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Yubereca d. Lee
Operator's Signature

10-16-03
Date

2003 SENATE TRANSPORTATION

SB 2104

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10-16-03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2104

Senate Transportation Committee

☐ Conference Committee

Hearing Date 1-10-03

Tape Number	Side A	Side B	Meter #
1	X		100-965
1	X		2528-2890
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes:

The hearing on SB 2104 relating to determinations of significant impact on transportation structures was opened by **Chairman Senator Thomas Trenbeath**. Roll call was taken with all committee members present.

Tim Horner: (Director of Transportation Programs, ND DOT) Presented background on and testified in support of SB 2104. (Testimony attached.)

Senator Nething: Are we basically talking about bridges? What else is included?

Tim Horner: (Meter 390) The text implies a building or development. A structure that generates 10-25 vehicles per day whose gross vehicle weight exceeds sixty thousand pounds.

Senator Trenbeath: (Meter 500) It's in the chapter on county zoning and pertains to issuing construction permits, so I presume we are talking about commercial properties being developed that would generate that kind of traffic.

Senator Nething: What is the problem we are trying to cure?

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10-16-03
Date

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Senate Transportation Committee

Bill/Resolution Number SB 2104

Hearing Date 1-10-03

Tim Horner: We are trying to update a number that was too low in the past. (Meter 605)

Terry Traynor: (Assistant Director of the Association of Counties) (Meter 770) Supports the bill. Commented on current zoning authorities.

The hearing on SB 2104 was closed.

SB 2104 was reopened for discussion. (Meter 2528) Committee members determined that the bill just relaxes the existing standards.

Senator Espegard motions a Do Pass. Seconded by **Senator Mutch**. Roll call vote taken.

6-0-0. Floor carrier is **Senator Espegard**.

PASSED.

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Date: 1-10-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2104

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen. Espgaard Seconded By Sen. Mutch

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier	✓	
Senator Duaine Espgaard, V. Chair	✓		Senator Ryan Taylor	✓	
Senator Duane Mutch	✓				
Senator Dave Nothing	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Espgaard

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

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10-16-03
Date

REPORT OF STANDING COMMITTEE (410)
January 10, 2003 12:28 p.m.

Module No: SR-04-0429
Carrier: Espegard
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2104: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2104 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-04-0429

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10-16-03
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2003 HOUSE TRANSPORTATION

SB 2104

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G. J. Perera
Operator's Signature

10-16-03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2104

House Transportation Committee

☐ Conference Committee

Hearing Date March 6, 2003

Tape Number	Side A	Side B	Meter #
1	x		0.7 to 6.6
		x	44.2 to 47.9
Committee Clerk Signature <i>Lauren J. Fink</i>			

Minutes:

Rep. Weisz opened the hearing on SB 2104, a bill for an Act to amend and reenact subsection 2 of section 11-38-18 of the North Dakota Century Code, relating to determinations of significant impact on transportation structures.

Gary Berreth, Director of Operations, spoke for the ND DOT who sponsor this legislation. A copy of his written testimony is attached.

Rep. Weisz How often are you notified now?

Gary Berreth: Not very often.

Re. Hawken: Are we talking about trucks -- that kind of structure?

Gary Berreth: It would be anything that would generate truck traffic -- truck stops could be one -- in the past we have -- grain terminals -- things like that -- in the past we have found out about these things after the fact -- then it is hard to react.

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10-16-03
Date

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House Transportation Committee
Bill/Resolution Number SB 2104
Hearing Date March 6, 2003

Rep. Ruby: Wouldn't there be more communication with the " 10 " trucks per day than with the '25 " .

Gary Berreth: With the ' 10 ' threshold -- I think a lot of people have the idea it isn't too much and not a significant impact. We have been notified when there are more vehicles --- such as sub-terminals -- the counties have contacted us -- so we think that they take the higher or more trucks generated they take more seriously.

Rep. Weisz: Do you feel that when it comes to economic development -- that they are cooperating more with the DOT?

Gary Berreth: We have worked very hard the past few years with the counties and they are cooperating more and with the cities where they have planning organizations we are much more involved in the planning process. Then we are informed earlier.

Rep. Hawken: It says here the Board of county Commissioners -- what about a city ?

