

2021 SENATE TRANSPORTATION

SB 2111

2021 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

SB 2111
1/8/2021

A BILL for an Act to create and enact section 24-02-45.2 of the North Dakota Century Code, relating to leasing of radio tower space.
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Chair Clemens calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [9:30]

Discussion Topics:

- Leasing Department of Transportation radio space to private entities.
- Statewide Interoperability Radio Network project and potential public/private partnerships.2
- Firstnet Program

Chad Orn [9:31], Director of Project Development for the NDDOT, presents the bill and submits testimony #239.

Duane Schell [9:33], Chief Technology Officer in NDIT testifies in favor of the bill and submits testimony #313.

Amy Cleary presents **Stephen Devine** [9:44], Director of AT&T FirstNet Strategy and Policy to testify in favor and submits testimony #44.

Additional written testimony: N/A

Senator D. Larsen [9:58] moves to DO PASS SB 2111.

Senator Bakke [9:58] seconds the motion.

Senators	Vote
Senator David Clemens	Y
Senator Robert Fors	Y
Senator Cole Conley	Y
Senator Michael Dwyer	Y
Senator Doug Larsen	Y
Senator JoNell Bakke	Y

The motion passes 6-0-0. [9:58]

Senator D. Larsen [9:58] will carry.

Chair Clemens adjourns the meeting. [9:59]

Sheldon Wolf, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2111: Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2111 was placed on the
Eleventh order on the calendar.

SENATE TRANSPORTATION COMMITTEE
January 8, 2020 - 9:30 a.m. – Fort Totten Room

North Dakota Department of Transportation
Chad M. Orn, P.E., Director of Project Development

SB 2111

Good morning Chairman and members of the committee. I am Chad Orn, Director of Project Development for the North Dakota Department of Transportation (DOT). I am here to provide information related to SB 2111.

Senate Bill 2111 is being introduced by the Department of Transportation and would allow the director to lease space on department owned radio towers or department owned land the towers are located on to public or private entities. Funds acquired from the lease agreements would be deposited into the State Highway Fund.

Since 1962, the DOT has constructed and operated a highway maintenance radio network, using state highway maintenance funds (NDCC 24-03-22). Currently, the DOT maintains 45 radio sites throughout the state. Each site has two, complete separate VHF (very high frequency) radio networks, one used by the DOT for daily operations on the state highway system and the other operated by the Department of Emergency Services 911 services operated by the Division of State Radio.

For years, the DOT has allowed both federal and state public safety entities to lease space on selected towers for their daily operations (NDCC 24-02-45). This proposed addition to the century code would give the DOT flexibility on establishing new and innovated technologies for future transportation initiatives with public or private entities. This addition would align with the State Interoperable Radio Network (SIRN) for sustainable future maintenance and operations.

This concludes my testimony. I am willing to answer any questions you might have. Thank You.

SB 2111 TESTIMONY
SENATE TRANSPORTATION COMMITTEE
BY: DUANE SCHELL
CHIEF TECHNOLOGY OFFICER
ND INFORMATION TECHNOLOGY (NDIT)
JANUARY 8, 2021

Mr. Chairman and members of the committee, my name is Duane Schell. I am the Chief Technology Officer within North Dakota Information Technology (NDIT). I am here to express support for Senate Bill 2111.

One of the many duties of my position, is the opportunity to represent the Chief Information Officer on the Statewide Interoperability Executive Committee (SIEC) and I am currently serving as the chair of that committee. This committee, by statute, provides oversight to the Statewide Interoperable Radio Network (SIRN) project. The SIRN project was approved during the last legislative assembly and will provide the statewide public safety community with critical communications capabilities.

As we have been working through the multi-year SIRN project, we have identified possible public-private partnerships related to the State's tower assets that present an opportunity that could lower the overall operational costs of SIRN, provide opportunities for improved communications capabilities throughout the state, and could make better use of a valuable and important infrastructure asset owned by the State. This bill provides the opportunity to further explore these public-private partnerships and if we can come to amenable terms with a potential partner begin to realize these opportunities.

This concludes my prepared remarks. I would be happy to answer any questions.

Duane Schell
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Cheryl Riley
President, External Affairs
Northern Plains States

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January 8, 2021

Support Senate Bill 2111

Chairman David A. Clemens

Senate Transportation Committee

Chairman Clemens and Members of the Senate Transportation Committee:

AT&T writes to support Senate Bill 2111 which would authorize lease agreements with public and private entities for radio tower space on State-owned radio towers and land where the towers are located.

Providing coverage in a largely rural state such as North Dakota is a challenge for wireless carriers. Anytime there is an opportunity to use existing infrastructure to locate wireless facilities it is a win for North Dakota consumers. This is of particular benefit to North Dakota first responders as AT&T seeks to continue its build out for FirstNet.

The efficiencies that this legislation will create is a testament to the North Dakota Department of Transportation and the Information Technology Department's goals to expand service to the furthest corners of the State in support of its first responders. AT&T would like to thank the North Dakota Department of Transportation and the North Dakota Information Technology Department for supporting the FirstNet build out in North Dakota. AT&T is proud to support this legislation and would appreciate the support of the Senate Transportation Committee.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cheryl Riley", written over the printed name.

Cheryl Riley
President, Northern Plains States
External Affairs

2021 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

SB 2111
1/21/2021

A BILL for an Act to create and enact section 24-02-45.2 of the North Dakota Century Code, relating to leasing of radio tower space.

