Agenda

September 6, 2017 – 1:00 to 3:00 pm

129,000 Pound Large Truck Network

NDDOT Room 311 and 312

1:00 Call to Order, Introduction/Roll Call of Attendees – Brad Darr

1:15 Charter review/discussion

2:00 Load Restriction Admin. Rule

3:00 Adjourn

Call to order – on list

Minutes review - comments receive by e-mail, asked for updates – review of meeting minutes – Lance motioned to approve meeting minutes, Dan seconded, all favor, motion passed unanimously

Proposed Charter –

Law as passed by legislature, rolls and responsibilities reviewed Dan asked on line 7 committee recomened additions or deletions to network to add to line 3 as well.

Membership section, director can add people as committee progresses, may add people to technical council as we get into the process.

Committee meeting rules, - meetings on as needed basis, start quarterly, will follow Roberts rules of order.

Can have meetings by phone if needed, meeting minutes at each meeting- prior notice for committee substitutions –

Jason asked if meeting will be called if a segment is requested, will just cancel if no action required, and have deadlines for submission for deadlines to send out to committee members. Is 2 weeks long enough prior to meeting or 4 weeks to allow for technical review and committee members to come to meeting. Will not know until 1st segment review. Jason motions to have regularly scheduled meetings on quarterly basis with time and location to be set by committee chair, and submission packets be submitted 30 days prior to committee meeting. If not received will be moved to next meeting. Melanie seconded, all in favor, passed unanimously. Brad meeting scheduled for September 15th with Director

Scott asked if committee meetings will be opened to the public, Brad said we are not advertising that meetings are occurring, was not intending on opening to the public, open for discussion; Jason Benson discussed before that there will be public meetings held in close proximity to the segment requested, there is an opportunity for a public meeting, don’t forsee that there will be a large congingency coming to the meeting, should be prepared for larger meetings if needed. Agree’s should be open.

Committee additions law allowing Director to add people if he chooses, committee has the ability to submit suggestions if they choose. Jason asked if committee membership could be spelled out that if should be up to the advisory committee entity to submit their nomination and the committee should be notified.

Dan asked if the director or this committee can suggest additions and changes to the committee… Dan asked if there additional meetings with the advisory committee (technical) committee, are they open to the public and are there meeting minutes from meetings. Brad, no… These are…………….

Chuck asked for elaboration on the committee additions. Listen to audio

Jason asked if the Director will submit suggestions or does the committee… Brad if the Director has a suggestion for the committee he will make the suggestion and the committee will review and the committee can make suggestions for the Director to review.

Rule Adoption by the DOT

Chuck asked who the chapter is in line 5, Ron answered that is the chapter of the law that established this committee. Jason asked if we should put the Century code, chapter and paragraph in front of code. Dan asked if the paragraph is intended to be a list of rules to adopt guidelines. Brad asked if we should eliminate the paragraph and let the law speak for itself. Melanie does not think we should scrap the paragraph, should be used for community to use as a guideline. Dan, there are a number of things that add to the process, Jason, suggested changes to – Listen to audio 24: 12. Suggest bullet point items.

Dan suggested that add another item add Shortline Railroad is on committee to make sure impact to competing commercial interests is not effected. Dan said agrees that adjacent property owners should stay in. Jason asked that adjacent roadway jurisdictions be added.

Ron said that are few things that (enforcement process from jurisdiction to jurisdiction) who do we have on committee to advise. Mechanical failures of equipment, add comments in from Ron and Jackie… Brad said all of this could come into play, but has not happened yet, but could come into play. The committee should be able to look at these with some knowledge base. We don’t have anyone on the committee to Mandate requirements for drivers. Part of the committee is to adopt rules, the Director can adopt other rules

Dan agrees, there are many different organizations represented. Enforcement from counties etc, is pretty wide open and gives the committee ability to consider rules.

Recommendations from committee revamped form. Justin S. asked if item number 4, if we do approve a route, the route is open to everyone, question why do we care what commodities will be hauled. Brad, we question what will be transported, and why. Jason said that by giving us this information, it gives us a reason as to why, and are they for sure traveling on the road, where are they hauling to. We could limit who could get to a specific haul site. Dan said he agrees on a very limited basis, if we open up a route, specific routes there is a break between Bismarck and Sterling if someone says I want to haul potatoes over that route, once opened a lot of commodities will then use that route, once it is opened. Once opened it could open flood gates to a large number of commodities. Jon said we are only looking at this once, and then it is open to whomever wants to use it. Jon said how is it limited if once it is approved, everyone can use it. Brad said limited means it will not be every highway in the state, but rather specific networks. As a department does this play into the roads approved, we can’t make every road meet the requirements. Jackie said we don’t have one individual to have access to someone who only uses the route 2 times a year. Melanie said this is what she see’s as the limited portion, not people that use it continuously throughout the year. Add Jackie’s comments from Video. Dan said, Economics is part of the whole will need an analysis on the impacts. Melanie said there may be a lot of oil field requests as well, will need discussions with the counties, will oil companies help pay for road improvements. Melanie, may seem more elevators making requests rather than agriculture. Dan said this is going to impact counties and cities in a bind. Chuck asked if we ask the applier if there will be an economic impact to the road. Brad stated this is the first round of applicants. We did meet with IT to start the process for a website to house all the information for frequently asked questions. Gary asked if this is a no cost application… There is a lot of work to be done and time commitments to meetings. Gary indicated there may be a lot of work going into project. Idaho is a no cost application. Idaho will only consider what is on the application, we could add additional segments if it makes sense. Jackie asked why we don’t have associated cost benefits like Idaho does on their application. Chuck said we should add this to the form and make the burden of proof on the applicant. Scott said the verbage is one sided. There could be detriments or costs if added to the form. The public meetings after wards, could make an example of if it is a benefit to one person as opposed to a commodity or community. Open it to economic impact. Public meeting/comment period will really vet out the

Melanie moves that we add economic impact to the form chuck seconded, all approved motion passed.

