

Transportation Committee

August 22, 2012

Roughrider Room, State Capitol

North Dakota Department of Transportation

Francis G. Ziegler, P.E., Director

Mr. Chairman and members of the committee, I'm Francis Ziegler, Director of the North Dakota Department of Transportation (DOT). Today we will discuss the following topics:

- Transportation Plan – TransAction III.
- Federal Funding.
- Construction Projects.
- Title 39 Review.

Transportation Plan – TransAction III

The DOT recently held 20 public input meetings across North Dakota as part of the Department's long-term strategic transportation plan. The meetings and an online survey have been conducted to gather information about present and future surface transportation needs.

The information will help to identify trends and strategic issues which affect our state's transportation system. It will be used to create a Transportation Plan entitled TransAction III, which will lay the framework to develop a shared transportation vision extending to all levels including the public and private sectors.

This plan will help achieve some of the following goals identified by state residents:

- Safe and secure transportation.
- Sustainable and reliable mobility.
- Diversified and sufficient funding for transportation priorities.
- Communication and cooperation.
- Strong economic growth with consideration of environmental, cultural, and social impacts.

The Department's goal is to have the TransAction III plan completed before the legislative session.

Federal Funding

On June 29th, the House and Senate passed a new two-year \$105 billion surface transportation reauthorization bill, called Moving Ahead for Progress in the 21st Century or MAP-21.

The bill reauthorizes the federal-aid highway, highway safety, and transit programs which were last authorized by the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) passed in 2005.

The DOT had been operating on nine short-term extensions of the surface transportation authorization since SAFETEA-LU expired September 30, 2009. The bill recognizes the need for transportation funding in North Dakota, as it allows us to move forward and work on road projects to 2014. The bill states North Dakota's apportionment will be:

- \$240.5 million in 2012 and 2013.
- \$242.5 million in 2014.

In addition to apportionment, the state needs obligational authority for the funding. In fiscal year 2012, DOT received \$225 million of obligational authority. In looking to the future Congress has not yet passed a bill to give states obligational authority for fiscal year 2013.

Over the past five years, DOT received an average of approximately \$245 million in obligational authority a year. The Department is currently reviewing MAP- 21 (nearly 600 pages of legislation) and we will report on more details at another time.

Construction Projects

The construction program for 2012 is approximately \$550 million. Additionally there is \$81 million in carry over for 2011 on the state system and \$105 million to be completed on county roads in oil country.

\$228 million funding for oil impact areas. Work is progressing on several projects that utilize the \$228 million for state highway projects including:

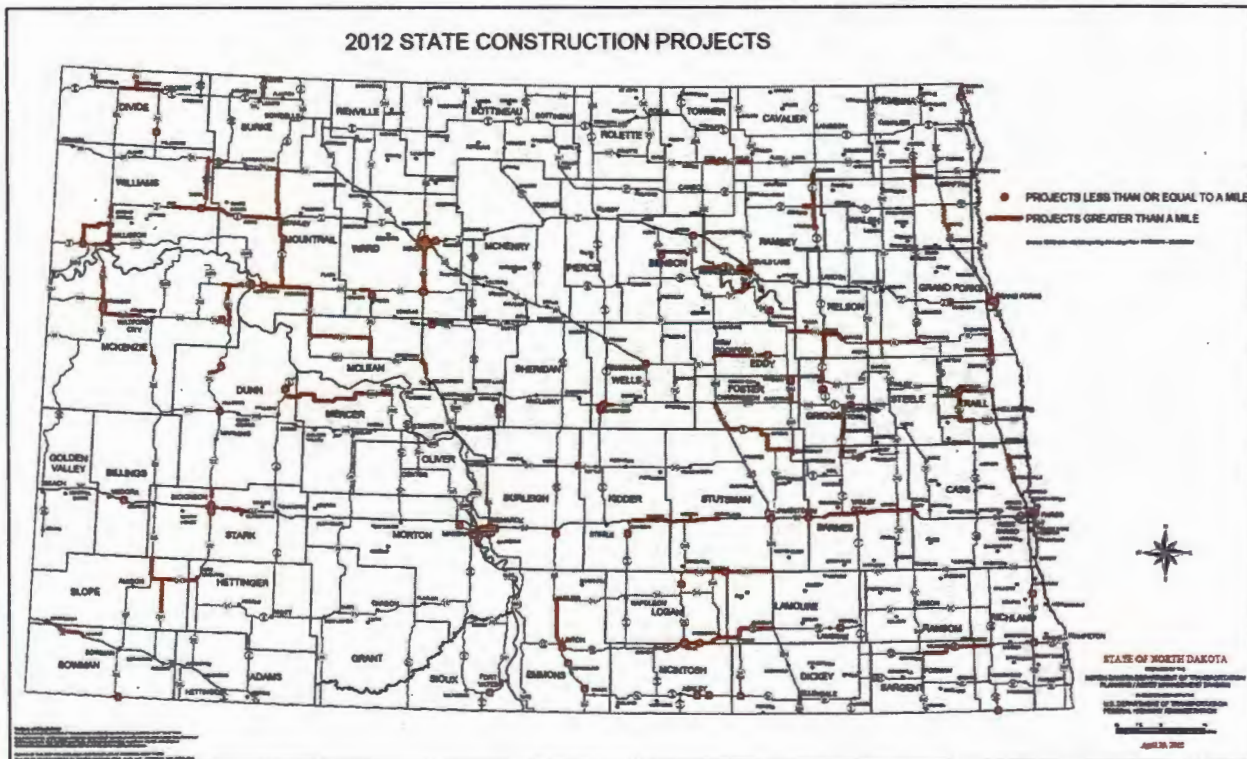
- **US Highway 2** - Road repair and reconstruction north of Williston to Junction of US 85.
- **US Highway 85** - Work started last week on extending existing passing lanes between Watford City and Williston. This project is part of the state's plan to convert the highway into an undivided, four-lane highway.
- **ND Highway 23** - Improvements include widening roadway and adding passing and turning lanes east of New Town to ND 37.
- **ND Highway 22**- Currently expanding to five lanes in north Dickinson to county line. Adding turn lanes and passing lanes 12 miles north of Killdeer to Lost Bridge. Also widening and adding passing/turning lanes from ND 73 to ND 23.
- **Williston Northwest temporary truck bypass** was open to traffic earlier this week.

