

MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2316

2007 SENATE TRANSPORTATION

SB 2316

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2316

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: January 25, 2007

Recorder Job Number 1919

Committee Clerk Signature

Jody Hauge

Minutes:

Senator Gary Lee opened the hearing on SB 2316 relating to overweight vehicle penalties.

There were 5 committee members present and one absent.

Senator Christmann sponsored SB 2316 and spoke in support of it. He stated that these old single axle trucks are still very important to farming operations and are used for short hauls but not often on long hauls. There seems to be a problem with how much weight these trucks can actually carry and be within state law. The way the law reads now, the weight is measured on the axel weight. So even if you are within the Gross Vehicle Weight (GVW) you may be overloaded on the rear axle and subject to be fined. Senator Christmann admitted that he did not realize this and he goes by GVW when hauling in his single axle truck. He had talked with different farmers with single axle trucks and all of them said that they loaded their trucks to be in compliance of the GVW and did not know that they were not within the allowed weight according to the way the law reads now. He asked for support of SB 2316.

Senator Lee asked if a single axle truck with a short box would cause more damage to roads because of the weight on the rear axle.

Senator Christmann said that he was correct but it may take twice as many trips, so which is harder on the road. He also added that because of the decrease in weight that single axle trucks can carry if the rear axle law is enforced we might as well junk these trucks.

Stephen Hovey, Center, ND testified in support of SB 2316. Mr. Hovey brought written testimony along with a picture of the truck, drawings of the truck and a copy of the official receipt/permit from the ND Highway Patrol. In his letter of testimony, he states that a single axle farm truck cannot be loaded to the allowable GVW without exceeding the allowable weight on the rear axle because of the configuration of the trucks in use in ND. Single axle trucks similar to their truck have been in general use on the highways of ND for 40 years. For all of those 40 years they have been overloaded on the rear axle. He stated that they know the gross weight of the truck every time they haul a load to the elevator and we have adjusted the amount of grain on the truck in an attempt to comply with the allowable GVW. However they never had weighed the individual axles and would be willing to bet that most other farmers haven't done so either. Limiting the loading of this type of truck to the allowable rear axle weight would require the farmers to make 38% more trips to the elevators. The added cost to the industry in fuel, repairs and most importantly time, would be huge. He stated that they live and die by used equipment and they have two single axle trucks.

Michael Hovey, Center, ND farms with his brother Stephen and also spoke in favor of SB 2316. He stated that these trucks are very useable and asked that the committee support this bill and keep these trucks in business.

Senator Potter said that we wouldn't want SB 2316 to apply to commercial use.

Senator Christmann said that his intent was farm vehicles.

Senator Nething asked what weight difference it would make if we changed from axle weight to GVW weight.

Michael Hovey answered that with actual axle weight he could legally haul about 200 bu.

With GVW he could legally haul 300 bu.

Gary Levi, Deputy Director for Engineering for the NDDOT spoke in opposition to SB 2316.

See written testimony.

Senator Nething asked if we had different standards in the last forty years or if these vehicles have been hauling loads that were not legal.

Mr. Levi replied that the rules have been in place a long time. These single axle trucks were probably never legal.

Senator Lee asked if after looking at the drawings if Mr. Levi thought the rules were reasonable.

Mr. Levi replied that he felt they were.

Senator Lee asked how these rules were enforced.

Mr. Levi said that enforcement belongs to the Highway Patrol.

Leanna Emmes, NDHP said that if they went from 8 1/4 tires to a 9 on a single axle truck it would increase their weight load from 18,000 to 20,000.

Senator Nething said that other states must have dealt with this problem. These trucks are only used on limited bases; there must be some other way to come to a conclusion.

Mr. Levi said that other states have similar rules and Minnesota's is even more restricted.

Also he added that we have the Harvest Permit.

Senator Nething asked if it was all over the state. Are there allowances so they can fill their trucks according to GVW?

Mr. Levi said if we put in exemptions so they can use these vehicles and use them fully

loaded, it will affect the life of the pavement. If you give exemptions it still does damage to the pavement.

Senator Potter asked if the department agreed that old single axle trucks aren't used much.

Mr. Levi answered that there were still quite a few out there.

Senator Lee asked if it were just farm vehicles would it be more acceptable.

Mr. Levi answered no.

Senator Lee asked as the law is written what vehicles we would be dealing with.

Mr. Levi answered that we would be dealing with gravel trucks, small contracting firms and others.

Senator Lee what is the cost of the Harvest permit.

Mr. Levi said \$50./month or \$250/year

Tom Balzer, ND Motor Carriers Association spoke in opposition to SB 2316. He said if this passed that they would be right back with UPS trucks, FedEx trucks and all delivery trucks.

There concern is with the damage to the roads. Research showed that slow overloaded vehicles do more damage to the roads.

