

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1166

2007 HOUSE TRANSPORTATION

HB 1166

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1166

House Transportation Committee

Check here for Conference Committee

Hearing Date: 02-02-2007

Recorder Job Number: 2693

Committee Clerk Signature

Lisa M Thomas

Minutes:

Chairman Weisz opened the hearing on HB 1166. All Representatives were present.

HB 1166 relates to providing for a portion of four-lane hwy for US HWY 52.

Rep. Matt Klein introduced the bill.

Rep. Klein: Several sessions ago, we pass similar legislation relating to four-laning Hwy 2 west of Minot all the way to Williston. On the last stretch of that phase, the next logical phase for a state wide transportation system is Hwy 52. Right now, with the development of North Dakota's first biodeisel plant in the Velva is the waste disposal sites south of Surrey. We need to plan ahead to keep our economy moving. The major thing on this road is truck traffic. I have some data from the state highway department; there were one hundred and eighty-three crashes or incidents last year and one hundred and fifty-three of them involved deer. Natural place from the river on the one side and the hills and grasslands on the other side, we are slaughtering deer by the hundreds. I believe the traffic count on that particular road, especially truck traffic, exceeds the traffic count on hwy 2. There are a number of people here that have more specific information.

Senator Krebsbach: I have extreme interest in this particular phase of highway construction for the northwest area and going on into the central part of the state. A lot of our traffic from

the Minot area uses that highway. It's a situation whereby it would be imperative for us for our future development in economic areas as well as general public traffic. Any time you can go from a two lane to a four lane highway, you have a much greater factor of safety. Having worked with the Minot community, we know the length of time it takes to initiate and to get it completed. And we are just finally completing the lane to the Williston area on that project. I do see in this bill, I do see in the future of pushing this forward all the way to the Canadian border. We have a lot of Canadian traffic as well. On highways and utilization, prior to the construction of I-94, eighty percent of the cross state traffic was on hwy 2. Once the interstate was completed, that switched. That is the importance of keeping good transportation in the area. We strongly urge you to look favorably upon this bill for the area and for the state.

Cindy Shattuck, President of the Velva City Commission spoke in support of the bill. See attached testimony.

Randy Hauck, Chairman of the Velva Community Development Corporation, spoke in support of the bill. See attached testimony.

Rep. Weisz: Do you have any projected figures as to how much the truck traffic will increase from the biodeisel expansion at the Velva plant?

Randy: Unfortunately, I do have testimony from ADM that I will hand out. They were not able to come down here today. They have indicated that it is going to increase, just not how much. Besides adding the eighty-five million gallon biodeisel plant, they are also adding their crush. They crush approximately two thousand metric tons a day of canola. They are expanding that up to three thousand tons. With that and the biodeisel, I think truck numbers are going to continue to go up like they are on that chart.

Rep. Thorpe: Also, the byproduct is there going to be a lot of hauling on that?

Hauck: That is correct. They currently ship a lot of it by rail, but their goal is to continue to do it locally by truck.

Rep. Thorpe: As we are trying to expand, which we have to some legislation, the livestock production industry to utilize those byproducts, as we expand that then there will be more truck traffic. So we are looking at constant growing of truck traffic.

Hauck: Correct.

Jeff Michalenko, Superintendent at CF Industries Velva Ammonia Terminal spoke in support of the bill. See written testimony.

Rep. Thorpe: You mentioned twelve hundred to two thousand trucks?

Michalenko: That is per month.

Rep. Schmidt: How far is your plant from Velva? What does that sign say out there?

Michalenko: Over ten thousand safe work days without a loss time accident.

Rep. Weisz: Do you have any idea how much of your traffic from you plant goes east vs. west?

Michalenko: My guess is that the biggest share is going to go west.

Bruce Carlson, General Manager of Verendrye Electric Cooperative in Velva spoke in support of the bill. See written testimony.

John McMartin, President of the Minot Chamber of Commerce spoke in support of the bill.

McMartin: We need to get hwy 52 on the state plan for four lane so that as development occurs, our future development occurs; we don't find ourselves behind the eight ball. My office found itself in that position on North Broadway and was delayed for a long time and thank goodness that project will start this year. You have heard about the existing traffic and the expansion of the ADM plant. Velva has plans to expand its industrial park and Minot is in the

process of building an intermodal facility. We are going to see an additional biodeisel plant and truck traffic is going to do nothing but increase. For that reason we support HB 1166.

Rep. Thorpe: In your position you are familiar with, would you go so far as to say we are already behind the eight ball?

McMartin: Most definitely. I can say it's almost too late. I see the importance of getting this done.

Chairman Weisz allowed time for opposition to HB 1166.

Francis Ziegler, Director of DOT spoke in opposition to the bill. See written testimony.

Rep. Delmore: You talk about the study that was done, when was that study done?

Ziegler: That study was just completed about three weeks ago.

Rep. Weisz: What criteria do you use to determine whether it should be four lane or two lane?

Ziegler: Typically, we look at safety aspects and when we don't have a given set for traffic volume. Other states have adopted that, such as MN has ten to twelve thousand. SD is less. We have not made an exact determination. We base everything on safety and local needs.

Rep. Weisz: So you don't base your decision at this point on volume or traffic or congestion when you go to four lane?

Ziegler: Congestion is definitely considered.

Rep. Gruchalla: Was a similar study like this done prior to four laning hwy 2 from Minot to Williston.

Ziegler: Yes, it was.

Rep. Gruchalla: Did that stretch of hwy then warrant the four laning of hwy 2?

Ziegler: At that time it did not. Hwy 2 four laning was a vision a vision of connecting the east to west northern corridor and it was intended to become an economic development.

Rep. Ruby: Several years ago, there was four laning done from Minot to the beginning of Logan Hill and there were some other improvements along the way, when all that was being done and the construction hassles, it always made me wonder why we didn't put that money that we spent at that time and all of that construction, why didn't we just put that toward four laning at that time? I know Velva did some improvements through their town and raised some local dollars, it just seems like as long as we are going to put that kind of money toward that effort at that time, it would have made more sense to put that dollar toward four laning it at that time.

Ziegler: I don't have the detail here today. I am going to assume though that it had to do with safety and I remember when Velva did look at turn lanes so we could move the traffic off of the road way.

Rep. Ruby: I'm sure it did and it was an improvement, it just seemed like the money that was spent there would have been better spent to just add to it and put some four laning through and solves this problem that we are trying to work on now. My memory on that highway goes back a little farther than what you have. I remember a head on collision on the Logan Hill and I remember a fatal accident over by Sawyer one year, so there have been fatality accidents on that road and it's been longer than three years, and I think if you look back farther, you will probably see that.

Ziegler: When we develop the STP, we look at priorities and we have heard from a lot of people here today from the Velva-Minot area and we have priorities that we need to look at. North Broadway as was mentioned. We are going to put fifteen million dollars a mile into the N. Broadway project, so what we have to do look at priorities because the money isn't there. We take care of the system that has the greatest needs. Sometimes we second guess ourselves. At that time we make judgment calls with the money that is available.

Rep. Ruby: I understand that. You don't see a fiscal note on this telling you that you have to do it in a certain number of years. That is why I am confused as to why you are opposing it.

Ziegler: I believe that the long term strategy needs to be part of the process of planning and it's a STP process. As we speak we are working on the transaction for document, which is a collaboration of not only the DOT with the cities and counties, but all of transportation for the state and how we can fund it.

Rep. Weisz: When you look at making a four lane, do you have any procedure to even sit down and evaluate the shift of traffic and how that affects the cost?

Ziegler: There are models that we use that there is economic development and the transportation network around that area.

Rep. Thorpe: The one that caught my ear was when you were talking about the addition to qualifications, does it make it more amiable on this proposal on this bill with the division of this and the Canadian border all the way down?

Ziegler: If you are referring to the hwy 2 vision and the fact is that we are looking at making the connection between Grand Forks and Williston and as far as the vision to get it completed there would be a tremendous investment and I can't quote the numbers is well over fifty million dollars.

Rep. Thorpe: I certainly know all of the problems, but this 52 thing is major and I guess that leads to my next question. Do you have readily available, information you can share with the committee, the traffic counts on 52 from the junction of 2?

Ziegler: That information is on our website. We have a map of that on the website and that address is www.nd.gov and then you go to the DOT and you will find the traffic counts.

Rep. Price: Your traffic count was done in the second week of January, what about in the Spring of the year and at harvest time?

Ziegler: The counts are done throughout the year.

Rep. Weisz: So I can't get a monthly traffic count?

Grant Levi, ND DOT: We have some automatic traffic recorders.