Chair Clemens calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [10:01]

Discussion Topics:

- Radio tower space
- Competition in the private market

David Crothers [10:02], Broadband Association of ND, testifies in opposition and submits testimony #2023.

Ronald J. Henke [10:14], Deputy Director for Engineering for the ND Department of Transportation, offers neutral oral testimony.

Duane Schell [10:20], Chief Technology Officer for the State of ND and chief sponsor for the SIREN project, testifies in favor.

David Crothers [10:29], answers questions from the committee.

Senator Dwyer [10:36] motions that the parties work together to come up with an agreement for an amendment for the Committee's consideration.

Senator Conley [10:36] seconds.

Senators	Vote
Senator David Clemens	Y
Senator Robert Fors	Y
Senator Cole Conley	Y
Senator Michael Dwyer	Y
Senator Doug Larsen	Y
Senator JoNell Bakke	Y

Motion passes 6-0-0.

Senator Dwyer [10:37] motions that we reconsider the previous DO PASS action.

Senator Larsen [10:37] seconds.

Senators	Vote
Senator David Clemens	Y
Senator Robert Fors	Y
Senator Cole Conley	Y
Senator Michael Dwyer	Y
Senator Doug Larsen	Y
Senator JoNell Bakke	Y

Motion passes 6-0-0. [10:39]

Chair Clemens adjourns the meeting. [10:40]

Sheldon Wolf, Committee Clerk



#2023

broadband association of north dakota

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SENATE BILL 2111

**SENATE TRANSPORTATION COMMITTEE
JANUARY 21, 2021**

**DAVID CROTHERS
BROADBAND ASSOCIATION OF NORTH DAKOTA**

My name is David Crothers from the Broadband Association of North Dakota (BAND). The Association represents all of the cooperative and independent broadband companies in the State. Those companies serve over 96 percent of North Dakota's geographic territory.

Members of the Association believe Senate Bill 2111 is groundbreaking in its scope and would codify the State of North Dakota's desire to compete with private industry.

The Association believes that adoption of this legislation would be a sharp departure from North Dakota's long-standing policy of not using taxpayer-subsidized assets to offer the same services as those provided by the private sector.

Examples of areas in telecommunications law where North Dakota explicitly prohibits competition between the State and private industry can be found at NDCC 15-10-45, where Northern Tier Network, a higher education research network, is limited to research only and not available beyond the university community; NDCC 54-59-05(13), which limits North Dakota Information Technology to providing service to government and educational entities; and, limitations on who may access telecom services in technology parks in another part of the Century Code.

The tower industry and placing the equipment to send and receive signals is a highly competitive business throughout the United States, including North Dakota. There are no fewer than 600 free-standing towers throughout every county in the State.

Members of the Broadband Association of North Dakota own just over 100 of them.

When the State enters a business and starts offering services to the public that others are offering it comes at the expense of private industry. The State does not pay for the land the towers sit upon or the construction and maintenance of the towers. Debt does not need to be serviced. That is all paid for by taxpayers.

Today, the large wireless carriers like Verizon, AT&T and T-Mobile rent space on towers owned by investors, including BAND members. Those mobile carriers have an established history of not wanting to own towers. They want to transfer that capital risk to others.

For example, in 2013 AT&T sold 9,700 of their towers throughout the United States, including in North Dakota, for \$4.85 billion dollars to an investor-owned company named Crown Castle. AT&T then agreed to lease back space on the towers they just sold. The other wireless carriers do the same thing: T-Mobile sold 7,200 towers to the same company in 2012 and Sprint sold 3,000 towers earlier. AT&T sold an additional 1,000 towers to a different group just fifteen months ago.

What is especially economically perverse, however, is that passage of Senate Bill 2111 incentivizes those that rent space from private tower owners to leave and relocate to State Radio towers or threaten to leave because they now have another tower provider to negotiate with.

The Association did note that a witness, AT&T, in this bill's original hearing testified that passage of the bill would benefit them as they "seek to build out for FirstNet". AT&T has already been compensated for building out FirstNet. The Federal Communications Commission gave AT&T a 25-year contract to manage the network, 20 MHz of wireless spectrum for free and \$6.5 billion initially. The FCC also gave AT&T permission to use FirstNet to offer service to the public when an emergency is not taking place.

Separately, perhaps most critically of all, there are no limitations placed on the Department of Transportation in Senate Bill 2111. There is nothing that prohibits the agency from building more towers to accommodate requests from the public. At

its extreme, the State could have future towers they want paid for by others simply by designing them large enough to be revenue generators. While that may not be the motivation today, the incentive to do exactly that increases with each passing year. More and more communications, functions and applications are becoming wireless. That increases the need for tower space.

The issue, and implications, is not limited to just mobile communications like cell phone companies, however. There are many users on these towers.

Towers and the equipment that goes on them are both becoming physically smaller due to technological advances. The world is on the cusp of deploying a variety of new wireless technologies and applications.

Precision agriculture, the Internet of things, telemetry, autonomous vehicles, broadband delivery from low earth orbital satellites and beyond line-of-sight navigation for unmanned aerial vehicles (UAV) all will require space on towers. The market for those things exists today, but their usage is about to explode. The technology exists today for autonomous vehicles to travel streets and highways without a driver. Unmanned taxis carry passengers through the streets of Phoenix, Arizona. The question for policymakers is, when driverless cars and trucks drive down the length of Interstate 94 should private industry or the State of North Dakota be the owner of the towers they are communicating with. That is the significance of Senate Bill 2111.

