

UNIFORM TRUCK PERMITTING STUDY - BACKGROUND MEMORANDUM

Section 5 of 2015 House Bill No. 1377 ([Appendix A](#)) directs the Legislative Management to study truck permitting systems in oil and gas producing counties. The study is to include a review of 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. Section 6 of the bill places a moratorium on additional fees for use of county roads so that 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 during the 2015-17 biennium.

STATE STATUTES

The Legislative Assembly has enacted North Dakota Century Code Section 39-12-02 relating to special permits for vehicles of excessive size and weight. The purpose of this section is to authorize authorities within their jurisdictions to issue special permits.

Section 39-12-02 authorizes the issuance of a special permit for vehicles of excessive size and weight, and sets fees as follows:

1. The highway patrol and local authorities in their respective jurisdictions, upon application and payment of the appropriate charges and for good cause shown, may issue a special written permit authorizing the applicant to operate or move a vehicle, mobile home, or modular unit of a size or weight exceeding the maximum specified by this chapter, upon a highway under the jurisdiction of the body granting the permit. Every permit may designate the route to be traversed and may contain any other restrictions or conditions deemed necessary by the body granting the permit. Every permit must be carried in the vehicle to which it refers in printed or electronic format and must be opened to inspection by any peace officer or agent of the superintendent of the highway patrol unless prior approval is obtained from the highway patrol. It is a violation of this chapter for any person to violate any of the terms or conditions of the permit. The highway patrol and local authorities may adopt rules governing the movement of oversize and overweight vehicles.
2. Upon any application for a permit to move a new manufactured building or modular unit from outside this state to be located anywhere within this state, the manufacturer is deemed to have certified that the new manufactured building or modular unit meets all applicable building codes and all applicable electrical wiring and equipment, plumbing, and fire standards. The state is not liable to any person for issuing a permit in violation of this subsection.
3. An appropriate charge must be made for each permit and all funds collected hereunder by the highway patrol must be deposited in the state highway fund for use in the construction and maintenance of highways and operating expenses of the department. Permit fees generated by a political subdivision must be deposited in the local authority's general fund for support of the local road system. Publicly owned vehicles that provide service beyond the agency's jurisdiction, official, publicly owned, emergency, or military vehicles are not subject to charges for permits. The minimum fee for selected charges is as follows:
 - a. The fee for the ten percent weight exemption, harvest and wintertime, is fifty dollars per month for fees paid on a monthly basis or two hundred fifty dollars per year for fees paid on a yearly basis. Unused fees paid on a monthly basis are refundable. Unused fees paid on a yearly basis are not refundable.
 - b. The fee for a non-self-issuing interstate permit is ten dollars per trip or three hundred dollars per calendar year for unlimited trips.
 - c. The fee for special mobile equipment is twenty-five dollars per trip.
 - d. The fee for engineering is twenty-five dollars per trip.

- e. The fee for faxing a permit is five dollars.
 - f. The fee for a single trip permit is twenty dollars per trip.
 - g. The fee for a bridge length permit is thirty dollars per trip or one hundred fifty dollars per calendar year.
 - h. The fee for a longer combination vehicle permit is one hundred dollars per month for fees paid on a monthly basis.
 - i. The fee for an over width vehicle or load that is fourteen feet six inches [4.42 meters] or less is twenty dollars per trip or one hundred dollars per calendar year unless the vehicle is a noncommercial fish house trailer being moved by the owner, then the fee is twenty dollars per calendar year.
 - j. The highway patrol may establish an online electronic permit system. If the highway patrol establishes an online electronic permit system, the highway patrol shall assess an additional fifteen dollar fee for every permit issued under this section to be deposited into the motor carrier electronic permit transaction fund.
4. The director of tax equalization of the county of destination must be furnished a copy of the permit for the movement of an over dimensional mobile home.
 5. Permits issued for over dimensional movements of vehicles that do not exceed ten feet [3.05 meters] in total width, including load, are valid for travel during the day and night.
 6. There is created in the state treasury a fund known as the motor carrier electronic permit transaction fund. All money in the fund is appropriated on a continuing basis to the highway patrol to defray the costs of establishing and maintaining an online electronic permit system for permitting and routing oversize and overweight vehicles in this state. The highway patrol may contract with a private entity to establish, operate, and maintain an online electronic permit system. The online electronic permit system includes the issuance of permits under this section and an automated routing system. The automated routing system must include integration of department of transportation traveler information system information, all other data required for the automated routing system, and integration of the highway patrol computer-aided dispatch system.