Rep. Vigesaa: How far out in time would this project be?

Ziegler: The STP is a five year program.

There was no further opposition to this bill. The hearing was closed. No action was taken at this time.

Later that day, the committee took up this bill in committee work.

Rep. Price moved to adopt the amendment to replace Jamestown with Voltaire.

Rep. Kelsch seconded.

Voice vote: 13 yes. 0 no. 0 absent.

Rep. Kelsch moved a DO PASS AS AMENDED and REREFER to APPROPRIATIONS.

Rep. Delmore seconded.

Roll Call Vote: 13 yes. 0 no. 0 absent.

Carrier: Rep. Kelsch

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1166

House Transportation Committee

Check here for Conference Committee

Hearing Date: 02-08-2007

Recorder Job Number: 3120

Committee Clerk Signature

Lisa M Thomas

Minutes:

Chairman Weisz allowed committee discussion on HB 1166. Rep. Weisz was absent.

HB 1166 relates to providing for a portion of four-lane hwy for U.S. Hwy 52.

Rep. Ruby: Before we take up the amendments, we need to have a motion to reconsider our actions.

Rep. Owens moved to reconsider. Rep. Delmore seconded.

Voice vote: 12 yes. 0 no. 1 absent.

Rep. Ruby: DOT was very concerned when we passed it out that it was to be considered at the top of the list that we would tell them this was a priority that we had to do right away. I think the committee wants it on the long-term strategic plan but realize that it could be five to fifteen years before it gets going. This amendment suggests that they will be allowed the time to do the studies if needed and so on.

Rep. Price moved to adopt the amendment. Rep. Kelsch seconded.

Voice vote: 12 yes. 0 no 1 absent.

Rep. Price moved a DO PASS AS AMENDED. Rep. Schmidt seconded.

Roll Call vote: 12 yes. 0 no. 1 absent.

Carrier: Rep. Kelsch

FISCAL NOTE
Requested by Legislative Council
03/12/2007

Amendment to: Engrossed
 HB 1166

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill, as amended, provides for the 4--laning of US 52 from Reference Point 52-101.638 to Reference Point 52-122.789 (approximately 21.151 miles) at an estimated cost of \$29 million.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The Senate amendment to the engrossed version does not change the fiscal impact as reported for the engrossed version.

This project is estimated to cost \$29 million in today's dollars and is not anticipated to be funded until a future biennium, as the bill provides for four-laning at the time of the next reconstruction. The environmental process normally takes about five years to complete, however, adding a four lane facility greatly increases the complexity and time to complete the document. The construction of this project would likely be broke into three years at best...grading one year and paving the next year, with the second grading project starting the second year and being paved the third year.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Presently, the department does not have a revenue source for this project.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The following items have been estimated to complete this Project:

- 1. Environmental Document \$1.5 million 0 FTE
- 2. Right-of way \$.8 million 0 FTE
- 3. Wetlands \$.7 million 0 FTE
- 4. Design/Construction 4-Lane \$26 million 0 FTE

There are a number of smaller communities along the US 52 corridor which will also be impacted. However, this estimate does not include any relocation costs for these communities. Also any community along the US 52 corridor with a population greater than or equal to 750 will have a 10% cost share for their portion of the project.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The costs related to this construction project are not in the department's budget submittal. There are no federal appropriations associated with this project.

Name:	Shannon L. Sauer	Agency:	NDDOT
Phone Number:	328-4375	Date Prepared:	03/12/2007

FISCAL NOTE
 Requested by Legislative Council
 02/14/2007

REVISION

Amendment to: HB 1166

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill, as amended, provides for the 4--laning of US 52 from Reference Point 52-101.638 to Reference Point 52-122.789 (approximately 21.151 miles) at an estimated cost of \$29 million.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This project is estimated to cost \$29 million in today's dollars and is not anticipated to be funded until a future biennium, as the bill provides for four-laning at the time of the next reconstruction. The environmental process normally takes about five years to complete, however, adding a four lane facility greatly increases the complexity and time to complete the document. The construction of this project would likely be broke into three years at best...grading one year and paving the next year, with the second grading project starting the second year and being paved the third year.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Presently, the department does not have a revenue source for this project.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The following items have been estimated to complete this Project:

1. Environmental Document \$1.5 million 0 FTE
2. Right-of way \$.8 million 0 FTE
3. Wetlands \$.7 million 0 FTE
4. Design/Construction 4-Lane \$26 million 0 FTE

There are a number of smaller communities along the US 52 corridor which will also be impacted. However, this estimate does not include any relocation costs for these communities. Also any community along the US 52 corridor with a population greater than or equal to 750 will have a 10% cost share for their portion of the project.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and*

appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.

The costs related to this construction project are not in the department's budget submittal. There are no federal appropriations associated with this project.

Name:	Bob Fode	Agency:	NDDOT
Phone Number:	328-1937	Date Prepared:	02/13/2007

FISCAL NOTE

Requested by Legislative Council

02/13/2007

Amendment to: HB 1166

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						\$1,500,000
Appropriations						\$1,500,000

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill, as amended, provides for the 4--laning of US 52 from Reference Point 52-101.638 to Reference Point 52-122.789 (approximately 21.151 miles) at an estimated cost of \$29 million.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

This project is estimated to cost \$29 million in today's dollars. In the 2009-2011 biennium it is assumed that only the Environmental Document would get completed. The environmental process is approximately five years to complete if the department started this project today. The construction of this project would likely be broken into three years at best...grading one year and paving the next year, with the second grading project starting the second year and being paved the third year.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Presently, the department does not have a revenue source for this project. All federal aid funds are programmed through 2010 per the 2007 Statewide Transportation Improvement Program (STIP). The department is currently working on the 2008-2011 STIP.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The following items have been estimated to complete this Project:

1. Environmental Document \$1.5 million 0 FTE
2. Right-of way \$.8 million 0 FTE
3. Wetlands \$.7 million 0 FTE
4. Design/Construction 4-Lane \$26 million 0 FTE

There are a number of smaller communities along the US 52 corridor which will also be impacted. However, this estimate does not include any relocation costs for these communities. Also any community along the US 52 corridor with a population greater than or equal to 750 will have a 10% cost share for their portion of the project.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and*

appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.

The costs related to this construction project are not in the department's budget submittal. There are no federal appropriations associated with this project. Assuming the environmental document was not started until the 2009-2011 biennium, no additional appropriation would be necessary until that time, at which an additional appropriation of \$1.5 million would be necessary.

Name:	Bob Fode	Agency:	NDDOT
Phone Number:	328-1937	Date Prepared:	02/13/2007

FISCAL NOTE

Requested by Legislative Council
01/08/2007

Bill/Resolution No.: HB 1166

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						\$10,000,000
Appropriations						\$10,000,000

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill would require 4 laning of US HW 52 from Minot to Buchanan (approximately 151 miles) at an estimated cost of \$210 million (in 2007 dollars).

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

It is estimated to cost \$210 million in today's dollars. In the 2009-2011 Biennium it is assumed that only the Environmental Document would get completed. The environmental process is approximately five years to complete if the department started this project today. After completion of the environmental phase, it would take approximately 25-30 years to complete the entire construction phase of the project. Thus, the majority of the costs would be incurred during the 2013-2033 time period.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Presently, the department does not have a revenue source for this project. All federal Aid funds are programmed through 2010 in the 2007 Statewide Transportation Improvement Program (STIP). The department is currently working on the 2008-2011 STIP.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Project:

- 1. Environmental Document \$10 million *
- 2. Right-of-way \$3 million *
- 3. Wetlands \$5 million *
- 4. Design/Construction 4-Lane \$182 million *
- 5. Design/Construction Bypass
 (Carrington) \$10 million *

* These figures all reflect 2007 dollars. Since considerable time will lapse before completion of these various phases, the impact of inflation will most certainly increase these figures considerably.

There are a number of smaller communities along the US 52 corridor which will also be impacted. However, this estimate does not include any relocation costs for these communities. Also any community along the US 52 corridor with a population greater than or equal to 750 will have a 10% cost share for their portion of the project.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The costs related to this construction project are not in the department's budget submittal. There are no federal appropriations associated with this project. Assuming the environmental document was not started until the 2009-2011 biennium, no additional appropriation would be necessary until that time.

