2009 HOUSE TRANSPORTATION

HB 1442

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1441 and HB 1442

House Transportation Committee

☐ Check here for Conference Committee

Hearing Date: 02/06/09

Recorder Job Number: 8941 and 8942

Committee Clerk Signature Jeanette Cook

Minutes:

Chairman Ruby allowed testimony to be heard on HB 1442 and HB 1441during the same hearing as they are related.

Representative Jeff Delzer, District 8, introduced HB 1442. He explained that the bill would make the counties honor the 105,000 pound weight limit, that we as a state have allowed and encouraged our transportation members to use. The reason for this is when you go to 105 you are actually running a minimum of seven axles compared to five, so it reduces the wear and tear on the roads. Some people say that 105 thousand causes more damage. But if you are looking at the amount of weight per square inch, it is less when you go to the 105 thousand with seven axles than five axles with 80 thousand. This bill would make the road limits 105 thousand pounds unless they were posted in eight. Then there wouldn't be a difference between county and state regulations. Most drivers adhere to state restrictions and are unaware of county restrictions unless the road is posted. He related an incident that a constituent was involved. The person thought they were legal weight and had been driving on a county road. He was stopped by a Highway Patrolman and given a $5000 fine for being overweight.

Representative Jeff Delzer, District 8, introduced HB 1441 and explained that it is an alternative to HB 1442. It says that if a county does not honor the 105 weight then the State Highway Patrol could not do weight enforcement on county roads. He feels that there is too much confusion when the state and county roads have different load limits.

Representative Weisz, District 14, spoke in support of HB 1442.

Representative Weisz: The state has allowed our industry to go to 105,500 to allow motor carriers to become more efficient. They had to invest money into configurations that were legal at 105,500. The problem being faced is that sometimes to pick up or unload a load, they have to drive on a township or county road, that is limited to 80,000 pounds. The situation may be where someone may have to run one hundred miles with a light load or run three miles illegally and hope that they don't get caught.

Representative Weisz handed out a comparison of traffic and load patterns in the past fifty-five years. See attachment #1. He emphasized the problem today isn't the load, but the increase in traffic. He feel that if we do allow 105,500, it is allowing much less weight per axle. The economy has caused this problem. We are running a lot more product across our roads. The state wants us to be more efficient and allows larger loads, but then the counties and townships are limiting them. Efficiency is extremely important with today's fuel prices.

Representative Delmore: Would these weights be year around and regardless of conditions?

Representative Weisz: This would not prohibit spring restrictions. They still could be posted.

Representative Delmore: What percentage of trucks have seven axles compared to five axles?

Representative Weisz: I don't know for sure. In my area almost every trucker that is hauling for hire has at least six axles if not seven. From a farmer's standpoint, I would say that one third to one half are already exceeding the five axles.

Dana G. Larsen, PE, Ward County Engineer, voiced opposition to HB 1442 and HB 1441. See attachment #2. He also provided diagrams to show road design and pictures of road deterioration. See attachment #3.

Representative Griffin: Can you explain why if a 105,000 pound truck had less weight per axle, it would do more damage than the 80,000 truck?

Dana Larsen: Even though you are spreading that weight out, when you have four axles in a close vicinity, you are applying that large load and there is less structure for the pavement to support that large load.

There was discussion that pointed out that the design of a road is the critical point to the weight that the road can support.

Mike Zimmerman, Highway Superintendent for Stutsman County, spoke in opposition to HB 1441 and 1442. See attachment #4.

Mr. Zimmerman also provided a Resolution of Opposition to HB 1441 and HB 1442. See attachment #5.

Representative Potter: Can you give me an example of a vehicle with a 80,000 pound load?

Mike Zimmerman: It would be a tractor trailer with at least five axles, as you go up in weight you add axles. A five axle semi can go anywhere from 60,000# to 140,000#.

Tim Schulte, PE, Richland County Engineer, provided testimony in opposition to HB 1441 and HB 1442. See attachment # 6. He spoke about Richland County and the special circumstances they have encountered and dealt with. Mr. Schulte showed core samples of

roads and explained how they are designed. He wanted the committee to be aware that all pavement sections are not the same. The counties don't meet the standards of the state. Referring to HB 1441, Richland County has a deputy that does truck enforcement, but for the counties that do not have a deputy to do this, it is really putting the pavements at risk. It seems that these two bills may push traffic onto the local roads just to avoid enforcement.

