

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1366

2001 HOUSE TRANSPORTATION

HB 1366

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1366

House Transportation Committee

☐ Conference Committee

Hearing Date February 1, 2001

Tape Number	Side A	Side B	Meter #
2	x		3,022
Committee Clerk Signature <i>Laurel B. Smith</i>			

Minutes: Rep. Weisz - Chairman opened the hearing on HB 1366: A BILL for an Act to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to the designation of certain roadways as in the highway system.

Rep: Kretschmar: I represent District 28 which is Emmons, Logan and McIntosh counties and the western part of Dickey and LaMoure counties. I introduced this bill on behalf of those us who live in McIntosh County. I have this one visual aid which is map. A copy is attached here. This show what the bill is supposed to do. Basically you see by the map. It will take a portion of two roads which are not a part of the State Highway system and put them on the State Highway system. The principal road is the road that runs from Lehr, ND south to Ashley, ND. And that stretch of road is approximately 18 miles. The other stretch of road is approximately nine miles that runs from the junctions of highways 11 and 3 south and west through the city of Venturia to the South Dakota line. The road that runs from Lehr to Ashley could logically become an extension of state highway 30 which now comes down from the Interstate near Medina all the

way down to Lehr. At Ashley there is a state highway that runs south to the South Dakota state line that meets SD 35. The other stretch of road comes down from the junction of Highway 3 and 11 to the South Dakota line would meet SD 47. It would provide transportation along there. These roads are now a part of our county system and I think it would be logical place them into the state system. I notice on my computer I notice the state has provided a fiscal note on this bill. I looked over the fiscal note and I get the idea that state agencies like to kill bills with kindness. But kill them with fiscal notes. The cost on the fiscal note is \$12 million dollars. In examining the fiscal note, one of the items on there is that it is necessary to spend \$156,000 for highway right of way. Now checking with our county people on both of these stretches of road there is 75' right of way in place. The easements have been there since the beginning, at least quite a while. The road which goes through Venturia where I live actually down to the South Dakota line -- we need that this summer because the city of Venturia is celebrating its centennial. The other items place in the fiscal note is something like \$480,000 per mile to do something to the road. I can assure you that both of these roads are nice black topped highways. I am not a highway engineer but it does appear it wouldn't cost any \$480,000 to need any fixing on these roads. The chief thing is that the county would like to have the maintenance taken over. The fiscal note -- that is \$220,000 which is not an unusual cost. I don't think we are really changing any costs to the tax payers of the state by doing this other than if the state does the work the counties won't have it for that part of the roads. If the committee thinks it is too much to do both they could do only one of them we would prefer that section from Ashley to Lehr because that is the more traveled road. Our county commissioners are here to testify.

Rep. Weisz - Chairman ( 3865 ) As a rule the state doesn't tend to take on highways and they usually look at the cost and have they looked at this based on use and that they use ---

Rep. Kretschmar: I don't believe so -- all the roads south of 13 and all of 3 north and south probably should stay on the state system.

Roger Klipfel: I am County Commissioner of McIntosh County. I really think that it would be good to get these roads into the state -- like most counties we are -- it would help because of the maintenance. The highway from Lehr to Ashley but we have no class A highway going through like the road that runs there --- if we could get class A road for load limits. We feel it would help the county out quite a bit if we could turn this over to the state.

Rep. Weisz - Chairman ( 4114 ) How many miles of black top road do you have in your county?

Roger Klipfel: About 106 miles.

Myron Schleip: I am the mayor of Ashley. We lost our railroad in 1996 - 1997. We feel it is vitally important for us to get connected up a road so that we can get trucks out of there as we ship a lot of grain out of there. We are handicapped as far as getting connected up to new road. That is why this 18 miles of road between Lehr and Ashley is so important because we lost the rail system.

Rep. Carlson: ( 4320 ) Is there different load limits on a state road and a county road.? This road isn't going to be rebuilt -- it would be the same road but different load limits?

Rep. Weisz - Chairman (4365 ) According to the fiscal note it would be rebuilt. And it would be So it would be under a new load limit. Seldom do the county black top have a load limit over 80,000 pounds.

Rep. Carlson: They rate these roads a class A or whatever-- so county roads are not a class A?

Rep. Carlson: ( 4437 ) So to continue at that time in the spring when the ground is thawing out and not the rest of time throughout year?

Rep. Weisz - Chairman: We have load restrictions all the year around. The counties can set whatever load limits they want. In addition to spring restrictions usually it is the county black tops that don't have enough asphalt to carry any kind of load.