\$142 million funding for oil impact county projects. Work is progressing on the county and township projects. The chart on the page 7 lists allocations and reimbursement each county receives from the \$142 million fund.

Other Construction Projects across the state include:

- ND Highway 20 and ND Highway 57 grade raise projects near Devils Lake are in progress and scheduled to be completed this fall, weather permitting.
- The US Highway 2 grade raise project near Penn is just finishing and should be completed in the next couple of weeks.
- Plan to complete work on the second phase of the West Fargo Main Street project this fall.

- Several ER projects to repair roads damaged from last year's flooding are also being completed.
- Below is a map of construction projects currently underway statewide.



Truck reliever routes/temporary bypasses:

- The DOT also plans to complete work this year on a second temporary bypass that will provide an alternate route around Williston's eastern edge. At the request of Williston city officials and Williams County commissioners, the state plans to resurface a section of County Road 9 and County Road 6 to serve as an east-side bypass. Construction is expected to begin this fall, with completion by the end of the year.
- DOT has held public meetings to identify possible routes for a permanent bypass along the west side of Williston. The public input process and the environmental analysis required for a permanent, west-side bypass are expected to be completed in the summer of 2013, with construction also beginning next year.
- The Department is going through the environmental evaluation process for other truck reliever routes/bypasses in several areas including: Dickinson, New Town, Watford City, Alexander, and Killdeer.

In looking to the future, DOT is aggressively addressing the development of transportation projects for the next biennium.

This concludes my portion of the testimony, thank you for the opportunity to appear before the committee today. Linda Butts, Deputy Director for Driver and Vehicle Services and staff will be here to discuss the details of Title 39.

Title 39 Information

Mr. Chairman and members of the committee, I'm Linda Butts, Deputy Director for Driver and Vehicle Services at the North Dakota Department of Transportation (DOT). Today I will comment on the current bill drafts and the loss per transaction for the Driver's License Division.

We continue to work collaboratively with Tim Dawson and I would like to express our appreciation for that opportunity and for his efforts on this complex project. After he sent out the legislation before us today, we did a final review of all 10 bills. We found a few items we would like to see modified. We have met with Mr. Dawson on those and will not read word for word our comments, but rather will submit this document for the record.

Second Bill Draft to provide for consistency and clarity relating to operators licenses (13.0028.02000). We testified May 10th that we concur with the changes submitted. We also concur with the additional change listed below.

- P 51, line 15-17 removes reference to plates. This language is not necessary because the plate now stays with owner per North Dakota law.

Second Bill Draft to consolidate fees for commercial driver's license (13.0064.02000). The changes we asked at the last hearing have been made. We support the bill as amended.

Second Bill draft to impound and destroy plates for certain offenses (13.0065.02000). Last time we requested language be added asking the court to notify DOT when the plate is destroyed so we can place an alert on the owner record. This change has been made and we support this bill as amended.

