

**2021 SENATE TRANSPORTATION**

**SB 2026**

# 2021 SENATE STANDING COMMITTEE MINUTES

## Transportation Committee Fort Totten Room, State Capitol

SB 2026  
1/7/2021

A BILL for an Act to amend and reenact section 39-12-23 of the North Dakota Century Code, relating to a governor's order authorizing excess limits regarding road trains.

**Chair Clemens** calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [1:00]

### Discussion Topics:

- Road trains
- Roads
- Weight axel limit
- Anti-lock breaks
- Crashes in semis with three or more trailers

**Senator Oley Larsen [1:01]** introduces SB 2026 and submits testimony #464 in favor of the bill.

**Arik Spencer [1:31]**, ND Motor Carriers Association, testifies in opposition to SB 2026 and submits testimony #294.

**Ryan Gellner, [1:40], ND Association of Counties, ND County Commissioners Association** testifies orally in opposition.

**Senator Larry Luick [1:42]** asks that the committee hear his testimony in support at a later date.

**Amy McBeth [1:42]**, BNSF Railway, testifies in opposition to SB 2026 and submits testimony #121.

**Jason Benson [1:51]**, Cass County Engineer and NDACE Legislative Committee Chair, testifies in opposition and submits testimony #108.

**Nathan Severson [1:57]**, trial lawyer in Fargo, testifies in opposition and submits testimony #147.

**Wayde Swenson [2:03]**, NDDOT Office of Operations Director, offers neutral testimony and submits testimony #151.

### Additional written testimony:

In opposition:

Gene LaDoucer, #60

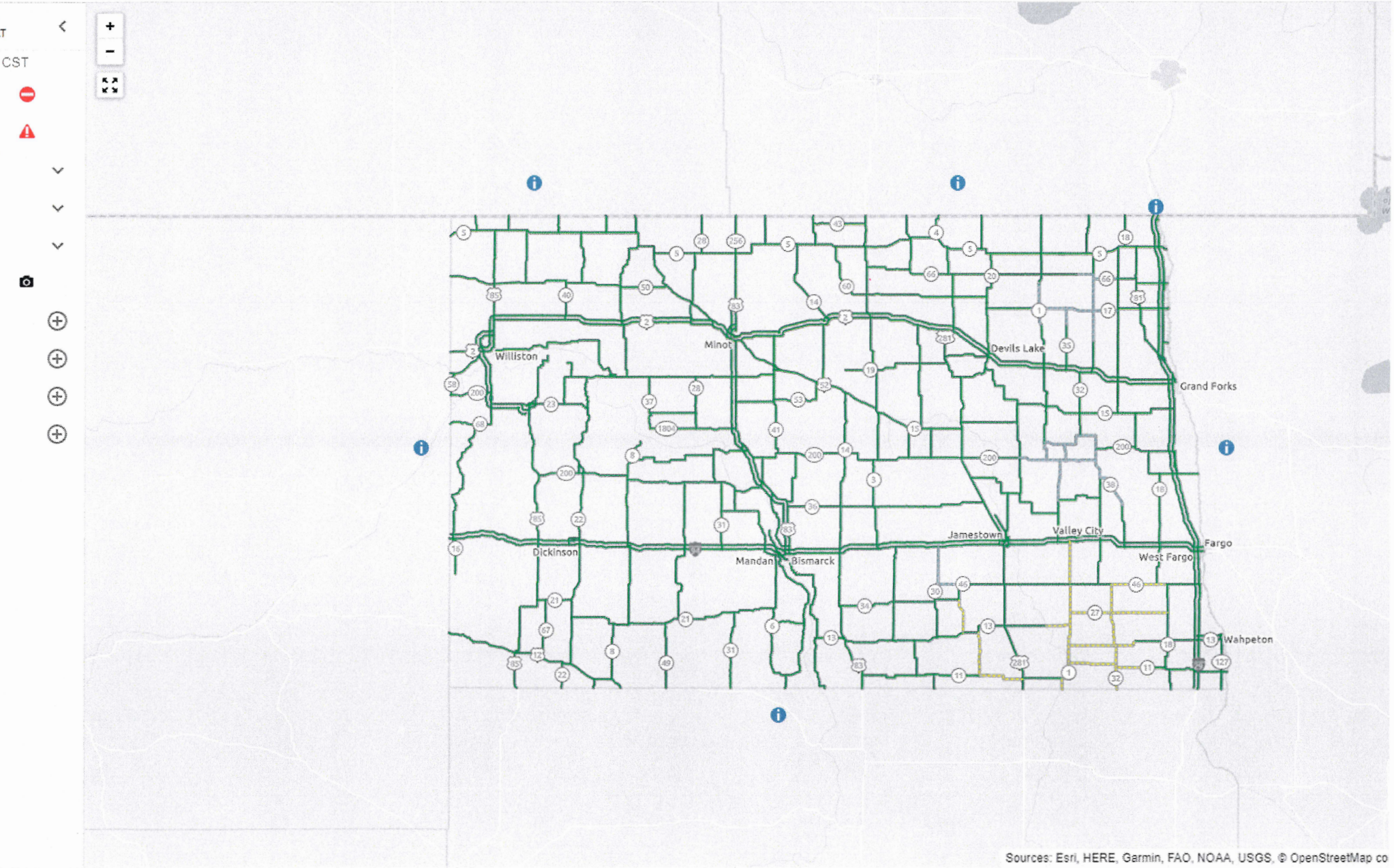
Daniel Zink, #199

Tiffany Hauser, #228

**Chair Clemens** adjourns the meeting on SB 2026. [2:11]

*Sheldon Wolf, Committee Clerk*

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< long load trailers



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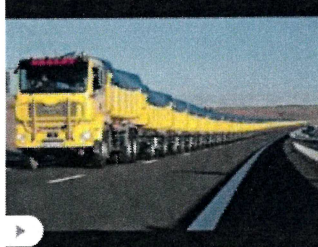
road trains