Senator Nething asked Mr. Balzer what other states do. Do they have any farm exemptions?

Mr. Balzer said he didn't know the answer. He said over weight is over weight. He will find out the answer for Senator Nething.

Senator Potter said if you load in front it isn't as safe.

Mr. Balzer said he agreed.

Senator Lee asked if the truck or the regulation was the problem.

Mr. Balzer said the design of the single axle truck is 40 years old. Regulations are set to protect the roadway.

Leanna Emmer, NDHP testified as neutral and explained the Harvest permits. She also stated that this is a safety control the HP has. If too much weight is on the axles it could make it more difficult to steer.

Senator Christmann clarified that he was focusing this bill on Agriculture. He stated that the law has not changed but maybe the enforcement is what is changing. He said he had not found anyone that realized they could be penalized because of axle weight and not gross vehicle weight. No one actually knew they were breaking the law.

Senator Bakke again asked for a clarification of the Harvest permit exemption.

Senator Christmann said it was \$50/30 days or \$250./year (year running mid July to December). The Harvest permit does not extend through seeding, fertilizing or spraying season.

Those registered in opposition and not testifying are: Darcy Rosendahl, NDDOT and Brad Dale, NDDOT.

Registered as neutral and not testifying was Kathy Tandber, BHG news.

Senator Lee closed the hearing on SB 2316.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2316

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: February 1, 2007

Recorder Job Number: 2545

Committee Clerk Signature

Joan Hange

Minutes:

Senator Lee opened committee work on SB 2316 relating to overweight vehicle penalties.

Senator Lee said the bill is a bit pragmatic because it does not specify just single axle farm trucks and could include many single axle vehicles. This vehicle has some options. They can put on a tag, get a harvest permit, change tire size. All three will give the single axle truck an opportunity to carry more weight.

Senator Potter's concern is that there will be other trucks like UPS, Fed Ex and others in line.

Does this bill apply to them?

Senator Lee said that it was his understanding that it does. He got a letter from Leanna Emmer, NDHP and she does indicate that it will apply to many vehicles like UPS, Cross Country, Fed EX etc,

Senator Potter asked if it would be better if it was just for farmers.

Senator Lee said you just don't see many of these single axle trucks that are used for highway purpose. He doesn't think the highway patrol is out there looking for them. Someone got caught here and that is why we have this bill before us.

Senator Bakke said that these truck owners can buy permits to carry more weight and they didn't buy one.

Senator Nething said that the permit only allows for ten percent more weight and that is not enough.

Senator Lee said that they could increase the tire size or add axle.

Senator Nething said it can't be a big problem if the farm organizations don't come in and support it.

Senator Nething moved a Do Not Pass.

Senator Fiebiger seconded the motion.

The clerk called the roll 5-0-1.

Senator Bakke will carry the bill.

Date: 2-1-07
Roll Call Vote #: 5-0-1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. ~~2315~~ 2316

Senate Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Senator Nething Seconded By Senator Fiebiger

Senators	Yes	No	Senators	Yes	No
Chairman Gary Lee	✓		Senator JoNell Bakke	✓	
V Ch John Andrist			Senator Tom Fiebiger	✓	
Senator Dave Nething	✓		Senator Tracy Potter	✓	

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Bakke

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

REPORT OF STANDING COMMITTEE (410)
February 1, 2007 12:25 p.m.

Module No: SR-22-1785
Carrier: Bakke
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2316: Transportation Committee (Sen. G. Lee, Chairman) recommends DO NOT PASS (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2316 was placed on the Eleventh order on the calendar.

2007 TESTIMONY

SB 2316

December 12, 2005

Senator Randel Christmann
401 3rd Ave. NE
Hazen, ND 58545-4429

Senator Jerry Klein
PO Box 265
Fessenden, ND 58438-0265

Dear Sirs:

We are writing this letter to ask you to look into what we believe to be a problem with the allowable axel weights for farm trucks. Enclosed is a copy of an official Receipt/Permit issued to Eric Hovey on September 15, 2005. At the time we were combining pinto beans and hauling them about $\frac{3}{4}$ of a mile from the field to a local elevator over State Highway #30. You will note that we were charged a fee of \$220.00 because our truck was overloaded by some 4300# on the rear axel. Please take notice that the truck Gross Vehicle Weight (GVW) was within state limits at 28,000#.

The truck involved was a 1969 GMC truck with 8.25" tires. The truck is equipped with a 14 foot long box. The box is 7 feet 7 inches wide and 4 feet 2 inches high. The attached figure one shows a scale drawing of the truck along with the empty axle weights. We believe that this truck is typical of the single axel trucks that have been used on the majority of North Dakota farms since the 1960's. Virtually every farm in the state still has a truck similar to this one, and they are still invaluable to production agriculture.

Figure two shows what the axel weights would be if the box were filled level full with wheat. You will note that the truck GVW is in excess of state regulations by some 2300# while the rear axel is overweight by some 7,000#.

