

TESTIMONY TO THE  
**INTERIM ENERGY DEVELOPMENT & TRANSMISSION COMMITTEE**

Prepared March 4, 2014 by

Terry Traynor, NDACo Assistant Director

North Dakota Association of Counties

**REGARDING ROAD RESPONSIBILITY BILL DRAFT**

Chairman Wardner and Committee Members, Mr. Dawson suggested that I provide comments from the county perspective regarding the bill draft addressing the transfer or sharing of road maintenance and improvement responsibilities.

I was able to share this draft with several county engineers and commissioners, and received thoughtful but somewhat confused replies. I was told such things as: "I'm not sure if I like the bill or not" and "I'm not sure what problem it solves."

First and foremost, all of those contacted recognize that there are a number of county routes across the state that currently have higher (and some much higher) traffic volumes than some state highways. These routes are those which serve major energy development areas or agricultural facilities and could be characterized as having regional or statewide significance. It was pointed out that in some cases these county routes also benefit the state system by relieving traffic from adjoining or parallel state routes. The county officials universally feel that a mechanism or procedure should be available to formally consider whether these routes warrant reclassification as state routes, or some special consideration for funding improvements.

Several did mention a section of existing law, 24-05-18, which currently allows for NDDOT consideration of cost sharing on county routes. The section is attached to this testimony with several phrases highlighted that define the joint NDDOT/county agreement that is necessary. With the exception of the language of the bill draft disregarding the statutory limit on state highway miles, it doesn't appear to differ greatly from current law.

The county officials recognize that cost-sharing or state assumption of a county route would require a special appropriation, or the diversion of funds from other state priorities – both alternatives have their political difficulties.

One engineer pointed out that both the funding and mileage limitations with which the NDDOT must contend are problematic for increased agency involvement in these high volume county routes.

It was noted that ideally the county road study by UGPTI will identify these high volume routes and quantify the funding needed for their improvement and maintenance. Then it comes down to where does the funding come from and who is responsible.

A final comment by one engineer returned the discussion to the initial point. He noted that the allocation and distribution of state and county routes were established many years ago and remain mostly unchanged. The state's demographics and economy however have changed quite dramatically. Possibly a more formal and ongoing process for evaluating what constitutes a roadway of state significance and what is the appropriate number of state road mile would be a direction the Committee could consider.

**24-05-18. Counties may cooperate with department - Procedure.**

Whenever any board of county commissioners of any county decides that any county road or roads in such county must be improved or constructed in cooperation with the department, such board shall make written application to the director for the improvement and construction thereof. If the director approves such application, the director, in writing, shall notify the said board of such approval, and at the same time shall submit to the said board an estimate of the cost of such improvement, including the cost of engineering, the purchase or acquirement of right of way, and all other expenses, and the share or portion thereof which such county shall bear. However, the director may not require any county to pay for the cost or expense of acquiring right of way for the state highway system. Whenever the board of county commissioners aforesaid shall elect to proceed with such improvement, the said board shall adopt a resolution signifying such election and in such resolution must set aside out of such funds as are or may become available the amount necessary to pay the county's share of the cost of such improvement. Upon written demand of the director, the board of county commissioners shall instruct and direct the county auditor by resolution to draw a warrant or warrants on the county treasurer in favor of the contractor, or of the department, for the county's share of such amount or amounts as may become due during the progress of such improvement. The county shall also draw additional warrants in favor of the department as may be necessary to reimburse it for the county's share of the cost of engineering and the acquisition of right of way. Such warrants must be drawn by the county treasurer upon the certificate of the director.