

2011 HOUSE TRANSPORTATION

HB 1254

2011 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee Fort Totten Room, State Capitol

HB 1254
01/21/2011
Job # 13221

☐ Conference Committee

Committee Clerk Signature

Janette Cook

Explanation or reason for introduction of bill/resolution:

This is a bill relating to the operation of over-width vehicles and to allow them to operate after dark at a 10 foot width with a permit.

Minutes:

Attachment # 1

Representative Weisz, District 14 from central North Dakota, introduced HB 1254 with an amendment. It allows a motor carrier to run up to 10 feet wide after dark with a permit, as allowed in surrounding states and in Canada. At this point carriers who haul large machinery are not allowed to move in North Dakota after dark. It will make it easier for carriers who make those trips when coming back into North Dakota late in the day or across the state and back home.

Chairman Ruby: In Minnesota there is a two hour window that they are not allowed to run. I am not sure exactly what time period that is. It may be between 2 am and 4 am. The other states allow them to run 24 hours a day.

Chairman Ruby: According to Tom Balzer's testimony that was distributed, he encouraged the width to be moved to eleven feet, because of the John Deere air seeders dispatched from Jamestown.

Representative Weisz: I don't have an objection, because the Highway Patrol can require whatever lighting they think is necessary. The Highway Patrol may think it is getting too wide. I understand that the air seeders are 10 feet 11 inches.

Chairman Ruby: It would be a problem for them to go into another state that only allows ten feet anyway.

Representative Weisz: I don't know for sure about the other states. I believe that Minnesota is 10 feet 6 inches, but also they may go wider with special lighting and a special procedure. The point of this bill is to make our policy more flexible. I have no problem to eleven feet with proper safety equipment.

Representative Delmore: Would this allow them to travel on any road in North Dakota?

Representative Weisz: Yes, any state or county road.

Representative Delmore: How much wider is this than the current width?

Representative Weisz: It is 18 inches wider than the current width allowed. The absolute minimum lane width for any highway striping is twelve feet. Most are 14 – 16 feet. A load may be overhanging 4-5 feet on the right side to make sure that there is plenty of clearance in the driving lane.

Chairman Ruby: When we added the extra 6 inches to the original 8 feet, it was because of the awning on a camper that stuck out about 6 inches.

Representative Weisz: Most semi-trailers are 102 inches now.

Representative Gruchalla: I know other states allow wider loads, but do they have additional lighting requirements?

Representative Weisz: That is correct. That was my point. In the permitting process the Highway Patrol will determine the lighting that is required.

Representative Gruchalla: I was wondering, as we go through these rules, would this be the place to add this requirement?

Representative Weisz: I thought about that. I feel that it is best left up to the Highway Patrol during the permitting process. What we decide today, may not be the best in the future.

Representative Frantsvog: Is a permit required now for anything under 102 inches?

Representative Weisz: No, a permit is not needed for anything under 102 inches.

Representative Frantsvog: What is proposed in this bill would require a permit to travel at night?

Representative Weisz: With the amendment that was handed out, that is correct. The bill as is would not, but with the amendment it would.

Tom Balzer, North Dakota Motor Carriers Association, supported HB 1254 and provided written testimony. See attachment # 1. He also asked to add an amendment to change the width to 11 feet.

Representative Gruchalla: If we allowed eleven feet, wouldn't they be stopped at the border anyway?

Tom Balzer: Yes, that particular width would just allow an in-state move. We would be the only state at 11 feet.

Representative Gruchalla: If we were to allow 11 feet, would we violate insurance?

Tom Balzer: There is no national standard, so each state is allowed to set their own width requirements within the limits of the federal government. I don't think it would impact insurance at all. They would write the coverage to cover North Dakota carriers at that width.

Representative Gruchalla: I think this will increase risk, which will probably show increased cost for insurance.

Tom Balzer: I would not disagree with that. We take that point very seriously as an industry. I am just bringing forward some of the options that let you know what size loads we are moving around in the state.

Representative Owens: Currently, when John Deere moves those combines, don't they have to get a special permit?

Tom Balzer: Yes, they are getting special permits, but right now they are limited to movements from sunrise to sunset.

Representative Owens: Could that special permit allow that additional time by giving an extension of hours?

Tom Balzer: Currently the law does not allow that.

Representative Heller: If this is just for instate travel, can't you get to just about any place in North Dakota from Jamestown in daylight hours?

Tom Balzer: Yes, you probably can if the load goes out right away in the morning. A lot of times that is what is done.