Figure three shows what the axel weights would be if the truck is loaded to the legal GVW of 28,000#. You will note that while the GVW of the truck is within limits, the rear axel weight exceeds the allowable weight by some 4,900#. This is the situation we were cited for on the 15th of September.

Senators Christmann and Klein
Page 2

Figure four shows what the truck could legally carry if the load were evenly distributed in the box and the rear axel weight were kept to the allowable load of 18,000#. You will

note that the truck could only be loaded with 232 bushels of wheat instead of the 320 bushels that could be hauled in figure three. In other words, the truck can only haul 72.5% of the payload allowable under the GVW limit because of the rear axel limit and the configuration of the truck.

Figure five shows how the truck would have to be configured to allow the truck to haul the maximum load allowed under the GVW limit and still not exceed the allowable axel weights. We would submit to you that you have never seen a farm truck configured like figure five on the roads of North Dakota.

The purpose of this letter is to make several points to you:

- 1) Single axel farm trucks cannot be loaded to the allowable GVW without exceeding the allowable weight on the rear axel because of the configuration of the trucks in use in North Dakota.
- 2) Single axel trucks similar to our truck have been in general use on the highways of North Dakota for 40 years. For all of those 40 years they have been overloaded on the rear axel. We've done it and so has every other owner of similar trucks. In fact, we had no idea that we were overloading the rear axel. We know the gross weight of the truck every time we haul a load to the elevator and we have adjusted the amount of grain on the truck in an attempt to comply with the allowable GVW. However we never have weighed the individual axels, and we would be willing to bet that most other farmers haven't done so either.
- 3) Limiting the loading this type of truck to the allowable rear axel weight would require the farmers to make 38% more trips to the elevators. The added cost to the industry in fuel, repairs and most importantly time, would be huge. This cost would further burden an industry already stressed due to the low commodity prices and the rising costs of machinery, repairs, fuel, fertilizer, and chemicals.

We suggest that you plan to introduce legislation that would place the load limits on farm trucks based on GVW only. We suggest this because we believe that it is not fair to enforce axel limits on trucks that cannot meet the limits because of the way the trucks were manufactured. We also believe that any damage done to the roads by exceeding the rear axel load limits has become part of the "base line" of road deterioration because these trucks have always exceed the rear axel load limits. Changing the load limits to GVW only would not increase the costs for road maintenance over what we are paying now.

We are sure that every person involved in the enforcement of weight restrictions would tell you that a citation could be issued every time a loaded single axel farm truck is pulled

Senators Christmann and Klein
Page 3

over. We are also sure that the axel limits have not been aggressively enforced because the people enforcing the weight limits know that it would result in a public uproar. We believe that such selective enforcement of our laws is bad public policy.

We appreciate any help you can provide in changing the present situation. Should you have any questions, please feel free to contact either one of us.

Thank you for your attention.

Sincerely,

Stephen W. Hovey
PO Box 383
Center, ND 58530
(701) 794-3619

Michael A. Hovey
2249 Highway #30
Fessenden, ND 58438
(701) 547-3538

enclosures (6)
cc. Mark Conlin, Editor, Farm and Ranch Guide
Representative Rick Berg

OFFICIAL RECEIPT/PERMIT
NORTH DAKOTA HIGHWAY PATROL
 SFN 3607 (Rev. 10-98)

Unit No. 31119	District 21	Temp. License No.
Date 09/15/05	Time 11:51:15	FAX To

No. **965126**

Street Stephen W Hwy Insured By St. Paul 55536 Coverage 387

Year/Make 1967 GM lbs 26000 Trailer Year/Make _____

St. VIN 1G67GML087549 Ltg _____ St. VIN _____

Plate No. FBF 710 Description of Load _____

From Rural Hwy To Route 16

Highways 30 Dates of Movement 09-15-05

Width	Length	Overhang-Front	Overhang-Rear	Bridge Length	Milepoint

No. of Axles		County		Hwy		Milepoint	
No. Ax.	Wgt.	No. Ax.	Wgt.	No. Ax.	Wgt.	No. Ax.	Wgt.
2	23000	2	23000	RD	RD	112	

Requirements As Indicated

Survives to sunset only

Require red flags, front and rear, traffic side of load (18" x 18")

No travel if visibility is poor or highway is slippery

No travel on shoulders of road

Allow traffic to pass

Check all vertical clearances

No travel if temperature exceeds 85 degrees-interstate system excluded

Speed not to exceed _____ mph on _____ &

Other requirements or remarks: _____

1. The applicant or permittee, as a condition for obtaining an oversize or overweight, or both, permit, shall assume all responsibility for accidents, damage, or injury to any persons or damage to public or private property caused by the movement of any oversize or overweight, or both, vehicle or load covered by the permit while upon public highways of the state.