Second Bill draft on the definition of off-highway vehicles (13.0071.02000). The purpose of these amendments was to allow DOT some way to title and license unconventional vehicles. Amendments added by other parties will not impair our ability to accomplish this; however it has been brought to our attention that one of the vehicles we would like to title and register is an Argo. The older models were steered with a T steering mechanism. Therefore we would like to submit the following amendment:

- Page 1 line 21 after the word wheel delete "or" and add a comma
- Page 1 line 22 after the word handlebars add a comma and " T steering "

Second Bill Draft to provide consistency and clarity relating to traffic offenses and administration (13.0078.02000). The changes we asked at the last hearing have been made. We support the bill as amended.

First Bill draft to move the oversight of fee for services driving school from the HP to the NDDOT (13.0122.0100). The Highway Patrol approached us and asked if we were willing to take responsibility for this. The Highway Patrol previously performed the task of driver examination. This was changed in the 1970s; however, this one task remained the responsibility of the Highway Patrol. It seems appropriate to transfer this to DOT. We concur and will accept this responsibility, therefore we support this bill as written.

First Bill draft to harmonize federal and state CDL language (13.0123.01000). This bill harmonizes state statute with current federal rules for commercial vehicle drivers. We have met with Mr. Dawson and gone over the additional clean-up wording changes needed. These are a few of the federal changes:

- Page 4, lines 10 – 13; the definition for a mobile telephone is added.
- Page 5, line 16 – 18; the definition of a serious traffic violation is changed to include violation of state law or ordinance.
- Page 5, line 20 – 29; the definition of a tank vehicle is added.
- Page 5, line 32 – page 6 line 7; Texting is modified to provide clarity on what texting means for commercial drivers.
- Page 6, line 14 – 20; Third Party testers are defined.
- Page 6, line 21 – 26; provides further clarification in regards to the use of a hand-held mobile telephone.
- Page 8, line 14 – 15; provides for a minimum time to hold a CDL permit before eligibility to obtain a CDL license.
- Page 12, line 7 – 8; provides clarification in regards to a fraud conviction as a disqualifier for a CDL license.
- Page 15, line 18; adds commercial licenses issued by Mexico to the reciprocity program.

We support the changes in this bill but would like to see the following changes made to mimic federal language as it appears in the CFRs.

- Page 2, line 2, add, after “or more”, whichever is greater.
- Page 2, line 4, add, after [4536 kilograms], whichever is greater
- Page 2, line 5, change “or gross combination weight” to gross vehicle weight
- Page 2, line 6, add, after [11793.40 kilograms], whichever is greater

Recap of prior issues:

- Information is attached to address items brought up during previous testimony concerning driver’s license costs, military and bus driver CDL’s. The attached documents on pages 8-10 summarize information requested.

- **Temporary Motor Vehicle Registrations:** The last issue I'd like to address is an update on temporary registrations. In the first 13 months of this biennium June 1, 2011- July 31, 2012, we have sold 8,814 temporary registrations for a total of \$2,658,290. We are seeing new titles increase faster than temporary registrations leading us to believe people are finding it cheaper to plate their vehicles in North Dakota. Below is an example of the temporary motor vehicle registration sticker.



This concludes my testimony, thank you for the opportunity to appear before the committee today.

\$142 Million Oil Fund Allocation By County

County	Allocations			Reimbursement Requests		
	Paved	Unpaved	Total	Paved	Unpaved	Total
Billings	\$1,204,030	\$773,205	\$1,977,235	\$1,204,030	\$773,205	\$1,977,235
Bottineau	\$4,968,000	\$165,854	\$5,133,854	\$2,875,157	\$156,641	\$3,031,797
Bowman	\$400,000	\$99,128	\$499,128	\$357,318	\$99,128	\$456,446
Burke	\$4,860,000	\$663,415	\$5,523,415	\$3,889,310	\$485,838	\$4,375,148
Divide	\$6,293,430	\$1,948,780	\$8,242,210	\$6,212,240	\$0	\$6,212,240
Dunn	\$7,600,000	\$3,429,860	\$11,029,860	\$6,361,621	\$1,538,615	\$7,900,236
Golden Valley	\$1,034,000	\$852,509	\$1,886,509	\$12,677	\$443,936	\$456,612
McHenry	\$0	\$20,732	\$20,732	N/A	\$0	\$0
McKenzie	\$20,004,030	\$3,608,292	\$23,612,322	\$0	\$3,608,292	\$3,608,292
McLean	\$0	\$829,268	\$829,268	N/A	\$829,268	\$829,268
Mercer	\$0	\$39,655	\$39,655	N/A	\$39,655	\$39,655
Mountrail	\$38,604,510	\$3,296,341	\$41,900,851	\$31,574,069	\$1,816,126	\$33,390,196
Renville	\$4,932,000	\$100,000	\$5,032,000	\$4,932,000	\$81,945	\$5,013,945
Slope	\$0	\$100,000	\$100,000	N/A	\$0	\$0
Stark	\$8,500,000	\$1,605,888	\$10,105,888	\$8,164,703	\$643,676	\$8,808,379
Ward	\$6,120,000	\$1,285,366	\$7,405,366	\$6,023,379	\$1,141,765	\$7,165,144
*Williams	\$13,680,000	\$4,187,805	\$17,867,805	\$10,284,495	\$4,187,805	\$14,472,300
Total	\$118,200,000	\$23,006,098	\$141,206,098	\$81,890,998	\$15,845,893	\$97,736,892