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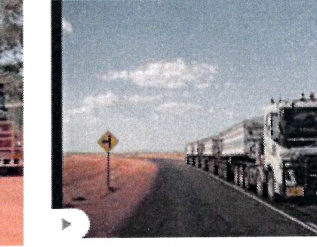
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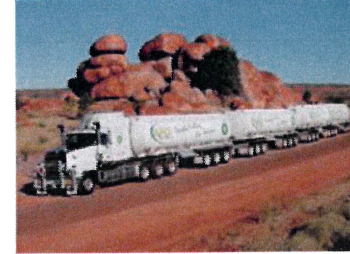
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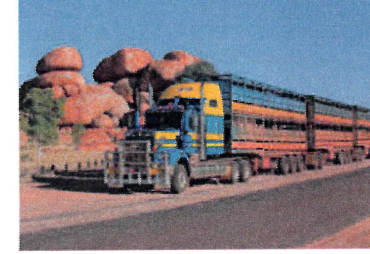
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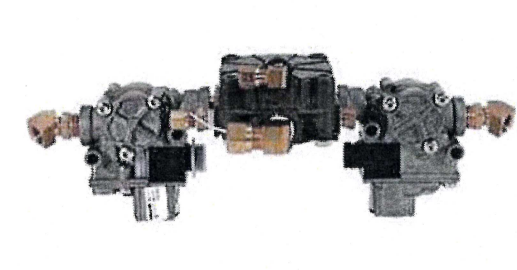
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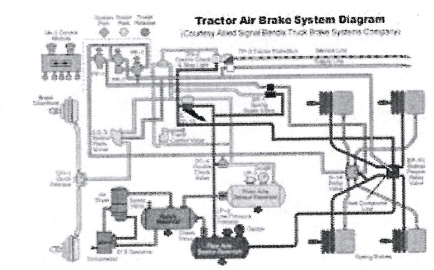
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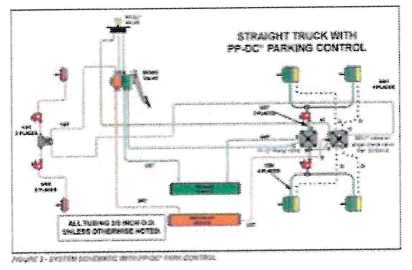
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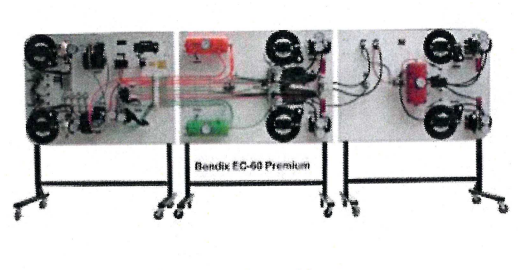
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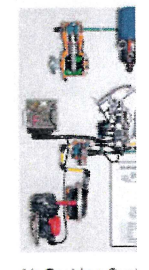
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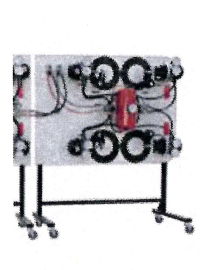
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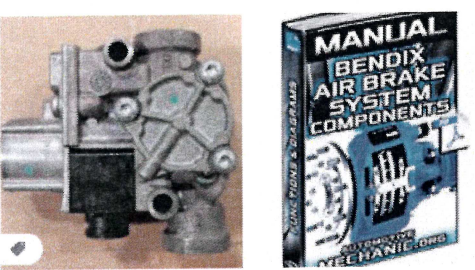
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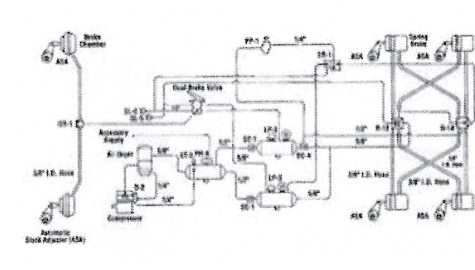
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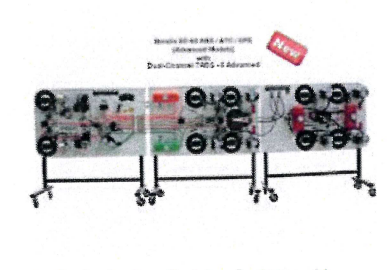
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## Annual Periodic Vehicle Inspection Report

|   |  |   |  |   |
|---|--|---|--|---|
| Name and Address of Inspecting Company or Agency          |  |   |  |   |
| Registered Owner's Name                                   |  | Date  |  | Time  |
| Street  |  | Certified Inspector's Name (Print or Type)  |  |   |
| City, State, Zip Code                                     |  | The signing of this inspection report certifies that the technician meets and exceeds all requirements of 49 CFR §396.17 and compatible state regulations and that the technician has the necessary tools, and is skilled in completion of the annual inspection, as listed in 49 CFR §396.17 |  |   |
| Motor Carrier Operating Vehicle (If different from Owner) |  |   |  |   |
| Street  |  |   |  |   |
| City, State, Zip Code                                     |  |   |  |   |
| License Plate Number/State                                |  | Vehicle Identification Number   |  | Technician's Signature _____<br>Vehicle Make      Vehicle Model      Model Year |

