

2013 HOUSE TRANSPORTATION

HCR 3020

2013 HOUSE STANDING COMMITTEE MINUTES

House Transportation Committee Fort Totten Room, State Capitol

HCR 3020
02-07-13
Job # 18498

Conference Committee

Committee Clerk Signature

Jeanette Cook

Explanation or reason for introduction of bill/resolution:

A concurrent resolution direction the Legislative Management to study the process for planning transportation projects, including placing an interchange in the interstate.

Minutes:

Chairman Ruby opened the hearing on HCR 3020.

Vice Chairman Owens introduced HCR 3020. There is much confusion on the process from conception of transportation projects all the way through the STIP, and that is exactly why we are asking for this to be considered for a study by Legislative Management. We would like to determine the exact process from concept to completion.

Representative Weisz: Is your purpose for this resolution to help us to understand the process or to change the process?

Vice Chairman Owens: The purpose for the resolution is to help us understand the current process. If there are any changes that would make things more efficient, then we could bring bills that would improve the process.

Representative Sukut: Was your motivation for this resolution two overpasses on Highway 2 in Williston?

Vice Chairman Owens: I was thinking of overpasses a little further east. We do have two exits on I-29. One of them is literally pending development in the south part of the city. Its addition in the south part of the city would greatly enhance development of both the commercial and residential. The other one deals with a by-pass to divert traffic. We are focused on those two at the moment, but would like to study the process to understand it, and to see if there are ways to make it more efficient.

Representative Vigesaa: Are we talking about 46th Ave. South?

Vice Chairman Owens: No, it is 47th Ave. South.

Representative Vigesaa: Has this project made any advancement in the STIP?

Vice Chairman Owens: We have been told that it has been added to the MPO long-range plan, so that it could get into the STIP, but couldn't find out where it had progressed from there. As far as the other one, 62nd Ave. which has a bypass, but not an exit, is something we are trying to understand. We don't know where it is in the plans. It is linked to a bridge that goes into Minnesota, so it requires cooperation from Minnesota.

Representative Weisz: Are we in danger of heading in the direction that other states have gone? Will influence and power in the legislature decide where the transportation projects will go, instead of making the Department of Transportation relatively autonomous in deciding the priorities for the state?

Vice Chairman Owens: This body has violated the authority of the Department of Transportation once since I have been here. That dealt with the four-laning of a road south of Minot (Hwy 52) to an ethanol plant. We passed a law dictating to them that they would do that.

Chairman Ruby: We didn't dictate it, we changed it to encouragement. It still hasn't been done.

Vice Chairman Owens: Since I have been here, the long standing policy has been that we will not dictate to the Department of Transportation. We will use certain vehicles to let them know our concern and then appropriately kill it. We have never deliberately, to my knowledge, overrun them. That is why this is asking to understand the process. This is not intent to place this body in the daily micromanagement control of the Department of Transportation.

Chairman Ruby: You are asking to study the process. We as legislators are welcome to join the public input portion of the process. Then any time we would have a question about the rest of the process internally in the Department of Transportation, we could just pick up the phone and ask any time, couldn't we?

Vice Chairman Owens: About specific points your comments are correct. The resolution is to find out who all the players are and what the parameters are that are required in the process from concept to construction.

There was no further testimony on HCR 3020.

The hearing was closed on HCR.

Chairman Ruby: I think that we understand this stuff, or we can ask if we don't personally know the process.

Representative Kreun: This resolution is more than just the interchanges. There are components that are built around the interchanges that are pushing some of the decision process. There are other concerns as well. The interchange, which is commonly called Marifield, has been through the justification report, been on the long term report, has been on the STIP for several years, and the four years are already up on that particular

interchange. It hasn't been communicated to the people involved. I've been in contact with Representative Beard in the legislature in Minnesota. They have indicated that they are not even going to look at this project, and that it is probably twenty years down the road before they will be involved with it. The stipulation was if we do the bridge, then the interchange will go along with it. The confusion is that sometime they say that the bridge is not a part of the process, and the next one says yes it a part of the process. We just don't know. The other thing is on 47th we have a development that is taking place that would require an interchange before the development would take place because of the large volume of traffic that it would bring. The question is: Can you take that particular funding mechanism and that process and move it three miles further, without going through the whole process over again? There are other projects that have taken much less time and are already finished.

