

2009 HOUSE TRANSPORTATION

HB 1206

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1206

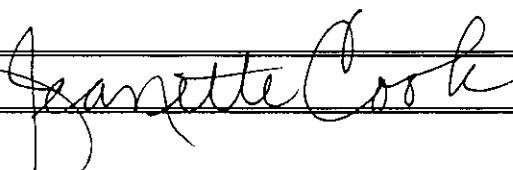
House Transportation Committee

☐ Check here for Conference Committee

Hearing Date: 01/22/09

Recorder Job Number: 7561

Committee Clerk Signature



Minutes:

Chairman Ruby called the committee to order on HB 1206.

Glen Froseth, District 6, introduced HB 1206. He explained that there is an amendment to HB 1206. See attachment #1. Mr. Froseth's testimony spoke to the amended version of the bill. See attachment #2. Mr. Froseth provided maps of the proposed 4 lane highway, and other information describing the economic, tourism, and safety benefits of this project. See attachment #3.

Representative Thorpe: Does this interfere with the bill that we passed last session addressing the stretch of four-lane from where they left off east of Minot to Voltaire?

Glen Froseth: I don't see how this would interfere with that. It is a completely separate project. The same legislation was passed two years ago to effect that section of highway.

Representative Weiler: As I recall, going through Carpio and Donnybrook, there were some homes that were very close to the highway. If you are going to put in a four-lane there, is there going to be any disruption of any buildings?

Glen Froseth: There could be. In the last six years they have rebuilt all of that section of Highway 52 from Brooks Ranch (Highway 52 and 2 junction) to Kenmare. They have widened the shoulders, and through the towns they have added curb and gutter on the streets. The road might be wide enough to contain four-lanes the way they are, or with a little more work done. There may be some buildings that could create some problems.

Chairman Ruby: Are you familiar with the comparison of the traffic of the Canadians from our 35 down to our 85. How does that traffic compare with the road that you want to four-lane. What road gets the most use coming down from Canada?

Glen Froseth: I'm not sure which routes are used the most. When the Canadian group met with us, they said that there is no route that is used more than others. There is **no one** good route to transport materials in and out of Canada through a twenty-four hour port. They are scattered. The one at Pembina goes to Winnipeg. The one at the Peace Garden goes up north into Brandon, but there is no good four-lane route in any of those directions. They feel that the routes coming from Edmonton and Regina down to the twenty-four port at Portal would be the one that most of the traffic would funnel into, except probably in the far eastern part of Canada. Then they would have four-lane access all the way down into Texas.

Chairman Ruby: How long before they (Canada) four-lane that section?

Glen Froseth: It is hard to say. They are working on the same process that we are working on in the US. I know the Canadian government is probably more strapped for funding for roads than we are. The Federal government probably doesn't contribute as much as the US does. For the size of their country they have more miles of highways than we have in North Dakota and the US. They have a vast region in Canada, and their population, of course, in rural areas is sparser than ours. I'm not sure what their funding is.

Chairman Ruby: As I have traveled the road to Kenmare, I have looked at the area in that valley and wondered where they will get the space to four-lane it. I would imagine there will be some challenges with that.

Glen Froseth: The safety factor is more of an issue than anything. The trucks that are moving on this road are big and carry wide loads. Any trip that I make to Minot, we meet oversized loads, one after another. Many of these loads take up more than half of the road.

Representative Gruchalla: These loads that are oversized, must be permitted. So, if there was a safety issue, DOT could now restrict the permits and not allow them on those roads, correct?

Glen Froseth: I imagine that they could. They are transporting legally.

Chairman Ruby: When we have had this discussion before, some of the small town businesses did not want to see easier access to the larger towns. Have you had any problem with that?

Glen Froseth: I have had some comments to that effect. It is not as common now as it was a few years ago. The small towns don't have much left for shopping districts. It is not a factor any more. Kenmare residents have to travel to Minot for medical and most other things.

Representative Delmore: How does the traffic on this road compare with the other roads that we made into four-lanes?

Glen Froseth: Historically, Highway 52 has had a lot more traffic than Highway 2. Highway 52 has always been a busy highway. We always wondered why Highway 2 got preference to Highway 52.

Chairman Ruby called for any other questions or support on HB 1206.

There was no additional support for HB 1206.

Chairman Ruby asked if there was any opposition to HB 1206.

Grant Levi, the Deputy Director for Engineering with the North Dakota Department of Transportation, stated that the DOT is opposed to HB 1206 as it was originally drafted. He gave prepared testimony in opposition to HB 1206. See attachment #4. He also provided a pamphlet on the Statewide Transportation Improvement Program (STIP). See attachment #5. **Representative Froseth** has shared the amendment with us. We have indicated that we will not oppose a bill in its amended form that he has presented to you. From our perspective, what that does is it shares with the department that the next time that we do a project, when we come out and do work on that segment of Highway 52, that we would consider a four-lane alternative as part of the environmental process. If, the four-lane alternative gets through the NEPA process. Then we would construct the four-lane. In essence, that is how our process works. We always take a look at the need and the viable alternatives, and proceed accordingly.

Chairman Ruby: This would be similar to the public input section of your process. Then you would put it into your overall plan?

Grant Levi: We do that through part of our process. We would take input. We would view this bill as amended as legislative input into our process. We would still have to comply with all NEPA requirements. The question was asked earlier if it will be difficult to get environmental approval to do this project. We had some challenges with the construction work that we recently completed. There are portions of Highway 52 that go through a valley. Putting a four-lane roadway through there will come with some challenges.

Representative Delmore: I would like DOT to give us some statistics on the amount of traffic and how it compares to Highway 2 and some of the other four-lanes that we have.

Grant Levi: I can address it here, or I can supply the information to the committee. Which would be your preference?

Representative Delmore: If you have it here, that would be fine.