### Vehicle Components Inspected

| OK | Need Repair | Repair Date | Item                     | OK | Need Repair | Repair Date | Item                      | OK | Need Repair | Repair Date | Item   |
|----|-------------|-------------|--------------------------|----|-------------|-------------|---------------------------|----|-------------|-------------|--|
|    |             |             | 1. BRAKE SYSTEM          |    |             |             | 5. FUEL SYSTEM            |    |             |             | 10. SUSPENSION   |
|    |             |             | Adjustment               |    |             |             | Visible Leaks             |    |             |             | Springs ( <i>cracked/broken/shifted</i> )                        |
|    |             |             | Drums or Rotors          |    |             |             | Fill Caps in place/intact |    |             |             | U-bolts. Hangers, etc.   |
|    |             |             | Hoses and/or Tubing      |    |             |             | Tank(s) securely attached |    |             |             | Torque, Radius, Tracking Arms                                    |
|    |             |             | Lining                   |    |             |             | 6. LIGHTING DEVICES       |    |             |             | 11. FRAME  |
|    |             |             | Warning (Low Pressure)   |    |             |             | Headlamps                 |    |             |             | Frame Members  |
|    |             |             | Tractor Protection Valve |    |             |             | Front Turn Signals        |    |             |             | Tire & Wheel Clearance   |
|    |             |             | Air Compressor           |    |             |             | Front ID/Clearance Lamps  |    |             |             | Sliding Subframe (adj. axle)                                     |
|    |             |             | Service Brakes           |    |             |             | Side Marker Lamps – Left  |    |             |             | 12. TIRES  |
|    |             |             | Parking Brakes           |    |             |             | Side Marker Lamps -Right  |    |             |             | Steering Axle Tires -Condition                                   |
|    |             |             | Electric Brakes          |    |             |             | Rear Turn Signals         |    |             |             | Steering Tires - over 4/32" tread                                |
|    |             |             | Hydraulic Brakes         |    |             |             | Stop Lamps                |    |             |             | Other Tires – Condition  |
|    |             |             | Vacuum Brakes            |    |             |             | Tail Lamps                |    |             |             | Other Tires – over 2/32" tread                                   |
|    |             |             | Warning (Sys Failure)    |    |             |             | Rear ID/Clearance Lamps   |    |             |             | 13. WHEELS & RIMS  |
|    |             |             | 2. STEERING SYSTEM       |    |             |             | Reflectors / Ref Tape     |    |             |             | Lock/Slide Ring  |
|    |             |             | Free Play (Lash)         |    |             |             | 7. COUPLING DEVICES       |    |             |             | Fasteners  |
|    |             |             | Steering Column          |    |             |             | 5 <sup>TH</sup> Wheel     |    |             |             | Disk/Spoke Condition   |
|    |             |             | Front Axle Beam          |    |             |             | Pintle Hooks              |    |             |             | Welds  |
|    |             |             | Steering Gear Box        |    |             |             | Drawbar Eye               |    |             |             | List any other condition which may affect safe vehicle operation |
|    |             |             | Pittman Arm              |    |             |             | Drawbar Tongue            |    |             |             |  |
|    |             |             | Ball & Socket Joints     |    |             |             | Safety Devices            |    |             |             |  |
|    |             |             | Tie Rods & Drag Links    |    |             |             | 8. EXHAUST SYSTEM         |    |             |             |  |
|    |             |             | Nuts, Bolts, Fasteners   |    |             |             | Leaks                     |    |             |             |  |
|    |             |             | Power Steering Fluid     |    |             |             | Placement                 |    |             |             |  |
|    |             |             | 3. WINDSHIELDS           |    |             |             | 9. SAFE LOADING           |    |             |             |  |
|    |             |             | 4. WIPERS                |    |             |             | Securement Devices        |    |             |             |  |

MARK COLUMNS AS FOLLOWS: **x** = OK; **o** = Needs repair; **NA** = Does not apply; Fill in Repair date as appropriate

I CERTIFY THE ANNUAL VEHICLE INSPECTION HAS BEEN DONE ACCURATELY AND COMPLETELY. I FURTHER CERTIFY THAT THIS INSPECTION COMPLIES WITH THE REQUIREMENTS OF 49 CFR §396.21.

This information must be available on board the vehicle, either as a copy of this report, or on a decal that complies with 49 CFR §396.17(c)(2). This report must be kept a minimum of fourteen months from date of completion

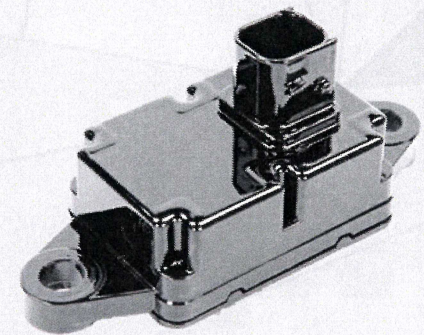
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**TESTIMONY**  
**SENATE BILL 2026**  
**TRANSPORTATION COMMITTEE**  
**JANUARY 7<sup>th</sup>, 2021**

Mr. Chairman and members of the Senate Transportation Committee, my name is Arik Spencer. I appear on behalf of the North Dakota Motor Carriers Association (NDMCA) in opposition to SB 2026.

NDMCA's mission is to promote highway safety, deliver services, and provide representation for its members. While NDMCA supports the concept of Road Trains, SB 2026 has several issues that must be addressed before these combinations can be utilized.

First, the maximum weight and length of a vehicle must be supported by appropriate infrastructure. When the maximum weight and length of a North Dakota vehicle exceeds what our infrastructure is constructed to handle, infrastructure damage and safety concerns occur. With this in mind, a Road Train definition must be established so that appropriate infrastructure can be built to facilitate the safe entry and exit of these vehicles from roadways.

Second, licensed commercial motor vehicle drivers who operate trucks with two or three trailers must have a special endorsement, demonstrating the additional knowledge needed to operate a large commercial motor vehicle safely. The driver of a road train must meet this same licensure standard or exceed it if the operation of a road train necessitates additional training to ensure highway safety.

Finally, for Road Trains to be effective in the movement of freight, Congress must allow states to set their own truck size and weight limits, which will allow states to cooperate on these issues and seek size and weight harmonization. This would allow road trains to move beyond North Dakota's borders, which is needed to remove obstacles to freight movement.

I ask that you give SB 2026 a DO NOT PASS recommendation until these issues are addressed. Mr. Chairman, this concludes my testimony.

**Testimony by Amy McBeth**  
**Regional AVP, Public Affairs, BNSF Railway**  
**January 7, 2021**

## **INTRODUCTION**

Mr. Chairman, my name is Amy McBeth and I am the Regional AVP of Public Affairs for BNSF Railway. Thank you for the opportunity to testify. I will address freight railroad capacity in the state, as it has been cited as a reason for considering “road trains” in North Dakota, and then I will touch on the impact of supporting road trains through this bill, including costs to taxpayers.

First, I would like to take a minute to remind the Committee about our railroad. For more than a century, BNSF has played an important role in North Dakota’s economy. As one of the state’s primary freight rail transporters, we link North Dakota’s agricultural industry to markets around the world. BNSF has helped relieve oil bottlenecks and remains an important solution for hauling Bakken crude to markets unable to be reached by pipelines.

Consumer products for everyday living and consumption, and often front-door delivery over the last nine months, have been available throughout the pandemic because our 1,400 employees who call North Dakota home continued to go to work safely each day. We recognize their efforts for continuing to serve our customers, and helping to keep the economy moving during very challenging and uncertain times.

Our tracks stretch from Fargo to Trenton. From Hettinger to Larimore, and dozens of rural communities and cities in between. And we partner with short line railroads in the state, which touch even more communities.

