

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2407

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*Deanna Hall*  
Operator's Signature

10/23/03  
Date

2003 SENATE TRANSPORTATION

SB 2407

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2407

Senate Transportation Committee

☐ Conference Committee

Hearing Date 2-6-03

Tape Number	Side A	Side B	Meter #
1	X		5120-end
1		X	0-1400
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes:

**Chairman Senator Thomas Trenbeath** opened the hearing on SB 2407 relating to weight limitations on vehicles.

**Senator David O'Connell:** (District 6) (Meter 5540) Introduced SB 2407. Suggested an amendment (attached) to remove "an empty" from the bill.

**Senator Nething:** Tell me what the problem is.

**Senator O'Connell:** A person bought a fertilizer spreader in Grand Forks and went across the scale in Minot. He was overweight even though he was empty.

(Meter 6115) Discussion on permits. One time permits are usually issued in the spring.

Question concerning the fiscal note. There shouldn't be one.

**Brad Haugeberg:** (North Dakota Grain Dealers Association) (Side B Meter 0) Support SB 2407 with the amendment to remove the word empty. Empty seems to be a term that would be unenforceable or impractical.

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Page 2  
Senate Transportation Committee  
Bill/Resolution Number SB 2407  
Hearing Date 2-6-03

**Gary Knutson:** (Meter 160) (North Dakota Agricultural Association) Represents about 300 dealers around the region that handle the equipment being talking about. With the proposed amendment striking the word "empty" they feel they could work with the weight limitations.

**Mark Dooley:** (NDAA) If the word empty can be removed from the bill, partial loads can be taken within the weight restrictions. Running empty would mean buying more units and hiring more employees in order to get the fertilizer to the field for the farmer.

**Duane Poynter:** (NDAA and Independent Dealer) (Meter 330) Agreed that the word empty is a problem.

**Joe Killoran:** (NDAA and Independent Dealer) (Meter 420) Agreed with the previous testimony excluding empty from the proposed bill.

**Grand Levi:** (NDDOT, Deputy Director for Engineering) (Testimony attached) Supports SB 2407 as originally proposed without the amendment. (Meter 750) Addressed the purpose for putting in the word "empty". (See attached study.)

(Meter 900) Discussion on going through scales and being monitored.

(Meter 1000) Discussion on weights when empty and loaded.

The hearing on SB 2407 was closed.

**Senator Nething** moved the Amendment as presented. Seconded by **Senator Bercier**. Roll call vote 6-0-0. Passed.

**Senator Espgaard** moved a Do Pass as Amended. Seconded by **Senator Bercier**. Roll call vote 6-0-0. Passed. Floor carrier is **Senator Nething**.

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Date

**FISCAL NOTE**  
Requested by Legislative Council  
01/28/2003

Bill/Resolution No.: SB 2407

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.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 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 has no material fiscal impact.

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.*

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.*

Name:	Jerome Horner	Agency:	NDDOT
Phone Number:	328-4333	Date Prepared:	02/03/2003

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Operator's Signature

Date

30759.0201  
Title.0300

Prepared by the Legislative Council staff for  
Senator O'Connell  
February 5, 2003

*JB*  
2-6-3

PROPOSED AMENDMENTS TO SENATE BILL NO. 2407

Page 3, line 7, remove the overstrike over "a"

Page 3, line 8, remove "an empty"

Page 3, line 13, remove the overstrike over "a" and remove "an"

Page 3, line 14, remove "empty"

Renumber accordingly

Page No. 1

30759.0201

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*Deanna Williams*  
Operator's Signature

10/23/03  
Date

Date: 2-6-03  
Roll Call Vote #: /

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2407

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

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

Action Taken Amendment as presented

Motion Made By Senator Nething Seconded By Senator Bercier

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier	✓	
Senator Duaine Espegard, V. Chair	✓		Senator Ryan Taylor	✓	
Senator Duane Mutch	✓				
Senator Dave Nething	✓				

Total (Yes) 6 No 0

Absent 0

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

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

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Dennis Bercier 10/23/03  
Operator's Signature Date

Date: 7-6-03  
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB2407

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30759.0201 Title, 0300

Action Taken Do Pass as Amended

Motion Made By Senator Desjard Seconded By Senator Bercier

[illegible]

Total (Yes) 6 No 0

**Absent** 0

Floor Assignment Senator Rething

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

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Deanna Hall  
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10/23/03  
Date

REPORT OF STANDING COMMITTEE (410)  
February 7, 2003 1:11 p.m.

Module No: SR-24-1987  
Carrier: Nothing  
Insert LC: 30759.0201 Title: .0300

REPORT OF STANDING COMMITTEE

SB 2407: Transportation Committee (Sen. Trenbeath, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2407 was placed on the Sixth order on the calendar.