Finally, the Broadband Association of North Dakota believes that Senate Bill 2111 is bad public policy. Adoption of its provisions create State-subsidized competition with private tower owners. It also discourages investment by the private sector. It further encourages the growth of State government and will offer a product that others already provide. Additionally, it is a sharp departure from established law in North Dakota that explicitly prohibits State competition with private industry.

The Broadband Association of North Dakota asks that you reconsider your "DO PASS" recommendation for Senate Bill 2111.

All 50 states vote yes on AT&T's \$40 billion emergency response network FirstNet

[Danny Crichton@dannycrichton](mailto:Danny.Crichton@dannycrichton) / 3:38 PM CST•December 29, 2017
Comment



Image Credits: [David McNew](#)(opens in a new window)

From wildfires in California to hurricanes on the Gulf and Atlantic coasts, communications are the bedrock of emergency response and management. However, those communications can be challenging when quickly evolving situations cross multiple jurisdictions — a truth painfully learned on 9/11, [when more than a dozen agencies found it difficult to relay critical information to the right people at the right time](#).

Today, AT&T announced that [all 50 states, Puerto Rico and the District of Columbia have officially signed on to FirstNet](#), a government program operated by AT&T to provide universal emergency response communications across the country. States had until yesterday to officially opt-in or opt-out of the FirstNet system. [California, Florida, Mississippi and New York were among the states](#) that waited until the last minute to confirm their participation.

This is a major win for AT&T, [which officially won the FirstNet contract this past March](#). The contract stipulated that AT&T would manage the network for 25 years, and the company committed to spending \$40 billion to manage and operate the network. In exchange, the company would receive 20 MHz of critical wireless spectrum from the FCC, as well as payments from the government totaling \$6.5 billion for the initial network rollout.

The true win for AT&T though is in the actual spectrum itself, [which is in the 700 Mhz band](#) commonly used for LTE signals. While the FirstNet spectrum is prioritized for first responders, it also can be used for consumer wireless applications when an emergency is not taking place, which should improve cellular reception and bandwidth for AT&T customers, particularly in urban areas.

The bigger loss, though, is with the U.S. taxpayer. FirstNet has had something of a painful birth and maturation process. Originally created as part of the Middle Class Tax Relief and Job Creation Act of 2012, it was designed by Congress to create an exclusive network for first responders, who presumably couldn't use consumer technology like smartphones to communicate with each other. That was following [recommendations from the 9/11 Commission that encouraged](#) Congress to allocate a dedicated public safety spectrum.

The program has had a glacial implementation process ever since. [As Steven Brill described in The Atlantic last year](#): "FirstNet is in such disarray that 15 years after the problem it is supposed to solve was identified, it is years from completion—and it may never get completed at all. According to the GAO, estimates of its cost range from \$12 billion to \$47 billion, even as advances in digital technology seem to have eliminated the need to spend any of it."

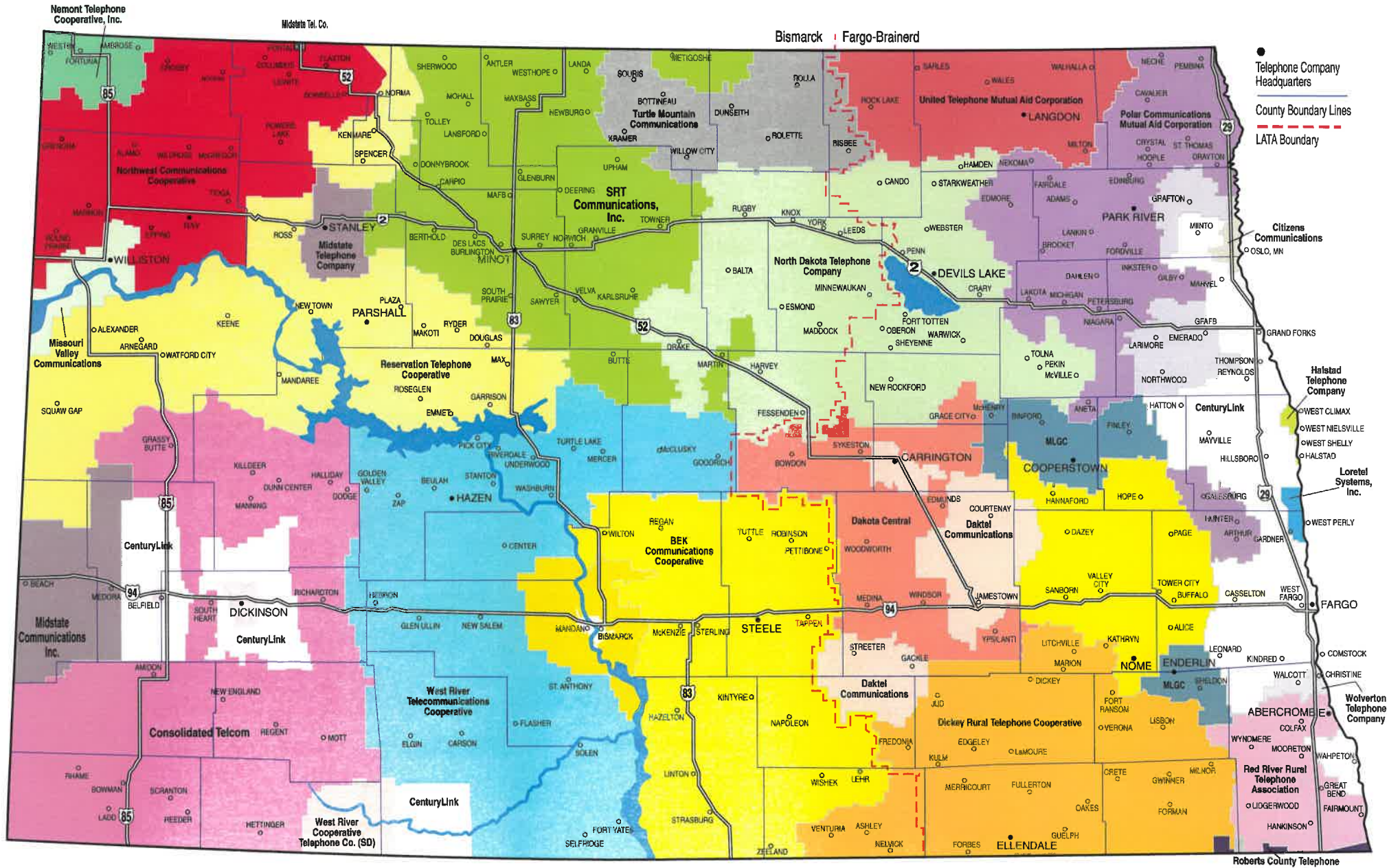
At issue is whether the rapid improvement of consumer wireless technology — which is available today — far outweighs the performance of a hypothetical public safety network that remains a glimmer in the mind's eye.

