

## **SUMMARY OF TRANSPORTATION COMMITTEE MINUTES REGARDING RECOMMENDATIONS FOR THE UNIFORM TRUCK PERMITTING STUDY**

This memorandum summarizes selected information in the minutes of the Transportation Committee for the August 20, 2015, and the November 12, 2015, meetings regarding the uniform truck permitting study.

### **UNIFORM TRUCK PERMITTING STUDY Summary of Recommendations**

The committee has received the following recommendations regarding its uniform truck permitting study:

- Ms. Janet Sanford, North Dakota Association of Oil and Gas Producing Counties, said the association would prefer to continue to operate its system, but would consider collaborating with the state in the development of a statewide system. She said counties outside of the association have asked to join the association's permitting system and the association would consider making its system available for statewide use;
- Mr. Terry Traynor, Assistant Director, Policy and Programs, North Dakota Association of Counties, said a more dynamic overload permit process should be developed to meet counties' changing load limits; and
- Mr. Traynor asked the committee to consider legislation to remove a sunset clause established by the 2013 Legislative Assembly in Senate Bill No. 2025 allowing the jurisdiction responsible for maintaining the road to receive civil settlements assessed to compensate for damage done by an overweight vehicle.

### **Summary of Minutes**

In response to a question from Senator Oehlke, Captain Eldon Mehrer, Motor Carrier Division Commander, North Dakota Highway Patrol, said a preliminary estimate of the cost to expand the current e-permit system to include county permits is \$2.8 million. He said the preliminary estimate does not include costs counties may incur.

In response to a question from Chairman Ruby, Captain Mehrer said counties would pay the state for the use of the system. He said the enhanced system would need to designate fee collections by county. He also said each e-permit includes a \$15 service fee, which is applied to routable permits only. He said the balance of the motor carrier electronic permit transaction fund is \$4.7 million and in 2014, \$3.4 million was collected in service fees. He said the fund is designated for the maintenance and operation of the e-permit system.

In response to a question from Senator Oehlke, Ms. Sanford said she does not believe the association has spent \$2.5 million on its system. She said a \$4 fee is charged per permit for the maintenance and operation of the system. In response to a followup question from Senator Oehlke, she said the association would prefer to continue to operate its system, but would consider collaborating with the state in the development of a statewide system.

In response to a question from Representative Brandenburg, Ms. Sanford said township road permitting has been difficult because each township has a different process for permits. She said at the request of the transportation industry, the association sent out a request to include townships. She said some townships elected to participate and some declined. In addition, she said, a few cities have asked to participate and have been added to the association's permitting system.

Mr. Ron Ness, President, North Dakota Petroleum Council, presented information regarding the uniform truck permitting study. He said the oil-producing counties have been operating a uniform truck permitting system for several years successfully. He said townships and counties have imposed permitting requirements especially during the freeze/thaw cycle that are beyond the uniform truck permitting system developed by the North Dakota Association of Oil and Gas Producing Counties. He said the lack of consistency among counties has increased and companies spend a significant amount of time applying and waiting for county and township permits. He said the North Dakota Petroleum Council is in discussion with the counties to create consistency in the permitting process among the oil-producing counties.

Mr. Arik Spencer, Executive Vice President, North Dakota Motor Carriers Association, provided testimony regarding the uniform truck permitting study. He said there is consensus in support of a single point to access permits among members. He expressed concern regarding the high costs of some county and township permits. He said North Dakota Century Code Section 39-12-02 sets a minimum fee for overweight vehicles; however, he said the Century Code does not set a maximum fee.

Mr. Traynor asked the committee to consider legislation to remove a sunset clause established by the 2013 Legislative Assembly in Senate Bill No. 2025 allowing the jurisdiction responsible for maintaining the road to receive civil settlements assessed to compensate for damage done by an overweight vehicle.