

# NORTH DAKOTA LEGISLATIVE MANAGEMENT

## Minutes of the

### **PUBLIC SAFETY AND TRANSPORTATION COMMITTEE**

Thursday, October 15, 2009  
NDSU Research and Technology Park  
Red River Regional Dispatch Center  
Fargo, North Dakota

Senator David O'Connell, Chairman, called the meeting to order at 8:30 a.m. at the NDSU Research and Technology Park, Fargo.

**Members present:** Senators David O'Connell, Gary A. Lee, Elroy N. Lindaas, Richard Marcellais; Representatives Edmund Gruchalla, Bob Hunskor, Jerry Kelsh, James Kerzman, Matthew M. Klein, William E. Kretschmar, Michael R. Nathe, Arlo Schmidt, Gerry Uglem, Don Vigesaa

**Members absent:** Senators Dwight Cook, George Nodland; Representatives Bob Martinson, Todd Porter, Elwood Thorpe, Robin Weisz

**Others present:** Jim W. Smith, Legislative Council, Bismarck

Carolyn Nelson, State Senator, Fargo

Donald L. Clark, State Representative, Fargo

Senator Larry J. Robinson, member of the Legislative Management, was also in attendance.

See attached [appendix](#) for additional persons present.

**It was moved by Representative Klein, seconded by Representative Vigesaa, and carried on a voice vote that the minutes of the July 28, 2009, meeting be approved as distributed.**

#### **STUDY OF HIGHWAY CONSTRUCTION FUNDING**

Mr. Keith Berndt, County Engineer, Cass County, presented information regarding highways in Cass County. He said energy and business development in the county, including the construction of an ethanol plant, construction of large grain terminals, and traffic from manufacturing businesses, has affected county roadways. He said increases in the costs of highway construction materials present challenges to counties and cities. He said the price of a ton of asphalt has increased by 90 percent over the past five years from \$31.38 per ton in 2005 to \$59.53 per ton in 2009.

Mr. Berndt said Cass County constructed a highway roundabout at an intersection instead of installing traffic control signals. He said the roundabout provides better traffic flow and may reduce the number of accidents at the intersection.

Mr. Berndt said it is important to maintain existing highway infrastructure and to be innovative in highway construction methods. He said due to the increasing costs of highway construction it may be necessary to

explore options to reduce costs or increase revenues for roadway projects.

A copy of the information presented by Mr. Berndt is on file in the Legislative Council office.

In response to a question from Senator Robinson, Mr. Berndt said the county recently constructed a thin lift concrete surface overlay on an existing asphalt road. He said the county may use this construction technique on other roads in the future.

In response to a question from Representative Nathe, Mr. Berndt said the cost of constructing a roundabout at an intersection is greater than the cost of installing traffic control signals. However, he said, the cost of maintaining a roundabout is less than the cost of maintaining traffic control signals.

In response to a question from Senator O'Connell, Mr. David Sethre, North Dakota Concrete Council, said counties generally use similar standards for concrete road projects as the Department of Transportation uses for interstate highways.

Mr. Mark Bittner, City Engineer, city of Fargo, presented information regarding issues affecting roadways in Fargo. He expressed concern that federal funding for cities in North Dakota may be reduced in the future. He said increasing highway construction costs will also affect the ability of cities to improve roadways.

Mr. Bittner said funding for highway projects in Fargo is provided through a one-half cent city sales tax, state motor fuels taxes and registration fees allocated to political subdivisions, federal urban roads funding, and through special assessments. He said the city of Fargo has an annual budget of approximately \$20 million for street construction and repair.

A copy of the information presented by Mr. Bittner is on file in the Legislative Council office.

In response to a question from Senator Lee, Mr. Bittner said roadway projects in Cass County and the cities of Fargo and West Fargo are coordinated in an effort to reduce travel disruptions for the public.

Mr. Chris Brungardt, Assistant Director of Public Works, city of West Fargo, presented information to the committee regarding roadways in West Fargo. He said the lane miles of roadways in West Fargo have increased from 110 miles in 1990 to 296 miles in 2009. He said the roadways in the city are valued at

approximately \$77.5 million and the annual maintenance costs are approximately \$390,000.

In response to a question from Representative Kerzman, Mr. Brungardt said the city of West Fargo works with other political subdivisions when developing projects. He said the political subdivisions work together to address issues that arise from projects, including water drainage and impact to motorists.

In response to a question from Representative Kretschmar, Mr. Brungardt said the Fargo-Moorhead Metropolitan Planning Organization coordinates projects between political subdivisions in Cass County, North Dakota, and Clay County, Minnesota.

Colonel James Prochniak, Superintendent, Highway Patrol, presented information to the committee regarding annual inspections for commercial motor vehicles. He said federal safety regulations require annual inspections for interstate commercial vehicles that exceed 10,000 pounds and for intrastate commercial motor vehicles that exceed 26,000 pounds.

Colonel Prochniak said the inspection of the motor vehicle must be conducted by a qualified inspector who has either completed an inspection training program or has a combination of training or experience totaling at least one year. He said proof of the annual inspection must be provided either through an inspection sticker on the vehicle or a copy of the inspection form kept inside the vehicle.