Used all of their allocation

*\$4.0 million of Williams County unpaved allocation was used as part of their contribution for the NW Temporary bypass in Williston.

Drivers License Breakeven Analysis Email Message

From: Butts, Linda N.
Sent: Monday, August 06, 2012 11:37 AM
To: Dawson, Tim J.
Subject: breakeven analysis for DL -Tim Dawson
Importance: High

We were asked to calculate a breakeven cost for both a CDL and a class D license. Our system does not segregate costs in this manner so we were unable to break the calculation into parts. However we did an analysis of all costs and revenues for the division, not just the license examiner piece. Based on this analysis, we were able to determine that we expect to lose about \$4.45 on each license (CDL and D), ID's and records related transactions in the 2013-2015 biennium.

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Military CDLs Email Message

From: Butts, Linda N.
Sent: Friday, November 18, 2011 2:51 PM
To: Lee, Gary A.
Cc: Dawson, Tim J.; Seado, Paul C.; Ziegler, Francis G.
Subject: Military CDL's-Sen. Lee

Dear Senator Lee,

At the Interim Transportation Committee meeting in August, Rep. Ruby asked about the ability of the state to accept military CDLs. At the time I told him that the federal government would not let us accept them. I did however, check with my staff to see if anything had changed and found that as of July 30th 2011 (a few days before the hearing), the feds published a final rule that allows states, under certain situations, to consider military experience driving commercial motor vehicles and apply it to a civilian CDL.

We are in the process of modifying our examiner documents, creating forms where the person can attest to their experience and that they held a military CDL. We will verify this fact pattern with the military. If it checks out, when the person comes in, he/she will still take the written test and must meet the vision and medical qualifications of all drivers, but they will NOT have to take the road test.

My guess is we will have this implemented by the first of the year.

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Bus Driver CDLs Email Message

From: Butts, Linda N.
Sent: Wednesday, July 25, 2012 1:29 PM
To: Ziegler, Francis G.; Dawson, Tim J.; Anderson, Peggy L.
Subject: Tim Dawson EDTC Committee request

Tim here is a more succinct version of what we sent you earlier for tomorrow's EDTC hearing.

At the last meeting of the EDTC in Williston with the Education committee, the joint committees had a few concerns. The concerns were as follows:

CDL and Bus driver endorsements transfers between states.

1. How is it done procedurally and chronologically? We do recognize license status from other jurisdictions, and we do verify license status and residency before issuing a license. On July 10th, we received word from Federal Motor Carrier Safety Administration (FMCSA) that all 50 states are in compliance with the school bus portion of MCSIA 1999, so we will implement effective immediately the change in NOT requiring a written or road test for a licensed driver from another state who holds an equivalent license and S (bus) endorsement. What needs to be done besides trading licenses and why? With the recent notification from FMCSA the process for both CDL and Bus drivers simply involves presenting their license from the former state and the background check we do by looking up the driver in two national databases to determine they have no outstanding issues in other states that would prevent us from issuing a license. Is there any way to expedite the process or make the process easier? The issue is that bus drivers are needed in Oil County and bus drivers from other states that have moved to the area have procedural and time issues in getting a license from North Dakota. The ruling from FMSCA has already simplified the process.
2. What were the recent legislative changes (2007 HB 1081 and 1334) to who can drive different vehicles with students in vehicles and what was the impetus for the change? The issue is how does this fit in with who can drive busses of any size. In short, what does a driver need to drive each type of bus, school bus license requirements are regulated by the Federal Motor Carrier Safety Administration (FMCSA). However, the changes referred to below from the 2007 session are in Title 15, not Title 39. Syndi Worrel, our chief examiner, remembers reviewing these DPI initiated bills to ensure they did not conflict with CDL requirements. Essentially, in these two bills the DPI was clarifying their own rules for requirements to drive school vehicles that transport students that do not require a CDL license.

Jurisdiction of the tribes as to motor vehicles. The committee was told that the Three Affiliated Tribes have highway patrol and require permits for trucks on the reservation. The concern is that this creates uncertainty for oil development. What are the tribes regulating and how is it within the tribe's jurisdiction? This is an issue for the Attorney General.

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