Grant Levi: If you look at Highway 2, the portion that we recently four-laned. We carry somewhere in the neighborhood of 2,500-3,000 vehicles per day and about 600 trucks. The traffic has gone up recently, on Highway 2 with all of the energy activity that is occurring. We have about 1,700–2,500 vehicles daily that travel Highway 52 and about 520-600 trucks. We have been asked a number of times why we four-laned Highway 2. It was the vision of the state to provide four-lane roadway to all of the major cities in the state of North Dakota.

Representative Thorpe: Grant, have the authorities in Canada been in touch with you about this section of road.

Grant Levi: I had a conversation with the Transportation Premier from Saskatchewan about the four-laning of the roadway. We discussed needs, and what the future plans might be. I left that conversation with the impression that it would be some time before they got to four-laning their portion.

Representative Thorpe: Would the word preferred in the last sentence of the amendment would tend to put this stretch of road ahead of the stretch that we had in the last session, the stretch where four-laning ends east of Minot to Voltaire.

Grant Levi: The language as it is written in here is consistent with the bill that was passed last session for the portion of Highway 52 to the south and east of US 2. The language as we read it, means to us, that we would select it as a preferred alternative in the environmental process, not necessarily in ranking for selecting projects.

Representative Gruchalla: The DOT has ranking of top projects. Does this project appear on that list and how many projects are on the list?

Grant Levi: DOT does have a list of projects that it establishes. We do put out public notification of that list. We call it the STIP. It is available on our website. It is a list of projects

that we have programmed for the next five years. In addition to that, we also maintain an internal list that we work off of for planning purposes. At this point in time, since we just recently completed investing about \$60 million in the Highway 52 corridor, we do not have a project planned on that road in the next fifteen years or so.

Representative Gruchalla: Why isn't this project on your list.

Grant Levi: The reason the four-laning project isn't on the list is that we just recently went through the environmental process. We found that the roadway system that we constructed met the needs and satisfied the environmental concerns. It is quite a ways out into the future before we will come back to that pavement. We are hopeful that we will get at least twenty years of life out of the pavement that we just put down.

Representative Thorpe: Could you give the committee an estimate on the increase in traffic from 2005 until the present day?

Grant Levi: I would appreciate the opportunity to present that information to the committee. I do not have that information at this time.

Representative Thorpe: I was just looking at a rough idea of how fast the traffic has escalated.

Representative Griffin: Would there be any addition cost to the department if the amendment would pass?

Grant Levi: I'm not exactly sure of the Legislative Council's rules as they relate to a fiscal note.

If we put it into our normal program, I wouldn't see any additional costs. I'm not sure how the Legislative Council views fiscal notes.

Chairman Ruby asked for additional questions or opposition to HB 1206.

There was no further opposition. The hearing was closed on HB 1206.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1206

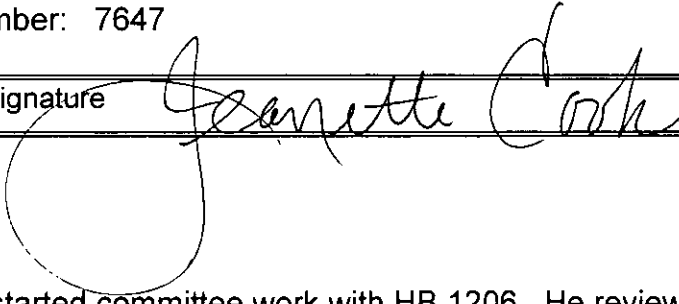
House Transportation Committee

☐ Check here for Conference Committee

Hearing Date: 01/23/09

Recorder Job Number: 7647

Committee Clerk Signature



Minutes:

Chairman Ruby started committee work with HB 1206. He reviewed the bill with the amendment. A handout from the DOT was provided that shows the increased traffic on Highway 2 to Portal. See attachment #1.

Representative Weisz: I think that we started a precedent last session. I wish we hadn't done that. We are starting to tell the department what bills we want, and when, and how. The DOT has a process in place. The DOT puts together their STIP plan, and they are the experts. I wish we had not supported that bill last session.

Representative R. Kelsch: I move the amendment.

Representative Potter seconded the motion.

A voice vote was taken on the amendment and all were in favor. The motion passed.

Chairman Ruby: We have an amended bill before us. Is there any other discussion?

Chairman Ruby: This road was recently done. Even if we pass this right now, it won't be high on their priority list. It will be twenty years, unless, with the STIP process they determine that the increase in traffic will bump the project up, even without us passing this bill.

Representative Frantsvog: I think that passing this bill is just creating an awareness in the same fashion as attending a public hearing, writing a letter, or any number of things. I don't

think that this bill does anything more than those things. Chairman Ruby made a comment about the increase in traffic. Those are the kind of things that create moving a project up on the list.

Chairman Ruby: I believe that you are correct. How many of these bills do we hear in a year asking for all the different areas, when we can all do the same thing with a phone call.

Representative Weisz: I disagree slightly. Technically and legally it doesn't bind the DOT, that is correct. But if we pass a bill out of this session, you can't tell me that that doesn't put pressure on the department to move it somewhere that they wouldn't have normally done.

The DOT does get phone calls all of the time. I would just like to caution the committee as we go down this road, that we don't want to be in the position as most states are, which a legislator or committee has the influence to get anything done that they want. I think that passing a bill like this puts pressure on the DOT if this passes as a law.

Chairman Ruby: I think that you are right, it is best not to go down this road, even though I also supported the bill last session.

There was additional discussion on the pros and cons to this bill and the four-lane highway that it suggests, as well as the STIP process.

Representative Gruchalla: I agree with Representative Weisz. I think the DOT does a good job, and we should let them do their job.

Representative Gruchalla moved a **Do Not Pass** on HB 1206 as amended.

Representative Griffin seconded the motion.

There was no further discussion.

A roll call vote was taken. **Aye 12 Nay 2 Absent 0**

Representative R. Kelsch will carry HB 1206.