The hearing was closed on HB 1442 and continued on HB 1441.

Terry Traynor spoke on behalf of the North Dakota Association of Counties in **opposition** to HB 1441. See attachment #1.

Representative Delmore: Would you agree that in those areas we couldn't do a very good job of patrolling without the Highway Patrol and that there would also be people that would use those route to escape being stopped by the Highway Patrol?

Terry Traynor: I would think that would be absolutely true.

Representative Gruchalla: Are you saying that we are in danger of losing ten percent of our federal funding if we pass HB 1441 or HB 1442?

Terry Traynor: You will have to ask the Highway Patrol for sure.

Pat Heinert, Sherrif of Burleigh County spoke in opposition to HB 1441. See attachment #2. He emphasized that if this bill passes it eliminates cooperation between the Highway Patrol and local law enforcement.

Mark Nelson, North Dakota Highway Patrol, spoke in a neutral position on HB 1441. See attachment #3.

Representative Delmore: If this bill passes will you not be allowed to go into the counties?

Mark Nelson: We would still be able to go into the county roads systems to do other traffic law enforcement. My understanding is that this bill is strictly towards enforcing the overweight laws. We would not be able to do that.

There was no further testimony. **The hearing was closed on HB 1441.**

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1442

House Transportation Committee

☐ Check here for Conference Committee

Hearing Date: 02/12/09

Recorder Job Number: 9390

Committee Clerk Signature Jeanette Cook

Minutes:

Chairman Ruby reviewed the intent of HB 1442.

Representative R. Kelsch moved a Do Not Pass on HB 1442.

Representative Gruchalla seconded the motion.

There was general discussion which repeated major points of testimony.

- County engineers made a compelling argument.
- There was some concern about the amount of money it would cost to post roads.
- The weight on the bridges was a concern.
- There is difficulty knowing what the weight limits are on different roads.
- Special roads may have to be built up to accommodate 105,500#.
- Adding more axles to units reduces the weight per square inch. The grouping of the axles changes the weight that is allowed.

A roll call vote was taken. **Aye 10 Nay 2 Absent 2**

The motion passed.

Representative Thorpe will carry HB 1442.

Date: 2-12-09

Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1442

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken ☐ Do pass ☒ Don't Pass ☐ Amended

Motion Made By Kelsch Seconded By Gruchalla

Representatives	Yes	No	Representatives	Yes	No
Representative Ruby - Chairman		✓	Representative Delmore	✓	
Rep.Weiler – Vice Chairman	✓		Representative Griffin		✓
Representative Frantsvog	✓		Representative Gruchalla	✓	
Representative Heller	✓		Representative Potter		
Representative R. Kelsch	✓		Representative Schmidt	✓	
Representative Sukut	✓		Representative Thorpe	✓	
Representative Vigesaa	✓				
Representative Weisz	A				

Total Yes 10 No 2

Absent 2

Bill Carrier Thorpe

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

REPORT OF STANDING COMMITTEE

HB 1442: Transportation Committee (Rep. Ruby, Chairman) recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1442 was placed on the Eleventh order on the calendar.

2009 TESTIMONY

HB 1442

Attachment #1

HB1442

Comparison of traffic and load patterns in the last 55 yrs.

Typical township 23040 acres

1950s half the acres are farmed with wheat @20bus. Per acre

Total lbs. of product: 13,824,000#

Today 80% of the acres are farmed with half wheat@35bus. Per acre, and half corn@ 80 bus. Per acre.

Total lbs. of product: 60,641,280#

Under current limits would require 1144 semi loads

Allowing 105500 would require 860 semi loads

A 25% reduction in loads and a reduction of 1,500,000 of weight on that same road.

Attachment #2

Testimony Regarding House Bill 1441 & 1442
Prepared by: Dana G Larsen, PE, Ward County Engineer

Committee members, I would like express that I am opposed to by House Bill 1441 and 1442, and I feel that these bills would be harmful to the county and township road systems.