There was no further support for HB 1254.

There was no opposition on HB 1254.

Darcy Rosendahl, Operations Director for the North Dakota Department of Transportation, spoke in a neutral position on HB 1254. He affirmed that the standard road width is 12 feet when a road is reconstructed. There are design guidelines that allow roadways to get down to 11 feet on lower volume roads. There are some that are 11 feet right now.

Lt. Kyle Kirchmeier, Motor Carrier Operations Commander for the North Dakota Highway Patrol: We are not against allowing up to 10 feet with a permit. There are some changes to administrative rules that we would make for the regulations that would be required at this point. Going to eleven feet brings up more of a safety concern than the ten feet.

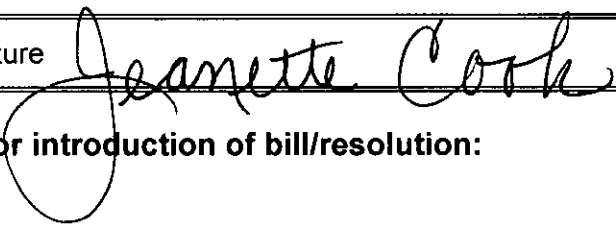
The hearing was closed on HB 1254.

2011 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee
Fort Totten Room, State Capitol

HB 1254
02/04/2011
Job # 14048

☐ Conference Committee

Committee Clerk Signature 
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Explanation or reason for introduction of bill/resolution:

Minutes:

Chairman Ruby brought HB 1254 before the committee.

Representative Weisz proposed an amendment to change the width from ten feet to eleven feet to take care of some of the problems that a couple of the manufacturers in North Dakota have.

Chairman Ruby: There was a problem with that if they went out of state, right?

Representative Weisz: Minnesota is already ten feet six inches. There are some differences anyway. But, the manufacturers do some transportation in state in the evenings. The way the bill was drafted; it didn't require a permit. It just said that you could go to ten feet. That was never the intent, so the amendment that was offered when it was introduced, says that you have to have a permit. What I am suggesting now is to change the amendment from ten feet to eleven feet. Ten feet does help, but there are a few that are wider.

Representative Weisz moved the amendments with the change from "not to exceed ten" to "not to exceed eleven". The language on line 26, 27, and 28 will be gone.

Representative R. Kelsch seconded the motion.

Representative Delmore: This does mean that you will have to have a permit? It will go to eleven feet, but you must have a permit?

Representative Weisz: That is correct. The department will set the requirements as to what the carrier will need to haul the loads, such as flashers or anything else. That's what they will do when they issue the permit.

Representative Gruchalla: I am going to resist changing to eleven feet. I think that we had testimony that said that eleven feet would be a safety issue. I don't think that we should be letting these run at night up to eleven feet. This is addressing a problem for one particular manufacturer, and I think eleven feet is too large.

A voice vote was taken on the motion for the amendments. Motion carried.

Representative Weisz moved a DO PASS as amended.

Representative Louser seconded the motion.

A roll call vote was taken. Aye 10 Nay 4 Absent 0 The motion carried.

Representative Heller will carry HB 1254.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1254

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 39-12-02 of the North Dakota Century Code, relating to permits for vehicles of excessive size or weight.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 39-12-02 of the North Dakota Century Code is created and enacted as follows:

Permits issued for overdimensional 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."

Renumber accordingly

Date: 2-4-11

Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1254

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Weisz Seconded By R A Kelsch

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby			Representative Delmore		
Vice Chairman Weiler			Representative Gruchalla		
Representative Frantsvog			Representative Hogan		
Representative Heller			Representative Onstad		
Representative R. Kelsch					
Representative Louser					
Representative Owens					
Representative Sukut					
Representative Vigasaa					
Representative Weisz					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*move
amend.
w/ change
10 ft to 11 ft.*

February 4, 2011

✓R
2/4/11

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1254

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 39-12-02 of the North Dakota Century Code, relating to permits for vehicles of excessive size or weight.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 39-12-02 of the North Dakota Century Code is created and enacted as follows:

Permits issued for overdimensional movements of vehicles that do not exceed eleven feet [3.3528 meters] in total width, including load, are valid for travel during the day and night."