## **FREIGHT RAIL CAPACITY**

Regarding rail capacity in North Dakota, supporters of road trains say railroad infrastructure has diminished 40 percent since 1920 and so railroads must have more difficulty meeting demands for moving freight.

Without question, the railroad has changed since 1920, thankfully. I don’t think anyone here would want today’s BNSF to operate like our predecessors of 1920.

Today’s freight railroads are leveraging technology to be safer and more efficient than ever, while moving more freight and keeping rates down for customers.

Freight railroads are capital intensive, and the good news for taxpayers is they’re privately owned and maintained. To operate safely and serve and grow with our customers, each year we allocate capital for infrastructure and expansion projects.

In this state much discussion occurred a few years ago and occasionally since then about railroads’ and BNSF’s in particular, service issues in 2013-14. On top of a horrific winter, BNSF saw increases in all kinds of commodities that wanted to move on this corridor of our railroad.

Fifty percent of all the freight volume increases in the entire rail industry in 2013 occurred on our network. While much of that new traffic here was crude oil, the freight volume growth leader on BNSF was consumer products, moving in what we call intermodal trains, not crude oil. Yes, crude oil volumes increased, but so did several other segments of traffic, including a late grain traffic surge.

In response to the constraints on our system we responded as the private sector can, quickly, and added capacity throughout our Northern Corridor running from Chicago through North Dakota to the Pacific Northwest.

North Dakota was at the center of those investments. Since 2013, BNSF has invested more than \$1.5 Billion in our infrastructure here in the state. That includes:

- Building nearly 100 miles of a second main line track, or double track, through northwestern North Dakota from Minot through Williston and into Montana
- Adding or lengthening a number of sidings
- Upgrading signal systems
- Installing positive train control technology on certain main routes; and
- Performing ongoing maintenance like replacing thousands of rail ties and relaying miles of rail.

#### **Increased agricultural volumes moved by rail**

Infrastructure we've added and maintained has created a railroad that's in the best shape it's ever been, with added capacity to serve North Dakota industries for another 100 years. The increased rail capacity in the state benefits all commodities on our railroad, but particularly agricultural commodities moving to the Pacific Northwest for export to international destinations.

- And we certainly have been hauling a lot of ag products. We continue to see an upward trend in the volume of agricultural commodities hauled by BNSF, both in North Dakota and across our network.
- In 2017 and 2018 we hit all-time records in our company history for ag volumes moved from North Dakota and our network overall, with 2019 and 2020 not far behind, but somewhat lower because of various market conditions.
- For comparison, 10 years ago, we shipped about 162,000 units of ag products from the state. In 2018 it was more than 205,000 units.
- Another indicator of how much we're growing along with our customers in the state is our shuttle network. We started working with ag customers to build shuttle facilities in 1996. Between then and 2009, 27 new facilities were added. In the last 10 years, an additional 15 facilities have been built, bringing the total to 42.

While our ag volumes have grown, we continue to haul about equal volumes of industrial products, as well as coal, from the state. With inbound traffic also corresponding to those business units. Far from diminishing, our freight rail capacity, along with safety, has increased through enormous private investments in physical infrastructure and technological advancements. We expect freight moving on our and other railroads to increase over the coming decades and so we invest in our physical assets with the long-term in mind.

### **IMPACT OF ROAD TRAINS**

Moving from the ample freight railroad capacity of BNSF in North Dakota, I'd like to mention briefly concerns with impacts of a road train program.

Trucks cause the overwhelming majority of damage to roads and bridges compared to other vehicles, and the fuel taxes and other fees heavy trucks pay do not come close to covering the costs of that damage. Like many other states, North Dakota already has unmet needs for roads and bridge repair.

Allowing heavier longer trucks to operate would cause more freight to move in trucks at a greater cost to taxpayers. The Upper Great Plains Transportation Institute, in its 2016 study, found that increasing truck weights would result in more than \$2 billion in bridge replacement needs.

While trucks operate on publicly funded infrastructure, freight railroads' infrastructure is private – we own, build, maintain and pay for it. The more freight that moves by rail, the less wear and tear on the public's roadways. This does, however, set up a distorted competitive environment within the freight transportation sector.

Allowing longer heavier trucks distorts it further, putting freight railroads at a competitive disadvantage.

Not only would North Dakota citizens have to deal with the safety concerns that come with more dangerous trucks on roads in the state, they would be paying more for them to be there.

### **CONCLUSION**

In its report, Legislative Management concluded more research is needed on the economic impact of permitting road trains in the state, and on impacts to existing infrastructure, as well as on the costs of such a program. There are simply many unknowns with likely many costs – for a program that appears to have limited public and industry support.

Freight railroads have the capacity to serve current and future customers and appropriately respond to market conditions to meet their customers' needs, and we have a demonstrated track record of doing so for North Dakota. Public policies ought to spur additional private industry investment, not commit taxpayers to an unstudied and unneeded program like road trains. We ask that you vote do not pass on Senate Bill 2026. Thank you.

Testimony Prepared for the  
**Senate Transportation Committee**

January 7, 2021

By: Jason Benson, Cass County Engineer



**RE: Opposition to SB 2026 – Road Train  
Excess Limit Authorization**

Chairman Clemens and Senate Transportation Committee members, thank you for the opportunity to provide testimony on SB 2026. I am Jason Benson, the Cass County Highway Engineer, and I also serve as the legislative committee chair for the ND Association of County Engineers. I am here to oppose the bill as proposed.

The road infrastructure that is used today has not been designed to accommodate the latest size and load limits. Although our members understand the per axle weight limits under the proposed “road train” bill would not increase, there would be a significant change to weight distributions on bridge infrastructure. Also, local road infrastructure would have no possible way to accommodate turning radiuses or turn outs with such long loads. Having longer and heavier units on these roads will also increase the safety risk for our traveling public, which is unnecessary.

Under the current bill, it appears the Governor would have the authority to designate certain roads to act as pilot sites for road trains. Because there are no limitations for this experiment to occur on only Federal/State roads, it is necessary for local government to have authority to approve pilot sites for local roads. Without local oversight and expertise of the local transportation system, our county and township roads and bridges could fail.