FISCAL NOTE
Requested by Legislative Council
01/09/2009

Bill/Resolution No.: HB 1206

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.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						\$140,000,000
Appropriations						\$140,000,000

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

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill would require the NDDOT to undertake a project to four lane US Highway 52 from its junction with US Highway 2 to Portal.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This analysis assumes the costs are in 2009 dollars and does not include the time-value of money/inflation which will certainly increase the costs of a project of this magnitude. The recent four laning of US 2 and utility costs for the US 281 relocation were used as models for this project estimate.

Kenmare may have a cost share in this project. However, that is impossible to determine with any certainty at this time.

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.*

There is no revenue provided in the bill.

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.*

NDDOT would spend approximately \$140,000,000 (in 2009 dollars) to do this project. This estimate is based on the following breakdown:

- Environmental/Engineering/Contingencies = \$ 22M
- Right of Way = \$ 11M
- Utilities = \$ 3M
- Roadway Construction = \$ 94M
- Bridge Construction = \$ 10M
- Total = \$140M

However, inflation would increase this estimate by some unknown amount (according to the Federal Highway Administration, FHWA, current construction inflation is approximately 7% per year; NDDOT's Construction Cost Index shows an average inflation of more than 11% since 2004). Because federal funding is the only currently available funding source, an environmental review would be required for this project.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The DOT would require an appropriation of approximately \$140 million to carry out the provisions of this bill.

Name:	Shannon Sauer	Agency:	NDDOT
Phone Number:	328-4375	Date Prepared:	01/16/2009

YK
1/23/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1206

Page 1, line 5, replace "apply for environmental clearance and upon approval shall" with "include, as part of the department's project development process, the four-lane alternate when it develops the environmental document for the next major reconstruction project for"

Page 1, line 6, remove "include the construction of four lanes on"

Page 1, line 7, replace "as part of the statewide strategic transportation plan" with ". It is recommended that the four-lane alternative be selected as the preferred alternate and be constructed if environmental clearance is obtained"

Renumber accordingly

Date: 1-23-09

Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1206

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ Do pass ☒ Don't Pass ☒ Amended

Motion Made By Gruchalla Seconded By Griffin

Representatives	Yes	No	Representatives	Yes	No
Representative Ruby - Chairman	✓		Representative Delmore	✓	
Rep. Weiler - Vice Chairman	✓		Representative Griffin	✓	
Representative Frantsvog		✓	Representative Gruchalla	✓	
Representative Heller	✓		Representative Potter	✓	
Representative R. Kelsch	✓		Representative Schmidt	✓	
Representative Sukut	✓		Representative Thorpe		✓
Representative Vigasaa	✓				
Representative Weisz	✓				

Total Yes 12 No 2

Absent Ø

Bill Carrier Kelsch

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

REPORT OF STANDING COMMITTEE

HB 1206: Transportation Committee (Rep. Ruby, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1206 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "apply for environmental clearance and upon approval shall" with "include, as part of the department's project development process, the four-lane alternate when it develops the environmental document for the next major reconstruction project for"

Page 1, line 6, remove "include the construction of four lanes on"

Page 1, line 7, replace "as part of the statewide strategic transportation plan" with ". It is recommended that the four-lane alternative be selected as the preferred alternate and be constructed if environmental clearance is obtained"

Renumber accordingly

2009 TESTIMONY

HB 1206

Attachment #1

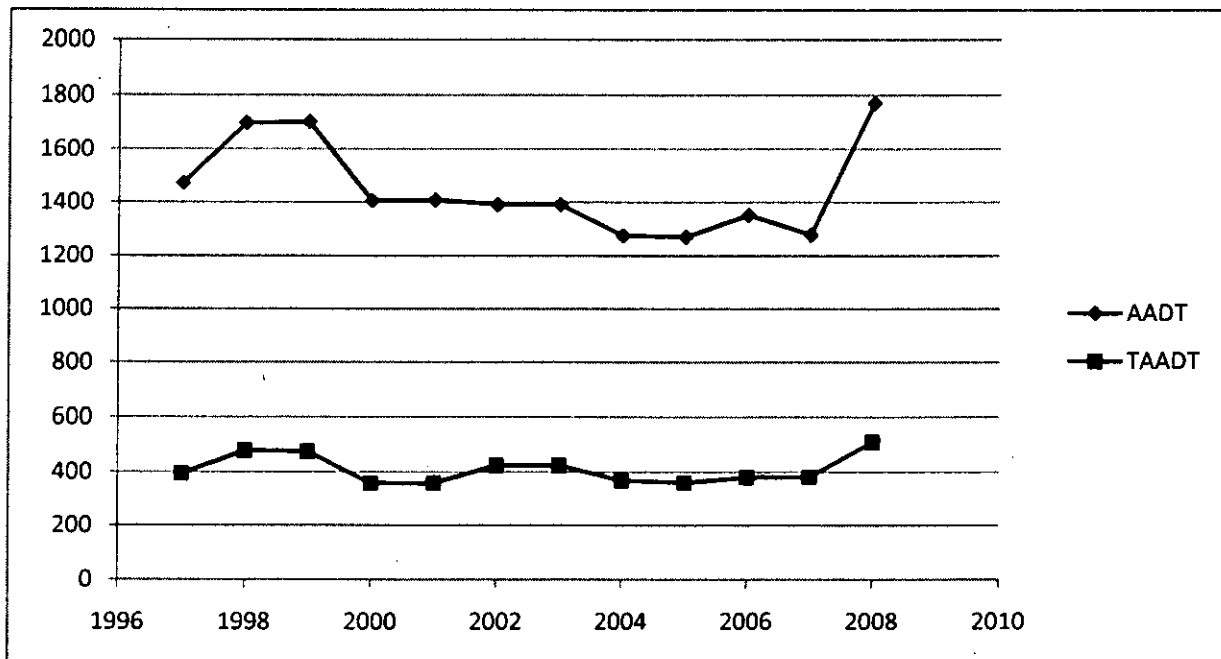
1-23-09

US 52 Traffic Data (US 2 to Portal)

