

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1112

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10/2/03
Date

2003 HOUSE TRANSPORTATION

HB 1112

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1112

House Transportation Committee

Conference Committee

Hearing Date 1-16-03

Tape Number	Side A	Side B	Meter #
1		xx	17.1-end
2	xx		0-1.4
Committee Clerk Signature <i>Laura Zick</i>			

Minutes:

Chairman Welsz: We will open the hearing on HB 1112.

Dave Sprynczynatyk, Director, ND DOT: Support of HB 1112 which was introduced at the request of DOT (see attached testimony).

Chairman Welsz: Thank you.

Rep. Ruby: With your oversize limit, do you have issues where somebody is a foot too wide, and this bill really isn't going to address the majority of the oversize vehicles that are on the roads today, and what I am referring to is farm vehicles that are oversized. What is your response to that.

Mr. Sprynczynatyk: You are right, there is no easy answer. Typically farm vehicles are usually not traveling as far as the larger vehicles that travel across the state or from one area to another. We do try to accommodate people. We may sometimes give them a permit for \$20 that would allow them to do that.

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Rep. Ruby: How much is a license for a semi.

Mr. Sprynczynatyk: I don't recall what the registration fee is. Two years ago, larger commercial trucks and tractor-trailers, the fee was up to \$1500 or more.

Rep. Ruby: So they are already paying \$1000-1500, does it seem unreasonable to them to increase the fines even that much more, if they are over 4000 lbs. yes, they are over and they are breaking the law and they should have a penalty. Are you taking into consideration the amount they are already paying for the use of the highways, with their normal fees.

Mr. Sprynczynatyk: Yes, that is one of the reasons why the registration fee structured as it is. The concern, though, is that not only is it overweight, it's also over height and over length, and where we have a bigger problem is with the over height limitation and violations of that section of the law.

Chairman Weisz: I have a question about the proposed fee schedule. You made a comment that in your graph that the damage is much greater at 30,000 lb. over than 4,000 lbs. Your proposed fee increase seems to ask to go the other way. Your greatest fee increases are at the lower overload than the very high weights, you have a lesser increase. What is the rationale for this.

Mr. Sprynczynatyk: Typically, the overweight problems are in that lower limit. When you get up to the larger ones, they are not nearly as great.

Rep. Headland: This increase in the fees pertain to all roads in the state, townships, county roads, etc.

Mr. Sprynczynatyk: It does apply to all roads with weight restrictions posted.

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Rep. Dosch: You indicated farm equipment is exempt from that, my question typically do we find these farm vehicles that are exempt, are they typically 2,000 lbs overweight, or 20,000 lbs.?

Mr. Sprynczynatyk: The exemption for agricultural equipment is for height and width, not for overweight. The weight restrictions apply to agricultural equipment the same as anyone else.

Rep. Ruby: When you look at the weights of the units, whether it's a tandem, tri-ax or a semi, you're taking into consideration the weight per axle. At times you have a group of 2 or 3 axles. In some cases there can be fluctuations of which axle has more weight on them than others. If you tallied every axle on the truck, it's well within the range. But if you look at it per axle, you have disparity there. In some cases you can shift the load to even out on the axles, and sometimes you can't. Is there any accommodations to the groups. I know there is a part called approved equipment. If you need a bridge between your steering axle and the center of your first axle of 14 ft. and that's quite a distance. Is there any plan to have a little more leeway on certain axles, if one should be, say within the group, you have two of them and they are 34,000 with a max weight on both of them, would each of them have 17,000 at this time.

Mr. Sprynczynatyk: The technical part of what you are asking needs to be addressed. I would say two things, in answer to your question, that is something we can look at. I think we have had questions in the past and I think it is something we can look at. There may be some research that either exists or that we can use to see what can be done. Also, I know there are certain allowances that we can make in terms of % over, and I can't tell you exactly how that would fit in to your particular scenario that you just described.

Rep. Ruby: There are a couple of industries that this pertains to, one is towing industry, there is no way to shift the weight over to the other axle.

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Chairman Welsz: I think we can have the department furnish us with information on their current practices, etc.

Captain Scott Brand, Asst. Field Operations Commander for the Highway Patrol: Support HB 1112 to increase the penalty for operating without a permit in violation of that permit and the overload restrictions.

Chairman Welsz: Thank you. Further testimony in support.

LeRoy Ernst, Manager of the ND Motor Carriers Association: We represent five of the for-hire carrier groups. We are in support of the concept of this legislation. Our industry is becoming very busy in the movement of freight in and out of the state of North Dakota. We transport in excess of 80% of any manufactured freight that moves in and out of the state.

Anywhere from goods that are manufactured in plants in ND, as well as goods that appear in our local clothing stores, grocery stores, wherever. The American Transportation Research Institute in the year 2000, they indicated that there were approx. 86,609 miles of public roads in the state. Out of those 86,609 miles of public roads, all motorists 7.2 billion miles on our state system. Trucking used approx. 1 billion miles, or only 14% of all roadway traffic constituted by trucks and traffic. This Institute also tells us that during the year 2000, trucking paid approx. \$114 million dollars in federal and state user highway fees and taxes, via fuel taxes, registration fees, etc. This equates out to approx. a \$2 million dollar per week tax bill to our industry that we pay in either federal or state taxes. Of this, there are about 43% of all taxes and user fees are paid by this industry. So you have \$200 million in taxes, user fees, etc. Of that figure we pay over 43% of all taxes, etc. Our industry has a very big investment in our road systems. Obviously we couldn't function if it wouldn't be for adequate roads in the state, good enforcement of the laws

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on restrictions or laws on the interstates. For the high investment we have in our road systems in the state, it stands to reason that the system should be protected from those who knowingly choose to exceed the weight limits that are imposed under state law, and thus create adverse conditions such as substandard roads, break up of the roads as a result of that, you have lower weight limits on those roads on the secondary or primary system in our state, secondly and as important or more important, we're players in this to the tune of 43% of all highway user fees that are paid. Any roads that are damaged or creates a lower weight limit, obviously that creates more expense by way of maintenance of the road, reconstruction of the roads, etc. We are in support of this. Sometimes, drivers are asked to take an additional pallet or grain which puts them over the limit. Our neighbor, MN, has a very good idea and have a good statute on their books. I am proposing to do via an amendment (see attachment on tonnage, etc.) to add "the right of entry for the highway patrol for the purpose to inspect records, freight bills, bills of lading and other documents which may provide evidence to determine compliance of chapter 39-12 of the NDCC. It would empower the highway patrol to be able to inspect bills of lading and to see if in fact these vehicles or trucking trailers have been overloaded. What's happened in the state of MN is that the shipper then also becomes responsible for any overload weight or fines, as well as the carrier. I don't know if DOT or highway patrol would sign off on this or not, I haven't talked to them about it.

Rep. Delmore: Would the amendment include elevator records, that types of things if I am hauling in ND.

Mr. Ernst: That would be my intent, yes.

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