Furthermore, without an independent evaluation focusing on the costs and safety factors of road trains on the transportation system, it will be difficult if not impossible, to determine the outcome of the pilot program. State appropriation for the fiscal impact of the pilot program needs to be considered.

Chairman Clemens and committee members, I want to stress our current opposition of the bill is concerned with the lack of local oversight, independent evaluation, and infrastructure and safety concerns. NDACE opposes the bill as written.

**Nathan Severson Testimony**

**Nathan Severson**  
**[nathan.severson@swlattorneys.com](mailto:nathan.severson@swlattorneys.com)**  
**Cell: (701)371-9997**

Good afternoon Chairman Clemens and members of the Senate Transportation Committee, my name is Nathan Severson, and I am a trial attorney in Fargo, residing in West Fargo. A portion of my trial practice involves representing families who have suffered a death or catastrophic injuries in their family in crashes involving commercial motor vehicles. I hope to see the day when I no longer have to sit in a family's living room who have just lost their children or loved one due to a truck crash. This is why I am here to testify in opposition to SB 2026 as it is currently written and hope this committee recommends a do not pass for this bill.

One of the biggest issues in North Dakota with semi trucks and trailers is the inability to stop in adverse weather and road conditions. When commercial motor vehicles that weigh 80,000 pounds can't stop due to adverse conditions and collide with another 4 wheel vehicle on the roads, the result is most often catastrophic. Passage of SB 2026 would pave the way for "road trains" that could weigh as much as 360,000 pounds. There is no doubt that operation of these road trains in a North Dakota winter will kill North Dakota citizens, working directly against the Vision Zero (Zero fatalities. Zero excuses.) that North Dakota champions. See <https://visionzero.nd.gov/>.

Additionally, when the occupants of a 4 wheel vehicle don't get killed by these road trains, their injuries will be catastrophic. For the citizens of North Dakota who are catastrophically injured, the State will likely be the one picking up the tab for medical bills and other support through government assistance programs, as there is not enough insurance to cover the loss.

If the committee has any questions about the regulations that apply and how they will not be effective for these road trains, please feel free to ask me during my oral testimony or reach out to

me via email or phone. I want to do all I can to help you make the best informed decision for your constituents and North Dakotans.

Sincerely,

Nathan Severson  
[nathan.severson@swlattorneys.com](mailto:nathan.severson@swlattorneys.com)  
Cell: (701)371-9997

**HOUSE TRANSPORTATION COMMITTEE**  
**January 7, 2021 1:00 PM – Fort Totten Room**

**North Dakota Department of Transportation**  
**Wayde Swenson, P.E., Office of Operations Director**

**SB 2026 – Road Train Excess Limit Authorization**

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Good morning Mr. Chairman and members of the committee. I'm Wayde Swenson, Office of Operations Director for the North Dakota Department of Transportation (DOT). I'm here today to give testimony on Senate Bill 2026.

Senate Bill 2026 would allow the governor to permit and prescribe definite excess limitations as to size and weight for the operation of road trains.

North Dakota's state and local roadway system was built many years ago and as you can imagine did not take into account all of the changes that we have seen in regards to the size, weight and length of vehicles that travel on these roadways so continuing to invest in the state and local roadway system is critical so we are better prepared to accommodate those vehicles that need to travel the roadway system. The Governors 10 year infrastructure proposal would start to address this issue.

When it comes to weight or length neither the state nor the Federal government took into account these vehicles proposed in this bill. What we have found in our research neither the State of North Dakota or Federal government agencies can waive related statutes or federal regulations for weight on interstates and length on the National Network (NN) respectively, that can only be changed by the U.S. Congress. Appendix A is a map showing North Dakota's NN.

The 23 Code of Federal Regulations (CFR) 658.23 Longer Combination Vehicle (LCV) Freeze, Cargo-Carrying Unit Freeze does not allow a state to increase the weight limit on interstates and the load carrying length on the NN.

Under 23 US Code 127(d), Special Permits During Periods of National Emergency, allows that a state may issue special permits during an emergency to overweight vehicles and loads that can easily be dismantled or divided if,

- a) the President has declared the emergency to be a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act;
- b) the permits issued in accordance with state law; and
- c) the permits are issued exclusively to vehicles and loads that are delivering relief.

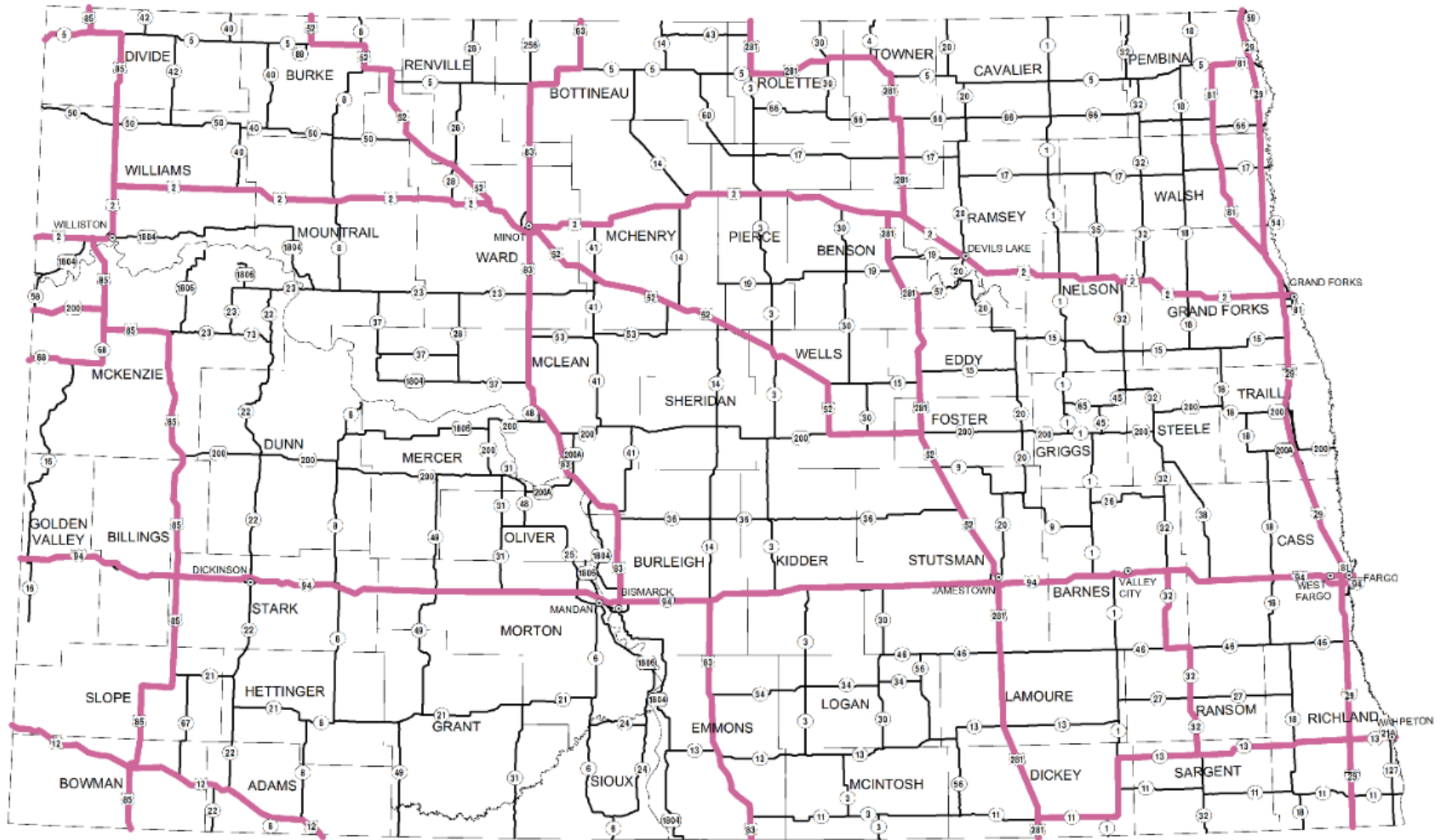
In addition, there currently is not a mechanism to test or license the driver or vehicle for "Road Train" truck combinations longer than the national standard of doubles or triples.