I would first like to address House Bill 1442. If passed, the load limits on county roads would be increased from 80,000 lbs. to 105,500 lbs. unless other wised signed. This would have significant impact to not only the county roads but also to township roads.

There are many people that will state that if the load limits were increased, trucks could haul larger loads, but could transport the same product with fewer trips, thereby reducing the impact to the road. They are partially right. If a road is design to carry loads up to 105,500 lbs, there have be studies that prove there is less damage to the road over a 20 year design life. However, that being said, most county roads, and I would say just about all township roads do not meet this design criteria. Most county have designed there pavement system for 80,000 lb loads and when heavy loading is applied, the road will not with stand the initial loading.

Ward County has approximately 50 miles of paved roads that are designated as 105,500 lbs. The road I will use as an example is Ward County Road 9. This 26 mile stretch of road runs from US 2, by Berthold, south to State Highway 23. This is the only paved road that runs North and South between Minot and Stanley. The southern 16 miles were paved in 2000, and this segment of road meet a 20 year 80,000 lb design criteria. In 2006 and 2007 the northern 10 miles were paved, and this segment of road meet a 20 year 105,500 lb design criteria. The segment with the 80,000 lb design required placing 3 inches of aggregate base on top of the exiting road, and then placing 4 inches of Hot Bituminous Pavement. The segment with the 105,500 lb design required placing 8 inches of aggregate base on top of the exiting road, and then placing 5.5 inches of Hot Bituminous Pavement. I have attached a drawing, as a visual reference. As you can see there is a significant difference in these two sections.

However, even though the southern portion of the road was not design to carry 105,500 lb loads, the commission felt it was important to provide a corridor, between US 2 and State Highway 23. There have been segments of the southern portion of county road 9 that have been patched or overlaid. I have attached a picture of county road 9, which experienced breakup and needed to be patched and overlaid. The cost to repair an 800 ft segment of road was around $30,000. I also attached a picture of rutting on a portion of the road that had been previously paved, and also need to be overlay to handle the truck traffic.

Ward County has approximately 700 miles of road, of which, 300 miles are paved. All but 50 miles are 80,000 lb roads. If the load limits were raised, not only would 650 miles of county road be affected, but 1,300 miles of township roads would be affected as well. Another factor to consider is the effect to the local bridge system. There are 3,218 bridges that reside on local roads in the state, of which 714 area structurally deficient and 237 are functional obsolete. What would the impact to these bridges be and if there are failures, who would be responsible?

If a road authority wants to limit the maximum weight limit, the bill states that the road must be sign. The cost to purchase and install maximum weight limit signs on county roads would be around $20,000 for a county with 700 miles of road, and it would cost each township approximately $1,000. These numbers are based on each sign costing around $35, and this cost does not include installation of a new post. These signs would also need to be maintained and switched out every 7 to 10 years, to meet retro-reflectivity standards.

The Federal Law requires that the minimum and maximum load limit on the Interstate system be 80,000 lbs. The only roads by law, which are 105,500 lbs, are state roads. If the only purpose of this bill is to eliminate the confusion on what roads are 105 and 80 thousand pounds, maybe the law should amend back to 80,000 lbs and if a road authority wants to post a higher weight limit, they can do so.