2. The applicant or permittee agrees to indemnify and hold harmless the North Dakota Department of Transportation, the North Dakota Highway Patrol, their officers and employees from any and all claims resulting directly or indirectly from the movement of an oversize or overweight, or both, vehicle or load on any public highway of the state of North Dakota.

PERMISSION FOR THIS MOVEMENT IS HEREBY GRANTED subject to compliance with provisions of the laws of the State of North Dakota and under the terms, conditions and restrictions contained herein and on the reverse side of this permit, and subject to revocation upon non-compliance.

TOTAL FEES PAID	23000
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FEES	
10% Weight Exemption	
Approved Equipment - Trailers	
Approved Equipment - Trucks	
Combine - Non-Resident	
Combine - Resident	
Crash Reports	
Engineering Fee	
Escort*	
Extra Road Use (Overload)-Field	33000
Extra Road Use (Overload)-Scale	
Faxing Fee	
Fuel Tax - Diesel	
Fuel Tax - Gas	
Heavyweight	
IFTA	
Intrastate - SFN 13780	
Interstate - SFN 3507	
LCV - SFN 3507	
LCV - SFN 3640	
Mobile Home - 3607	
Mobile Home - ID Supplement	
Mobile Home - SFN 14242	
MV Fees - Power Units	
MV Fees - Trailers	
NSF Payment	
Other	
Other Non Monetary	
Oversize - ID Supplement	
Oversize - SFN 18603	
Oversize - SFN 3607	
Oversize - SFN 3540	
Seasonal	
Special Mobile Equip - ID Supp	
Special Mobile Equip - SFN	
Special Mobile Equip - SFN 3507	
Ton Mile	
Trip Permit	
Vending Machines	

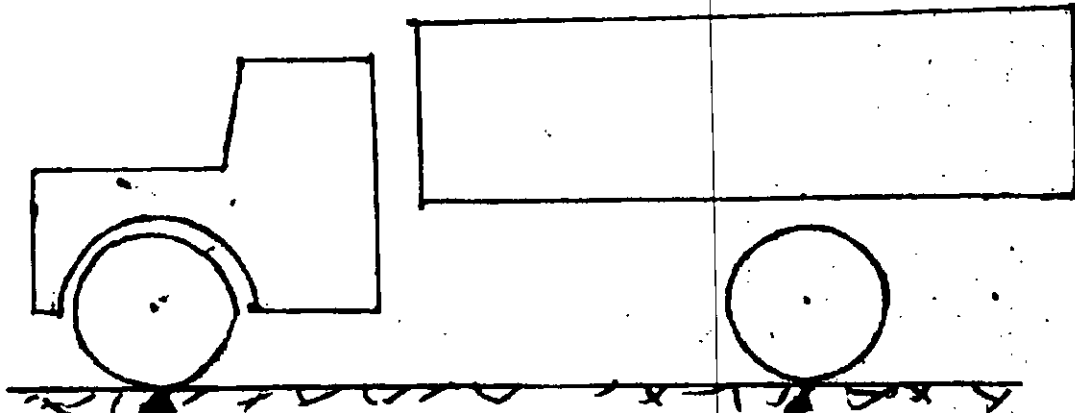
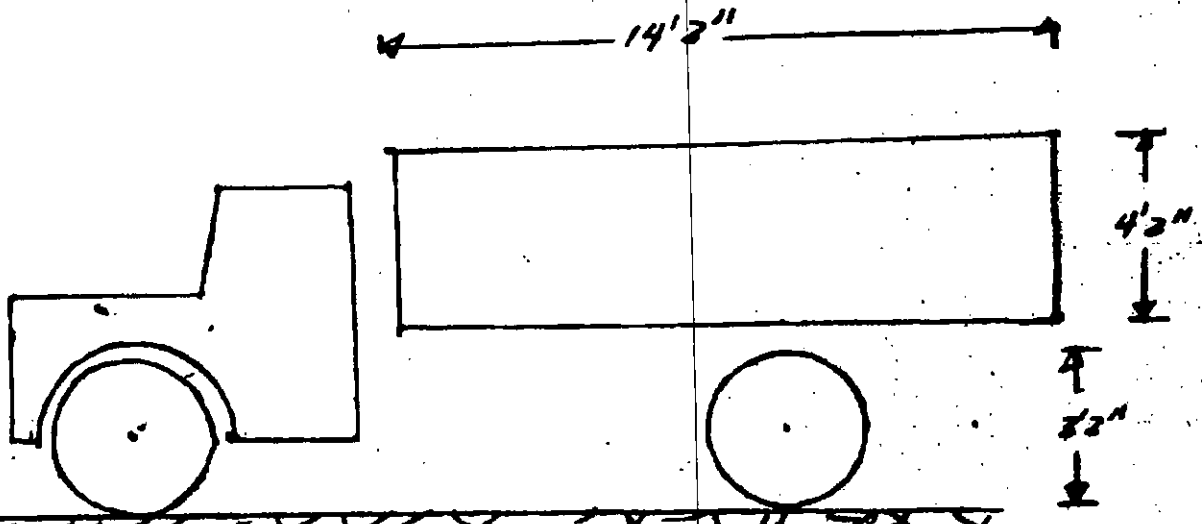
Signature of Applicant _____

Validation No. (when necessary) _____

This permit is valid on vehicles during the above-mentioned movement. This permit shall be open to inspection by any peace officer or motor carrier inspector. See reverse side for additional requirements.