Name:	Bob Fode	Agency:	NDDOT
Phone Number:	328-1937	Date Prepared:	01/12/2007

VR
2/2/07

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1166

Page 1, line 6, replace "Jamestown" with "Voltaire"

Renumber accordingly

Date: 2-2-07
Roll Call Vote #: _____

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1166

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken move^{to} Adopt. Amendments - voice vote

Motion Made By Price Seconded by Kelsch

Representatives			Representatives		
	Yes	No		Yes	No
Chairman Weisz	}		Rep. Delmore	}	
Vice Chairman Ruby			Rep. Gruchalla		
Rep. Dosch			Rep. Myxter		
Rep. Kelsch			Rep. Schmidt		
Rep. Owens			Rep. Thorpe		
Rep. Price					
Rep. Sukut					
Rep. Vigesaa					

Total Yes _____ No _____

Absent _____

Floor Assignment Motion carried

If the vote is on an amendment, briefly indicate intent:
Minot to Voltaire

Date: 2-2-07
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1166

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass As Amended & re refer to Approps.

Motion Made By Kelsch Seconded by Delmore

Representatives			Representatives		
	Yes	No		Yes	No
Chairman Welsz	✓		Rep. Delmore	✓	
Vice Chairman Ruby	✓		Rep. Gruchalla	✓	
Rep. Dosch	✓		Rep. Myxter	✓	
Rep. Kelsch	✓		Rep. Schmidt	✓	
Rep. Owens	✓		Rep. Thorpe	✓	
Rep. Price	✓				
Rep. Sukut	✓				
Rep. Vigasaa	✓				

Total Yes 13 No 0

Absent 0

Floor Assignment Kelsch

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1166: Transportation Committee (Rep. Weisz, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1166 was rereferred to the Appropriations Committee.

Page 1, line 6, replace "Jamestown" with "Voltaire"

Renumber accordingly

Date: 2-8-07
 Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. _____

House Transportation 1166 Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken reconsider Action-voice

Motion Made By Owens Seconded by Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	}		Rep. Delmore	}	
Vice Chairman Ruby			Rep. Gruchalla		
Rep. Dosch			Rep. Myxter		
Rep. Kelsch			Rep. Schmidt		
Rep. Owens			Rep. Thorpe		
Rep. Price					
Rep. Sukut					
Rep. Vigasaa					

Total Yes _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

**House Amendments to HB 1166 (70330.0102) - Government and Veterans Affairs
Committee 02/08/2007**

Page 1, line 5, replace "the completion of the construction of a paved" with ", as part of the department's project development process, a four-lane alternate when it develops the environmental document for the next major reconstruction project for United States highway 52 from reference point 52-101.683 to reference point 52-122.789. If environmental clearance is obtained, the department shall select for construction the four-lane alternate as the preferred alternate."

Page 1, remove lines 6 and 7

Renumber accordingly

Date: 2-8-07
 Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 1166

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Amend Ziegler's - voice

Motion Made By Price Seconded by Kelsch

Representatives		Yes	No	Representatives		Yes	No
Chairman Weisz				Rep. Delmore			
Vice Chairman Ruby				Rep. Gruchalla			
Rep. Dosch	}			Rep. Myxter	}		
Rep. Kelsch				Rep. Schmidt			
Rep. Owens				Rep. Thorpe			
Rep. Price							
Rep. Sukut							
Rep. Vigesaa							

Total Yes _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2-8-07
 Roll Call Vote #: 3

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. _____

House Transportation 1166 Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Price Seconded by Schmidt

Representatives	Yes	No	Representatives	Yes	No
Chairman Welsz		<u>Absent</u>	Rep. Delmore	<input checked="" type="checkbox"/>	
Vice Chairman Ruby	<input checked="" type="checkbox"/>		Rep. Gruchalla	<input checked="" type="checkbox"/>	
Rep. Dosch	<input checked="" type="checkbox"/>		Rep. Myxter	<input checked="" type="checkbox"/>	
Rep. Kelsch	<input checked="" type="checkbox"/>		Rep. Schmidt	<input checked="" type="checkbox"/>	
Rep. Owens	<input checked="" type="checkbox"/>		Rep. Thorpe	<input checked="" type="checkbox"/>	
Rep. Price	<input checked="" type="checkbox"/>				
Rep. Sukut	<input checked="" type="checkbox"/>				
Rep. Vigesaa	<input checked="" type="checkbox"/>				

Total Yes 12 No 0

Absent 1

Floor Assignment Kelsch

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1166: Transportation Committee (Rep. Welsz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1166 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "the completion of the construction of a paved" with "as part of the department's project development process, a four-lane alternate when it develops the environmental document for the next major reconstruction project for United States highway 52 from reference point 52-101.683 to reference point 52-122.789. If environmental clearance is obtained, the department shall select for construction the four-lane alternate as the preferred alternate."

Page 1, remove lines 6 and 7

Renumber accordingly

2007 SENATE TRANSPORTATION

HB 1166

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. Engrossed HB 1166

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: March 8, 2007

Recorder Job Number: 4730

Committee Clerk Signature *Jody Hauke*

Minutes:

Senator Lee opened the hearing on HB 1166 an Act to provide for a paved four-lane highway for United States highway 52. All committee members were present.

Representative Klein introduced the bill and told why it was needed. His written testimony is enclosed.

Senator Bakke asked if there was some time table to get this done.

Rep. Klein said that there was no time table and we can't tell the highway dept. when to do things. It has to fit into their overall plan.

Senator Potter asked if there were any businesses in Sawyer.

Rep. Klein said yes and also there is a landfill south of Sawyer and it is one of two that can handle hazardous material in the state.

Senator Andrist asked where the reference points are. Is the beginning where the four lane and how far southeast.

Rep. Klein said it begin where the four lane does and it will go out past the bio-diesel plant which is beyond Velva. He said it was a 21 mile stretch.

Senator Nething wanted to know what happened to the original bill.

Rep. Klein said they were going to take the highway all the way to Jamestown but because of the Fiscal Note they compromised and shortened the route.

Senator Lee said if the Environmental clearance is obtained then the dept. would construct a 4 lane, is that what the dept. is saying.

Rep. Klein said they would get it under their five year plan but the environmental statement is a long drawn out procedure. So if that process is completed it will go on their plan but he could not put a date on it for when it will be done.

Cindy Shattuck, President of the Velva City Commission testified in support of Engrossed HB 1166. Her written testimony is enclosed.

Senator Potter asked if the highway will circle Velva and if this will be hard on business.

Cindy said that at this point they would expect the traffic to go right through town.

Senator Potter said that the number in the fiscal note shows communities over 750 have to pay a ten percent share.

Cindy said that the community does have to come up with a 10% share and that will not be a problem because the community is very supportive.

Senator Lee asked if they have done any studies on the amount of trucks coming through town.

Cindy said she did not have the numbers.

Maria Effertz Hanson, McHenry County Jobs Development Authority testified in support of HB 1166. Her written testimony is enclosed.

Senator Potter asked if she saw any environmental impact.

Maria said she saw none. There are some hills that will be moved but overall she didn't see any major environmental impact.

Randy Hauck, chairman of the Velva Community Development Corporation testified in support of Engrossed HB 1166. His written testimony is enclosed.

Senator Lee asked if there was additional expansion of the ADA planned.

Randy said currently they are expanding. They are building a bio-diesel plant and also expanding their crushing capabilities.

Bruce Carlson, General Manager of Verendrye Electric Cooperative testified in support of Engrossed HB 1166. His written testimony is enclosed and he brought written testimony from Dakota Midland Grain and ADM.

Jeff Michalenko, Superintendent at CF Industries Velva Ammonia Terminal testified in support of HB 1166. His written testimony is enclosed.

No opposing testimony.

Grant Levi, Deputy Director for Engineering (NDDOT) was here to provide some information for the committee to consider as they make this policy decision on Engrossed HB 1166. He also brought a proposed amendment.

Senator Andrist asked if the Highway Dept. had any sense of priority for this project.

Gary Levi said that the safety of people was a priority and they look for patterns of traffic and accidents. He said that they will from a safety perspective, step in and proceed with a major reconstruction project. Based on the information they have today they don't see that happening in the near future. He said if we have to we will come in and make spot improvements on intersections and add turn lanes and do those types of things.

Senator Fiebiger asked if the difference between the bill and the amendment is that the amendment says a recommendation instead of a mandate.

Gary Levi said that is correct and this allows us to work through the system. We cannot go into a project with a predetermined out come.

Senator Nething asked if this was a priority project of the dept.

Gary Levi in our present program it is not in our program. We continue to monitor our program. Also along that corridor there will be environmental challenges.

Senator Potter asked about the alternatives he talked about and asked what kind they would be looking at. He asked if they were also looking at passing lanes and wondering why ND doesn't do more of that.

Gary Levi said that we have to look at a number of alternatives that would satisfy the purpose of moving goods and being safe. We will have to look at alternatives and getting public impute.