Year	AADT	Percentage Change, AADT	Percentage Change (Yr. X to 2008) AADT	TAADT	Percentage Change, TAADT	Percentage Change (Yr. X to 2008) TAADT
2008	1772	38.7%		509	32.9%	
2007	1278	-5.5%		383	0.5%	
2006	1353	6.5%		381	5.5%	
2005	1271	-0.4%		361	-2.2%	
2004	1276	-8.3%		369	-13.2%	
2003	1392	0.0%		425	0.0%	
2002	1392	-1.1%	27.3%	425	18.1%	19.8%
2001	1408	0.1%		360	0.3%	
2000	1406	-17.4%		359	-24.4%	
1999	1703	0.3%		475	-0.6%	
1998	1698	15.4%		478	20.7%	
1997	1472		20.4%	396		28.5%

AADT = Annual Average Daily Traffic

TAADT = Truck Annual Average Daily Traffic



Mr. Chairman and members of the House Transportation Committee:

For the record, I'm Representative Glen Froseth of District 6, which is all of Bottineau and Renville Counties and the north half of rural Ward County.

HR 1206 is the first course of action to begin the planning process to 4-lane an 81 mile section of State Highway 52 from the intersection of Highways 2 and 52, 13 miles northwest of Minot, to the Canadian border at the Port of Entry at Portal, North Dakota.

HB 1206 requests the Department of Transportation to apply for environmental clearance, and upon approval, the DOT shall place the 4-lane project of this section of Highway 52 on the Statewide Strategic Transportation plan.

Among the reasons I submit HB 1206 for your consideration and hopefully, your favorable

recommendation, is that the Canadian Provinces of Saskatchewan and Alberta are presently working on plans to 4-lane (or as they call in Canada "Twinning") of Highways 39 and 6 from Regina to North Portal, Saskatchewan, a distance of 155 miles, thereby providing a north/south 4-lane highway corridor from the far reaches of Canada to the most southern tip of Texas.

All of the highway systems mentioned above are part of the National Highway System. This will create a north/south twinned corridor that will have long-term economic, tourism and safety impacts for years to come by creating a 4-lane route that would connect the entire North American market.

In addition to connecting North Dakota and Saskatchewan with a 4-lane highway, this route would also create a twinned corridor from Minot through North Dakota to Edmonton or Calgary, Alberta, which is the

HB 1206

main route for Alaskan travelers. From Minot, travelers and truckers could access 4-lane routes east and west on Highway 2, and south on Highway 83, eventually connecting with Interstate Highways 29 and 94.

The potential economic, tourism and safety benefits to communities along these routes, as well as to the entire state of North Dakota, are huge.

There are several other reasons why 4-laning this portion of Highway 52 is essential to our state's long-range planning for our future transportation system.

The Saskatchewan provincial government has made a priority to have Highways 39 and 6 from Regina to the U.S. border, four-laned to reduce fatalities and other traffic accidents. According to the North Dakota Department of Transportation, the average daily traffic counts along the route from the port at Portal to Junction 52 and 2 is between 2,000 and 2,500 vehicles.

HB 1206

More than 600 trucks per day travel this route through North Dakota and Canada.

Canadian traffic on Highways 39 and 6 is up 40 percent from 2006 to 2007 and Canadian officials have said that Saskatchewan doesn't have a real good exit point for its exports, much of which goes into the midwestern United States. Canadian Highways 39 and 6, along with U.S. Highway 52, provides the shortest route across western Canada, which has a huge economic impact for U.S. products.

Another aspect is for tourism. This route provides the best route for both Canada and the US for tourists traveling across both countries. Also, Portal is a 24 hour port of entry, which is only one of three locations in North Dakota with a 24-hour port of entry. The other two are on Interstate 29 at Pembina and US Highway 281 at the Peace Gardens, north of Dunseith.

HB 1206

And finally, another very important factor, which would make this a very feasible and worthwhile project. is additional traffic due to the continuing oil and wind energy development in western and northwestern North Dakota. It is expected that further development of oil in the Bakken and Three Forks formations will move into Ward, Burke and Divide counties. Along with this development, a huge wind farm project is being explored in much of that same vicinity, with more than 1,300 wind towers producing over 2,000 megawatts of electricity, which is in the development stages. Also, construction of a huge electrical transmission line is being planned in much of the traffic area of Highway 52. These development projects will have a huge impact on the amount of truck traffic on Highway 52 from Minot to the Canadian border and further to the west.