Illustration: White and pink copies - headquarter; goldened copy - driver.

Figure 1



3750 #

5060 #

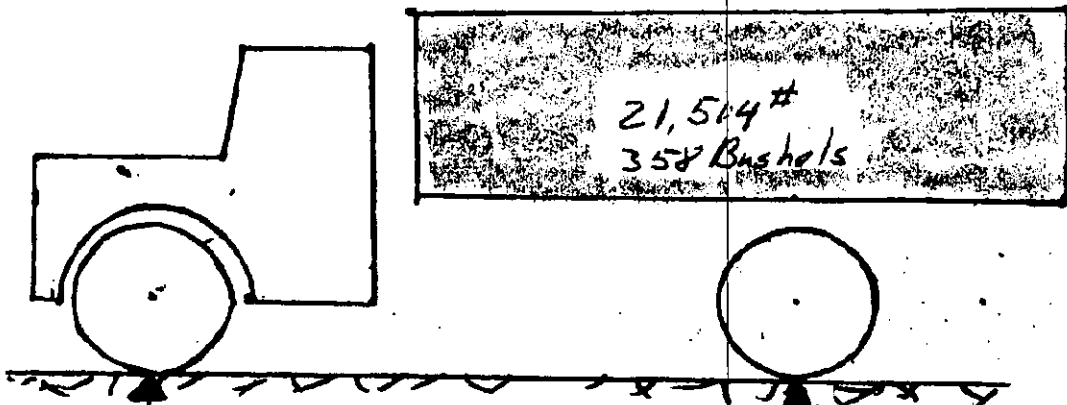
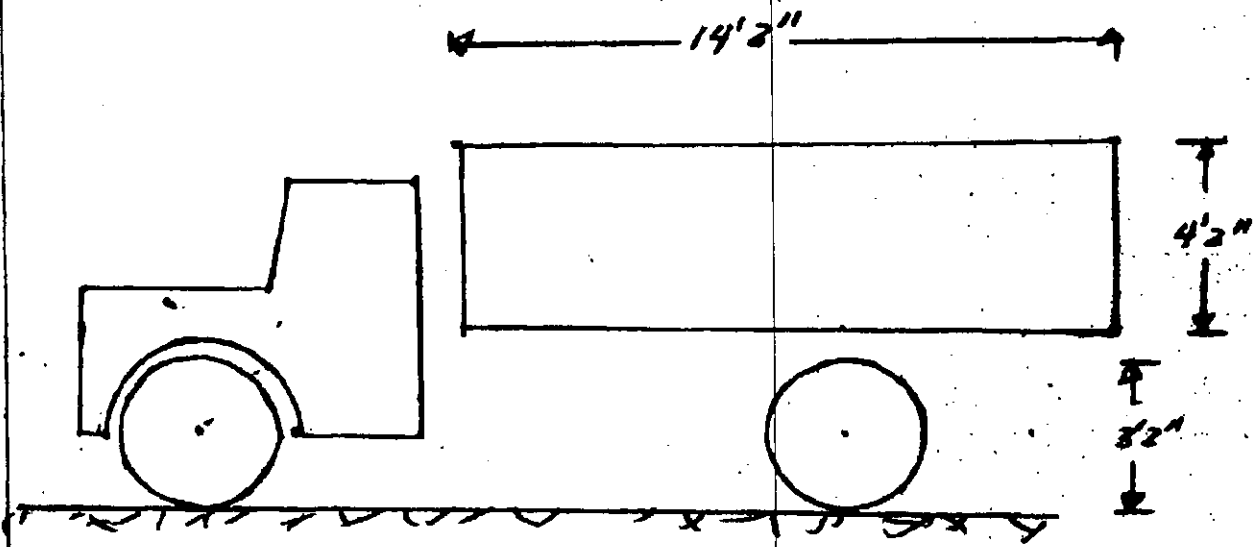
empty weight