If this bill is passed, it can potentially create a situation that could go against federal law that does not allow for these changes without Congressional approval on Interstate and National Network.

This concludes my testimony, and I am available to answer questions the committee may have. Thank You.

# APPENDIX A

## North Dakota National Network





#60

AAA-The Auto Club Group  
4950 13<sup>th</sup> Ave. S., Ste. 15  
Fargo, ND 58103-7268

(701) 893-3759  
[eladoucer@acg.aaa.com](mailto:eladoucer@acg.aaa.com)

January 5, 2021

Senator David Clemens  
State Capitol  
600 E. Boulevard Ave.  
Bismarck, ND 58505

Chairman Clemens and Members of the Senate Transportation Committee,

AAA-The Auto Club Group (North Dakota) supports good public policy that grows our economy and will also support our principles of keeping roads safe and preserving the condition of roads and bridges. We are concerned, however, by changes proposed in SB 2026 that would allow trucks weighing 360,000 pounds and as long as 200 feet – the configuration called a “road train” -- to travel throughout North Dakota.

AAA has been opposed to heavier and longer trucks for a number of years. Studies have clearly determined that as weight and length are added, these vehicles become more dangerous to our members and the motoring public at large. In addition, our members, as taxpayers, will be in the position of paying for the road and bridge damage that this heavier and longer configuration would cause.

Our bridges here in North Dakota already rank 9th worst in the nation, by percentage, with 4,329 bridges in fair/poor condition. That is over 10 percent of all bridges statewide, according to the 2019 Federal Highway Administration report. The proposed road trains will only make the situation worse and increase the burden on taxpayers.

AAA’s responsibly, like that of our elected officials, is to put the safety of our state’s residents first. Asking our residents to share their roads with these mega-trucks in a pilot program represents an unacceptable level of risk.

For the reasons outlined above, AAA urges a “Do Not Pass” recommendation on SB 2026.

Sincerely,

Gene LaDoucer  
Public Affairs Director

*AAA-The Auto Club Group (ACG) is a membership based, non-profit corporation operating in fourteen states and two US Territories. It is one of the largest American Automobile Association (AAA) clubs in the United States with approximately 14 million members. ACG provides travel, insurance, automotive, and financial services to its members. In North Dakota, AAA – The Auto Club Group serves more than 69,000 members and works to represent the interests of members and the traveling public in the state legislature.*

January 6, 2021

Senator Dave Clemens, Chairman  
Senate Transportation committee

Mr. Chairman and Committee Members:

My name is Dan Zink, I am with the Red River Valley & Western Railroad Company (RRVW), headquartered in Wahpeton, ND. The RRVW is one of four short line railroads in North Dakota. Short Line railroads are small companies that provide local rail service in rural parts of North Dakota where the larger railroad networks do not reach.

This letter is to express my opposition to SB 2026 which would give executive authority to the Governor to allow operation of "Road Trains" on North Dakota roads and highways.

Recently the ND Legislature granted authority to allow up to 129,000 lb loads on a specified network of highways in ND. This was a 61 percent increase in weight, and now SB 2026 would increase that limit to an unknown and unlimited weight and length. I do not know if the bill's proponents have used this recent 129,000 lb network option, but I have to ask, how much is enough?

When the 129,000 lb network was established, it was thoroughly researched and analyzed by the Upper Great Plains Transportation Institute, which gave the process credibility and an orderly, scientific review. This is the type of rigorous study that should be conducted for the "Road Trains" proposal, to include all the engineering, safety, local road impacts, and other issues that are still unknown.

If all the relevant factors are analyzed and the conclusion is that larger trucks are good for North Dakota, then our State's short line railroads will compete to the best of our ability. However, when these weight limits are increased without the proper vetting and consideration of impacts on our roads and citizens, then we must object.

We therefore stand in opposition to SB 2026.

Respectfully,

Daniel L. Zink  
Red River Valley & Western Railroad Company  
Wahpeton, ND



#228

AAA-The Auto Club Group  
4950 13<sup>th</sup> Ave. S., Ste. 15  
Fargo, ND 58103-7268

January 7, 2021

Senator David Clemens  
State Capitol  
600 E. Boulevard Ave.  
Bismarck, ND 58505

(517) 487-5901  
[tahauser@acg.aaa.com](mailto:tahauser@acg.aaa.com)

Chairman Clemens and Members of the Senate Transportation Committee,

Thank you for the opportunity to speak on SB 2026. My name is Tiffany Hauser, I serve as the Director of Government Relations for AAA- North Dakota. AAA was founded around the principal of advocating on behalf of the motoring public by supporting policies that keep roads safe and preserve the condition of roads and bridges while also growing our robust economy. On behalf of AAA North Dakota's 69,000 members I am here today to voice concerns with the changes proposed in SB 2026 that would allow trucks weighing 360,000 pounds and as long as 200 feet – the configuration called a “road train” -- to travel throughout North Dakota.