Senator Nething asked if they offered testimony on the House side.

Gary said that on the House side they opposed the bill but here they are offering this amendment.

Senator Andrist said changing this to a recommendation could be like killing the bill. The bill sponsors were trying to give Highway 52 a higher priority.

Gary Levi said that he felt the message of priority has been delivered to the department. Our challenge is balancing all the priorities.

Senator Lee asked what he believed would be the time frame for this project.

Gary Levi based on our monitoring and information we don't see anything happening for 10-15 years. This seems like a long time but we have a back log of highway projects.

Senator Lee closed the hearing on Engrossed HB 1166.

Reconvened in the afternoon 3-12-07 (Job 4708 8:25)

Senator Potter moved the amendment suggested by DOT.

Senator Nething seconded the motion.

Clerk took the roll 5-1-0.

Senator Potter moved a Do Pass as amended on Engrossed HB 1166.

Senator Fiebiger seconded the motion.

The clerk took the roll 6-0-0.

Senator Lee will carry the bill.

JJ
3-8-7

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1166

Page 1, line 8, replace "If environmental clearance is obtained, the department shall select" with "It is recommended that the four-lane alternative be selected as the preferred alternate and be constructed if environmental clearance is obtained."

Page 1, remove line 9

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1166, as engrossed: Transportation Committee (Sen. G. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1166 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "If environmental clearance is obtained, the department shall select" with "It is recommended that the four-lane alternative be selected as the preferred alternate and be constructed if environmental clearance is obtained."

Page 1, remove line 9

Renumber accordingly

2007 HOUSE TRANSPORTATION

CONFERENCE COMMITTEE

HB 1166

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1166

House Transportation Committee

Check here for Conference Committee

Hearing Date: 04-04-2007

Recorder Job Number: 5983

Committee Clerk Signature *Lisa M Thomas*

Minutes:

The conference committee on HB 1166 was called to order. Chairman Owens, Rep. Weisz, Rep. Delmore, Sen. Nething, Sen. G. Lee, and Sen. Bakke were all present.

Chairman Owens: Reviewing the Senates changes, it doesn't look like they are that huge but what I would like to do is ask the Senate to talk about the amendments and the thought process in changing that last sentence of the bill. That is really all that changed.

Sen. Nething: What we did was to add the language at the recommendation of the department because they explained to us that this would preserve the flexibility that they needed as they put together their plan and the environmental plan and that is where that came from.

Sen. Lee: The recommended is really the key fraise there in that when they do their study or they do their look at what might be necessary for that roadway from those two points, it could be that a four lane alternative may not be what is appropriate in all of that section, maybe a two lane is needed there and a three lane there just because there is a lot of environmental issues that are in that particular sight. There is wetlands and all kinds of other things that they need to get through. This really does allow DOT to have the final say in what goes through there.

Rep. Owens: I don't remember just to be clear, we talked about the environmental assessment and clearance, but we didn't bring up some of those issues you just mentioned.

Does anybody have anything else involving HB 1166 that they wish to discuss?

Rep. Weisz: Because we are looking at future planning, I do have an amendment. Another section because with this proposed amendment. See attached.

Rep. Owens: Do you want to move that amendment?

Rep. Weisz: Not at this point.

Rep. Delmore: Do we have an actual place where this road would go?

Rep. Weisz: There are about four alternatives. One of them goes diagonal and basically would come right into Lincoln. Part of the issue seems to be that Bismarck is planning, regardless of what is happening out in Lincoln.

Rep. Owens: You said they are looking at different options, who is they?

Rep. Weisz: There was an engineering firm that was hired to do a study that came up with the alternatives. The issue seems to be whether the city of Bismarck can do whatever they want without feeding Lincoln in and that is some of the issues. Bismarck is making plans that don't necessarily represent everyone.

Sen. Nething: I understand there is a concern and a problem, but what bothers me is that there has never been a public hearing on this. We didn't have one in the Senate and the purpose of the amendments primarily is to resolve the differences between the committees. Now, having said that, I would like to have this referred to the highway department, have them view it, and see how it ties in with the rest of the language. The bill is somewhat watered down the way it is and this is not a particular problem with them then we could maybe take a run at it but I would oppose it right now.

Rep. Weisz moved that the House accede to the Senate amendments and further amend this amendment.

Rep. Delmore seconded for the purpose of discussion.

Sen. Bakke: I don't feel this has anything to do with the original intent of the bill and I don't see where it makes sense being brought up and not having a public hearing, I just am not comfortable with adding that at this time.

Sen. Nething: Obviously it is somebody's idea. Is it fair to assume it is the Rep. Weisz's idea?

Rep. Weisz: No, it is not my idea but I will say that there is an issue that they are having.

Sen. Nething: But the highway department has drafted this?

Rep. Weisz: I asked them to draft it.

Sen. Nething: Did they have any support for it, or objection to it?

Rep. Weisz: I would say they are neutral. From my prospective, I understand all of the objections and I agree that this wasn't part of the bill and if this committee decides this shouldn't go forward, it doesn't bind anyone.

Sen. Nething: Is it fair to assume that this is not from the Bis-Man Metropolitan Planning Organization?

Rep. Weisz: I can vouch that it is not from them?

Sen. Nething: Is it fair to say that it is from the city of Lincoln?

Rep. Weisz: Yes. The city of Lincoln feels there are some issues.

Rep. Owens: Basically we are telling two cities to work together and play nice is all it is. So my next question to you is how does this relate to the DOT funds or the DOT STP?

Rep. Weisz: I don't know, it would depend on what the cities and the counties decide to do because obviously they can do stuff on their own without having any affect on what the DOT does with their share of federal dollars.

Sen. Nething: I would like to talk to the other sponsors and see how they feel about this. Can we break until then?

Rep. Weisz withdrew his motion. Rep. Delmore withdrew her second.

The committee was recessed. No action was taken at this time.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1166

House Transportation Committee

Check here for Conference Committee

Hearing Date: 04-05-2007

Recorder Job Number: 5788

Committee Clerk Signature

Lisa M Thomas

Minutes:

The conference committee on HB 1166 was called to order. Chairman Owens, Rep. Weisz, Rep. Delmore, Sen. Nething, Sen. G. Lee, and Sen. Bakke were all present.

HB 1166 relates to providing for a portion of four-lane highway for US HWY 52.

Rep. Owens: Before we left last time, we had been given an addition or amendment and the discussion was to go back and look at it. Basically where do we stand?

Rep. Weisz: I will make a motion that the Senate recede from its amendments and adopt amendments as follows.

Rep. Delmore seconded.

Sen. Nething: I understand the amendment.

Sen. Bakke: I was wondering if Sen. Nething had a chance to talk to the sponsor and see what they thought of this.

Sen. Nething: Yes and I didn't find any heartburn with leaving it off.

Sen. G. Lee: I understand that there is an issue down there and I don't know the details specifically, but I do think it's a difficult president to be moving down so I intent to oppose the amendment as well.

Rep. Weisz: I can understand the opposition to this, but there is definitely an issue and they are just looking at finding a way to move forward so the players involved realize they do need to come to the table with this. It won't go away, the growth out there is continuing. The problem is going to get worse and at some point will reach a crisis point.

Roll Call Vote: 2 yes. 4 no. 0 absent.

Motion fails.

Sen. Nething moved that the House accede to the Senate amendments. Sen. G. Lee seconded.

Rep. Weisz: As far as the Senate amendments are I don't think the House has any problems with that change.

Roll Call Vote: 5 yes. 1 no. 0 absent.

Carrier: Rep. Owens.

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1166 (, as (re)engrossed):

Date: 4-05-07

Your Conference Committee TRANS

For the Senate:

For the House:

	YES / NO			YES / NO	
Sen Nething	X		Rep Owens	X	
Sen Lee	X		Rep Weissz		X
Sen Bakke	X		Rep Delmore	X	

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 1601 --

X, and place 1166 on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the Seventh order:

_____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: 4-05-07

CARRIER: Rep Owens

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: _____

SECONDED BY: _____

VOTE COUNT ___ YES ___ NO ___ ABSENT

REPORT OF CONFERENCE COMMITTEE

HB 1166, as engrossed: Your conference committee (Sens. Nething, G. Lee, Bakke and Reps. Owens, Weisz, Delmore) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1001 and place HB 1166 on the Seventh order.

Engrossed HB 1166 was placed on the Seventh order of business on the calendar.