Most interoperability problems have been solved by modern technology, and so the question becomes what the buildout is really for anyway. Why did the government give exclusive access to a critical part of the spectrum that could have benefited millions of consumers, while also provided expedited access for first responders?

For AT&T, the victory provides a new source of revenue from local police and fire departments, who will presumably come to rely on FirstNet for their emergency communications. It also gets a serious boost in its spectrum, along with free cash from taxpayers. But for all of us, it seems billions of dollars will be spent to create a specialist comm channel, when existing technologies are more than up to the task of providing these highly reliable services.

BAND North Dakota Telephone Exchange Areas

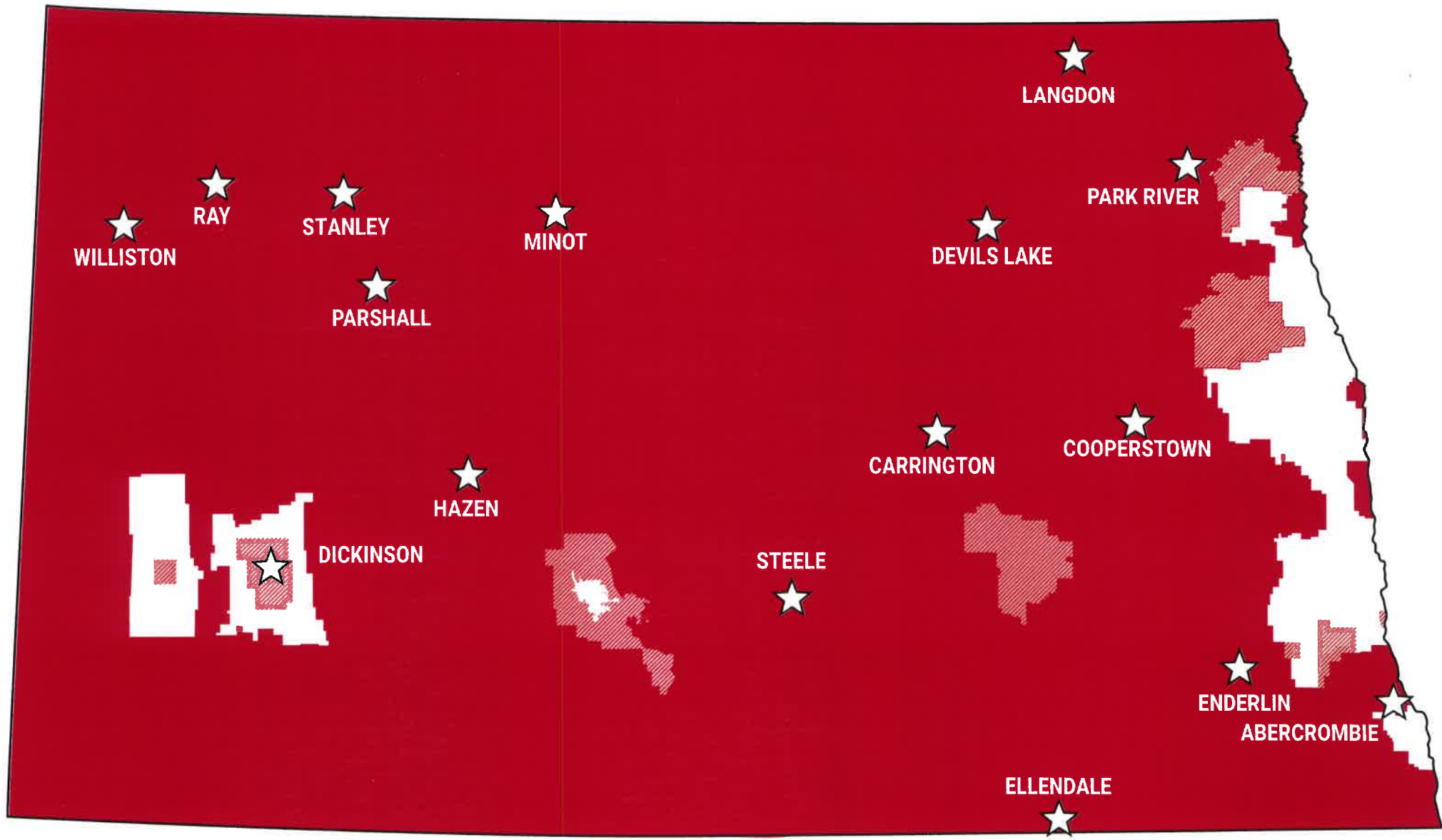
broadband association of north dakota





broadband association of north dakota

Broadband Association of North Dakota



INDEPENDENT TELECOM COMPANY TERRITORY IN NORTH DAKOTA

www.broadbandnd.com

2021 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

SB 2111
1/28/2021

A BILL for an Act to create and enact section 24-02-45.2 of the North Dakota Century Code, relating to leasing of radio tower space.