NORTH DAKOTA ASSOCIATION OF OIL AND GAS PRODUCING COUNTIES

The North Dakota Association of Oil and Gas Producing Counties is a 19-county member organization. The member counties are: Adams, Billings, Bottineau, Bowman, Burke, Divide, Dunn, Golden Valley, Hettinger, McHenry, McKenzie, McLean, Mercer, Mountrail, Renville, Slope, Stark, Ward, and Williams. Members must have oil, gas, or leasing development within the county boundaries. The North Dakota Association of Oil and Gas Producing Counties' website reports that the association was created to be a trusted and unified voice for the betterment of the citizens of North Dakota and the membership of the North Dakota Association of Oil and Gas Producing Counties.

The North Dakota Association of Oil and Gas Producing Counties provides a uniform county restricted road permit, in order to make the procedures for requesting travel on weight-restricted member-county roads more uniform for the trucking industry, and to assist the member counties with restricted road travel administration. The uniform permit is required when requesting to drive heavy on any participating oil county roads and will be used for the restricted county roads during the spring frost law period, as well as year-round restricted county roads outside of the spring frost law period going forward. Individuals or companies requesting the permit are still required to contact each county sheriff's department or county road superintendent; prior to traveling through each county in order to verify no other restrictions or permits are required due to changes in load limits.

The cost of the permit ([Appendix B](#)) is based upon a ton per mile fee of \$5 per ton per mile (gross vehicle weight) over restricted weight plus \$1 per ton per mile per axle over restricted axle weight. The formula is similar to the formula that has been used by some counties for their direct restricted road permits in the past. The restricted road permit is designed to be used in conjunction with a trip permit, either a self-issue permit or an e-permit. When traveling on a restricted road, an individual or company needs a restricted road permit in addition to the trip permit.

HIGHWAY PATROL E-PERMIT SYSTEM

Senate Bill No. 2308 (2011) authorized the Highway Patrol to establish an online automated routing e-permit system, created a motor carrier electronic permit transaction fund, and authorized an additional fee of \$15 to be assessed for overweight and oversize permits issued online with automated routing. The fees are required to be

deposited in the motor carrier electronic permit transaction fund and are appropriated on a continuing basis to the Highway Patrol for the costs of establishing and maintaining an online automated routing e-permit system. The Department of Transportation and the Highway Patrol collaborated with the Information Technology Department to develop the e-permit system. The Department of Transportation district engineers were required to designate highways on four maps for length, width, weight, and impedance values, and the routing system finds a route based off of those four maps and vertical clearance data within the permit system. The maps and vertical clearance data are maintained by the Department of Transportation Maintenance Division. The e-permit system became operational in June 2013. The system allows customers to register and log into the e-permit system. Once a customer has logged into the system, they choose the truck/trailer type that will be used and the permit type needed. After choosing the permit type, the customer provides the required information for the e-permit. All single trip permits are routed by the system. Customers are not required to be routed for a multiple trip, seasonal, or annual permit if the e-permit needs to be routed. The routing module within the e-permit system will prepare a route. If the customer does not like the route, the system provides an option for the customer to send the desired route into the permit office for review. An e-permit will also be sent to the permit office if the system fails to find a route due to bridge issues, weight restrictions, requirements for district engineer approval, or they request a specific route. Once the route is accepted, the customer proceeds to the "shopping cart" and pays for the permit. According to representatives of the Highway Patrol, 87 percent of permits are being electronically issued.

PROPOSED STUDY PLAN

The following is a proposed study plan for the committee's consideration:

1. Receive information from the North Dakota Association of Oil and Gas Producing Counties regarding the uniform county restricted road permit, the procedures for requesting and submitting the permit, and the system by which the permit is obtained.
2. Receive information from the board of county commissioners regarding permits or fees assessed to individuals and trucking companies for use of county roads.
3. Receive information from the Highway Patrol regarding their online electronic truck permitting and routing system.
4. Receive information from representatives of the North Dakota Petroleum Council and other local authorities and interested persons regarding required permits and fees for use of county and state highways.
5. Develop recommendations and prepare any necessary legislation.
6. Prepare a final report.

ATTACH:2