

**SENATE TRANSPORTATION COMMITTEE**  
**February 11, 2021 2:30 p.m. – Fort Totten Room**

**North Dakota Department of Transportation**  
**Steve Salwei, P.E., Director of Transportation Programs**

**HB 1101**

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Mr. Chairman and members of the committee, I'm Steve Salwei, Director of Transportation Programs for the North Dakota Department of Transportation (DOT). Thank you for giving me the opportunity to address you today.

HB 1101 is being introduced by the Department of Transportation to ensure that the DOT Director has the authority needed to enter into agreements with tribal governments for the purpose of construction and maintenance of safety projects on tribal highways, roadways, etc.

This bill amends and reenacts section 24-02-2.3 of the North Dakota Century Code relating to federally funded safety improvement projects on tribal owned highways, streets, roads, and bridges. The amendment is highlighted in yellow and underlined below:

**SECTION 1. AMENDMENT.** Subsection 24-02-2.3 of the North Dakota Century Code is amended and reenacted as follows:

**24-02-2.3. Director may enter agreements with tribal governments.**

Notwithstanding the provisions of chapter 54-40.2, the director may enter agreements with any one or more tribal governments for the purpose of construction and maintenance of highways, streets, roads, and bridges on the state highway system or for federally funded safety improvement projects on tribal owned highways, streets, roads and bridges.

Given the DOT Director is ultimately responsible for safety of the entire system, the Department recently adopted Vision Zero. Vision Zero is a strategy to eliminate motor vehicle crash fatalities and serious injuries. Even one life lost on North Dakota roads is unacceptable. It will take all of us working together to achieve this goal.

The DOT is responsible for managing the federally funded Highway Safety Improvement Program (HSIP). The purpose of the HSIP program is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads through the implementation of infrastructure-related safety improvements.

Some examples of safety improvements include:

- enhanced signing and pavement marking
- turn lanes
- pedestrian improvements
- guardrail
- lighting
- geometric improvements that improve safety.

Annually the DOT solicits tribes, cities, counties, Highway Patrol, and several others for potential HSIP projects.

The tribes have submitted some HSIP projects but there is also a history of many of those projects being approved, and then not advancing to construction. Current practice has the tribe responsible for project development and construction plus funding and coordinating the project work. Given the tribes typically do not do this type of work, and have limited resources to upfront the funds, this can often be a challenge for them. According to the way Century Code is currently written, DOT cannot assist the tribes and enter into contracts with consultants and contractors for safety work off of the state system within the reservations like we currently do with the counties and cities. Unfortunately, most of the highest priority safety projects are off the state system.

In 2015, the DOT used HSIP funding to assist each of the tribes in developing a Local Road Safety Plan. These plans were developed based on a data driven analysis and identified specific projects the tribes could submit for HSIP funding. This collaboration advanced safety planning and provided the tribes assistance in identifying HSIP projects to submit.

Through this bill, we can continue this partnership between the DOT and the tribes and assist in the implementation of tribal infrastructure safety projects.

This bill will allow DOT to enter contracts with consultants and contractors, in coordination with the Tribe, for 100% federally funded safety work on any public road on the reservation. Through these contracts DOT will be able to assist the Tribes to ensure their safety projects are implemented.

DOT would use 100% Federal HSIP funding and take the lead to ensure the environmental process, preliminary and construction engineering, design, right-of-way, utility relocation, and construction is completed. This is work the DOT regularly manages and is familiar with.

The DOT currently has the ability to enter into contracts with cities and counties and make contractor payments for Federally Funded Projects on both city and county Projects. This bill will give the NDDOT the ability to partner with the tribes, like we currently do with our counties and cities which supports us all working together towards Vision Zero.

This concludes my testimony and I am available to answer questions the committee may have. Thank You.