Flow chart – The director does have a couple of avenues to deny, if the road can’t handle it, the advisory committee will need to be informed – form is a work in process.

Add technical group to the Engineering and Safety Box – Lance questioned if law reads the way the flow chart is established. Scott said he interprets law to read that the director can add a road without going through the review, but the committee does not have to be advised and no report has to be made. Scott said he has to go through review to add, but not to deny. Melanie said by adding this in the flow chart that the committee has the option to agree with the director’s response. Chuck asked if we will have a legal review to see if we are in compliance with the legislature requirements.

Ron asked who the Technical group is and is there a need for a secondary meeting. Justin asked if the public comments will go into the route report. There is no decision yet. Will need to work with the Districts to make sure that there are not project in the works, etc.

Ron, followed the route report, wants arrows to be added to the flow chart. Ron does not think we need another technical review meeting. Jackie said she believes we should still have the technical review after the public outreach meeting to determine if there is another need a few miles out. Jason agrees can go to group after meeting, but the group does not have a decision making abilities, and goes straight to the advisory board. Gary Dooer states essentially they are just revising the report, but believes the committee could review at that point. Ron asked if the group will allow stuff to be added if it did not come in with the original request. Jackie said that Idaho is having that problem, instead of starting over like Idaho is doing. Brad said he envisioned this group having the ability if it makes sense, without do the economic piece that everyone else has to do (the initial request) Open for changes. If we are not ready for changes. Melanie asked if it would be appropriate to provide a mechanism for another company to append the original application? Chuck makes a motion Technical group to no be a decision making process and the advisory board be moved to this position to approve or reject, arrow added to the diagram to designate the flow, Melanie seconded… Dan Zinc said we have a draft to the flow chart, he believes that changes are to the flow chart that our next meeting will be a second draft to the flow chart, Dan does not think we need a vote at this point. Is it proper to have a vote. Ron said to add the arrows and call it draft 1 create another version to bring forth to a vote. Chuck agrees, his intention is not final. Will move forward with a second draft of flow chart for discussion.

 Brad suggested we move to the public outreach section – no decisions have been made.

Jason said on thhe first paragraph last sentence if report is not favorable what report is this, is it an public outreach report, Brad said maybe should leave out. Jason suggested that minutes from public outreach meeting should be sent to the committee. Chuck agrees, does not see this in the flow chart. Brad, there will be a summary completed after the public outreach. What does public outreach mean. Counties, cities of certain size, and what does that involve. Cities over 500 a letter should be generated and sent to them. At what point will the department brief the city council at council meeting? What are the parameters for the meetings. If the route goes through multiple counties, where will the meeting be held, largest county? Website for gov.delivery. public comments opportunities on the website. Jason believes a formal letter to the commissions notifying them that they can request representation from the DOT visit. Not sure how or where the meetings should happen, don’t think we should have 2 or 3 meetings in different locations. Lance says the letter of notification is good, size and maintenance is tough, but some cities might not care, but others might. However, if maintenance is put back on the municipality then they might want to make comments. Don’t think we need to have meetings for every jurisdiction, but if can submit comments believes that will work. One public meeting per county if a longer corridor may have 2 to 3 affected cities or towns. Letters for incorporated cities/counties. Lance asked if it is safe to assume that the county meetings are held at the county seat? Jason said yes that would likely be the best location to hold public meetings. Ron suggested to put where the route travels through not along in the cities. If we have a meeting through every county etc, it could take too long to approve or disapprove a request. Commissions, cities, counties, route travels through. Leave it up to the DOT to decide where meetings will be held. Ron motioned that the DOT be given the discretion how many meetings to be held, but that letters be sent to incorporated cities, counties. Lance seconded, all in favor, motion passed.

Advertising requirements 21 days in advance, will leave up to the DOT discretion. Dan said the longer the route the more significant impact to the state and route. Gary Doer said the school districts are not represented, maybe should be included in notifications. Lance asked if we could appeal the director’s decision. Brad said there is an appeal process. Lance asked if the Director denies a route is there another appeal process? Brad states that the legislation gives the director the final decision. Brad asked if there is advice we would like to give the director for an appeal process. Not at this time.

Admin Rule – There is a $1.00 per mile fee for loads greater than restricted to legal weight. That admin rule will have to change. UPGTI came up with suggestions, none really fit what the department could do and fit into the solution. Could be a potential loss. We either don’t allow the loads during spring thaw, but not sure we can go there. What do you do to try to change the rule… either don’t allow or modify the language. Thoughts? Rule changes come with public input process, vetted through that avenue, may be just as well that the dept. take this process with an appropriate solution.

Chuck says it makes sense that the dept has the engineers and knowledge to make the correct decision, to come back to the committee with the recommendations. Chuck motioned, Dan Seconded, all yes, motion passed unanimously.

Brad said a couple options due to changes to flow chart etc. have another meeting to discuss flow chart etc. Jackie said there have been no additional requests for set time for another meeting 1 to 3 pm. New directions from director, administrative rule to discuss…

1st or 2nd week of October? Yes