There are other components. We did our industrial park and saved \$2.4 million. These were federal, state, and local dollars. We felt that those dollars could easily be used in another project in Grand Forks. As we heard in our report at the joint committee meeting, the federal savings accounts are gone. So, we gave back to the state \$2.4 million, and it disappears. Why? I didn't get an answer. I called the past director. He referred me to someone else, who told me, "We don't have the money." I want to know where it went. We also had a transportation summit that went throughout the state on long term planning. It indicated that the smaller communities are going to grow, and the transportation needs for the medical services are going to be increased because those people need more transportation. We have had a project on Columbia road on the books for five or six years. We went ahead and planned it out in three phases. We get the first phase and say we are going to build it, and then they come back this year and tell us that we won't get our second phase money. It is like building half a bridge and not being able to finish the other side. There are over 4,000 cars going in and out of the medical facility every day. That doesn't include the other traffic going down there. How can we stop building a road that takes care of 4,000 cars and not have the money? We were also putting an intersection by the Ralph Englestad Arena, and the feds wanted an elaborate intersection. We said it doesn't be there, we can do it a lot cheaper, and we did. We saved another \$1.8 million dollars in that case. We did get the authorization to move that to the Columbia Road project, but in the meantime \$400,000 disappeared. We are not asking for a lot of outside money. I would like to know where the funding goes that we had in place and can't use. I called the boss again in transportation, and we did get the \$400,000 back. How did that happen? We joined the long term plan for the process for our medical facility, and then all of the sudden the rug was pulled out from under us. It makes us wonder what the process is, and maybe we should study this. We want to know what happens and why. Is it because of political pressure?

Representative Weisz: I support the resolution, but in a broader sense, I have a concern that we are going to have more political pressure that dictates which projects are moved forward, if we do something like this. I don't think that we want to insert the legislative body in the process. I don't understand all of the process either.

Representative Kreun reiterated his concerns about Grand Forks projects.

Representative Drovdal: I don't see anything in this resolution that talks about an interchange in Grand Forks. If is a study, let's put it through and go on about our business.

House Transportation Committee

HCR 3020

02-07-13

Page 4

Representative Drovdal made a motion for a DO PASS on HCR 3020 and to be placed on the Consent Calendar.

Representative Vigesaa seconded the motion.

A roll call vote was taken. Aye 12 Nay 0 Absent 2

The motion carried.

Representative Drovdal will carry HCR 3020.

Date: 2-7-13
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HCR 3020**

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number 11

Action Taken: Do Pass Do Not Pass Amended Adopt
 Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Drovdal Seconded By Delmore
Do pass + placed on the consent Cal.

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	X		Rep. Lois Delmore	X	
Vice Chairman Mark Owens	X		Rep. Edmund Gruchalla	X	
Rep. Rick Becker	X		Rep. Kylie Oversen	X	
Rep. David Drovdal	X				
Rep. Robert Frantsvog	X				
Rep. Brenda Heller	A				
Rep. Curtiss Kreun	X				
Rep. Mike Schatz	A				
Rep. Gary Sukut	X				
Rep. Don Vigesaa	X				
Rep. Robin Weisz	X				

Total (Yes) 12 No 0
 Absent 2
 Floor Assignment Drovdal.

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

REPORT OF STANDING COMMITTEE

HCR 3020: Transportation Committee (Rep. Ruby, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3020 was placed on the Tenth order on the calendar.

2013 SENATE TRANSPORTATION

HCR 3020

2013 SENATE STANDING COMMITTEE MINUTES

Senate Transportation Committee
Lewis and Clark Room, State Capitol

HCR 3020

3/21/2013

Recording job number 20289

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A concurrent resolution directing the Legislative Management to study the process for planning transportation projects, including placing an interchange on an interstate.