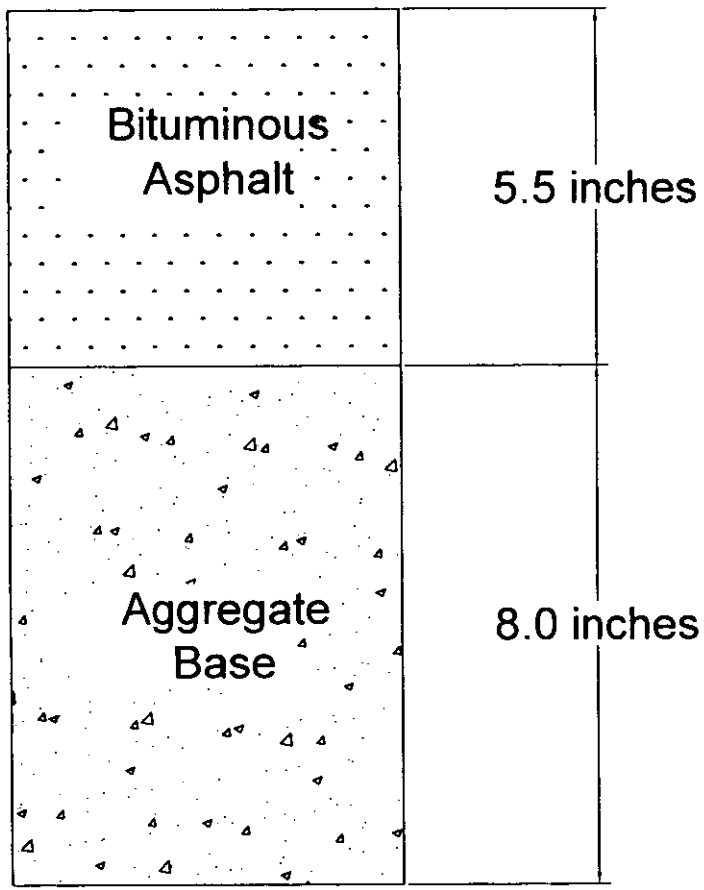
I am also not in favor of House Bill 1441. It would essentially prohibit the North Dakota Highway Patrol from assisting the Sheriff and Highway Departments with enforcing the maximum allowed vehicle weights. In Ward County, we have a very

good working relationship between all public service entities, and have requested assistance from the highway patrol, to enforce weight limits. Currently the Sheriff's Department does not own any scales. There has been talk about setting up a patrol unit and purchasing portable scales, however, there would no way for the Sheriff's Department to recoup their cost, even if violators were ticked. The fines for overweight trucks go to the state, and the counties do not receive any portion of the fines.

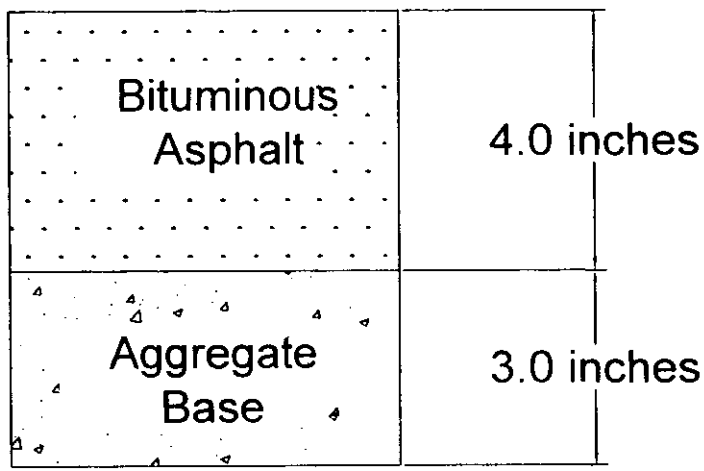
To be blunt, this bill has the appearance of attempting to limit not only the cooperation between law enforcement agencies, but limit the enforcement on local roads.

Once again I would express my opposition to both House Bills, and would like to thank the committee for their time.