Vice Chair Fors calls the meeting to order. Present are Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. Chair Clemens is absent. [10:08]

Discussion Topics:

- Radio tower space
- Private vs. State

Ron Henke [10:09], Deputy Director for Engineering with the ND Department of Transportation, testifies in favor and offers an amendment #4095.

David Crothers [10:14], with the Broadband Association of ND, offers oral testimony in favor.

Vice Chair Fors adjourns the meeting. [10:20]

Sheldon Wolf, Committee Clerk

PROPOSED AMENDMENTS TO SENATE BILL NO. 2111

Page 1, line 7, replace “the director may lease space on department-owned radio towers, or department-owned land the towers are located on, to public or private entities.” with “the director may lease space on department owned radio tower locations in existence on December 31, 2020, to public entities, or to private entities. The director shall ensure that market rates be charged for any new leases entered into after August 1, 2021.”

Renumber accordingly.

2021 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

SB 2111
1/28/2021
PM Meeting

A BILL for an Act to create and enact section 24-02-45.2 of the North Dakota Century Code, relating to leasing of radio tower space.

Chair Clemens calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [2:28]

Discussion Topics:

- Radio tower space
- Private vs. State radio towers

Duane Schell [2:29], Chief Technology Officer with the ND Information Technology Department, testifies in favor and proposes amendments; submits testimony #4121.

David Crothers [2:37], with the Broadband Association of ND, offers oral testimony in opposition.

Duane Schell [2:52] offers clarifying oral testimony.

David Crothers [3:01] answers questions from the committee.

Senator Dwyer [3:12] motions to change the amendment to replace 'they' in line three of testimony #4121 with "such private entities" and to insert "with private entities" in line five of testimony #4121 between 'into' and 'after'.

Senator Conley [3:14] seconds.

Senators	Vote
Senator David Clemens	Y
Senator Robert Fors	Y
Senator Cole Conley	Y
Senator Michael Dwyer	Y
Senator Doug Larsen	Y
Senator JoNell Bakke	Y

Motion passes 6-0-0. [3:22]

Senator D. Larsen [3:22] motions to change the amendment to insert "the forty-five" after 'on' in the first line of testimony #4121.

Senator Dwyer [3:22] seconds.

Senators	Vote
Senator David Clemens	Y
Senator Robert Fors	Y
Senator Cole Conley	Y
Senator Michael Dwyer	Y
Senator Doug Larsen	Y
Senator JoNell Bakke	Y

Motion passes 6-0-0. [3:23]

Senator D. Larsen [3:23] motions DO PASS AS AMENDED.
Senator Bakke [3:24] seconds.

Senators	Vote
Senator David Clemens	Y
Senator Robert Fors	Y
Senator Cole Conley	Y
Senator Michael Dwyer	Y
Senator Doug Larsen	Y
Senator JoNell Bakke	Y

Motion passes 6-0-0. [3:24]
Senator D. Larsen will carry.

Chair Clemens adjourns the meeting. [3:25]

Sheldon Wolf, Committee Clerk

Note: This bill was reconsidered and voted on again on 1/29/2021.

#4121

NDLA, Intern 06 - Wischer, David

From: Amy Cleary <acleary@gagroup.law>
Sent: Thursday, January 28, 2021 10:29 AM
To: NDLA, Intern 06 - Wischer, David
Subject: 2111 amendment

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

Notwithstanding any other provision of law, the the director may lease space on department owned radio tower locations in existence on December 31, 2020, ~~to public entities, or to private entities,~~ provided that they have been unable to secure space on an existing tower that would provide comparable service coverage. The director shall ensure that market rates be charged for any new leases entered into after August 1, 2021. Funds received by the department pursuant to this section must be deposited in the state highway fund as prescribed by section 24-02-41 and are appropriated to the department.

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2021 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

SB 2111
1/29/2021

A BILL for an Act to create and enact section 24-02-45.2 of the North Dakota Century Code, relating to leasing of radio tower space.

Chair Clemens calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [11:36]

Discussion Topics:

- Radio tower space
- Private vs. State radio towers

David Wischer [11:37], law intern for the transportation committee, presents an amendment to the committee. [LC 21.8109.01002]

Senator Dwyer [11:39] motions to reconsider SB 2111.

Senator D. Larsen [11:39] seconds.

Motion passes by voice vote. [11:40]

David Wischer [11:41] answers questions from the committee.

Senator Conley [11:42] moves to adopt the amendment [LC 21.8109.01002]

Senator Bakke [11:42] seconds.

Senators	Vote
Senator David Clemens	Y
Senator Robert Fors	Y
Senator Cole Conley	Y
Senator Michael Dwyer	Y
Senator Doug Larsen	Y
Senator JoNell Bakke	Y

Motion passes 6-0-0.

Senator D. Larsen [11:43] motions DO PASS AS AMENDED.

Senator Conley [11:43] seconds.