Page 3, line 7, remove the overstrike over "a"

Page 3, line 8, remove "an empty"

Page 3, line 13, remove the overstrike over "a" and remove "an"

Page 3, line 14, remove "empty"

Renumber accordingly

10/23/03

2003 HOUSE TRANSPORTATION

SB 2407

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Deanna G. Hall  
Operator's Signature

10/23/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2407

House Transportation Committee

☐ Conference Committee

Hearing Date March 7, 2003

Tape Number	Side A	Side B	Meter #
1	x		2.2 to 14.1
Committee Clerk Signature <i>Lauren H. Felt</i>			

Minutes:

Rep. Hawken opened the hearing on SB 2407, a bill for an Act to amend and reenact section 39-12-05.3 of the North Dakota Century Code, relating to weight limitations on vehicles.

Rep. Weisz representing District 14 and a co-sponsor of this proposed legislation explained the history and the purpose of this bill. There was a similar bill in the past session -- over the roads we have what the industry calls rogatots -- and agricultural application vehicles used for the purposes of applying fertilizers and chemicals for the crops -- they come in various shapes and sizes -- and relatively heavy -- some one had been stopped and gotten a citation for being over weight. We introduced legislation which had a sunset clause last session. Basically what we planned to do was to allow these because they are slow speed and limited use. -- we felt that because the sunset clause was on there and this does have a couple of changes and we felt they would do little damage on the highways -- with the 550 pounds per inch of tire width -- that's basically the bill -- it varies to allow these applicators to run down the road -- that's-- they have

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*Deanna Schmitt*  
Operator's Signature

10/23/03  
Date

Page 2

House Transportation Committee

Bill/Resolution Number SB 2407

Hearing Date March 7, 2003

been doing it -- the thirty some years anyway so -- they are a low speed and very low use -- and so we thought we have covered their use the last session and we want to pass this legislation again to insured that they can be used --

Rep. Ruby I see they are removing the speed requirements -- why would they do this?

Rep. Weisz I am not sure why -- that was a compromise we did last session -- we had allowed a heavier weight than used in South Dakota -- the DOT suggested lowering the weight and speed -- logically most of us feel the impact on the road -- the voice on the tape becomes intelligible

Rep. Ruby another thing I was questioning is it mentions the weight -- 22,000 pounds and the tire pressure does not exceed 550 pounds -- some how something just -- why doesn't it just 22,000 pounds and does not exceed 550 pounds per inch of tire width? What does the tire pressure have to do with it?

Rep. Weisz I believe that is not exactly what was needed but we are talking about the pressure per square inch of tire -- not the 550 pounds -- these tires can vary -- depending on the size of tire they have -- can any where from 5 to 35 pounds per square inch of air in the tire -- we talking here about the loads they can carry of 550 pounds per square inch on the road.

Rep. Weiler You removed the sunset clause and there is another one in there -- so is this just removing that off of there -- there is not another expiration in two years?

Rep. Weisz That is correct -- the reason for the sunset was -- and this was in conference committee -- South Dakota was supposedly doing a study on these types of vehicles -- and there was felt there would be a lot of new information in the meantime -- that was the reason it was sunsetted at that time.

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10/23/03  
Date

Page 3  
House Transportation Committee  
Bill/Resolution Number SB 2407  
Hearing Date March 7, 2003

Rep. Thorpe Without me reading -- can you tell me what these two pages of over-struck language is about?

Rep. Weisz Basically what we -- that over strike basically eliminating the bill from the last session.

Gary Knudson representing the North Dakota Agriculture Association they represent crop growers, fertilizer groups and others rose to state that they support passage of this bill.

Steve Stregge representing the North Dakota Grain Dealers Association also rose to announce they too support the passage of SB 2407.

Grant Levi Deputy Director for Engineering, ND DOT testified in support of SB 2407. He presented the information gleaned from the South Dakota study and the ND DOT analysis of the bill. a copy of his prepared remarks are attached.

Rep. Ruby How wide are these tires?

Grant Levi They vary with the type of vehicle.

Rep. Weisz They vary from 9.5" to 44" wide.

Sen. O'Connell I don't know what the testimony has been but I will say that this is one bill that has to be passed. It effects the fertilizer industry, the chemical applicators -- usually in the spring they change the tires out to a wider width and then when the row crops need spraying in the summer they charge to the narrower tire. We have been working with the DOT and they have been real helpful.

There being no other persons wishing to testify either for or against SB 2407, Vice Chairman Hawken closed the hearing.