Tim Horner: I am not here to testify either for or against -- I am the Director of Transportation Services -- I will try to answer the question about load restrictions -- but typically the A restriction can carry 105,000 pounds but then the reductions in the axle loads -- then the next level down the loads as well effects the vehicle weight as well. Some times the -- grain haulers can still operate at the class A load restrictions.

Rep. Pollert - Vice Chairman: ( 4658 ) If you are sitting on I-94 or I-29 it is called a class double A. If you are hauling with a regular semi you are going haul 80,000 pounds. If you are on a class A which like Foster county is Highway 281 from Jamestown up to Carrington to New Rockford you can still can haul 80,000 pounds on Class A but then a class one gets you down to about 70,000 pounds or to 72,340 and a class 2 gets you down to 65,000 and then you go to class 3 and you hardly have your truck on the road basically.

Rep. Carlson: ( 4744 ) So is State highway 3 is a class 1?

Rep. Pollert - Vice Chairman: It will vary, but is there a year around restriction on that road or just in the spring time?

? ? Tim Horner ? It is a class A. In various parts -- you get up north and north of 13 it is a no.2 restriction -- north of Ashley.

OPPOSITION TESTIMONY:

Tim Horner: Prepared written testimony attached. I am the Program Services Director for the DOT.

Rep. Weisz - Chairman ( 5303 ) What is a statewide average of vehicle traffic counts? What number do you use on the low end before you start to look at a project ( on the state system )?

Tim Horner: Our low end to be on the state highway system is typically 500 cars per day. Some short segments may fall below that or in this range.

Rep. Pollert - Vice Chairman: ( 5425 ) Every time unless designated by the commission a state highway is a class A road?

Tim Horner: Class A applies to the spring. Otherwise it is 105,000 pounds.

Rep. Pollert - Vice Chairman: So they could -- a semi can haul 80,000 pounds year around normally. Can they get the 10% over load permit in the winter time? If they so desire?

Tim Horner: I have to admit that this not my area. I don't know. I can not see why there would be an exception though.

Rep. Weisz - Chairman called for further testimony either for or against HB 1366; there being none the hearing on HB 1366 was closed. ( 5660 )

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1366 B

House Transportation Committee

☐ Conference Committee

Hearing Date February 2, 2001

Tape Number	Side A	Side B	Meter #
2		X	1,161
			end 17 94
Committee Clerk Signature <i>Louise B. Fitch</i>			

Minutes: Rep. Weisz - Chairman opened the discussion for action on HB 1308.

Following discussion:

Rep. Mahoney: ( 1209 ) I move an amendment that "the 3 miles from Cross Ranch to ND 200 be added to the State Highway system".

Rep. Kelsch: I second that.

On a roll call vote the motion failed: 5 yeas 8 nays 1 absent.

Rep. Carlson: ( 1576 ) I move a 'Do Not Pass' for HB 1366.

Rep. Hawken: I second the motion.

On a roll call vote the motion carried: 10 yeas 3 nays 1 absent

Rep. Kelsch was designated to carry HB 1366.

END ( 1794 )



**FISCAL NOTE**  
Requested by Legislative Council  
01/22/2001

Bill/Resolution No.: HB 1366

Amendment to:

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>				\$12,593,942		\$220,860
<b>Appropriations</b>				\$12,593,942		\$220,860

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill would add approximately 27 miles of county road to the state system. The DOT would incur approximately \$12,373,082 to bring the roadways up to the minimum standard for highways on the state system. In addition, the state would incur approximately \$220,860 per biennium in maintenance costs.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Following are estimated costs to convert McIntosh County roads to the state system. These roads are from the South Dakota state line through Venturia to ND Highway 11 and from ND Highway 11 near Ashley to ND Highway 13 near Lehr. Approximate total mileage to add is 27.

Assume an additional 75' of R/W will be needed along the corridor.  
 $(75')(5280' \text{ per mile})(27 \text{ miles})(\text{acre per } 43,560 \text{ sq. ft.}) = 245.5 \text{ acres}$   
 Assume 55% of this acreage is crop land and 45% is pasture land.  
 $(.55)(245.5 \text{ acres}) = 135 \text{ acres}$   $(.45)(245.5 \text{ acres}) = 110.5 \text{ acres}$   
 Assume fence relocation on both sides of roadway for pasture land.

(5280' per mile)(27 miles)(2)(.55) = 156,816 feet  
Assume 25% of R/W cost for appraisal and acquisition.