Renumber accordingly

Date: 2-4-11

Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1254

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Weisz Seconded By Louser

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Representative Delmore	X	
Vice Chairman Weiler	X		Representative Gruchalla		X
Representative Frantsvog	X		Representative Hogan		X
Representative Heller	X		Representative Onstad	X	
Representative R. Kelsch		X			
Representative Louser	X				
Representative Owens	X				
Representative Sukut	X				
Representative Vigesaa		X			
Representative Weisz	X				

Total (Yes) 10 No 4

Absent 0

Floor Assignment Heller

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

REPORT OF STANDING COMMITTEE

HB 1254: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1254 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 39-12-02 of the North Dakota Century Code, relating to permits for vehicles of excessive size or weight.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 39-12-02 of the North Dakota Century Code is created and enacted as follows:

Permits issued for overdimensional movements of vehicles that do not exceed eleven feet [3.3528 meters] in total width, including load, are valid for travel during the day and night."

Renumber accordingly

2011 SENATE TRANSPORTATION

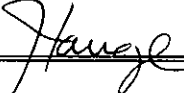
HB 1254

2011 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

HB 1254
March 3, 2011
14878

☐ Conference Committee



Explanation or reason for introduction of bill/resolution:

Relating to permits for vehicles of excessive size or weight.

Minutes:

One written testimony

Chairman Senator G. Lee opened the hearing on HB 1254 relating to permits for vehicles of excessive size or weight.

Representative Weisz, District 14, introduced HB 1254. It is a very simple bill. What the bill does is allow 24/7 for an overwidth load up to eleven feet in width. The original bill was at ten feet of width. The reason for the bill is mainly for the implement dealers. The bill is for conformity across state lines. You can run after dark in Minnesota ten feet of width over but you can't run in North Dakota. He gave an example. This bill is intended to make us conform to the area states around us. South Dakota, Montana, Minnesota all allow ten feet. He explained the amendment that was added to go to eleven feet and the reason for this was based on some equipment being moved out of Jamestown that was a little over ten feet and they were asking for an exclusion to go to eleven feet. He asked the committee to give the bill a favorable look and asked that if they had objection with the amendment that they don't kill the bill because of the amendment. He added that the bill is for a permit and the Highway Patrol has the ability to require whatever safety equipment they deem necessary.

Senator Nething expressed that the only thing in the bill is the eleven feet. Everything else is gone.

Representative Weisz answered that the only thing in the original bill was ten feet. The amendment changed it to eleven. He said that the only thing they had to do was to have a permit to allow an overwidth past dark.

Senator Nething asked if the other bill was just sunrise and sunset and this one is twenty four hours.

Representative Weisz said that the current law is that you can't travel after sunset or before sunrise. The original bill was to open it up to ten feet and make it 24/7 if you have a

permit. The original bill wasn't clear at allowing for a permit. The intent was to have a permit to do this and the amendment also addressed this.

Senator Oehlke asked if South Dakota, Minnesota and Montana laws are limited to certain roads. His concern is having eleven feet overwidths on two lane highways.

Representative Weisz said that after they passed the amendment they had concerns and maybe it should have been limited to ten feet on the two lane and eleven feet on the four lane. His understanding for the other states is that it is ten feet on both lane highways.

Tom Balzer, North Dakota Motor Carriers Association testified in support of HB 1254 and explained why the amendment was added to change it from "ten" feet to "eleven" feet. He added, with the eleven feet that will take North Dakota out of compliance with the other states. After discussions with the Highway Patrol and the Department of Transportation Mr. Balzer respectfully offered a new amendment that would remove the "eleven" feet and replace it with "ten" feet. They believe that is a safer movement and it bring North Dakota into compliance with the states around North Dakota. The window for overwidth movement is very limited in the winter time. He said they do support this bill. They support the highway patrol and the DOT coming up with safety measures. This is a big piece of legislation for the Ag community because of the equipment movements that they have to make and the timeliness of those movements. Amendment #1

Senator Lee asked for opposing testimony.

Darcy Rosendahl, Director of the Office of Operations for the North Dakota Department of Transportation testified in opposition to the engrossed version of HB 1254. He said that they would support Mr. Balzer's amendment. Written testimony #2

Senator Lee asked if they were supporting the safety issues that need to be on these overwidth loads.

Mr. Rosendahl replied that they would support anything that adds to safety for movements on the road.

Colonel Prochniak, North Dakota Highway Patrol, testified in opposition to the engrossed measure of HB 1254 and they support the amendment back to the ten feet width. He said that it would bring North Dakota into compliance with the neighboring states. The other issue, and most important, is the safety issue. He concluded that one foot does make a difference.

Senator Oehlke said that this is a truckers rule but what if it is a tractor pulling a hay trailer.