End of hearing record. ( 14.1 )

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10/23/03  
Date

# 2003 HOUSE STANDING COMMITTEE MINUTES

## BILL/RESOLUTION NO. SB 2407 b

House Transportation Committee

☐ Conference Committee

Hearing Date March 14, 2003

Tape Number	Side A	Side B	Meter #
1		x	15.0 to 29.7
Committee Clerk Signature <i>Laura B. Felt</i>			

Minutes:

Rep. Weisz opened the discussion for action on SB 2407. Rep. Weisz our intern has prepared some of amendments for changes of wording on page, line 12 and page 3, line 18.

Rep. Ruby I think the intent was a little different and should read would on page 3, line 11 -- remove "the tire pressure"; page 3, line 12, replace "per" with "for each" and after "inch" insert "[2.54 centimeters]"; page 3, line 17, remove "the tire pressure" and page 3, line 18, replace "per" with "for each and after "inch" insert [2.54 centimeters]".

Rep. Ruby ( 18. 2 ) moved the amend be approved. Rep. Headland seconded the motion.

The motion carried on a voice vote.

Rep. Delmore moved a 'Do Pass as amended' motion for Sb 2407. Rep. Hawken seconded the motion. On a roll call vote the motion carried 9 Ayes 2 Nays 2 Absent and not voting:

Rep. Headland was designated to carry SB 2407 on the floor.

End of record. ( 29.7 )

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10/23/03  
Date

Date: March 14, 2003  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2407

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30759.0300

Action Taken Do Pass as Amended -

Motion Made By Rep. Delmore Seconded By Rep. Hansen

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Lois Delmore	✓	
Kathy Hawken - Vice Chairman	✓		Arlo E. Schmidt	✓	
LeRoy G. Bernstein	✓		Elwood Thorpe	✓	
Mark A. Dosch	✓		Steven L. Zaiser	✓	
Pat Galvin	✓	✓			
Craig Headland	✓				
Clara Sue Price	✓				
Dan J. Ruby	✓	✓			
Dave Weller		✓			

Total Yes 9 No 2

Absent 2

Floor Assignment Rep. Headland -

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

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10/23/03  
Date

REPORT OF STANDING COMMITTEE (410)  
March 17, 2003 9:03 a.m.

Module No: HR-47-4868  
Carrier: Headland  
Insert LC: 30759.0301 Title: .0400

**REPORT OF STANDING COMMITTEE**

SB 2407, as engrossed: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2407 was placed on the Sixth order on the calendar.

Page 3, line 11, remove "the tire pressure"

Page 3, line 12, replace "per" with "for each" and after "inch" insert "[2.54 centimeters]"

Page 3, line 17, remove "the tire pressure"

Page 3, line 18, replace "per" with "for each" and after "inch" insert "[2.54 centimeters]"

Renumber accordingly

10/23/03

2003 TESTIMONY

SB 2407

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10/23/03  
Date

**SENATE TRANSPORTATION COMMITTEE**  
**February 6, 2003**

**North Dakota Department of Transportation**  
**Grant Levi, Deputy Director for Engineering**

**SB 2407**

Good morning, Mr. Chairman and members of the committee. I'm Grant Levi, Deputy Director for Engineering at the North Dakota Department of Transportation. I'm testifying in support of SB 2407, which is an update to North Dakota Century code.

The existing law allows self-propelled chemical applicators and self-propelled fertilizer spreaders to travel the state's roadways if:

- the vehicles do not travel faster than 30 miles per hour when loaded to more than half capacity, and
- the gross weight does not exceed 80,000 pounds.

The current law had a sunset date of July 31, 2003. The sunset clause was added to allow the department to study how these pieces of equipment would affect North Dakota roadways. At the time, South Dakota was studying the effect of off-road vehicles on gravel and asphalt roadways. Instead of completing a separate study, we obtained a copy of SDDOT's study, upon which we have based our recommendations, attached to this testimony.

One of our recommendations was to allow self-propelled chemical applicators and self-propelled fertilizer spreaders to travel the roadways empty if:

- the single axle weight does not exceed 22,000 pounds,
- the tire pressure does not exceed 550 pounds per inch of tire width, and
- a seasonal permit is issued by the North Dakota Highway Patrol.

SB 2407 proposes these changes, and as a result we support this bill.

This concludes my testimony. I would be happy to answer any questions the committee may have.

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10/23/03  
Date

**REPORT TO  
FIFTY-EIGHTH LEGISLATIVE ASSEMBLY  
January 20, 2003  
North Dakota Department of Transportation  
David A. Sprynczynatyk P.E., Director  
Sections 1, 2 and 3  
39-12-05.3 NDCC**

Legislation which allowed the movement of self-propelled chemical spreaders and self-propelled agricultural chemical applicators was enacted by the 2001 Legislative Assembly by the approval of Senate Bill 2054.