22-143 100 SHEETS
22-144 200 SHEETS



Figure 2

22-144 200 SHEETS



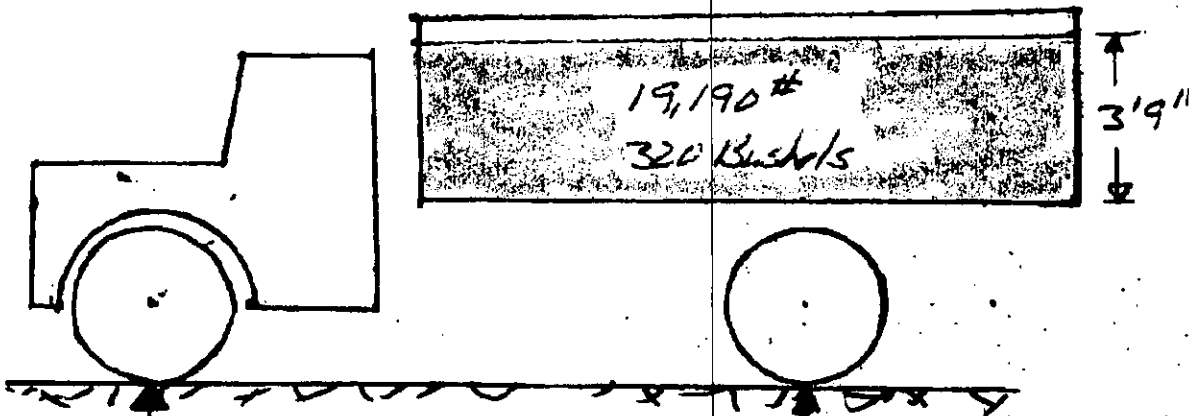
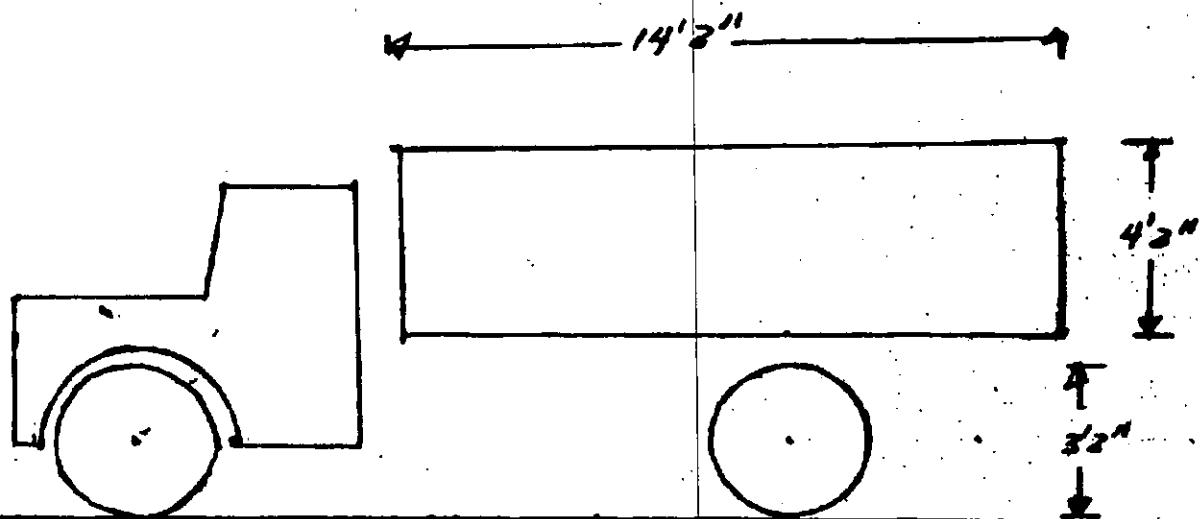
Box Level Full

