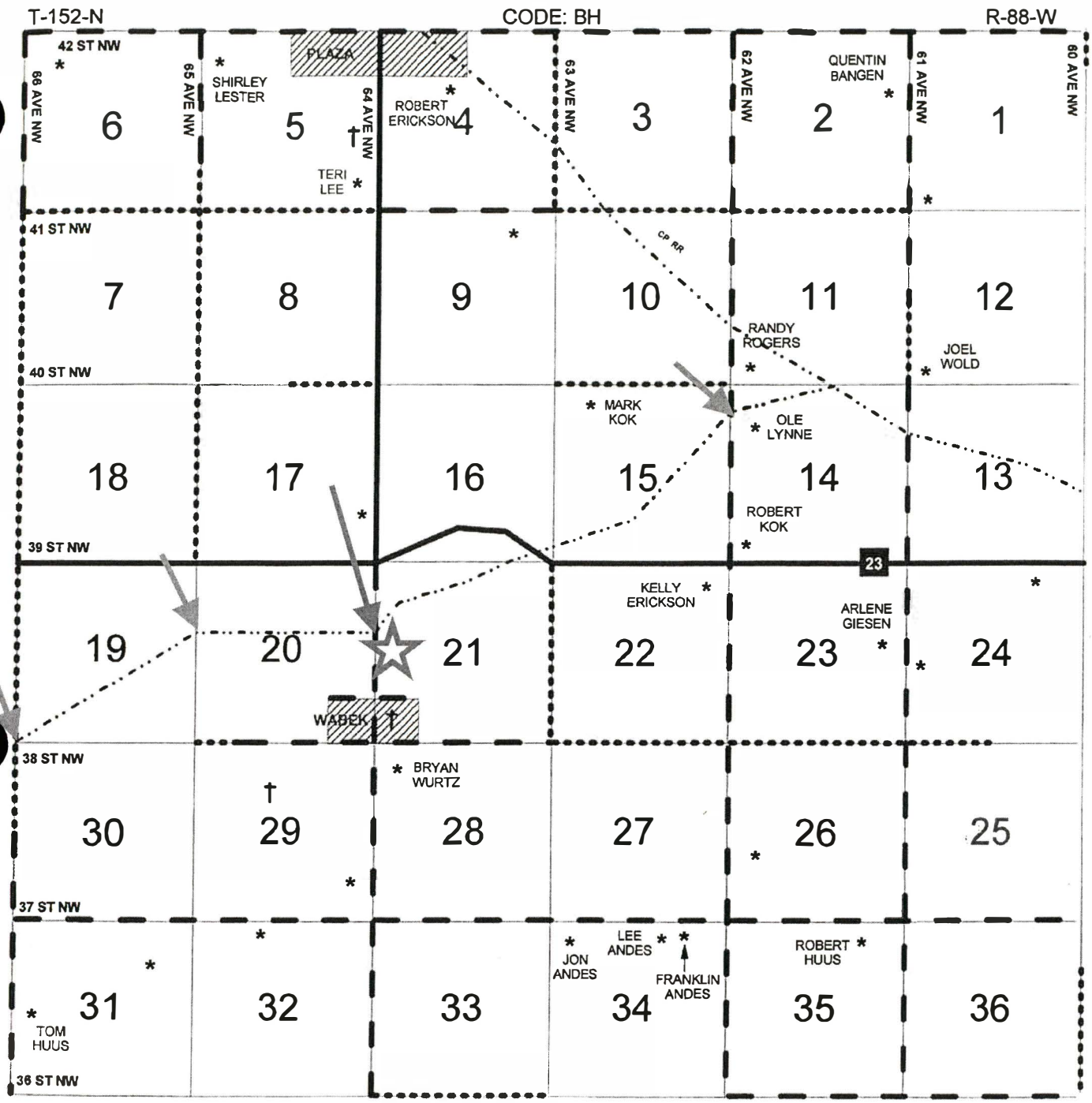
Determination: The diagnostic team determined that in the interim; this crossing needs to have stop sign installed on the north crossbuck assembly to have adequate warning protection. County will install stop ahead sign on the advance warning signs to the north. The county will supply the stop sign to the railroad for their installation of the sign at the crossing. It is also deemed to be a candidate for future installation of fully automated signal system and will be placed on the ranked list. The county will be notified well in advance to sponsor the 10% local match if it rises in rank to be funded

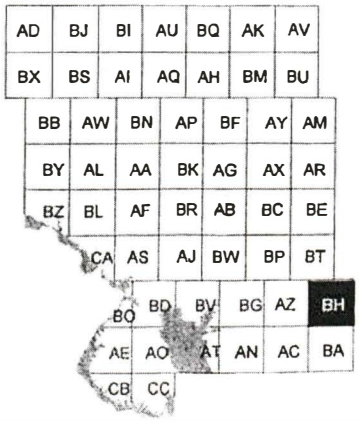
If you have additional comments, please send them via email to jstyron@nd.gov . These finding will placed in the appropriate file for future reference. Thank You for your participation on the crossing review.