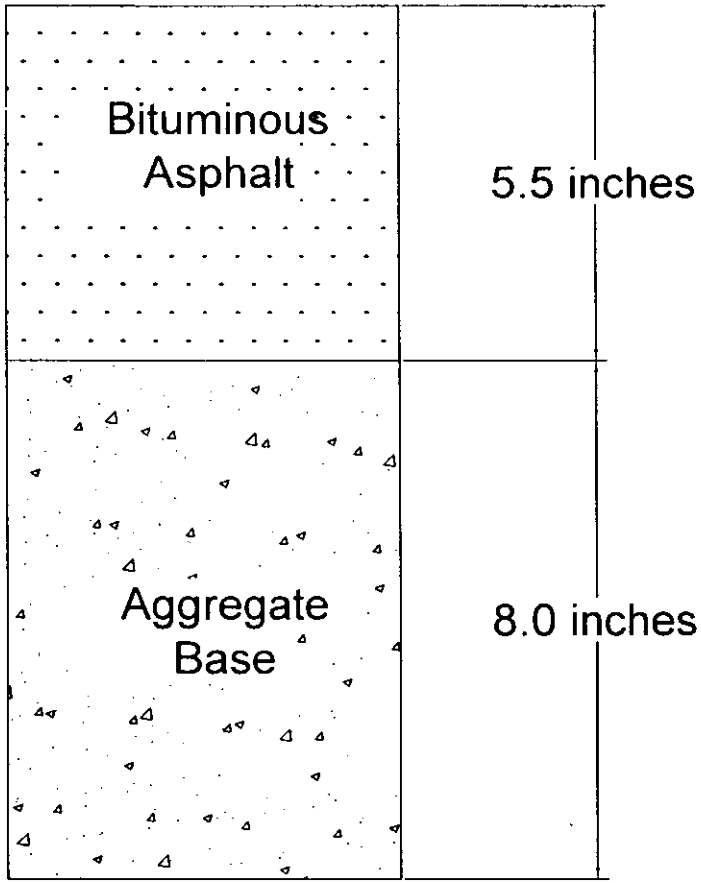
HB 1441 + HB 1442



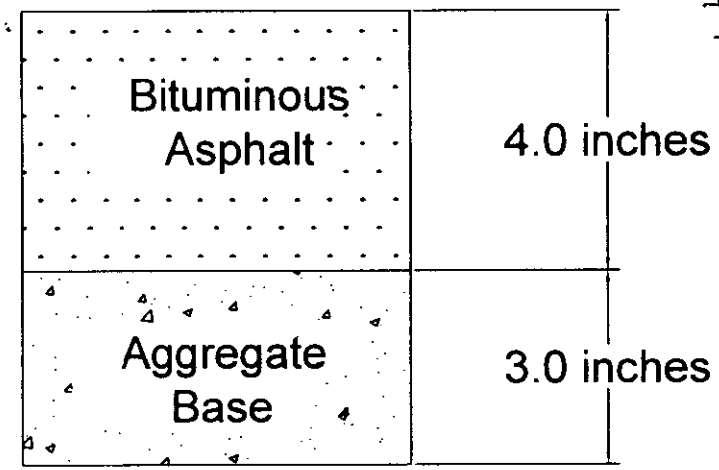
SC-5154 (053)
CR 9, Paved in 2007
with a 105,500 lb
Design Load