Senators	Vote
Senator David Clemens	Y
Senator Robert Fors	Y

Senator Cole Conley	Y
Senator Michael Dwyer	Y
Senator Doug Larsen	Y
Senator JoNell Bakke	Y

Motion passes 6-0-0. [11:43]

Senator D. Larsen will carry.

Chair Clemens adjourns the meeting. [11:44]

Sheldon Wolf, Committee Clerk

January 29, 2021

CJ
1/29
1021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2111

Page 1, line 2, after "space" insert "; and to provide a continuing appropriation"

Page 1, line 6, after "**space**" insert "**- Continuing appropriation**"

Page 1, line 7, after "on" insert "the forty-five"

Page 1, line 8, remove "towers, or department-owned land the towers are located on, to public or private"

Page 1, line 9, replace "entities" with "tower locations in existence on December 31, 2020, to private entities, if the private entities have been unable to secure space on an existing tower that would provide comparable service coverage. The director shall ensure market rates are charged for a lease entered with a private entity after June 30, 2021"

Page 1, line 10, after "department" insert "on a continuing basis"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2111: Transportation Committee (Sen. Clemens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2111 was placed on the Sixth order on the calendar.

Page 1, line 2, after "space" insert "; and to provide a continuing appropriation"

Page 1, line 6, after "space" insert "- Continuing appropriation"

Page 1, line 7, after "on" insert "the forty-five"

Page 1, line 8, remove "towers, or department-owned land the towers are located on, to public or private"

Page 1, line 9, replace "entities" with "tower locations in existence on December 31, 2020, to private entities, if the private entities have been unable to secure space on an existing tower that would provide comparable service coverage. The director shall ensure market rates are charged for a lease entered with a private entity after June 30, 2021"

Page 1, line 10, after "department" insert "on a continuing basis"

Renumber accordingly

2021 HOUSE TRANSPORTATION

SB 2111

2021 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

SB 2111
3/5/2021

A bill relating to leasing of radio tower space; and to provide a continuing appropriation.

10:30 AM **Chairman Ruby** opened the hearing.

Attendance

Representatives	
Representative Dan Ruby	P
Representative Tom Kading	P
Representative Rick Becker	A
Representative Cole Christensen	P
Representative LaurieBeth Hager	P
Representative Jared C. Hagert	P
Representative Karla Rose Hanson	P
Representative Terry B. Jones	P
Representative Emily O'Brien	P
Representative Mark S. Owens	P
Representative Bob Paulson	P
Representative Gary Paur	P
Representative Robin Weisz	P
Representative Greg Westlind	P

Discussion Topics:

- Lease space on department owned radio towers or land
- State Interoperable Radio Networks

Chad Orn, Director of Project Development for the Department of Transportation, introduction. # 7442

Duane Schell, Chief Technology Officer within ND Information Technology Department, supportive testimony # 7498.

Steve Devine, Director for Strategy and Policy for FirstNet with AT&T, supportive testimony on Zoom #7423 and #7424.

10:45 **Chairman Ruby** closed the hearing.

Representative O'Brien moved a Do Pass.
Representative Owens seconded.

Representatives	Vote
Representative Dan Ruby	Y
Representative Tom Kading	Y
Representative Rick Becker	A
Representative Cole Christensen	Y
Representative LaurieBeth Hager	Y
Representative Jared C. Hagert	Y
Representative Karla Rose Hanson	Y
Representative Terry B. Jones	Y
Representative Emily O'Brien	Y
Representative Mark S. Owens	Y
Representative Bob Paulson	Y
Representative Gary Paur	Y
Representative Robin Weisz	Y
Representative Greg Westlind	Y

Motion Carried 13-0-1 Representative Hagert carrier.

10:54 AM Adjourned.

Jeanette Cook, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2111, as engrossed: Transportation Committee (Rep. D. Ruby, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed SB 2111 was placed on the Fourteenth order on the calendar.

HOUSE TRANSPORTATION COMMITTEE
March 5, 2020 - 10:30 a.m. – Room 327E

North Dakota Department of Transportation
Chad M. Orn, P.E., Director of Project Development

SB 2111

Good morning Mr. Chairman and members of the committee. I am Chad Orn, Director of Project Development for the North Dakota Department of Transportation (DOT).

Senate Bill 2111 is being introduced by the Department of Transportation and would allow the director to lease space on department owned radio towers or department owned land the towers are located on to public or private entities. Funds acquired from the lease agreements would be deposited into the State Highway Fund.

In working with the industry, SB 2111 as presented, is the bill that was amended by the Senate Transportation Committee after we came to a consensus on the language. The DOT supports the amended bill.

Since 1962, the DOT has constructed and operated a highway maintenance radio network, using state highway maintenance funds (NDCC 24-03-22). Currently, the DOT maintains 45 radio sites throughout the state. Each site has two, complete separate VHF (very high frequency) radio networks, one used by the DOT for daily operations on the state highway system and the other operated by the Department of Emergency Services 911 services operated by the Division of State Radio.

For years, the DOT has allowed both federal and state public safety entities to lease space on selected towers for their daily operations. This proposed addition to the century code would give the DOT flexibility on establishing new and innovated technologies for future transportation initiatives with public or private entities. This addition would align with the State Interoperable Radio Network (SIRN) for sustainable future maintenance and operations.

This concludes my testimony. I am willing to answer any questions you might have. Thank You.

SB 2111 TESTIMONY
HOUSE TRANSPORTATION COMMITTEE
BY: DUANE SCHELL
CHIEF TECHNOLOGY OFFICER
ND INFORMATION TECHNOLOGY (NDIT)
MARCH 05, 2021

Mr. Chairman and members of the committee, my name is Duane Schell. I am the Chief Technology Officer within North Dakota Information Technology Department. I am here to express support for Senate Bill 2111.