HB 1206

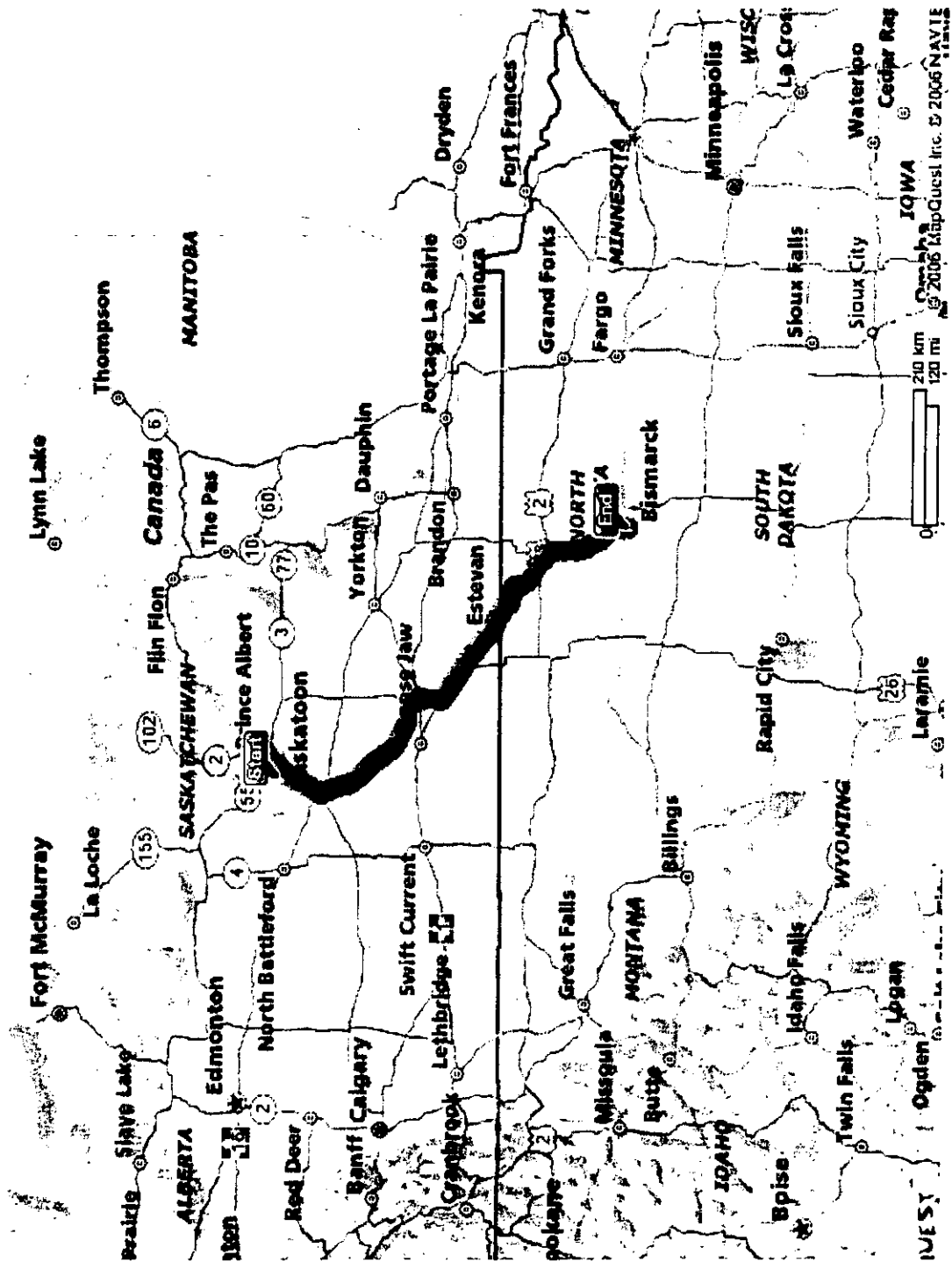
Also, the development of the regional intermodal facility at Minot will see a huge increase in the transportation of freight and commodity shipments over this portion of Highway 52.

Mr. Chairman and members of the committee, along with this testimony, I have included several maps which show the 4-laning proposed by Canada and the 81 mile portion to be included in North Dakota. Also, there is other information describing the economic, tourism and safety benefits of placing this project on our Strategic Transportation Plan.

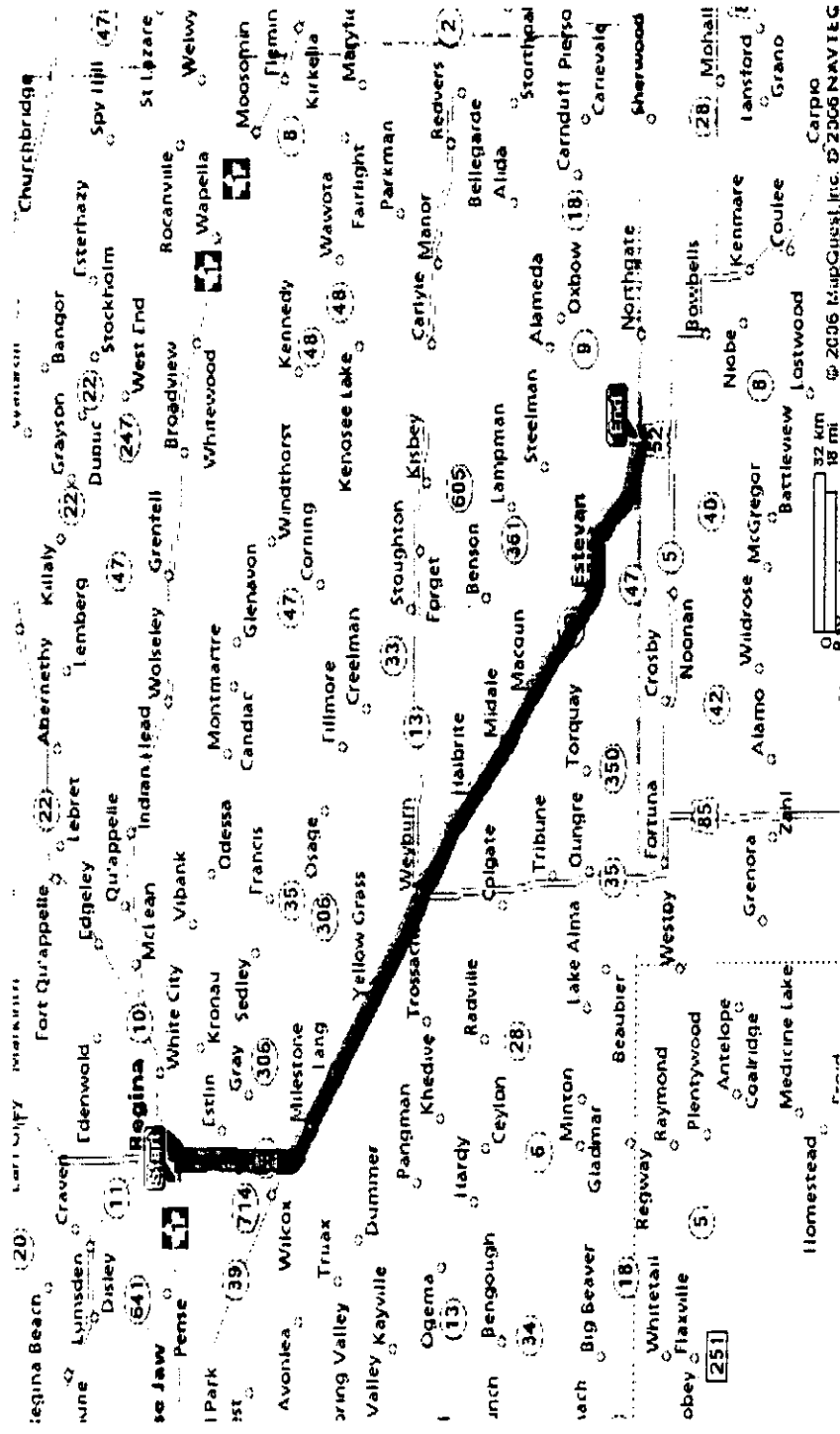
I ask you for your favorable recommendation and stand for any questions. Thank you for your consideration.