SC-5100 (052)
CR 9, Paved in 2000
with a 80,000 lb
Design Load



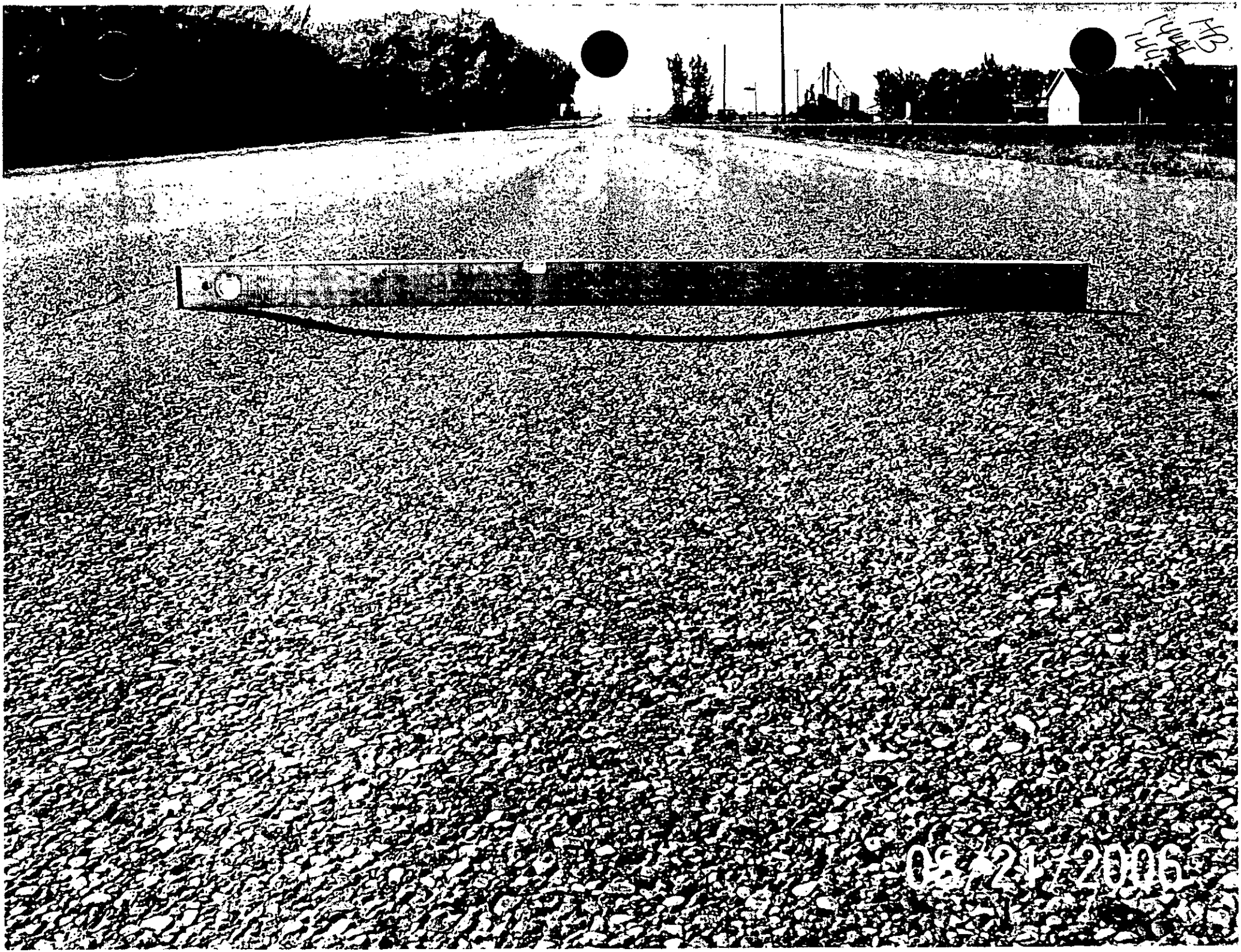
SC-5154 (053)
CR 9, Paved in 2007
with a 105,500 lb
Design Load



SC-5100 (052)
CR 9, Paved in 2000
with a 80,000 lb
Design Load

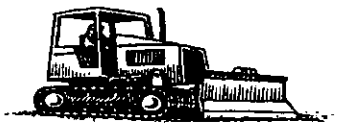
Attachment 3
HB 1441 + 1442

HB 1442 + HB 1443


08/21/2006

Attachment #4

Stutsman County Highway Department
1508 4th Street NW
Jamestown, North Dakota 58401
Office: 701-252-9040, Fax: 701-252-0250
Email: mzim@daktel.com



Chairman: Rep. Ruby and esteemed committee members.

First of all I would like to thank you for the opportunity to testify before you this day.

My name is Mike Zimmerman. I am the Highway Superintendent for Stutsman County.

I am here today to testify in opposition to House Bills, 1441 and 1442 on behalf of myself and the entity mentioned above.

House Bill 1442 mandates legal GVW's of 105,500 on all of North Dakota's Highways unless posted otherwise. Although this may help the trucking industry my question to you is at what expense?

The vast majority of County Roads were built in the early years from what once was a prairie trail using whatever materials were available to them near the construction area. These roadways were constructed in a manner to provide stability for the vehicles of the time which in that case were single axle trucks carrying around 200 bushels of grain. Since that time most improvements to the roads have been thin lift overlays. These overlays helped to bridge poor sub grades but have done little to assist in the stability of the roadway under increasing GVW's of the present day. Bridges across the State on County Roads have a similar story. They were simply not designed to carry the loads that are now asked of them.

Due to the factors mentioned above and the liability issues that follow by allowing weights on these roadways and bridges knowing they were not designed for it leaves Counties with the passage of HB 1442 across North Dakota only one

option. That option is to post and sign their roads to 80,000 GVW's. Posting and signing County roads seems to be a simple matter. However, in Stutsman County the cost of doing so will exceed $35,000.00 dollars plus maintenance costs in the future.

Stutsman County is only one County in North Dakota so try and imagine the total cost to Counties across the state if HB 1442 passes. I honestly believe most if not all counties in North Dakota are in the same situation as we find ourselves.