JIM STYRON – RAIL PLANNER

608 East Boulevard Avenue • Bismarck, North Dakota 58505-0700
Information: 1-855-NDROADS (1-855-637-6237) • FAX: (701) 328-0310 • TTY: 711 • www.dot.nd.gov

HB 1367 #4
3/15/19 pg4





MOUNTRAIL COUNTY

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Mountrail County RECORD

Friday, July 6, 2018 Vol. 103, No. 1 www.bhgnews.com Copy $1.00

Board members of United Quality Cooperative, Jarred Billadeau,Chairman-Parshall District; David Brenna, Keene District; Colin Vachal, Ross District; Ben Waldock, Parshall District; Matt Bangen. Secretary/Treasurer-New Town District; Lance Hollinger,Vice Chairman-Ross District; Kyle Nichols-At large; Larry Jones, Keene District; and Chris Rohde, New Town District break ground for the cooperative's new elevator in Parshall. *Photo by Jerry W. Kram*

Parshall's skyline to get overhaul

United Quality is building a 27 story elevator

BY JERRY W. KRAM

While work has been ongoing for a while, the board of United Quality Cooperative finally had a groundbreaking for its new $18 million elevator under construction in Parshall.

According to United Quality CEO Eric Jacobson, when the old elevator was demolished in March, some of the concrete dated back to 1925. An addition was added 30 years later, so most of the old structure was between 60 and 90 years old

"It all came down along with two newer steel bins to make room for our new 820,000 bushel concrete facility," Jacobson said. "Then construction began in late April. We've been digging down since then and now we are starting to build up. We should start getting above grade in August."

The elevator should be finished next spring or early summer, Jacobson said. He doesn't expect any changes in staffing with the new plant. The new elevator will rise nearly 27 stories, 265 feet, compared to 130 feet for the old elevator.

Along with an additional 200,000 bushels of capacity, the elevator will be able to unload trucks and load trains much faster, said Operations Manager Gary Urlacher

"Farmers are getting much bigger," Urlacher said. "There equipment is much bigger. They want to get in and out of the elevator much faster. Smaller trucks can hold 800-900 bushels, but some of the tri-axles come in with 1,150 bushels. The farmers don't want to be in the fields waiting for their trucks to dump."

The elevator can take in 20,000 bushels an hour, Urlacher said. That is fast enough to empty a semi load of grain in minutes. The elevator will be able to fill a grain car of a train in about two minutes at a rate of 85,000 bushels an hour. The old elevator was only half to two-thirds as fast.

See **SKYLINE** on page 3

Former Commissioner: Tragedy looms below Wabek

A southbound driver's biggest fear

BY HUNTER ANDES
BHG NEWS SERVICE

One of the most dangerous railroad intersections in Mountrail County does not have cross arms, lights or bells — just cross bucks and stop signs.

Its location is approximately three and a half miles south of Plaza along Mountrail County Road No. 1 at the ghost town of Wabek. This ghost town is known for two things to the people in the community. the western bar on top of the hill and the dangerous railroad crossing in the coulee below.

"I think the crossing at Wabek is an extremely dangerous one," Mountrail County Engineer Jana Hennessy said. "Canadian Pacific Railway and the North Dakota Department of Transportation are very well aware of this crossing. We personally sent a letter to NDDOT addressing the issue."

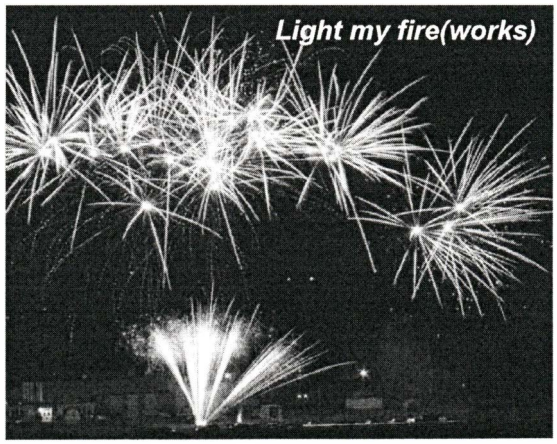
Hennessy said they tried getting cross arms and lights installed, but stop signs were put up instead.

"It's on the list to receive lights and arms," she said. "The county wants this to happen. The problem is, it's not entirely up to us. But there is certainly no doubt something more needs to be done about this problem."

Former Mountrail County Commissioner Gary Johnson of Plaza said there should have been cross arms and lights at the Wabek train crossing many years ago.