One of the many duties of my position, is the opportunity to represent the Chief Information Officer on the Statewide Interoperability Executive Committee (SIEC) and I am currently serving as the chair of that committee. This committee, by statute, provides oversight to the Statewide Interoperable Radio Network (SIRN) project. The SIRN project was approved during the last legislative assembly and will provide the statewide public safety community with critical communications capabilities.

As we have been working through the multi-year SIRN project, we have identified possible public-private partnerships related to the State's tower assets that present an opportunity that could lower the overall operational costs of SIRN, provide opportunities for improved communications capabilities throughout the state, and could make better use of a valuable and important infrastructure asset owned by the State. This bill provides the opportunity to further explore these public-private partnerships and if we can come to amenable terms with a potential partner begin to realize these opportunities.

This concludes my prepared remarks. I would be happy to answer any questions.

Duane Schell
Chief Technology Officer
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Cheryl Riley
President, External Affairs
Northern Plains States

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7423

March 5, 2021

Support Senate Bill 2111

Chairman Dan Ruby

House Transportation Committee

Chairman Ruby and Members of the House Transportation Committee:

AT&T writes to support the amended Senate Bill 2111 which would authorize lease agreements with public and private entities for radio tower space on State-owned radio tower locations ***when unable to secure space on other available tower sites with comparable coverage.***

Providing coverage in a largely rural state such as North Dakota is a challenge for wireless carriers. Anytime there is an opportunity to use existing infrastructure to locate wireless facilities it is a win for North Dakota consumers. This is of particular benefit to North Dakota first responders as AT&T seeks to continue its build out for FirstNet.

The efficiencies that this legislation will create is a testament to the North Dakota Department of Transportation and the Information Technology Department's goals to expand service to the furthest corners of the State in support of its first responders. AT&T would like to thank the North Dakota Department of Transportation and the North Dakota Information Technology Department for supporting the FirstNet build out in North Dakota. AT&T is proud to support this legislation and would appreciate the support of the House Transportation Committee.

Sincerely,

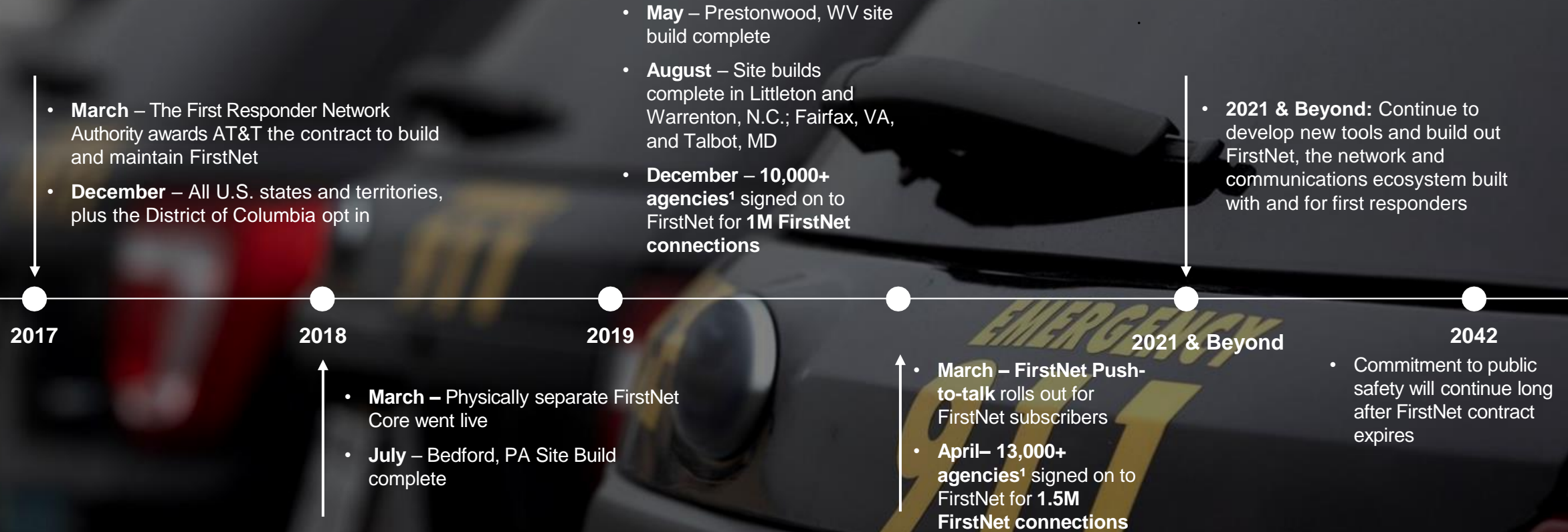
Stephen Devine
Director, FirstNet Strategy and Policy
FirstNet built with AT&T

7424

FirstNet Update

Stephen Devine, Director FirstNet Strategy and Policy

MEETING OUR COMMITMENT



Faster* than any commercial network

¹As of July 2020

²Markets defined by FCC CMAs.