2007 TESTIMONY

HB 1166



A MUNICIPAL CORPORATION
DESIGNATED A TREE CITY USA
PROUD TO BE A MEMBER OF:
VELVA ASSOCIATION OF COMMERCE
MINOT CHAMBER OF COMMERCE
NORTH DAKOTA LEAGUE OF CITIES

City of Velva ☆ 101 First Street West ☆ P.O. Box 219 ☆ Velva, North Dakota 58790

Phone 701.338.2660 ☆ Fax 701.338.2485 ☆ Email velvand@stellarnet.com ☆ Website www.velva.net

February 2, 2007

Chairman Weisz and members of the House Transportation Committee:

My name is Cindy Shattuck and I am the elected President of the Velva City Commission. I am here today to encourage you to vote a "do Pass" on HB 1166 to four-lane Highway 52. There are many reasons to support this bill, but safety continues to be the primary concern for the residents of Velva, when considering the future of the highway.

This highway is the major thoroughfare for people traveling to and from Minot for work, recreation and shopping. When you add the tremendous amount of truck traffic to the ADM Canola Plant, CF Industries fertilizer facility and DMG Elevator; this road is heavily used year-round.

Several years ago the city and other considered groups took on the task of making the road safer by expanding it into a three-lane road through town. This expense was laid on the citizens of the community because we believed in making our road a safer and more efficient route for all travelers. This was one step in creating better traffic flow through town; the next stage will be to four-lane the entire road between Minot and Jamestown.

We understand this project is part of the long-range planning that needs to occur. We feel the traffic on Highway 52 and the safety of the people living and traveling within the communities along its path justifies placing this road on the next priority-funding schedule.

Thank you for considering my testimony in support of HB 1166.

February 2, 2007

ND House Transportation Committee Hearing on HB 1166

Chairman Weisz and members of the House Transportation Committee:

Good Morning. My name is Randy Hauck and I currently serve as the chairman of the Velva Community Development Corporation, which is a group of volunteers trying to advance the community of Velva and surrounding region.

I appear before you today to ask for a do pass vote on HB 1166 regarding the construction of a four lane from Minot to Jamestown. Highway 52 is the main transportation corridor in our area. Velva has been fortunate in the past with some successes in our economic development efforts. Some of the more recent developments are the expansion of the ADM canola crushing plant into Bio-Diesel and the development of the Velva Wind Farm.

The ADM plant is located in our industrial park east of Velva along Highway 52. This park is also home to CF Industries, a large anhydrous ammonia wholesaler, and Dakota Midland Grain, a large grain-handling elevator. Someday we hope to have other industrial business located here. These three industrial businesses create a large amount of semi-truck traffic on Highway 52.

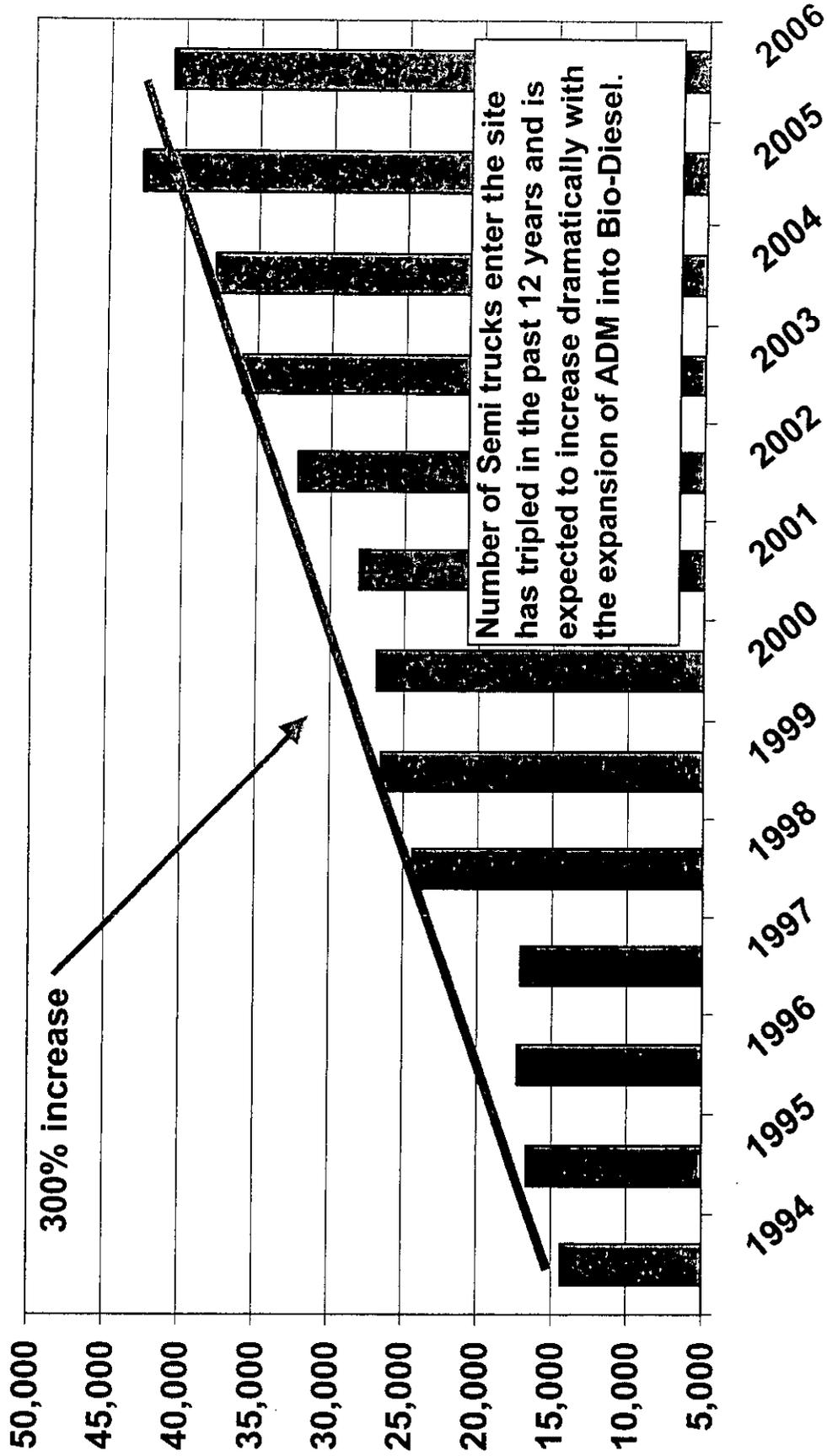
This semi-truck traffic to the Velva Industrial Park has increased from less than 15,000 trucks entering the site in 1994 to over 40,000 in 2006. (See attached graph) With the

addition of an 85 million gallon Bio-Diesel plant at ADM and the expansion of their canola crushing capabilities, the semi-truck traffic to our park will continue to grow. Most of this semi-truck activity is during the workweek, Monday through Friday, during the day. This means that during the workweek while you are driving along on Highway 52 in the Velva area, you can expect to see a semi-truck either on its way to or from the Velva Industrial Park every other minute. While looking at traffic numbers on Highway 52 you need to take a close look at the number of semi-trucks that use this highway and on how this is going to continue to increase with the expansion of our Industrial Park.

Velva is also home to several businesses in town that create large truck traffic on Highway 52. Some of these businesses include Velva Implement, Farmers Union Oil, SunPrairie Grain Elevator, Dakota Midland Grain Elevator with a 2nd elevator in town, Verendrye Electric Cooperative and the Velva Public School System. Since we are located only 19 miles from Minot we also have a lot of traffic from people who live in Velva and drive to Minot to work each day.

We ask for your help in continuing to grow the Velva area and the state's economy by providing Velva and our Industrial Park with a four-lane highway access. Please support HB 1166 and include the construction of a four lane Highway 52 from Minot to Jamestown as part of the DOT long-range plan. We also ask you to consider starting the project from Minot to the Velva Industrial Park. Thank you for your time in considering this bill.

Number of Semi-Trucks entering the Velva Industrial Park per Year (Source ADM, CF Industries & Dakota Midland Grain)





Submitted By
Randy Hauick -

ADM Processing Company
1388 Highway 97
Velva, ND 58790-9003
T 701.338.2491 F 701.338.2128

ADM would support HB 1166 and any effort the state would make to improve the state highway transportation networks that could benefit the local farm to market grain movements as well as improving ND traffic safety. This possible future infrastructure improvement would be a great benefit to many businesses along the Highway 52 route from Minot to Jamestown. With the expansion of the ADM crush plant and the addition of the new Biodiesel plant in the Velva industrial park we are certain that truck traffic numbers will increase in the immediate area around Velva.