5,286#

25,028#

30,314 GVW

Figure 3



28,100# GVW

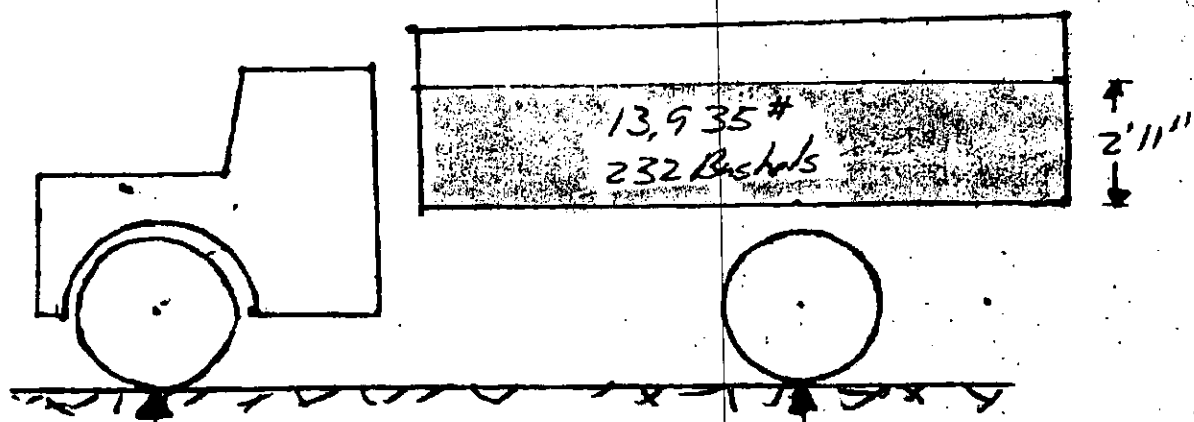
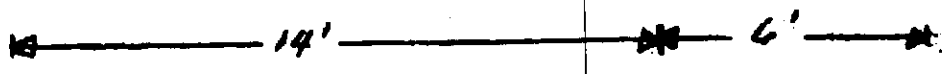
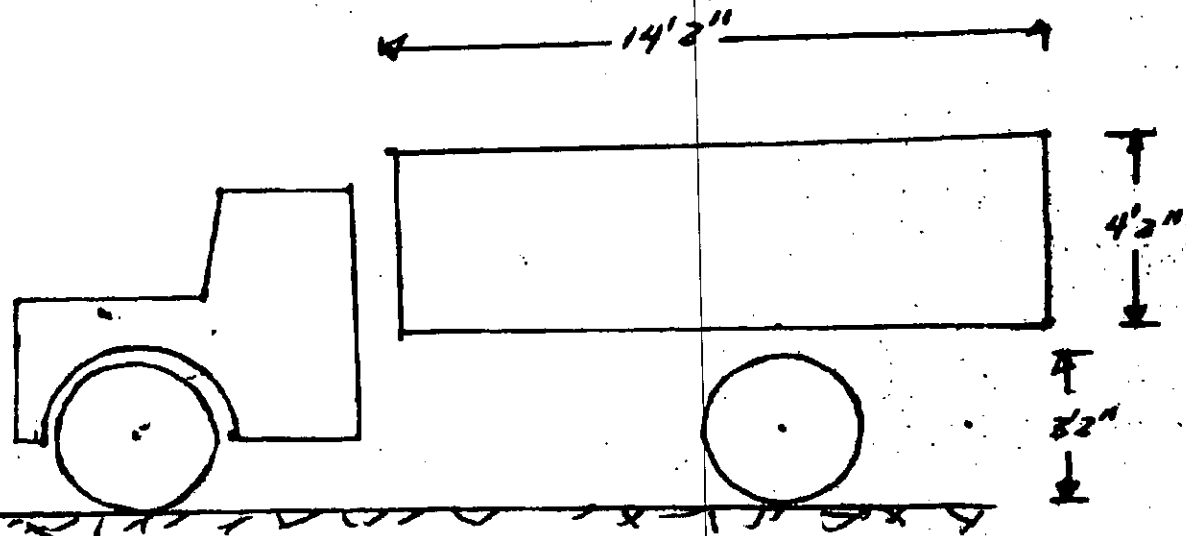
5,120# Front