Attachment # 3
HB 1206

Strategic Economic Link between Canada & the U.S.



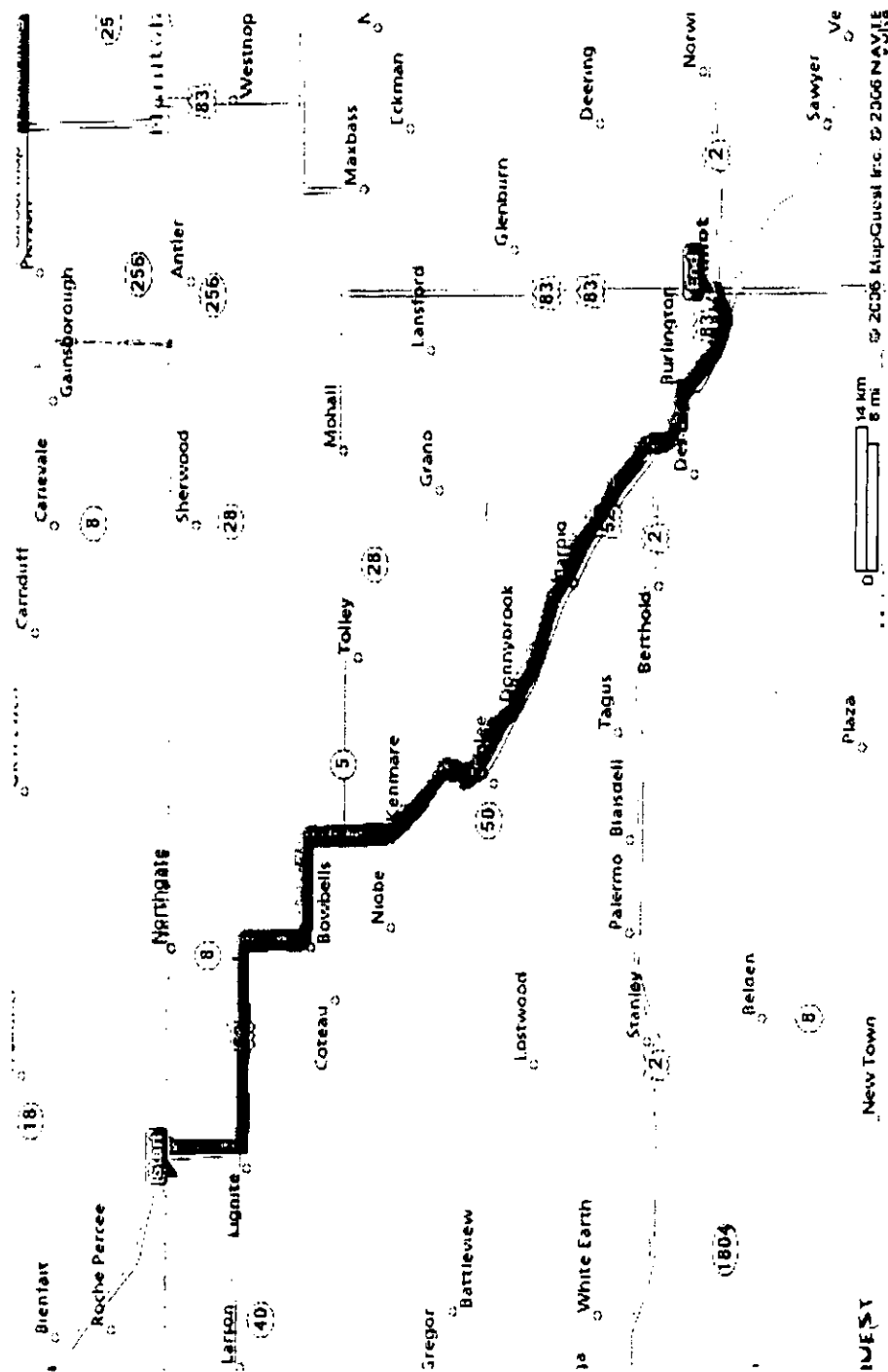
[Regina to Portal



- Total distance is 155 Miles (Approx 250 Km's)
- Cost Estimates from our Dept. of Highways is 1 Million per Km or roughly 1,6 Million per Mile

HB 1206

North Portal to Minot



Total Distance is 95 Miles (Approx 152 Km's)

Note: Only about 80 Miles need twinned.

Economic Benefits

- Increased traffic will create new business opportunities and lead to more employment and business development in the region, State and Province.
- By twinning this section of highway it gives transporters and travelers a shorter and more direct route to and from Western Canada and the U.S.
- Twinning these sections of highway will create a direct 4-Lane North/South link from Northern Saskatchewan and Western Canada to Minot and then Bismarck.
- Communities along these highways, the entire province/state as well as business and industry will benefit economically from increased traffic, exposure, and improved access to U.S. markets and Canadian Markets.