Thank You

Submitted By Randy Hauck

January 25, 2007

Chairman Weisz and Members of the House Transportation Committee:

Dakota Midland Grain LLC would support the upgrade of Highway 52 from Minot to Jamestown, North Dakota from it's existing 2 lanes to 4 lanes. Increasing traffic from new and expanding bio-fuel plants, coupled with normal expansion of the area will no doubt over tax our existing 2 lane system. Agricultural processing plants such as ADM's Canola Crush plant in Velva and Cargill Malting in Spritwood are both undertaking major expansion which by themselves will significantly raise the volume of truck traffic moving on Highway 52. There are other proposed plants and allied industries that will also add to the total traffic using this corridor. We all know that the numbers will ebb and flow from year to year but the long term trend will be up.

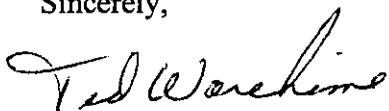
With the increase of cars and trucks on Highway 52, will come increased safety and repair concerns. The 4 lane system would go a long ways in addressing these problems. Highway 52 has become a major artery for North to South traffic from the booming oilfields of Western North Dakota to our biggest city and business hub in Fargo. We all know that everyone is in a hurry, thus more passing which would translate into more accidents. Increases in heavy trucks running at current speed limits would have detrimental impact on the roads surface and in some cases damage to the road bed.

As for our own business, weather and producer selling patterns dictate the number of trucks we process in a year. The year 2006 saw a drop of 4,210 trucks from 2005, mostly do to the dryness in the eastern part of our trade area. Prospects of many more corn acres this coming year coupled with good growing conditions for the rest of our crops will bring our truck traffic back to a more normal level. Our goal is to continue to grow our business and with any growth we should see a 1 for 1 increase in truck traffic.

The addition of 2 more lanes would be welcomed by both our customers and the local businesses in the area. The top priority should be safely moving an increasing volume of traffic with a minimum of costly repair and maintenance. If we do nothing Highway 52's traffic will either bypass our communities in favor of US 2 or US 83, or be totally overwhelmed by increasing usage.

Thank you for considering improvements and upgrades to the US Highway 52 system.

Sincerely,



Ted Warehime, General Manager
Dakota Midland Grain, LLC

Submitted By Kandy Hauck

McHENRY COUNTY
JOBS DEVELOPMENT AUTHORITY
PO BOX 2024 * MINOT ND 58702* 701-626-2551

February 1, 2007

Chairman Weisz and members of the House Transportation Committee:

My name is Maria Effertz Hanson and I work with the McHenry County Jobs Development Authority.

The McHenry County JDA encourages you to support a full four-lane of Highway 52 for the reasons of safety and efficiency. We not only see a great need of finishing the four-lane but encourage you to consider beginning the project from Minot to large industrial park areas outside of Velva in order to accommodate the immediate need of additional trucks going to the ADM Biodeisel plant and crushing facility along with the large DMG elevator near the community of Voltaire.

We understand this project is part of the long-range planning that needs to occur. We feel the traffic on Highway 52, in particular the large truck and cross-country automobile traffic, justify placing this road on the next priority funding schedule.

As our small communities continue to take advantage of the opportunities to diversify their agriculture economies, we see increased demand for products that require additional truck traffic, specifically larger grain and farm products. This demand is terrific for our economy, but we need to consider the safety of our citizens on the roads, along with maintaining access for the product to be delivered.

We count on the transportation department to look to the future with us and work together to meet the demands that will be placed on our highway and people. Please support HB 1166 and the future of our rural economy.

February 1, 2007

Chairman Weisz and members of the House Transportation Committee:

My name is Jeff Michalenko and I am the Superintendent at CF Industries Velva Ammonia Terminal.

CF Industries encourages you to support construction of a paved four-lane highway (US Highway 52) from Minot to Jamestown for the safety of our community and efficiency of our Industrial economy. We see a great need for finishing the four-lane highway and encourage you to consider including in the project 4-lanes from Minot to the large industrial park area outside of Velva. Such an upgrade in infrastructure would accommodate the current and future movement of trucks from our facility, the ADM Biodiesel Plant and Crushing Facility and the Dakota Midland Grain Elevator near the community of Voltaire.

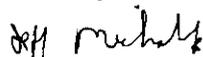
CF Industries' Velva Terminal supplies much needed ammonia fertilizer to area farmers through local agricultural dealers each planting season. Currently, the Velva Terminal averages more than 5,000 trucks moving product out of our facility annually. During our four busiest months of the year (April, May, October, and November), we average nearly 1,200 trucks and our busiest month of the year consistently has more than 2,200 trucks moving on Highway 52 into our facility and out to their destinations. We see these numbers only growing in the coming years.

We understand this project is part of the long-range planning that needs to occur. We feel the traffic on Highway 52, in particular the large truck and cross-country automobile traffic, justify placing this road on the next priority funding schedule.

As our small communities continue to take advantage of the opportunities to diversify their agricultural economies, we need the infrastructure to grow to accommodate the increased demand for transportation of these products to the consumer. While this growth builds our communities' financial stability, we must continue to provide safe, efficient transportation for our citizens as well.

I urge the Chairman and Transportation Committee to look to the future with us and work together to meet the demands that will be placed on our highway and people. Please support HB 1166 and the future of our rural economy.

Sincerely,



Jeff Michalenko
Superintendent
CF Industries
Velva Terminal

**TESTIMONY OF BRUCE R. CARLSON
MANAGER OF VERENDRYE ELECTRIC COOPERATIVE
TO THE ND HOUSE TRANSPORTATION COMMITTEE
February 2, 2007**

Mr. Chairman and members of the committee, my name is Bruce Carlson, General Manager of Verendrye Electric Cooperative, headquartered in Velva. Verendrye serves 10,400 meters in six counties over 4,400 miles of power line. In order to keep the lights on for our membership, VEC rolls 41 mobile units down the road with a total of over a half million miles per year. Our facilities west of Velva on Highway 52 serves as a hub and nerve center for the cooperative. I strongly support HB1166 and ask for your support for the construction of four lanes on Highway #52 from Minot to Jamestown.

Semi-truck traffic is a special concern, especially with our own units, which often include pole trailers. VEC handles approximately 240 incoming and outgoing truckloads of construction materials per year. Verendrye changes out over 600 poles per year due to construction and our aggressive maintenance programs. Most poles are 40-feet in length with some 50-feet in length. On all loads, at least 10 feet of pole is extending beyond the pole trailer's axle and safety is a concern. These pole trailer traffic numbers do not include our other units: two bucket trucks, two underground trucks pulling trenchers and our backhoe, our semi-truck moving the payloader and cable, VEC's smaller service trucks and all employee personal vehicles.

It's ironic that over the past ten years VEC has been involved in two serious accidents both which occurred between Velva and Logan. It's also ironic that a semi-truck carrying anhydrous ammonia was involved in one of the accidents. It's a miracle that our Member Services Representative wasn't killed with our service truck being totaled.

Probably the best common sense example of the need for four-lane highway comes from our board member who lives in Berthold. On the way to Velva for a recent board meeting, Ralph Birdsall counted 123 west-bound vehicles in the 20 miles stretch between Minot and our headquarters on the west side of Velva.

On behalf of Verendrye Electric Cooperative, I strongly urge the committee to support HB1166 and recommend that construction continue east where the existing four lane ends near Bell School and proceed to Velva.

AGRO-TECH, INC.

4489 HWY 41 N * VELVA ND 58790* 701-338-2589

February 2, 2007

Chairman Weisz and members of the House Transportation Committee:

My name is Suzy Lee and my husband I own a business in Velva and I work at the Souris Valley Care Center in Velva.

Agro-Tech, Inc. encourages you to support a full four-lane of Highway 52 for the reasons of safety and efficiency. We not only see a great need of finishing the four-lane but encourage you to consider beginning the project from Minot to large industrial park areas outside of Velva in order to accommodate the immediate need of additional trucks going to the ADM Biodeisel plant and crushing facility along with the large DMG elevator near the community of Voltaire.

We understand this project is part of the long-range planning that needs to occur. We feel the traffic on Highway 52, in particular the large truck and cross-country automobile traffic, justify placing this road on the next priority funding schedule.

As our small communities continue to take advantage of the opportunities to diversify their agriculture economies, we see increased demand for products that require additional truck traffic, specifically larger grain and farm products. This demand is terrific for our economy, but we need to consider the safety of our citizens on the roads, along with maintaining access for the product to be delivered.

We count on the transportation department to look to the future with us and work together to meet the demands that will be placed on our highway and people. Please support HB 1166 and the future of our rural economy.