"Someone's going to get killed down there one of these times," Johnson said. "It's amazing that nobody has yet, but I know there have been some close calls."

See **WABEK** on page 12



Rising water forced Parshall's usual annual fireworks show to move from the baseball diamond at the south of town to the practice field north of the High School, but everything seemed to work just as well in the new location. This year's fireworks were sponsored by the Parshall Promoters, City of Parshall, Parshall Fireworks and the Parshall Volunteer Fire Department. *Photo by Jerry W. Kram*

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A New Town bound Canadian Pacific Railway locomotive, pulling oil cars, about to cross the passive-marked railroad crossing in the Wabek Coulee on Mountrail County Road No. 1. This crossing is one of the most dangerous in the area because the coulee walls block a southbound driver's view on both sides of the road. Note the roughly 50-yard field of vision between the road and the coulee wall Gary Johnson referenced in the story. The other side has an even smaller field of vision.

Photo by Hunter Andes

WABEK:

Continued from page 1

He said he doesn't understand why the crossing in Plaza just got lights and cross arms because there's probably the same amount of traffic on that road.

"Trains hardly ever go to Plaza — what, maybe once a week?" Johnson said. "Wabek has upwards of at least three to four trains a day. It used to have even more. That crossing needs to have the cross arms and lights before someone in our community gets struck because they couldn't see the train coming."

Jim Styron is rail planner for the North Dakota Department of Transportation.

In 2015, he responded to a letter Hennessy wrote on behalf of the Mountrail County Commission.

"The sight distance near this crossing is poor, which makes it unsafe for oncoming traffic," Hennessy wrote in her letter to Styron. "With the increase usage of the railroad due to the oil industry, it is essential the crossing be improved. Mountrail County is able to provide 10 percent of local share for such project."

She also enclosed numerous photos in the letter showing Mountrail County's concerns.

"The approach speeds are less than 45 MPH; with a traffic count of 105 vehicles per day," Styron said in his letter back to Mountrail County. "The train count is six per-day. Crossing has poor line of sight because of trees and existing hills near the track."

He also said in the letter that the county must supply and erect a stop sign. He said the crossing is deemed to be on a ranked list as a candidate for a future fully automated signal system.

Last Friday, Styron was asked to comment, but he declined. He said he wasn't allowed to talk to the press.

On Monday, NDDOT Public Information Officer Jamie Olson said Wabek's crossing meets safety requirements. She said it doesn't need anything other than stop signs.

"We monitor these crossings, and this particular crossing meets the safety requirements," Olson said. "Back in 2015, we did install stop signs after looking at it closer and feel this is all that is necessary at this time."

Olson said not a lot of people travel the roadway, so DOT doesn't see the need for the cross arms and lights.

"The vehicle traffic is only around 105 per day, and the train speeds are 45 MPH and under," she said. "Not many trains go through there. We can't just put crossing arms and lights up at all the crossings. We understand there are concerns about it, but there are certain requirements we have to go by."

Johnson and Hennessy do not look at the situation the same way NDDOT does.

"If you ask me, 105 vehicles per day travelling the Wabek Road is quite a few," Johnson said. "Yeah, it meets safety requirements all right — until somebody gets killed."

He said visibility is the main concern.

"There is none. You simply cannot see if a train is coming from the west 'til you're already on the tracks. The coulee walls are completely obstructing the line of sight," Johnson said. "From the east, you can only see maybe 50 yards. It's worse yet at night because you can't see anything at all."

> "Yeah, it meets safety requirements all right — until somebody gets killed."
> Gary Johnson, former Mountrail County Commissioner

Hennessy expressed just as much concern as Johnson.

"You can't see anything," she said. "It's very concerning to me because that road is an artery for a lot of people."

In addition to being the artery for local traffic, the Wabek Road is also a missile base road and the main road area farmers use to get their grain to market.

Johnson said one of these times a loaded truck is going to go down the Wabek Coulee and not come up the other side.

"Those stop signs are a joke," Johnson said. "The visibility is terrible, and the grade is steep. A loaded truck is going to come down, not see the train, and then a farmer will be dead."

He said something tragic will have to happen before the state sees there is a problem.

"All it takes is one person to be dead for them to realize — all it takes is one," he said. "It shouldn't have to be this way."

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4. Rosanna Gray- $25 gc to Parshall Cenex

Drawing slips will be collected at noon on Fridays with the winners notified and announced shortly after on the Parshall Promoters Facebook page. Main Street Promotion will run until August 31. Limit one entry per person per day at each business. No purchase necessary to enter.

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FREE ADMISSION to the Parshall Pool & Splash Pad
Thursday, July 12, Noon - 7pm
FREE Hot Dog Lunch in picnic area by pool
11:30am - 1:30 pm
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