*Based on AT&T analysis of Ookla® Speedtest Intelligence® data median download speeds for Q2 2020. Ookla trademarks used under license and reprinted with permission



BY THE NUMBERS

The **only** dedicated communications platform in the country that brings public safety:



Always-on, 24x7 priority and preemption across voice and data communications



A physically separate network core **fully dedicated** to public safety



Government oversight and accountability from the **FirstNet Authority**

2M+

FirstNet connections



15K+

Public safety agencies and organizations subscribed



160+

apps in the FirstNet App Catalog



210+

FirstNet Ready™ devices

AMERICA'S MOST IMPORTANT WIRELESS NETWORK

2.71M+

Square miles of LTE coverage nationwide



~100K

Square miles of LTE coverage added in 2020



80+

Dedicated deployable network assets, including Flying COWs™ and FirstNet One.



90%+

Band 14 coverage completion; well ahead of schedule



750+

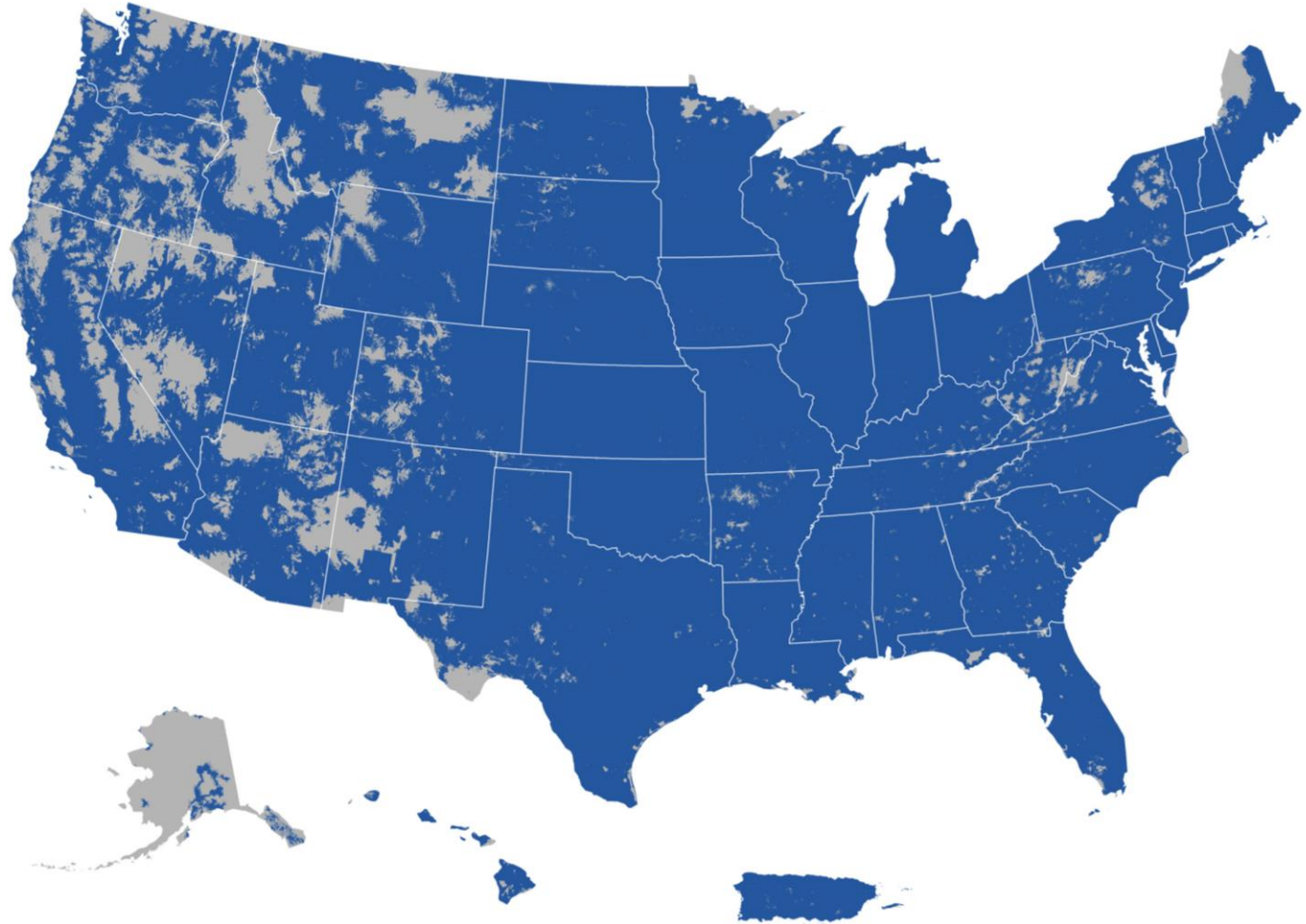
Deployable requests from public safety in 2020



Updated: 2/17/2021

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***FirstNet
surpasses 2.71
Million Square
miles of LTE
coverage
Nationwide***



DEDICATED DEPLOYABLES

80 Dedicated Deployables – including 3 Satellite Cells on Wings and 1 Aerostat

FirstNet-dedicated deployables, such as Satellite Cells on Light Trucks, are mobile cell sites that link to FirstNet via satellite. They don't rely on commercial power availability. They provide first responders with connectivity. FirstNet SatCOLT assets:

- Can **support both planned and unplanned** events
- Are **Band 14 enabled**
- Provide voice (including Voice over IP, VoLTE), data, location, messaging, First Priority® (QPP)
- Up to 25Mbps downlink and 8 Mbps uplink

In addition, the **FirstNet Response Operations Group** at AT&T, led by former first responders, will work with agencies to determine the appropriate asset – or resolution – based on the situation.



“Our network is now the critical link for all public safety as they protect America. Our support for public safety is no longer an elective opportunity. It is an imperative obligation.”

- Jim Bugel, VP, FirstNet Built with AT&T