A copy of the information presented by Colonel Prochniak is on file in the Legislative Council office.

In response to a question from Senator O'Connell, Colonel Prochniak said that vehicles used for agricultural purposes are also subject to the annual federal inspection requirements.

In response to a question from Representative Kerzman, Colonel Prochniak said qualified inspectors are located in most communities throughout the state. He said an individual is considered to be a qualified inspector if the individual meets the requirement of having at least one year of training or experience related to truck inspecting or maintenance.

In response to a question from Representative Vigesaa, Colonel Prochniak said there are separate qualifications for inspectors that work exclusively with brakes.

Mr. Francis Ziegler, Director, Department of Transportation, provided an update on issues affecting transportation in the state. He said funding was provided by the 2009 Legislative Assembly for a weather-related transportation cost-sharing program, for emergency snow removal grants, and for 2009 flood disaster relief.

Mr. Ziegler said the federal Western Hemisphere Travel Initiative went into effect on June 1, 2009, and affects United States citizens returning to the country from Canada, Mexico, or the Caribbean. He said citizens returning to the United States from these countries by sea or land are required to have a passport, passport card, or enhanced driver's license.

Mr. Ziegler expressed concern regarding future funding for highway projects. He said uncertainty exists with future federal highway funding due to a lack of funds in the federal highway trust fund. He said the federal government is currently developing new transportation legislation to replace the prior transportation bill that expired on September 30, 2009. He said funding from the state highway tax distribution fund is meeting projections for the current biennium.

Mr. Ziegler said roadways in Canada have a maximum gross vehicle weight of 138,000 pounds. He presented the following schedule regarding maximum gross vehicle weights in North Dakota and surrounding states:

State	Maximum Gross Vehicle Weight
North Dakota	105,000 pounds unless posted for 80,000 pounds
Montana	131,000 pounds
South Dakota	129,000 pounds
Minnesota	80,000 pounds for raw and unprocessed product but up to 90,000 pounds with a permit

A copy of the information presented by Mr. Ziegler is on file in the Legislative Council office.

In response to a question from Senator Robinson, Mr. Ziegler said other states are reviewing options to increase funding for highway construction projects. He said officials in South Dakota are considering an increase in motor fuels taxes to provide additional funding.

In response to a question from Representative Kerzman, Mr. Ziegler said there has been a shift in the transportation of goods from railroads to motor vehicles. He said it may be beneficial for railroads to increase shipping capacities in order to facilitate the future flow of goods through the country.

In response to a question from Senator Lindaas, Mr. Ziegler said most states that have a motor fuels tax impose the tax on a per gallon basis rather than based on the value of the fuel.

In response to a question from Representative Kelsh, Mr. Ziegler said the Department of Transportation prioritizes future highway projects. He said the department continuously reviews projects and adjusts project priorities as needed.

The committee conducted a tour of various roadway projects in the Fargo area. Committee members viewed an interstate road reconstruction project in progress near Harwood and a completed project near Mapleton that involved a concrete thin lift overlay constructed on top of an existing asphalt roadway.

The committee toured the Department of Transportation Fargo district office facility, including the vehicle maintenance area, storage buildings, and highway incident command post area. While conducting the tour, the committee received information regarding the Fargo district office location.

Mr. Ziegler said the current location is 12.66 acres and contains space for roadway maintenance personnel, highway construction personnel, a driver's license office, and also serves as the Fargo office for the Highway Patrol.

Mr. Ziegler said the Department of Transportation reviewed options for relocating the Fargo district office and determined the current location best serves the needs of the department and the public. He said the current location does need additional indoor storage space for department equipment.

Mr. Ziegler said the Fargo district office maintains 339.7 lane miles of roadways and 27 traffic interchanges. He said there are several miles of roadway that have multiple lanes and require snowplows to coordinate efforts in snow and ice removal operations.

A copy of the information presented by Mr. Ziegler is on file in the Legislative Council office.

Following the tour, the committee recessed for lunch at 12:45 p.m. and reconvened at 1:00 p.m.

Mr. Sethre presented information to the committee regarding the use of concrete in roadway projects. He said concrete roadways generally provide better traction than traditional asphalt roads in adverse weather conditions. He said concrete roadways do not pool water that may cause a vehicle to hydroplane.

Mr. Sethre said concrete roadways have a longer lifespan than asphalt roadways and the material used on concrete roadways can be recycled. He said even though concrete roadways may have a greater initial investment than asphalt roadways, concrete roadways are generally more cost-effective when considering maintenance costs and the lifespan of the roadway.

In response to a question from Representative Kerzman, Mr. Sethre said a concrete overlay of at least four inches is needed when constructing an overlay of an existing roadway surface. He said an asphalt roadway that is to receive a concrete overlay may be milled to create a rough surface for better concrete adhesion.