Colonel Prochniak replied that there is already an exemption for implements of husbandry and they are required to comply with the safety and lighting requirements.

Senator Lee asked him if the highway patrol was comfortable with the present safety lighting requirements or should more be included.

Colonel Prochniak said that as we issue that permit it includes several of those requirements for that type of a movement.

Senator Mathern asked that if we pass HB 1254 will there be more deaths.

Colonel Prochniak said that he can only speculate but he did say that they are currently allowing some of those movements to take place. For example the construction industry is already allowed to do this.

Senator Lee asked if this allowed hay movers to run the same roads day and night and if that would require them to get a permit and safety equipment.

Colonel Prochniak said that he didn't think that changed that. He called on Leanna Emmer to help answer.

Leanna Emmer, North Dakota Highway Patrol, said that implements of husbandry are not allowed to travel on the interstate system during the hours of darkness but they are allowed to travel on all other highways in the state. This bill would not affect them at all in terms of the requirements of permitting for those loads at night. They are required to have the proper lighting, flagging and so forth.

Senator Lee closed the hearing on HB 1254.

Senator Nething moved to adopt the Balzer amendment.

Senator Nodland seconded.

Roll call vote: 6-0-0. **Amendment adopted.**

Senator Nodland moved a **Do Pass as amended.**

Senator Sitte seconded the motion.

Roll call vote: 6-0-0. **Motion passed**

Carrier is **Senator Sitte.**

#1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1254

Page 1, line 6, replace "eleven" with "ten"

Date: 3-3-11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1254

Senate Transportation _____ Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 23rd Amendment

Action Taken: ☐ Do Pass ☐ Do Not Pass ☐ Amended ☒ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senata Nothing Seconded By Senata Nodlan

[illegible]

Total (Yes) 6 No 0

Absent 

Floor Assignment _____

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

Date: 3-3-11
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1254
Engrossed

Senate Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Senator Nodland Seconded By Senator Sitte

Senators	Yes	No	Senators	Yes	No
Chairman Gary Lee	✓		Senator Tim Mathern	✓	
Vice Chairman Dave Oehlke	✓				
Senator Dave Nething	✓				
Senator George Nodland	✓				
Senator Margaret Sitte	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Sitte

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

REPORT OF STANDING COMMITTEE

HB 1254, as engrossed: Transportation Committee (Sen. G. Lee, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1254
was placed on the Sixth order on the calendar.

Page 1, line 6, replace "eleven" with "ten"

Page 1, line 7, replace "3.3528" with "3.05"

Renumber accordingly

2011 TESTIMONY

HB 1254

1

**TESTIMONY
HOUSE BILL 1254
TRANSPORTATION COMMITTEE
JANUARY 20, 2011**

Mr. Chairman and members of the House Transportation committee my name is Tom Balzer, executive vice president of the North Dakota Motor Carriers Association. I am here this morning to testify in support of House Bill 1254.

The movement of over width equipment is a growing need in the state given increases in energy development and agriculture.

Furthermore, given the shortening of available daylight in the winter months in the state it is important to allow for commerce to continue. Many states allow for night movements of over width loads up to a certain width including Minnesota.

The industry would be willing to follow the permitting guidelines as well as to abide to safety measures like light beacons at the outermost points of the load.

I would ask that the committee consider amending the legislation to allow for up to 11 feet as John Deere combines dispatching from the Jamestown facility run at approximately 10 feet 8 inches.

With that amendment we ask that you give HB 1254 a DO PASS recommendation.

Mr. Chairman, this concludes my testimony.

SENATE TRANSPORTATION COMMITTEE
March 3, 2011

North Dakota Department of Transportation
Darcy Rosendahl, P.E., Director of Operations

HB 1254

Mr. Chairman and members of the committee, my name is Darcy Rosendahl and I serve as Director of the Office of Operations for the North Dakota Department of Transportation (NDDOT.) I'm here today to oppose the engrossed version of HB 1254.

The original draft of this bill, allowing movements up to ten feet in width, did not concern the department. However, allowing eleven foot wide movements, especially at night, does concern us as a possible safety issue. The state does have roadways with only eleven foot lanes and no shoulder. These roadways, along with many county roads, offer no tolerance for an eleven foot wide movement and increase the chances of a vehicle or load of this size crossing the centerline into the path of an oncoming vehicle. This type of vehicle can also make it very difficult for following vehicles to pass, as they obstruct the view of the whole lane, and force the following vehicle to move well past the centerline in order to look for oncoming traffic.

This concludes my testimony. I'll be happy to answer any questions.