[Economic Benefits

- Saskatchewan is a world leader in Trade, as a result Trade and Transportation are the drivers of our provincial economy!
- Our Central Location makes it easy to ships products across the continent or around the world.
- Highways are the heart of our State and Provincial Transportation System.
- In Saskatchewan, an increasing share of our trade is by road, our largest partner is the U.S. at 10.4 Billion in 2006 About 75% of that is by truck!
- The U.S. is SK's largest export market and yet access is primarily through twinned routes in MB and AB!

Tourism Benefits

Tourism is a 3.6 Billion dollar industry in North Dakota and 1.5 Billion in Saskatchewan.

With the strength of the Canadian Dollar, visitors to North Dakota are increasing dramatically. Communities along Highway #52 stand to gain tremendously by improving access. Portal is by far the busiest crossing from Alberta to Emerson/Pembina

Twinning will identify us as the preferred route in resources such as guides, maps, travel agents, and internet mapping searches.

Both of our State/Provinces are major destinations for Hunters and Fisherman from all over North America despite some of our current highway conditions.

Both of our regions are home to numerous historical attractions, cultural events, parks & golf courses.

Increased exposure for tourist attractions along this route = more money received to update tourism facilities & invest in our tourism economy.

[Safety Benefits (Highway #6, #39, U.S. #52)

HB 1206

Highway Traffic counts along this route highway are continuing to increase each year. (DHT Traffic Volume Maps)

Accidents and especially fatalities are also increasing along this section of Highway. (SGI) (Note: There have 9 fatalities from accidents on this stretch in the last 15 months)

Commercial Truck Traffic along this route has and will continue to see a steady increase in volumes. (DHT Traffic Volume Maps)

Twinning increases safety and reduces accidents especially in poor weather.

Going from two-lane to four-lane results in a 60% collision/km rate reduction. (TransPort Canada Study)

Collisions involving Heavy Truck Traffic in the prairie provinces are 12% lower on divided Highways. (Transport Canada Study)

If one life is saved as a result of safer highways then it will have paid for itself a hundred times over.

Other Reasons for Twinning

- The boom in the oil industry is creating tremendous economic growth, however it is also putting more strain on our current Highway system. Twinning will help us to better serve that industry as well.
- The increase in truck transportation along with an increase in hauling of Agricultural commodities are putting more strain on our current highway system.
- With continuation of rail closures and abandonment's we are going to experience even more truck traffic on our highways!
- Potential new developments in Ethanol and Bio-Diesel along with crushing operations and feedlots have potential increase for heavy truck traffic.
- The proposed Prairie-to-Ports Gateway Container project would have a heavy reliance on a North/South Route, having a twinned route through our main Port of Entry at North Portal would make this project even more attractive.
- The recently announced 1.4 billion dollar Clean Coal plant near Estevan will create more pressure on our Highway System

HOUSE TRANSPORTATION COMMITTEE

January 22, 2009

9 a.m. – Fort Totten Room

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

HB 1206

Good morning, Mr. Chairman and members of the committee. I'm Grant Levi, Deputy Director for Engineering for the North Dakota Department of Transportation (NDDOT). I'm here to oppose HB 1206.

The department is responsible for the construction, reconstruction, rehabilitation, preservation, and maintenance of 8,511 roadway miles on the state highway system. A combination of factors is used in selecting projects including: system condition, maintenance costs, roadway capacity, preservation needs, safety, and public input. The final selection of projects makes up the annual Statewide Transportation Improvement Program (STIP).

As the department develops the STIP, we work hard to ensure the resources made available to the department maximize the expenditures of state funds and allow the department to provide a transportation system that safely moves people and goods. In addition to safety, the department selects projects that will help improve the state highway system's ride quality and load carrying capacity. Even in periods of high inflation, this approach of selecting projects has resulted in maintaining the ride quality and load carrying capacity on the state's roadways. This was accomplished because the department focused the investments on pavement preservation projects. While we have not reached the department's system condition goals and construction inflation is starting to result in additional pavement distress: we believe our strategies are in the best interest of the state of North Dakota.

To require the department to invest \$140 million dollars to four lane portions of Highway 52 which has recently been upgraded, will result in the declining condition of the rest of the state's transportation system. I should note that the fiscal note attached estimates the cost to four lane the portion of Hwy 52 from US 2 to the Canadian border is figured in 2009 dollars with no inflation projected for the future. Also, the fiscal note does not address roadway maintenance costs, snow removal costs and equipment and staff needed to continue to provide the level of service the department strives to achieve.

HB 1206
1-22-09

In addition to our fiscal concerns, this bill as proposed, may conflict with the environmental requirements the department must adhere to. The environmental document must comply with the National Environmental Policy Act of 1969 (NEPA). One of the purposes of NEPA is to explore all reasonable alternatives as it relates to environmental and social impacts, without predetermining the outcome. Once all alternatives have been evaluated, an alternate selection is sent forward for Federal Highway Administration (FHWA) approval.

In summary, if this bill passes it would have an effect on the Department's ability to maintain the state highway system. It may also conflict with federal environmental requirements.

Mr. Chairman, this concludes my testimony and I would be happy to answer any questions that the committee may have. Thank you.