22,979# Rear

22-143 100 SHEETS
22-144 200 SHEETS



Figure 4



4745# Front

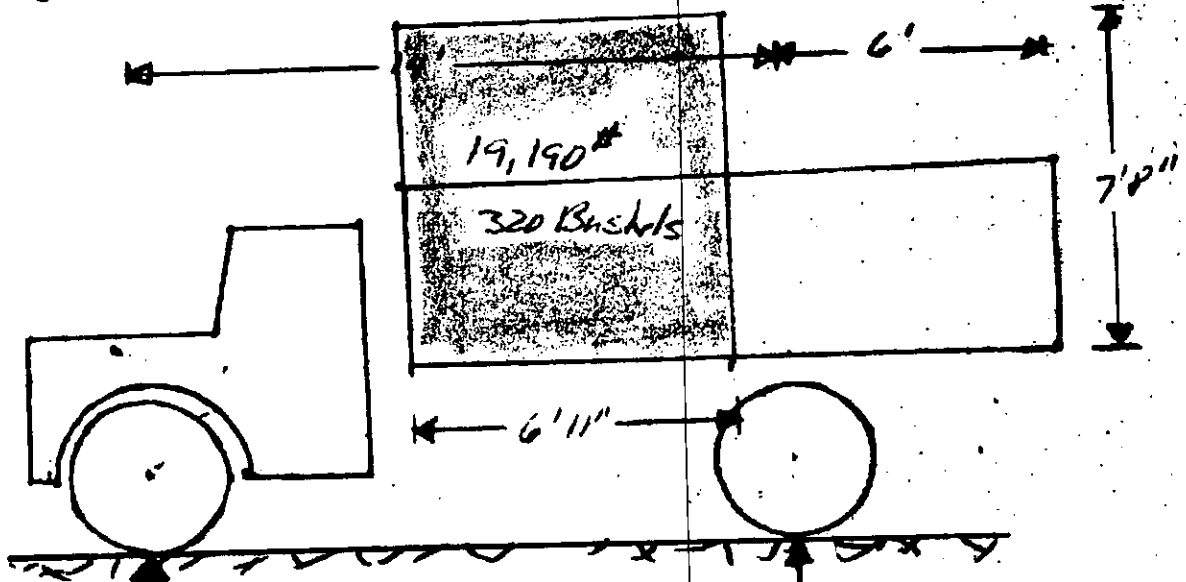
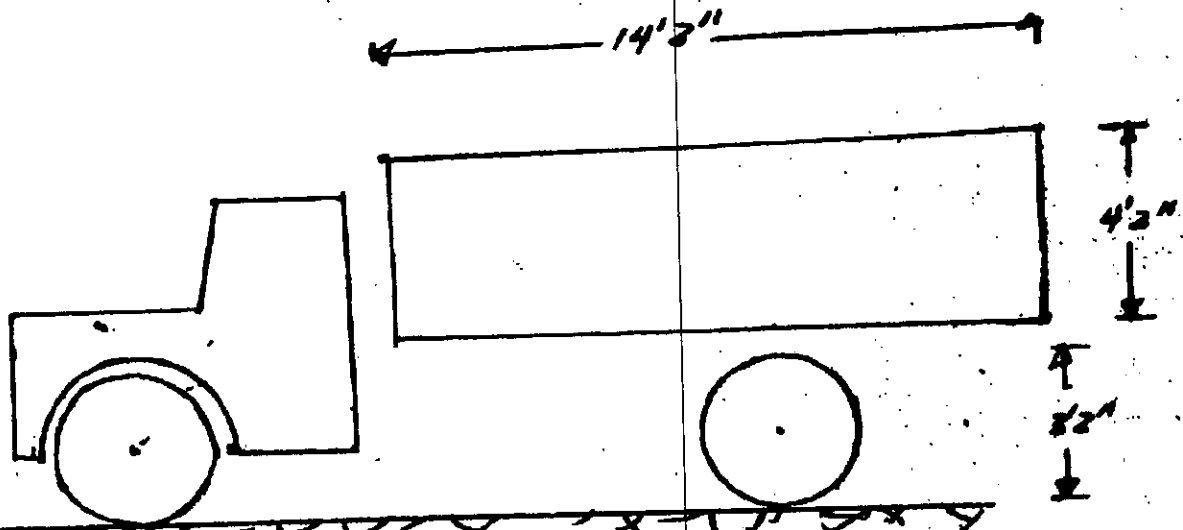
18,000# Rear

22,745 GVW

18,000# Rear Axle

45-194 100 SHEETS
22-144 300 SHEETS

Figure 5



10,000# Front

18,000# Rear

22-143 100 SHEETS
23-144 200 SHEETS



SENATE TRANSPORTATION COMMITTEE
January 25, 2007

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

SB 2316

Good morning, Mr. Chairman and members of the committee. I'm Grant Levi, Deputy Director for Engineering for the North Dakota Department of Transportation. Thank you for giving me the opportunity to present information to you today. I'm here to testify in opposition to SB 2316. SB 2316 would remove all requirements for a single vehicle with a single-drive axle to comply with section 39-12-05.3 which limits the axle weights and establishes the five hundred fifty pounds for each inch of tire width requirement.

We understand and support the need to move commodities and promote the economic viability of the state. We currently have a number of ongoing initiatives to accomplish that goal. As we work towards accomplishing that goal, we believe it is essential to ensure the state's large investment in the transportation system is protected. The best way to protect that investment is to only allow trucks to haul gross vehicle weights and axle weights the system can carry.

Every axle passing over a highway consumes a portion of the pavement's life. With each pass of a load, the pavement experiences forces that eventually lead to the deterioration of the pavement. Extensive testing over the last fifty years has shown that the amount of pavement life consumed by heavy axles greatly exceeds the amount of life consumed by lighter axles. In fact, the relationship is exponential, meaning that just a small increase in axle load leads to an ever increasing damage rate to the pavement. For example, as illustrated in the attached South Dakota Local Transportation Assistance Program report:

- a legal 20,000 pound axle load consumes a thousand times more pavement life than a 2,000 pound automobile axle
- a 22,000 pound axle load consumes 46 percent more pavement life than a 20,000 pound axle load
- a 24,000 pound axle load consumes 107 percent more pavement life than a 20,000 pound axle load

We are willing to continue working with industry to address truck size and weight issues. Things such as wider tires and the addition of tag axles are examples of solutions that can allow for legal hauling of increased weights. These solutions call for an investment by the individual or company owning the truck, but offset the tremendous public cost that can result from relaxing weight regulations and allowing heavier axle loads.

It is important to continue to maintain the quality of our transportation system for the citizens of North Dakota. Maintaining the present weight requirements is an important component in maintaining our system.

Mr. Chairman, I would be happy to answer any questions at this time.

