

Testimony to the
Interim Transportation Committee
Prepared November 12, 2015
by Terry Traynor, Assistant Director of the
North Dakota Association of Counties

Regarding: County Truck Regulation

Thank you Chairman Ruby and Committee Members, for the opportunity to address your study of truck size and weight regulation.

As this Committee knows, the legislature has given local road authorities the responsibility to manage and maintain the infrastructure under their control. The regulation and enforcement of truck size and weight is a key component of this management responsibility. Research has shown that incremental increases to axel weight will result in exponential damage to roadways – greatly increasing maintenance costs and reducing roadway lifespan. Conversely, properly configured trucks can actually reduce the damage to roadways by resulting in fewer equivalent single-axle loads (ESAL) to carry the same product.

These facts argue strongly for counties to implement an efficient and effective truck regulatory program – however, this can be a challenging endeavor. As the UGPTI has reported, counties are responsible for almost 24,000 miles of roads, and have considerable responsibility for the 47,000 miles of township roads as well. Counties maintain 3,505 bridges over 20-feet in length and an undetermined number of smaller structures. Until the development of the UGPTI Local Roads Study, few counties had solid countywide road and bridge condition data upon which to base load limitation decisions.

Historically, most counties have relied on the statutory 80,000 pound gross vehicle weight limitation of state law, and the (much appreciated) periodic enforcement of the State Highway Patrol. This situation however is changing in many counties, as politically and economically the standard load limits must be reassessed, a more dynamic overload permit process must be developed, and more active enforcement employed. Many counties are looking to the axel-loading formula used by the State as a model. In addition to the oil counties, we are seeing more and more counties with permits available through their websites, and we are seeing more county sheriff's purchasing their own scales and dedicating manpower to enforcement.

Today we have one such sheriff here to address this topic, but before he testifies I would like to ask this committee to consider the related issue of the civil penalties for those apprehended driving over-weight vehicles without the proper permitting.

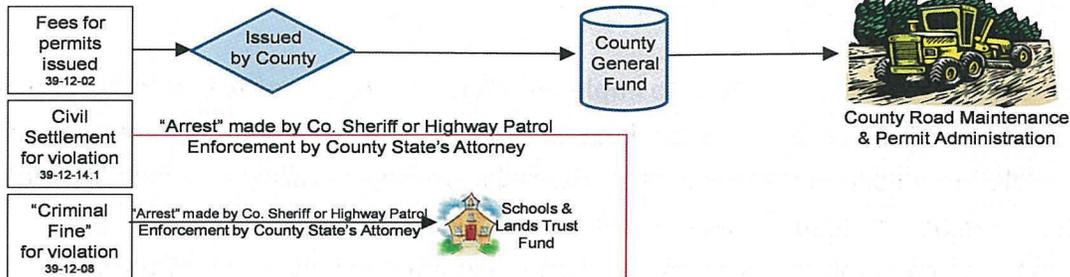
Mr. Chairman and members of the committee, the Association of Counties was in full support of Senate Bill 2025 in 2013 when it was clarified that the CIVIL SETTLEMENT assessed to compensate the road authority for damage done by an overweight vehicle (not the criminal penalty) was directed to the roads where the damage occurred. Prior to the law change, all such settlements would benefit STATE road maintenance, even if the damage occurred on county roads or city streets.

The chart below shows how all overload revenue was flowing before the law changed. SB2025, essentially redrew the red line so the funds went to the road fund where the enforcement action took place. If on a State Highway, to the NDDOT; on a county road, to the county highway fund; on a city street, to the city street fund; and if on a township road, to the township road fund.

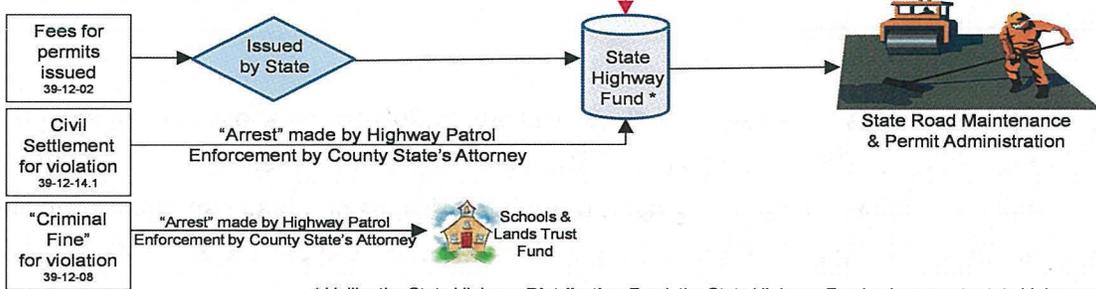
Over-weight/Over-dimension Permits & Penalties Revenue Flow Prior to Passage of SB2025 in 2013



On County Roads



On State Highways



* Unlike the State Highway **Distribution** Fund, the State Highway Fund only supports state highways

I raise this issue today because the legislative change enacted by SB2025 was drafted to "sunset" at the end of this current biennium. County officials believe that it is as appropriate today as it was in 2013, and we would like this committee to consider legislation to remove the sunset.

Thank you for this opportunity, and now I would like to introduce Stutsman County Sheriff, Chad Kaiser, unless there are questions.