Right of Way : (135 acres)(\$265 per acre) = \$35,775  
(110.5 acres)(\$156 per acre) = \$17,238  
(\$35,775 + \$17,238)(.25) = \$13,253  
(156,816 feet)(\$1 per foot) = \$156,816

Widening and additional surfacing: (\$450,000 per mile)(27 Miles) = \$12,150,000

Maintenance cost per year:  
(\$2045 / lane mile /year)(27 miles)(2 lanes) = \$110,430

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

The DOT will need an appropriation enhancement as listed above to implement the provisions of this bill.

<b>Name:</b>	Darcy Rosendahl	<b>Agency:</b>	NDDOT
<b>Phone Number:</b>	328-4463	<b>Date Prepared:</b>	01/25/2001

Date: 2/02/01  
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1366

House Transportation Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Vote on Amendment 2 add 3 miles  
Motion Made By Rep. Mohamud Seconded By Jim Cross Ranch to ND 202

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman		✓	Howard Grumbo		✓
Chet Pollert - Vice Chairman		✓	John Mahoney	✓	
Al Carlson		✓	Arlo E. Schmidt	✓	
Mark A. Dosch		✓	Elwood Thorpe		✓
Kathy Hawken	✓				
Roxanne Jensen	✓				
RaeAnn G. Kelsch	✓				
Clara Sue Price		✓			
Dan Ruby		✓			
Laurel Thoreson	A				

Total (Yes) 5 No 8

Absent 1

Floor Assignment failed

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

Date: 2/02/01  
Roll Call Vote #:

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1366

House Transportation Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass

Motion Made By Rep Carlson Seconded By Rep. Hawken

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Howard Grumbo	✓	
Chet Pollert - Vice Chairman	✓		John Mahoney		✓
Al Carlson	✓		Arlo E. Schmidt		✓
Mark A. Dosch	✓		Elwood Thorpe	✓	
Kathy Hawken	✓				
Roxanne Jensen		✓			
RaeAnn G. Kelsch	✓				
Clara Sue Price	✓				
Dan Ruby	✓				
Laurel Thoreson	A				

Total (Yes) 10 No 3

Absent 1

Floor Assignment Rep. Kelsch

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

**REPORT OF STANDING COMMITTEE (410)**  
February 2, 2001 7:45 a.m.

Module No: HR-19-2175  
Carrier: R. Kelsch  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1366: Transportation Committee (Rep. Welsz, Chairman) recommends DO NOT PASS**  
(10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1366 was placed on the  
Eleventh order on the calendar.

2001 TESTIMONY

HB 1366

**HOUSE TRANSPORTATION COMMITTEE**  
**February 1, 2001**

**North Dakota Department of Transportation**  
**Tim Horner, Director, Office of Transportation Program Services**

**HB 1366**

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House Bill 1366 proposes adding about 27 miles to the State Highway System in McIntosh County. This includes about nine miles of county road from Venturia to the South Dakota border, and eighteen miles of county road from Ashley north, connecting ND 11 to ND 13 at Lehr.

NDDOT receives periodic requests to add mileage to the state system. In the 1970s and early 1980s, it was common to add some miles each year. However, since the mid 1980s, very little mileage has been added to the system. Each request is handled individually. NDDOT studies existing and projected traffic volumes, traffic generators of regional or statewide significance, continuity and spacing of routes, condition of the roadway, and the possibility of removing a segment from the state system if one is added.

This 27-mile segment of county roadway is currently not built to state highway standards. There is not adequate right of way for snow storage, and the pavement is very weak. The existing roadway is only 24 feet wide, which does not provide adequate width for a structural overlay. Additional right-of-way would have to be purchased, and the roadway would need to be widened and resurfaced. The cost of bringing these 27 miles up to standard would be about \$12.6 million. In addition, roadway maintenance would cost the state about \$220,900 per biennium.

The existing traffic volumes on the miles proposed to be added are quite low. The estimated volume on the segment from Venturia to the South Dakota border is about 110 vehicles per day, including about 15 trucks. The estimated traffic on the segment from Ashley to Lehr is about 300 vehicles per day, including 30 trucks. ND Highway 3, located within eight miles of the proposed additions, provides a parallel state route serving the area.

NDDOT periodically updates its State Transportation Plan. Each time we update, we give the public an opportunity to provide input into system operations.

Improvements on the 27 proposed additional miles would be need to be done immediately, and would result in delaying existing projects that have been programmed for some time. NDDOT currently has needs exceeding its limited resources.

We ask the committee to recommend **DO NOT PASS** on HB 1366.