Minutes:

No attached testimony.

Chairman Oehlke opened the hearing on HCR 3020

Representative Mark S Owen, District 17, co-sponsor of this bill The reason we brought this was the unwritten policy that we would not micromanage North Dakota Department of Transportation's (DOT) process by which they determine the order in which they perform maintenance on roads, build roads, etc... There is a long standing process of the STIP (State Transportation Improvement Program) the question seems to be how you go from concept to MPO (Metropolitan Planning Organization), MPO long range plan to North Dakota Department of Transportation (DOT) to get on the STIP. We are not looking to micromanage that or change it we just want to understand and see where there might be any difficulties. We would rather have North Dakota Department of Transportation (DOT) work with the districts and political subdivisions and see if we find anything and any suggestions come out of it. I think a large part of this is lack of communication. We hope that in studying it we might find more efficiency in the process.

Senator Sitte: Is this the same interchange bill we saw last session? Maybe the North Dakota Department of Transportation (DOT) perceives the problem as not any worse now than it was ten years ago. Could that be a possible solution?

Rep Owen: No that bill was about building it. The exit on 47th avenue is where the city is growing by leaps and bounds, this is in my district and by the time we get to next election it will be close to 1 ½ times the district size. This bill is not about that exit but about understanding the process. This bill is not about 47th.

No other testimony **Chairman Oehlke** closed the hearing

Vice Chairman Armstrong I move a DO PASS for sake of discussion

Senator Flakoll: I will give a courtesy SECOND, which does not mean I will vote for it

Discussion followed.

Vice Chairman Armstrong: the political subdivisions get lost in the bureaucracy of North Dakota Department of Transportation (DOT) they have been talking about doing an underpass for about 20 yrs. and nothing has happened (in Dickinson). Bureaucracy may be part of the miscommunication.

Senator Sitte: People come in from different communities to North Dakota Department of Transportation (DOT), sit down, discuss their needs and make their case. I don't think sitting around in an interim committee and debating this or asking North Dakota Department of Transportation (DOT) to spend a lot of time explaining their process to us is going to solve this issue. North Dakota Department of Transportation (DOT) needs to be responsive to the immediate needs of the state. That is exactly proper and I don't think we should interfere or micromanage the North Dakota Department of Transportation (DOT).

Senator Flakoll: The specificity is beyond what we normally tend to do. I feel with a great certainty this bill won't be adopted. Nobody from Grand Forks was here today

Senator Sinner: The language says legislative management will study not may study

Senator Flakoll: on a study resolution they can use either will or may and it means the same thing, in a bill it would be totally different

Roll call vote: Yes 3 No 4 Absent not voting 0

Senator Sitte: Move DO NOT PASS

Senator Axness: Seconds

Chairman Oehlke: North Dakota Department of Transportation (DOT) is in a state of transition, they have an interim director. Things may change significantly in the next couple of years and by the time we meet this issue might not be as much of an issue

Roll call vote: Yes 6 No 1 Absent not voting 0

Carrier: Senator Sitte

Date: 3/21/2013
 Roll Call Vote # 2

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 HOUSE CONCURRENT RESOLUTION NO. 3020**

Senate TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment

Rerefer to Appropriations Reconsider

Motion Made By Senator Sitte Seconded By Senator Axness

Senators	Yes	No	Senator	Yes	No
Chairman Dave Oehlke	X		Senator Tyler Axness	X	
Vice Chairman Kelly Armstrong	X		Senator George Sinner	X	
Senator Margaret Sitte	X				
Senator Tim Flakoll	X				
Senator Tom Campbell		X			

Total (Yes) 6 No 1

Absent 0

Floor Assignment Senator Sitte

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

REPORT OF STANDING COMMITTEE

HCR 3020: Transportation Committee (Sen. Oehlke, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HCR 3020 was placed on the Fourteenth order on the calendar.