AAA has been opposed to heavier and longer trucks for a number of years. Studies have clearly determined that as weight and length are added, these vehicles become more dangerous to our members and the motoring public at large. USDOT found that multi-trailer trucks are expected to experience an 11% higher overall fatal crash rate than single trailer combinations. A 2013 study found double-trailer trucks have a 15.5% higher fatal crash rate than single-trailer trucks.

In addition, our members, as taxpayers, will be in the position of paying for the road and bridge damage that this heavier and longer configuration would cause. We already face a national infrastructure crisis. Allowing heavier trucks on the road could add billions to that already high price tag of needed bridge and road repairs. Our bridges here in North Dakota already rank 9th worst in the nation, by percentage, with 4,329 bridges in fair/poor condition. That is over 10 percent of all bridges statewide, according to the 2019 Federal Highway Administration report. The proposed road trains will only make the situation worse and increase the burden on taxpayers.

AAA's responsibly, like that of our elected officials, is to put the safety of our state's residents first. Asking our residents to share their roads with these mega-trucks in a pilot program represents an unacceptable level of risk. Due to these serious safety risks and infrastructure concerns posed by allowing heavier and larger trucks on the roadways, AAA urges a “Do Not Pass” recommendation on SB 2026.

Please don't hesitate to contact me if you have any questions regarding our position on this important issue. Thank you for your consideration.

Sincerely,

Tiffany Hauser

*AAA-The Auto Club Group (ACG) is a membership based, non-profit corporation operating in fourteen states and two US Territories. It is one of the largest American Automobile Association (AAA) clubs in the United States with approximately 14 million members. ACG provides travel, insurance, automotive, and financial services to its members. In North Dakota, AAA – The Auto Club Group serves more than 69,000 members and works to represent the interests of members and the traveling public in the state legislature.*

# 2021 SENATE STANDING COMMITTEE MINUTES

## Transportation Committee Fort Totten Room, State Capitol

SB 2026  
1/14/2021

A BILL for an Act to amend and reenact section 39-12-23 of the North Dakota Century Code, relating to a governor's order authorizing excess limits regarding road trains.

**Chair Clemens** calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [2:30]

### Discussion Topics:

- Road trains
- Moving sugar beets
- Multiple-trailer semi-trucks
- Axel weights
- Pilot program for a road-train system

**Arik Spencer [2:37]**, ND Motor Carriers, offers oral testimony in opposition to the bill.

**Terry Traynor [2:39]**, ND Association of Counties, offers oral testimony in opposition to the bill.

**Senator Luick [2:43]** offers oral testimony in favor of the bill.

**Wayde Swenson [3:02]**, engineer with the ND Department of Transportation, answers questions from the committee.

**Senator Luick [3:11]** answers questions from the committee, notes that the Sugar Beet Association unofficially endorses the bill.

**Chair Clemens** adjourns the meeting. [3:40]

*Sheldon Wolf, Committee Clerk*

# 2021 SENATE STANDING COMMITTEE MINUTES

## Transportation Committee Fort Totten Room, State Capitol

SB 2026  
1/21/2021

A BILL for an Act to amend and reenact section 39-12-23 of the North Dakota Century Code, relating to a governor's order authorizing excess limits regarding road trains.

**Chair Clemens** calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, D. Larsen. [11:10]

### Discussion Topics:

- Sugar beets
- Road trains
- Weight limits on ND roads

**The committee [11:12]** considers neutral testimony #2147, submitted by Harrison Weber, Executive Director of the Red River Valley Sugarbeet Growers Association.

**Senator D. Larsen [11:26]**, motions DO NOT PASS.

**Senator Bakke [11:26]** seconds.

| Senators              | Vote |
|-----------------------|------|
| Senator David Clemens | Y    |
| Senator Robert Fors   | Y    |
| Senator Cole Conley   | Y    |
| Senator Michael Dwyer | Y    |
| Senator Doug Larsen   | Y    |
| Senator JoNell Bakke  | Y    |

Motion passes 6-0-0. [11:26]

**Senator D. Larsen** will carry.

**Chair Clemens** adjourns the meeting. [11:30]

*Sheldon Wolf, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2026: Transportation Committee (Sen. Clemens, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2026 was placed on the Eleventh order on the calendar.

# #2147



1401 32nd Street SW • Fargo, ND 58103 • Phone: 701-239-4151 • Fax: 701-239-4276

email: [information@rrvsga.com](mailto:information@rrvsga.com)

January 19, 2020

Chairman Clemens and Members of the Senate Transportation Committee,

The Red River Valley Sugarbeet Growers Association (RRVSGA) writes in support of Senate Bill No. 2026 which relates to a governor's order authorizing excess limits regarding road trains.

RRVSGA represents the approximately 2,600 sugarbeet grower-owners of American Crystal Sugar Company. Our growers produce over 40% of the entire United States' sugarbeet crop each year, harvesting between 11.4 million and 12.3 million tons of sugarbeets each fall.

During harvest, growers deliver sugarbeets to 31 remote storage sites or directly to one of five sugarbeet processing factories in the Red River Valley. The sugarbeets which were delivered to remote storage sites, are transported later throughout the winter to the nearest factory.

Freight has become a significant challenge and cost to our growers. We currently utilize around 3,200 trucks during harvest on the farm and enlist the help of Transystems and their fleet of around 90 trucks to haul the sugarbeets to our factories. Both growers and Transystems struggle during harvest to find enough qualified help. Utilizing road trains in the future, may alleviate some of the labor shortage we face here in the Red River Valley.

It is important to begin looking at various options and creative changes to our entire freight system. Senate Bill 2026 opens the door and allows for an opportunity to explore alternatives on a smaller scale and in a more regulated environment while addressing concerns. Thank you for the opportunity to submit additional testimony. We are happy to answer any questions you may have and ask the Senate Transportation Committee to give SB 2026 a DO PASS recommendation.