This review to the North Dakota Century Code included a sunset clause of July 1, 2003. The primary basis for the sunset clause provision was to allow additional time to research the impacts of the movements of these off-road vehicles on asphalt surfaced roadways and gravel surfaced roads.

The South Dakota Department of Transportation was engaged in a significant research project at the time Senate Bill 2054 was passed. The final results of the research project were published in February 2002 by South Dakota Department of Transportation. A summary of the South Dakota study is attached.

The findings of the South Dakota Department of Transportation research report indicates that more restrictive regulation on the movement of chemical spreaders and applicators, as well as other agricultural and construction equipment, is in order if damage to thin lift pavements and gravel roads are to be held to a minimum. Significant fatigue damage was caused on ultra-thin flexible pavements (asphalt) of 1 1/2 inch thickness over 6 inch and 12 inch aggregate base during the tests. This is a similar design used on many of North Dakota's highways.

The South Dakota study concluded the damage from a Terrigator, depending on the type of pavement section or if the Terrigator is empty or full, ranged from 50-600 times more than an 18,000 pound single axle load. A fully loaded Terrigator on an ultra-thin asphalt pavement creates 600 times more damage than an 18,000 pound single axle truck. Similarly, a grain cart showed from 77- 800 times more impact than an 18,000 pound single axle truck on the same type pavements, considering legal loads versus overloads. On unpaved roads and asphalt pavements of greater thickness (3" to 7") and adequate aggregate base, the impacts were less. Based on these findings and applicability to North Dakota, the NDDOT makes the following recommendations on actions that should be taken to regulate the movement of off-road vehicles on public roads within North Dakota.

- 1) Self-propelled chemical applicators and fertilizer spreaders should be allowed to move empty on public roads within the state providing the weight of a single axle does not exceed 22,000 pounds, tire pressure does not exceed 550 pounds per inch of tire width, and a seasonal permit is issued by North Dakota Highway Patrol. Because of federal rules, the Interstate system travel can only be authorized with a single trip permit.

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10/23/03  
Date

- 2) Grain carts should be allowed to transport the legal weight as determined by NDCC 39-12-05.3, sections one and two.
- 3) Lugged tires cause greater damage to highway surfaces than normal tread tires. Changing tire pressure or speed is not an option to reducing the impacts. Although greater damage with lugged tires does occur, a method to control or reduce the impact of lugged tires does not appear practical at this time.
- 4) Reductions in operating speeds for heavy equipment should not be a criteria for increased axle loadings.

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10/23/03  
Date

**HOUSE TRANSPORTATION COMMITTEE**

**March 7, 2003**

**North Dakota Department of Transportation  
Grant Levi, Deputy Director for Engineering**

**SB 2407**

Good morning, Mr. Chairman and members of the committee. I'm Grant Levi, Deputy Director for Engineering at the North Dakota Department of Transportation. I'm testifying in support of SB 2407, which is an update to North Dakota Century code.

The existing law allows self-propelled chemical applicators and self-propelled fertilizer spreaders to travel the state's roadways if:

- the vehicles do not travel faster than 30 miles per hour when loaded to more than half capacity, and
- the gross weight does not exceed 80,000 pounds.

The current law had a sunset date of July 31, 2003. The sunset clause was added to allow the department to study how these pieces of equipment would affect North Dakota roadways. At the time, South Dakota was studying the effect of off-road vehicles on gravel and asphalt roadways. Instead of completing a separate study, we obtained a copy of SDDOT's study, upon which we have based our recommendations, attached to this testimony.

One of our recommendations was to allow self-propelled chemical applicators and self-propelled fertilizer spreaders to travel the roadways empty if:

- the single axle weight does not exceed 22,000 pounds,
- the tire pressure does not exceed 550 pounds per inch of tire width, and
- a seasonal permit is issued by the North Dakota Highway Patrol.

Engrossed SB 2407 proposed these changes but removed the stipulation that the self-propelled chemical applicator and self-propelled fertilizer spreader must be empty. We recommended stipulating the equipment should be empty because this would limit the damage the equipment would do to the roadways. Some of the applicators rear axles can weigh as much as 21,380 pounds empty. If empty, the equipment would weigh less and as a result do less damage. Our rationale is based on the fact that a legally loaded 20,000 pound truck axle consumes a thousand times as much pavement life as a 2,000 pound automobile axle. We understand the applicators concerns with traveling empty and recognize that the use of the roadway system is limited. So as a result, we do not oppose the change as long as the other requirements are adhered to.

This concludes my testimony. I would be happy to answer any questions the committee may have.