Gary Berreth: It says the board of county commissioners because this particular section of the existing code references the authority of the County Commissioners.

there being no other persons wishing to testify for or against SB 2104, Chairman Weisz closed the hearing.

End hearing record (6.6)

Action on SB 2104 Tape 1 Side B

Rep. Delmore: (44.2) moved a 'Do Pass' motion for SB 2104. Rep. Bernstein seconded the motion. On a roll call vote the motion carried 10 Ayes 0 Nays 3 Absent and not voting.

Rep. Bernstein was designated to carry SB 2104 on the floor.

End of record (47.9).

Date: 3/6/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2104

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30225.0200

Action Taken Do Pass

Motion Made By Rep. Delmore Seconded By Rep. Bernstein

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	<input checked="" type="checkbox"/>		Lois Delmore	<input checked="" type="checkbox"/>	
Kathy Hawken - Vice Chairman	<input checked="" type="checkbox"/>		Arlo E. Schmidt	<input checked="" type="checkbox"/>	
LeRoy G. Bernstein	<input checked="" type="checkbox"/>		Elwood Thorpe	<input checked="" type="checkbox"/>	
Mark A. Dosch	<input checked="" type="checkbox"/>		Steven L. Zaiser	<input checked="" type="checkbox"/>	
Pat Galvin	<input checked="" type="checkbox"/>				
Craig Headland	<input checked="" type="checkbox"/>				
Clara Sue Price	<input checked="" type="checkbox"/>				
Dan J. Ruby	<input checked="" type="checkbox"/>				
Dave Weiler	<input checked="" type="checkbox"/>				

Total Yes 10 No 0

Absent 3

Floor Assignment Rep. Bernstein

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REPORT OF STANDING COMMITTEE (410)
March 6, 2003 11:48 a.m.

Module No: HR-40-4080
Carrier: Bernstein
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2104: Transportation Committee (Rep. Welsz, Chairman) recommends **DO PASS**
(10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2104 was placed on the
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-40-4080

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2003 TESTIMONY

SB 2104

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10-16-03
Date

SENATE TRANSPORTATION COMMITTEE
January 10, 2003

North Dakota Department of Transportation
Tim Horner, Director of Transportation Programs

SB 2104

Similar to House

Good morning Mr. Chairman and members of the committee. I'm Tim Horner, Director of Transportation Programs of the North Dakota Department of Transportation. I'm here on behalf of the NDDOT to present background on and testify in support of SB 2104 which amends subsection 2 of Section 11-33-18. Section 11-33-18 primarily gives counties the ability to grant permits for developments.

Section 11-33-18 currently calls for the director of the department of transportation be notified and be given an opportunity to comment on the application for a structure or development if the structure will generate more than 10 trucks per day. However, approval of the director of the department of transportation of the proposed structure is not required. The 10-truck provision was added to Section 11-33-18 in 1987. This amendment changes the 10-truck provision to 25 trucks per day. The section existed prior to 1987.

The department feels that almost all state highways can accommodate an additional 10 trucks per day without the need for coordination. With a more logical threshold of 25 trucks per day, the department also believes that it will increase the likelihood of future communication and coordination regarding new developments.

The department feels that a development that generates 25 trucks per day will generate vehicles that will likely travel on the state system either through raw material delivery or through transport of its final product. Early communication with the department could expand the department's ability to comment on the existing state highway capability, truck routing, access location or future project scheduling that would add value to the planning process. Early communication would allow the department and local entities to be more pro-active in dealing with servicing these developments.

Additional supporting comments and issues are as follows:

- ▶ The proposed change maintains the authority of county government to regulate local development.
- ▶ The proposed change will assist in the early identification of developments that may have impacts beyond the locality of the development, or that impact more than one level, or unit of government.

Page 1 of 2

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- ▶ The proposed change will promote communication between local governmental units, economic developers, private sector businesses and transportation agencies; resulting in lower transportation costs and improved highway service.
- ▶ The proposed change will be less burdensome to the county board of commissioners and developers.
- ▶ The standard of 25 trucks per day is consistent with the threshold volume identified as a significant "truck traffic generator" in NDDOT studies and planning processes.

NDDOT supports this legislation.

Page 2 of 2

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