MARCH

- ◆ News Release #2 to media and website [P&P]
 - Present major projects greater than \$5 million
 - Two-week comment period
- ◆ Send proposed urban program to 13 major cities and 3 MPOs [Local]
- ◆ Programs are due by March 15 [P&P]
 - Railroad Projects
 - TE Projects (FINAL)
 - Urban Projects (FINAL)
 - Transit Projects (FINAL)
- ◆ Submit proposed projects to districts for a two-week review and comment period commencing March 15 [P&P]

APRIL

- ◆ Write DRAFT STIP schedule [P&P]
- ◆ Review DRAFT STIP [P&P]
 - Director of Transportation Programs
 - Planning and Programming Engineer
 - Local Government Engineer
- ◆ Brief and receive verbal approval on DRAFT STIP and proposed four-year rural program [P&P]
 - Deputy Director for Engineering
 - Invitees
 - Office of Transportation Programs
 - Office of Project Development
 - Office of Operations
 - Design Division
 - Bridge Division
 - Local Government Division
 - Drivers License and Traffic Safety Division
 - Financial Management Division
- ◆ Setup and conduct Interstate Review by April 15 [P&P]
- ◆ Brief and receive verbal approval from NDDOT Director on the DRAFT STIP by April 15 [P&P]
- ◆ Review DRAFT STIP with FHWA by April 15 [P&P]

MAY

- ◆ Consolidate DRAFT STIP comments by May 15 [P&P]
- ◆ Receive verbal approval from FHWA on DRAFT STIP by May 15 [P&P]
- ◆ Publish DRAFT STIP in paper format and on website by May 15 [P&P]
- ◆ News Release #3 to media and website for statewide 30-day comment period commencing May 15 [P&P]
- ◆ Facilitate federal agency submissions to Governor by May 23 [P&P]
 - Program due from Bureau of Indian Affairs (BIA)
 - Program due from National Park Service (NPS)
 - Program due from Forest Service (FS)

JULY

- ◆ Districts review list of projects [P&P]
- ◆ Receive programs from FHWA (IM, NHS, STP, Bridge, etc.) [P&P]
- ◆ Brief NDDOT Director on FINAL STIP by July 15 [P&P]
- ◆ Receive FINAL TIP from MPOs by July 15 [Local]
- ◆ Produce FINAL STIP by July 31 [P&P]

AUGUST

- ◆ Submit FINAL STIP to FHWA/FTA for review [P&P]
- ◆ Meet with Tribal Planners [P&P]
- ◆ Receive FINAL STIP approval by August 15 [P&P]
 - FHWA
 - FTA
- ◆ Print FINAL STIP by August 15 [P&P]
- ◆ Publish news release to media and website for the FINAL STIP by August 15 [P&P]
- ◆ Distribute FINAL STIP by October 1 [P&P]

Statewide Transportation Improvement Program

STIP TIMELINES

Prepared by

NORTH DAKOTA
DEPARTMENT OF TRANSPORTATION
BISMARCK, NORTH DAKOTA
www.dot.nd.gov

Director
Francis G. Ziegler, P.E.

PLANNING AND PROGRAMMING DIVISION
Robert Fode
October 2006

For further information contact: Robert Fode, Planning and Programming Engineer, at 701-328-1937.

STIP Timelines

Each year the North Dakota Department of Transportation (NDDOT) prepares the Statewide Transportation Improvement Program (STIP). Beginning in 2006, the STIP will cover four years of Federal Highway and Federal Transit funded projects, as required by Safe, Accountable, Flexible, and Efficient Transportation Equity Act—A Legacy for Users (SAFETEA-LU). To bring greater value to the planning process, NDDOT seeks public input before finalizing the STIP. This brochure is designed to serve as a guide outlining the most significant steps of the STIP process. The current STIP may be accessed at: <http://www.dot.nd.gov/manuals/STIP/final%20STIP.pdf>

RESPONSIBLE ENTITY

NDDOT Planning and Programming Division [P&P] • NDDOT Local Government Division [Local] • NDDOT District Engineers [DE]

SEPTEMBER

- ◆ Priorities/Investment Strategy memo to District Engineers [P&P]
- ◆ Statewide Conferences – Present STIP process [P&P]
 - Local Technical Assistance Program (LTAP)
 - Tribal Technical Assistance Program (TTAP)
 - League of Cities
 - Association of Counties
- ◆ Meetings to discuss with District Engineers: [P&P]
 - Department Philosophy
 - Highway Performance Classification System (HPCS)
 - Investment Strategy
 - Tribal Input Process
 - Urban Program
 - Prioritize Urban Regional (UR) Projects
 - Review Preventative Maintenance Projects on UR system
 - Encourage diverse mix of project types
 - Review ND Street Projects
 - Review New Businesses
 - Transportation Enhancement (TE) Program
 - Multi-use Paths, Landscaping Projects
 - Review Scoping Report process
 - Comprehensive Safety Program
 - Federal Highway Administration (FHWA) Priorities
 - National Highway Transportation Safety Administration (NHTSA) Priorities

OCTOBER

- ◆ Notify Public of TE application process [Local]
 - News release to media and website
 - Letter requesting TE application submittal
 - Metropolitan Planning Organizations (MPOs), Bureau of Indian Affairs (BIA), Tribal Governments
- ◆ Request Urban Priorities from the 13 major cities by September 15 [Local]
- ◆ Begin Investment Priority development [DE]
 - Interstate and Non-Interstate Categories
 - Association of Counties annual meeting – present STIP process and current projects [P&P]
- ◆ News Release #1 to the media and website by October 10 [P&P]
 - Public information regarding district priority process
 - Points of contact listing
- ◆ County program received by October 20 [Local]

NOVEMBER

- ◆ ND Street Program to cities under 5,000 [Local]
- ◆ TE project applications received by November 15 [Local]

DECEMBER

- ◆ Investment Priority District deadline [DE]
- ◆ STIP update process begins [P&P]

DECEMBER (cont.)

- ◆ Bridge Division priorities submitted by December 15 [P&P]
 - ◆ Urban Priority projects submitted with District and MPO input/approval by December 15 [Local]
 - ◆ Coordinate Urban and TE Projects by December 15 [Local]
- ### JANUARY
- ◆ Directors Task Force submits TE program to NDDOT Director for approval by January 15 [Local]
 - ◆ Request review and endorsement of five-year urban program project list from districts and three office holders by January 15 [Local]

FEBRUARY

- ◆ Brief NDDOT Director on Urban Program [Local]
 - Proposed five-year plan (cities)
 - Make changes as necessary
- ◆ Receive ND Street Program from cities under 5,000 [Local]
- ◆ Director signs off on the draft urban program by February 15 [Local]
- ◆ Recommendations on ND Street projects to NDDOT Director by February 15 [Local]