Sincerely,

Suzy Lee

Suzy Lee

OPPOSED

HOUSE TRANSPORTATION COMMITTEE

February 2, 2007

North Dakota Department of Transportation
Francis Ziegler, Director

HB 1166

Good morning Mr. Chairman and members of the committee. I'm Francis Ziegler, Director of the North Dakota Department of Transportation (NDDOT). I'm here to testify in opposition to HB 1166.

North Dakota has more miles of public roads per capita than any state in the nation. There are approximately 166 miles of road for every 1,000 people, which means we have a large road network supported by a small population base. State revenue sources from motor fuel taxes and the number of vehicles registered are not increasing, and, therefore, are not keeping pace with the rising costs to maintain and preserve our existing system.

There are 7,385 miles on the state highway system. However, when four-lane highways are taken into consideration, the NDDOT is actually responsible for maintaining 8,458 roadway miles

The NDDOT is responsible for the construction, reconstruction, rehabilitation, preservation, and maintenance of these highways. A combination of factors is used in selecting projects including: system condition, maintenance costs, roadway capacity, preservation needs, safety, and public input. The final selection of projects makes up the annual Statewide Transportation Improvement Program (STIP). These tools have worked well in managing the state highway network, and in my opinion the NDDOT has done a good job in addressing the needs on the system.

One of the greatest challenges facing the transportation industry the past couple of years has been the rising cost of road construction. In 2006, overall construction inflation was between 25 and 30 percent over the prior years construction prices. As a result of construction inflation, the department was forced to delay about \$30 million worth of projects in 2006 and about \$100 million worth of projects in 2007. To offset the impacts of construction inflation, we have made modifications to our design guidelines in an attempt to lower per mile construction costs. We have also put an emphasis on pavement preservation construction activities such as thin lift overlays, micro-surfacing, and seal coat projects.

It is estimated that it would cost about \$210 million in today's dollars to four-lane the 151 miles of US 52 from Minot to Buchanan. With limited state and federal funding for transportation and the impact of construction inflation, we oppose HB 1166 which requires the Director of the NDDOT to include four-laning US 52 from Minot to Jamestown as part of the department's construction program. Presently, the department does not have the revenue available to undertake a project of this magnitude.

The department completed an engineering operations study on the segment from Minot to Velva which carries the largest traffic volumes on this corridor and the study showed that the existing roadway can carry the projected traffic for the next 20 years and a four-lane route is not justified. The average annual daily traffic volume (AADT) on the highway segment from Velva to Minot, ranges from 3,200 to 5,800 vehicles per day with about 500 to 570 trucks. The AADT on the segment from Velva to Carrington ranges from about 1,100 to 1,900 vehicles per day with truck volumes ranging from 300 to 525 trucks per day. The AADT on the segment from Carrington to Jamestown ranges from 1,550 to about 2,400 vehicles per day with truck volumes ranging from 310 to 460 trucks per day.

The operations study also looked at vehicle crashes that occurred on the 16-mile segment from Minot to Velva from 2003 to 2006. During this three-year timeframe, there were 183 reportable crashes. Of this total, 151 were vehicle-deer crashes and four of these crashes occurred on the four-lane section. Of the 28 crashes that were reviewed on the two-lane segment, there were no fatalities, seven injury, and 21 property damage only crashes. The review indicated there were four crashes that may have been prevented if the roadway was four-laned. Two of these crashes were multi-vehicle that may have been reduced to single vehicle crashes, one involved hitting a guardrail, and one was a sideswipe crash which may have been prevented. Therefore, from a safety perspective four-laning this route cannot be justified.

As I stated earlier, I believe the department has a very sound process in place for identifying projects and developing the annual STIP. Therefore, we would encourage the legislature to support that system rather than identifying specific projects that may disrupt the long range planning process. I believe the NDDOT should be allowed to continue selecting projects based on system condition, capacity needs, safety, pavement preservation, engineering data and judgment, and promoting continued economic growth of the state.

In summary, the NDDOT opposes HB 1166 which promotes the four-laning of US 52 from Minot to Jamestown for the following reasons.

- Safety factors do not warrant four-laning this corridor.
- Average daily traffic, including truck traffic and system capacity, don't warrant four-laning.
- The funding issue has not been addressed. A project of this magnitude would impact the department's ability to preserve, maintain, and enhance the existing system for many years to come.
- The legislature is encouraged to let the NDDOT continue to determine which projects are needed to serve North Dakota's needs through a time-tested STIP process.

Mr. Chairman, that concludes my testimony and I would be happy to answer any questions the committee may have.

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HB 1166

Chairman Lee and members of the Senate Transportation Committee:

For the record I am Rep. Matthew M. Klein representing District 40 encompassing Northwestern Minot, rural areas and a large portion of Minot AFB. HB 1166 before you is the next logical step in our statewide highway expansion system. The traffic on Highway 52 Southeast of Minot has increased at a tremendous rate far exceeding the traffic on Highway 2. A very large portion of the Highway 52 traffic consists of large trucks hauling agricultural products to the BioDiesel Manufacturing Facility near Velva, ND, refuse/garbage to the landfill South of Sawyer, ND, fertilizer to and from the large Distribution facilities near Velva, ND, and various other agricultural products to and from major shipping points in the area.

The area Southeast of Minot has had and will continue to have significant growth and traffic accidents involving wildlife have been a major problem. The initial area Southeast of Minot is very hilly and hazardous with safety as a major problem. There are many people here with more specific information. So with that I hope this committee will give favorable support to HB 1166.



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MINOT CHAMBER OF COMMERCE
NORTH DAKOTA LEAGUE OF CITIES

City of Velva ☆ 101 First Street West ☆ P.O. Box 219 ☆ Velva, North Dakota 58790

Phone 701.338.2660 ☆ Fax 701.338.2485 ☆ Email velvand@stellarnet.com ☆ Website www.velva.net

March 8, 2007

Chairman Lee and members of the Senate Transportation Committee:

My name is Cindy Shattuck and I am the elected President of the Velva City Commission. I am here today to encourage you to vote a "do Pass" on HB 1166 to four-lane Highway 52. There are many reasons to support this bill, but safety continues to be the primary concern for the residents of Velva, when considering the future of the highway.

This highway is the major thoroughfare for people traveling to and from Minot for work, recreation and shopping. When you add the tremendous amount of truck traffic to the ADM Canola Plant, CF Industries fertilizer facility and DMG Elevator; this road is heavily used year-round.

Several years ago the city and other considered groups took on the task of making the road safer by expanding it into a three-lane road through town. This expense was laid on the citizens of the community because we believed in making our road a safer and more efficient route for all travelers. This was one step in creating better traffic flow through town; the next stage will be to four-lane the entire road between Minot and Jamestown.

We understand this project is part of the long-range planning that needs to occur. We feel the traffic on Highway 52 and the safety of the people living and traveling within the communities along its path justifies placing this road on the next priority-funding schedule.

Thank you for considering my testimony in support of HB 1166.

**MCHENRY COUNTY
JOBS DEVELOPMENT AUTHORITY**
PO BOX 2024 * MINOT ND 58702* 701-626-2551

March 8, 2007

Chairman Lee and members of the Senate Transportation Committee:

My name is Maria Effertz Hanson and I work with the McHenry County Jobs Development Authority.

The McHenry County JDA encourages you to support HB 1166 as amended to four-lane of Highway 52 for the reasons of safety and efficiency. We not only see a great need for four-lane of the highway to accommodate the immediate need of additional trucks going to the ADM Biodeisel plant and crushing facility along with the large DMG elevator near the community of Voltaire.

We understand this project is part of the long-range planning that needs to occur. We feel the traffic on Highway 52, in particular the large truck and cross-country automobile traffic, justify placing this road on the next priority funding schedule.

As our small communities continue to take advantage of the opportunities to diversify their agriculture economies, we see increased demand for products that require additional truck traffic, specifically larger grain and farm products. This demand is terrific for our economy, but we need to consider the safety of our citizens on the roads, along with maintaining access for the product to be delivered.

We count on the transportation department to look to the future with us and work together to meet the demands that will be placed on our highway and people. Please support HB 1166 and the future of our rural economy.

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Senate Transportation Committee
March 8, 2007

Velva Community Development Corporation
Randy Hauck, Chairman

HB 1166

Good morning Chairman Lee and members of the Senate Transportation Committee. My name is Randy Hauck and I currently serve as the chairman of the Velva Community Development Corporation, which is a group of volunteers trying to advance the community of Velva and surrounding region.