Again, thank you for the opportunity to testify before you today. I would like to leave you with one last thought on HB 1442.

All travel begins and ends on local roads. Therefore, HB 1442 not only affects County roads it also affects local township roads and city streets as well.

I strongly encourage a "no pass vote" by this committee on HB 1442.

HB 1441:

This bill I strongly oppose due to the fact that it completely eliminates the ability of the North Dakota Highway Patrol to help counties enforce weight restrictions on county roads unless the county allows 105,500 GVW's.

As I stated in my testimony on HB 1442 the vast majority of County roads and bridges are not capable of handling the increased weights so NDHP will no longer be able to aide local county officials in weight restriction enforcement.

Local officials want and need the NDHP's assistance in protecting local roads and bridges from overweight vehicles that speed up the deterioration process.

As you well know. North Dakotas infrastructure is in poor shape to say the least and passage of these two bills only makes matters worse. Therefore I strongly encourage a "no pass vote" on HB 1441by this committee as well.

I recently attended a conference in which the North Dakota Association of County Engineers, NDACE , members unanimously passed a resolution of non support of HB 1442 and 1441 which I have attached a copy of below.

Attachment #5

Resolution of Opposition to House Bills 1441 and 1442

North Dakota Association of County Engineers

WHEREAS, the North Dakota Association of County Engineers (NDACE) is composed of engineers and highway superintendents who are professionals in their fields, and have 100 percent representation from all 53 counties in North Dakota.

WHEREAS, NDACE and its members are dedicated to the safety as well as the cost effective maintenance and improvement of our system of county roads and bridges, and strive to achieve the maximum life expectancy of every road and bridge we are charged to oversee.

WHEREAS, the majority of our State's county roads and bridges were designed and constructed to carry a maximum weight of 80,000 pounds or less.

WHERAS, House Bills 1441 and 1442 would result in the hazardous and costly demise of county roads and bridges, in one case allowing heavier loads and in the other greatly reducing the county's ability to enforce load limits and protect its roads and bridges.

NOW THEREFORE, the North Dakota Association of County Engineers opposes the passage of House Bills 1441 and 1442.

NDACE Executive Board Member and Resolution Committee Chairman

Mike Zimmerman

Mike Zimmerman
Dated this 5th day of February, 2009.

Attachment #6

RICHLAND COUNTY HIGHWAY DEPARTMENT

Courthouse
418 Second Avenue North
Wahpeton, North Dakota 58075
Phone: (701) 642-7810 Fax: (701) 642-7824

Tim G. Schulte, P.E.	Harlan Bladow	Lowell Bladow	Darlene Irion
County Engineer	Road Superintendent	Bridge Foreman	Office Manager

February 6, 2009

Honorable Dan Ruby
Chairman, House Transportation Committee

RE: Testimony in opposition of HB 1441 and HB 1442

Dear Mr. Chairman:

As the Richland County Engineer, I will be providing testimony today in opposition to the above referenced bills. Most County highways are not built to the same load carrying capacity as the Interstate and State highway system. HB 1442 will force North Dakota Counties to post their highways for 80,000 lbs gross vehicle weight if they do not wish to have the 105,500 lb traffic. (Current law has all other highways at 80,000 lbs gross vehicle weight unless otherwise posted.) In Richland County, we would have to place approximately 300 additional weight signs at an estimated cost of $6,000 to $7,000 (signs and installation).

HB 1441 will eliminate truck weight enforcement on County roads by the North Dakota Highway Patrol. This may force Counties into doing their own truck enforcement at a significant increase to the Sheriff's budget or even worse, there may not be any enforcement of truck weights off the State highway system. This may push truck traffic to the local roads as drivers purposely avoid the State highways to elude weight enforcement.

The combination of these two bills, increasing truck weights and eliminating enforcement on the County roads, could cost Counties significantly in the future as our already inferior pavements deteriorate even quicker. I am asking that the committee send these two bills to the House floor with a DO NOT PASS recommendation. Thank you for the opportunity to provide testimony on these bills today.

Sincerely,
RICHLAND COUNTY HIGHWAY DEPARTMENT

Tim G. Schulte, P.E.
Richland County Engineer