## **STUDY OF 911 SERVICES AND INFRASTRUCTURE Next Generation 911**

Mr. Gordon Vanauken, Public Safety Consultant, L. Robert Kimball and Associates, Inc., provided information to the committee regarding Next Generation 911 services. He said Next Generation 911 will allow the public to use any mobile communication device to request help or send information to the appropriate public safety agency.

He presented the following schedule detailing the differences between the current 911 system and Next Generation 911:

<b>Current 911 System</b>	<b>Next Generation 911 System</b>
Legacy technology Difficult to change Proprietary	Future-oriented Based on open standards
Analog	Digital
Primarily voice Limited data capability	Advanced data capability Can use text and images
Local access Limited transfer and backup	Long-distance access Expanded transfer and backup

Mr. Vanauken said L. Robert Kimball and Associates, Inc., prepared a report for the North Dakota Association of Counties to develop a strategy to implement Next Generation 911 services in the state. He said there are 23 public safety answering points that serve North Dakota which include one point located in South Dakota. He said two selective routers serve the majority of public safety answering points and deliver most wire line and wireless calls. He said there are several answering points that are served by direct trunks from the wire line central offices and do not have the benefits of selective routing.

Mr. Vanauken said a preliminary design for Next Generation 911 would use two geographically diverse data centers to provide border control function, emergency services routing, location validation, and a legacy gateway. He said the data centers would provide functions traditionally performed by controllers at each public safety answering point as well as the more advanced functions of Next Generation 911. He said the system design covers the needed connectivity for each public safety answering point and each location would have two connections for reliability.

Mr. Vanauken presented the following timeline for the potential implementation of Next Generation 911 services in the state:

<b>Action</b>	<b>Timeframe</b>
Legislative development, including the establishment of a project governance structure and necessary statutory revisions	2009-10
Develop request for proposal	2009-10
Request for proposal process	2010
Contract negotiation	2011
ESInet services build out	2011-12
Provision 911 entities	2012-13
System maintenance	2013-14

Mr. Vanauken presented the following schedule detailing the estimated costs for implementing Next Generation 911 services in the state:

	2009	2010	2011	2012	2013	2014
Nonrecurring equipment costs	\$0	\$0	\$5,200,000	\$6,775,000	\$1,575,000	\$0
Recurring service costs	0	0	1,377,600	4,364,400	4,364,400	4,364,000
Professional services	184,880	101,179	209,006	114,475	57,238	0
Total	\$184,880	\$101,179	\$6,786,606	\$11,253,875	\$5,996,638	\$4,364,400

A copy of the information provided by Mr. Vanauken is on file in the Legislative Council office.

In response to a question from Representative Klein, Mr. Vanauken said an unregistered cell phone is either an old cell phone without a service plan or a new phone that does not yet have a service plan. He said a cell phone without a service plan can still be used for 911 purposes.

In response to a question from Representative Kelsh, Mr. Vanauken said Next Generation 911 services will not increase wireless coverage in the state. He said Next Generation 911 focuses on how to route a call once the call is received by a cell phone tower.

In response to a question from Representative Kerzman, Mr. Terry Traynor, North Dakota Association of Counties, said 911 fees received by political subdivisions must be used for emergency services operations and infrastructure.

In response to a question from Senator Lindaas, Mr. Vanauken said the state needs to make a decision on whether to implement Next Generation 911 services. He said a decision would need to be made regarding the portion of the implementation costs paid by the state and by political subdivisions.

Mr. Traynor said the Legislative Assembly established the Emergency Services Communications Coordinating Committee to recommend changes to the operating standards for emergency services communications and to develop guidelines regarding the allowable use of emergency services communications fees received by political subdivisions. He said he would provide information to the committee regarding any recommendations of the Emergency Services Communications Coordinating Committee.

#### **Tour of Red River Regional Dispatch Center**

The committee traveled to the Red River Regional Dispatch Center in Fargo to conduct a tour of the emergency communications center. The committee

observed dispatch operators receiving emergency calls and dispatching the appropriate resources.

Ms. Mary Phillipi, Shift Supervisor, Red River Regional Dispatch Center, provided information to the committee regarding the center. She said the center provides public safety emergency and nonemergency dispatch services for 56 different emergency services entities in Cass County, North Dakota, and Clay County, Minnesota. She said the dispatch center is a private entity governed by a board comprised of representatives from various emergency services entities.

Ms. Phillipi said the dispatch center generally experiences large call volumes between 3:00 p.m. and 6:00 p.m. with the months of June, July, and August being the busiest months during the year. She said over 60 percent of calls received by the dispatch center originate from cell phones.

In response to a question from Representative Hunskor, Ms. Maureen Nelson, Assistant Director, Red River Regional Dispatch Center, said the center has 35 employees, of which 32 are emergency dispatchers. She said the majority of dispatcher training is completed while on the job.

**It was moved by Senator Lee, seconded by Senator Lindaas, and carried on a voice vote that the meeting be adjourned subject to the call of the chairman.**

Chairman O'Connell adjourned the meeting at 4:20 p.m.

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Brady A. Larson  
Fiscal Analyst

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Allen H. Knudson  
Legislative Budget Analyst and Auditor

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