I appear before you today to ask for a do pass vote on HB 1166 regarding the construction of a four lane from Minot to Voltaire. Highway 52 is the main transportation corridor in our area. Velva has been fortunate in the past with some successes in our economic development efforts. Some of the more recent developments are the expansion of the ADM canola crushing plant into Bio-Diesel and the development of the Velva Wind Farm.

The ADM plant is located in our industrial park east of Velva along Highway 52. This park is also home to CF Industries, a large anhydrous ammonia wholesaler, and Dakota Midland Grain, a large grain-handling elevator. Someday we hope to have other industrial business located here. These three industrial businesses create a large amount of semi-truck traffic on Highway 52.

This semi-truck traffic to the Velva Industrial Park has increased from less than 15,000 trucks entering the site in 1994 to over 40,000 in 2006. (See attached graph) With the addition of an 85 million gallon Bio-Diesel plant at ADM and the expansion of their canola crushing capabilities, the semi-truck traffic to our park will continue to grow. Most of this semi-truck activity is during the workweek, Monday through Friday, during the day. This means that during the workweek while you are driving along on Highway 52 in the Velva area, you can expect to see a semi-truck either on its way to or from the Velva Industrial Park every other minute. While looking at traffic numbers on Highway 52 you need to take a close look at the number of semi-trucks that use this highway and on how this is going to continue to increase with the expansion of our Industrial Park.

Velva is also home to several businesses in town that create large truck traffic on Highway 52. Some of these businesses include Velva Implement, Farmers Union Oil, SunPrairie Grain Elevator, Dakota Midland Grain Elevator with a 2nd elevator in town, Verendrye Electric Cooperative and the Velva Public School System. Since we are located only 19 miles from Minot we also have a lot of traffic from people who live in Velva and drive to Minot to work each day.

We ask for your help in continuing to grow the Velva area and the state's economy by providing Velva and our Industrial Park with a four-lane highway access. Please support HB 1166 and include the construction of a four lane Highway 52 from Minot to Voltaire as part of the DOT long-range plan. Thank you for your time in considering this bill.

**TESTIMONY OF BRUCE R. CARLSON
MANAGER OF VERENDRYE ELECTRIC COOPERATIVE
TO THE ND SENATE TRANSPORTATION COMMITTEE
March 8, 2007**

Mr. Chairman and members of the committee, my name is Bruce Carlson, General Manager of Verendrye Electric Cooperative, headquartered in Velva. Verendrye serves 10,400 meters in six counties over 4,400 miles of power line. In order to keep the lights on for our membership, VEC rolls 41 mobile units down the road with a total of over a half million miles driven per year. Our facilities west of Velva on Highway 52 serves as a hub and nerve center for the cooperative. I strongly support HB1166 and ask for your support for the construction of four lanes on Highway #52 from Minot to the Velva Industrial Park near Voltaire, North Dakota.

Semi-truck traffic is a special concern, especially with our own large units, which often include pole trailers. VEC handles approximately 240 incoming and outgoing truckloads of construction materials per year. Verendrye changes out over 600 poles per year due to construction and our aggressive maintenance programs. Most poles are 40-feet in length with some 50-feet in length. On all loads, at least 10 feet of pole is extending beyond the pole trailer's axle and safety is a concern. These pole trailer traffic numbers do not include our other units: two bucket trucks, two underground trucks pulling trenchers and our backhoe, our semi-truck moving the payload and cable, VEC's smaller service trucks and all employee personal vehicles.

It's ironic with our large 134-township service area that over the past ten years VEC has been involved in two serious accidents. Both of these accidents occurred between Velva and Logan. It's also ironic that a semi-truck carrying anhydrous ammonia was involved in one of the accidents. It's a miracle that our Member Services Representative wasn't killed with our service truck being totaled.

Probably the best common sense example of the need for four-lane highway comes from our board member who lives in Berthold. On the way to Velva for a recent board meeting, Ralph Birdsall counted 123 west-bound vehicles in the 20 miles stretch between Minot and our headquarters on the west side of Velva.

On behalf of Verendrye Electric Cooperative, I strongly urge this committee to support HB1166, as overwhelmingly passed by the North Dakota House of Representatives, and continue the project development process to four lane Highway 52 where it ends near Bell School and proceed to the Velva Industrial Park.

February 1, 2007

Chairman Weisz and members of the House Transportation Committee:

My name is Jeff Michalenko and I am the Superintendent at CF Industries Velva Ammonia Terminal.

CF Industries encourages you to support construction of a paved four-lane highway (US Highway 52) from Minot to Jamestown for the safety of our community and efficiency of our Industrial economy. We see a great need for finishing the four-lane highway and encourage you to consider including in the project 4-lanes from Minot to the large industrial park area outside of Velva. Such an upgrade in infrastructure would accommodate the current and future movement of trucks from our facility, the ADM Biodiesel Plant and Crushing Facility and the Dakota Midland Grain Elevator near the community of Voltaire.

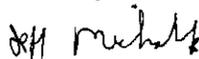
CF Industries' Velva Terminal supplies much needed ammonia fertilizer to area farmers through local agricultural dealers each planting season. Currently, the Velva Terminal averages more than 5,000 trucks moving product out of our facility annually. During our four busiest months of the year (April, May, October, and November), we average nearly 1,200 trucks and our busiest month of the year consistently has more than 2,200 trucks moving on Highway 52 into our facility and out to their destinations. We see these numbers only growing in the coming years.

We understand this project is part of the long-range planning that needs to occur. We feel the traffic on Highway 52, in particular the large truck and cross-country automobile traffic, justify placing this road on the next priority funding schedule.

As our small communities continue to take advantage of the opportunities to diversify their agricultural economies, we need the infrastructure to grow to accommodate the increased demand for transportation of these products to the consumer. While this growth builds our communities' financial stability, we must continue to provide safe, efficient transportation for our citizens as well.

I urge the Chairman and Transportation Committee to look to the future with us and work together to meet the demands that will be placed on our highway and people. Please support HB 1166 and the future of our rural economy.

Sincerely,



Jeff Michalenko
Superintendent
CF Industries
Velva Terminal

SENATE TRANSPORTATION COMMITTEE

March 8, 2007

**North Dakota Department of Transportation
Grant Levi, P.E., Deputy Director for Engineering**

Engrossed HB 1166

Good morning Mr. Chairman and members of the committee. I'm Grant Levi, Deputy Director for Engineering, for the North Dakota Department of Transportation (NDDOT). I'm here to provide some information for you to consider as you make your policy decision on engrossed HB 1166.

The NDDOT is responsible for the construction, reconstruction, rehabilitation, preservation, and maintenance of the 7,385 miles on the state highway system. A combination of factors is used in selecting projects including: system condition, maintenance costs, roadway capacity, preservation needs, safety, and public input. The final selection of projects makes up the annual Statewide Transportation Improvement Program (STIP). These tools have worked well in managing the state highway network, and in my opinion the NDDOT has done a good job in addressing the needs on the system.

After a project is selected the next step in the process is to develop an environmental document. This environmental document must adhere to the National Environmental Policy Act of 1969 (NEPA). One of the purposes of NEPA is to explore all reasonable alternatives as it relates to environmental and sociological impacts, without predetermining the outcome. Once all alternatives have been evaluated, a preferred alternative is sent forward for Federal Highway Administration Approval (FHWA) approval.

To assist in determining what reasonable alternatives are explored in the environmental document, the department completes engineering studies to identify the roadway configuration needed to serve the traveling public. All reasonable alternatives are evaluated to determine if they satisfy the purpose and need for the project and to determine which alternative has the least damaging environmental impacts. What this means is that we could only construct a four-lane segment on US 52 if we could demonstrate four lanes are needed. We must also demonstrate that of the alternatives that satisfy the purpose and need, the four-lane option is the least damaging alternative from an environmental perspective.

If it is the intent of the Senate to pass HB 1166, we respectfully request the committee replace the last sentence on lines 8 and 9 of engrossed HB 1166 with "It is recommended that the four-lane alternative be selected as the preferred alternate and be constructed if environmental clearance can be obtained." This change would ensure that HB 1166 does not conflict with the environmental requirements we must adhere to.

Mr. Chairman, this concludes my testimony and I would be happy to answer any questions the committee may have.

HOUSE BILL NO. 1166

Add to line 2 of the bill and to provide for a new roadway that will better connect the city of Lincoln to Bismarck in North Dakota.

Create a Section 2. The Bismarck- Mandan Metropolitan Planning Organization is encouraged to work with the cities of Bismarck and Lincoln, and with Burleigh County, to restudy the possibility of constructing a new roadway to provide a better connection between the cities of Lincoln and Bismarck prior to the making any major improvements to existing roadways.