Sincerely,

Harrison Weber  
Executive Director  
Red River Valley Sugarbeet Growers Association

CC: Brian Ingulsrud  
Vice President of Agriculture  
American Crystal Sugar Company

**2021 HOUSE TRANSPORTATION**

**SB 2026**

# 2021 HOUSE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Room JW327E, State Capitol

SB 2026  
3/4/2021

|  |
|--|
| A bill relating to a governor's order authorizing excess limits regarding road trains. |
|--|

10:30 **AM Chairman Ruby** opened the hearing.

## Attendance

| Representatives                  |   |
|----------------------------------|---|
| Representative Dan Ruby          | P |
| Representative Tom Kading        | P |
| Representative Rick Becker       | A |
| Representative Cole Christensen  | P |
| Representative LaurieBeth Hager  | P |
| Representative Jared C. Hagert   | P |
| Representative Karla Rose Hanson | P |
| Representative Terry B. Jones    | P |
| Representative Emily O'Brien     | P |
| Representative Mark S. Owens     | P |
| Representative Bob Paulson       | P |
| Representative Gary Paur         | P |
| Representative Robin Weisz       | A |
| Representative Greg Westlind     | P |

## Discussion Topics:

- Road Train limits by order of the Governor
- Harmonization with other states
- Load limits in ND
- ND road structure
- Dangerous situations

**Senator Larry Luick** introduction (oral testimony).

**Senator Larson** oral supportive testimony.

**Genny Dienstmann, ND Association of Counties**, oppositional testimony #7329.

**Jason Benson, Engineer Cass County Highway Department and ND Association of County Engineers**, oppositional testimony #7309.

**Erik Spenser, ND Motor Carrier Association**, oral oppositional testimony.

**Matthew Johansen, McKenzie County Sheriff's Office**, oppositional testimony # 7338.

**Amy McBeth, Regional AVP of Public Affairs for BNSF Railway**, oppositional testimony # 7440.

**Wayde Swenson, North Dakota Department of Transportation**, neutral testimony # 7348.

**11:30 Chairman Ruby** closed the hearing.

**Additional written testimony:**

|   |            |      |
|---|------------|------|
| Dustin Assel, ND Legislative Council, Staff Attorney          | Neutral    | 7355 |
| Representative Ruby   | In favor   | 7431 |
| Daniel L. Zink, VP of Red River & Western Railroad Company    | Opposition | 7327 |
| Nick West, County Engineer in Grand Forks County              | Opposition | 7308 |
| Gene LaDouceur, AAA - The Auto Club Group                     | Opposition | 7305 |
| James Chase, SMART Transportation, State Legislative Director | Opposition | 7284 |
| Nick West, Grand Forks County Commission                      | Opposition | 7220 |
| Darren Schimke, Pres. Professional Fire Fighters of ND        | Opposition | 7128 |

11:00 AM Adjourned.

*Jeanette Cook, Committee Clerk*

Testimony Prepared for the  
**House Transportation Committee**

March 4, 2021

By: Genny Dienstmann, ND Association of Counties/  
ND Association of County Engineers



**RE: Oppose SB 2026**

Good morning Chairman Ruby and committee members. For the record, my name is Genny Dienstmann with the ND Association of Counties. Also, within this Association, I serve as the Executive Director of the County Engineers and Highway Superintendents.

Our associations oppose Senate Bill 2026 as written, as it creates broad and unilateral authority by the Governor to conduct a road-train pilot project anywhere in the state. Since federally funded highways are not currently an option for this study due to federal regulations, it seems a pilot site would need to be conducted on local roads. However, the legislation provides no mechanism for the local road authority to refuse the pilot project, nor to be compensated for the inevitable costs, or to address the potential safety issues.

I urge the committee to consider these concerns and oppose SB 2026.

Testimony Prepared for the  
**House Transportation Committee**

March 4, 2021

By: Jason Benson, Cass County Engineer



**RE: Opposition to SB 2026 – Road Train Excess Limit Authorization**

Chairman Ruby and House Transportation Committee members, thank you for the opportunity to provide testimony on SB 2026. I am Jason Benson, the Cass County Engineer, and I also serve as the legislative committee chair for the ND Association of County Engineers. I am here to oppose the bill as proposed.

The road infrastructure that is used today has not been designed to accommodate the latest size and load limits. Although our members understand the per axel weight limits under the proposed “road train” bill would not increase, there would be a significant change to weight distributions on bridge infrastructure. Also, local road infrastructure would have no possible way to accommodate turning radiuses or turn outs with such long loads. Having longer and heavier units on these roads will unnecessarily increase the safety risk for our traveling public.

There are several concerns that we have regarding the new bill language, the need for the pilot program, and impacts to County road infrastructure. First, is to look at what roads are available for road trains. Federal regulations state that all national network roads are ineligible for the use of Road Trains (see “pink” routes on attached national network map). These national network roads are eligible to be 129,000-pound routes, but again, not for road trains. Therefore, the only NDDOT roads eligible for Road Trains are non-national network highways, as well as County, Township, and City roads.

This means any pilot program will most likely rely on County roads and bridges. Relying on Counties to provide roads for a pilot program will be difficult as I have not spoken to one County official who has supported road trains. In fact, Richland and Grand Forks County recently passed resolutions formally opposing road trains.

Next, let us look at the need for road trains. The current 129,000-pound network was established by the ND Legislature in 2017 with highways US 83, US 85, US 2,

US 52, I29, and I94 designated as 129,000-pound routes. Since 2017, only a handful of other ND State Highways have been requested to be 129,000-pound routes and only two routes were requested in 2020 (see “yellow” routes on attached 129,000-pound network map). As you can see, there has not been an overwhelming demand for 129,000-pound routes. The NDDOT 129,000-pound network designation comes through requests by industry for State Highways to be designated for 129,000-pound trucks. Based on the low demand for 129,000-pound routes, where is the demand for road trains?

To establish a Road Train Pilot Program, you need trucks outfitted to be road trains. If there is not a need for more 129,000-pound highways in ND, what trucking company is going to buy a handful of Road Train, three or more trailer units to run as a test. To date I am not aware of any businesses testifying that they are supporting road trains and ready to acquire these road train vehicle configurations to support a pilot program.

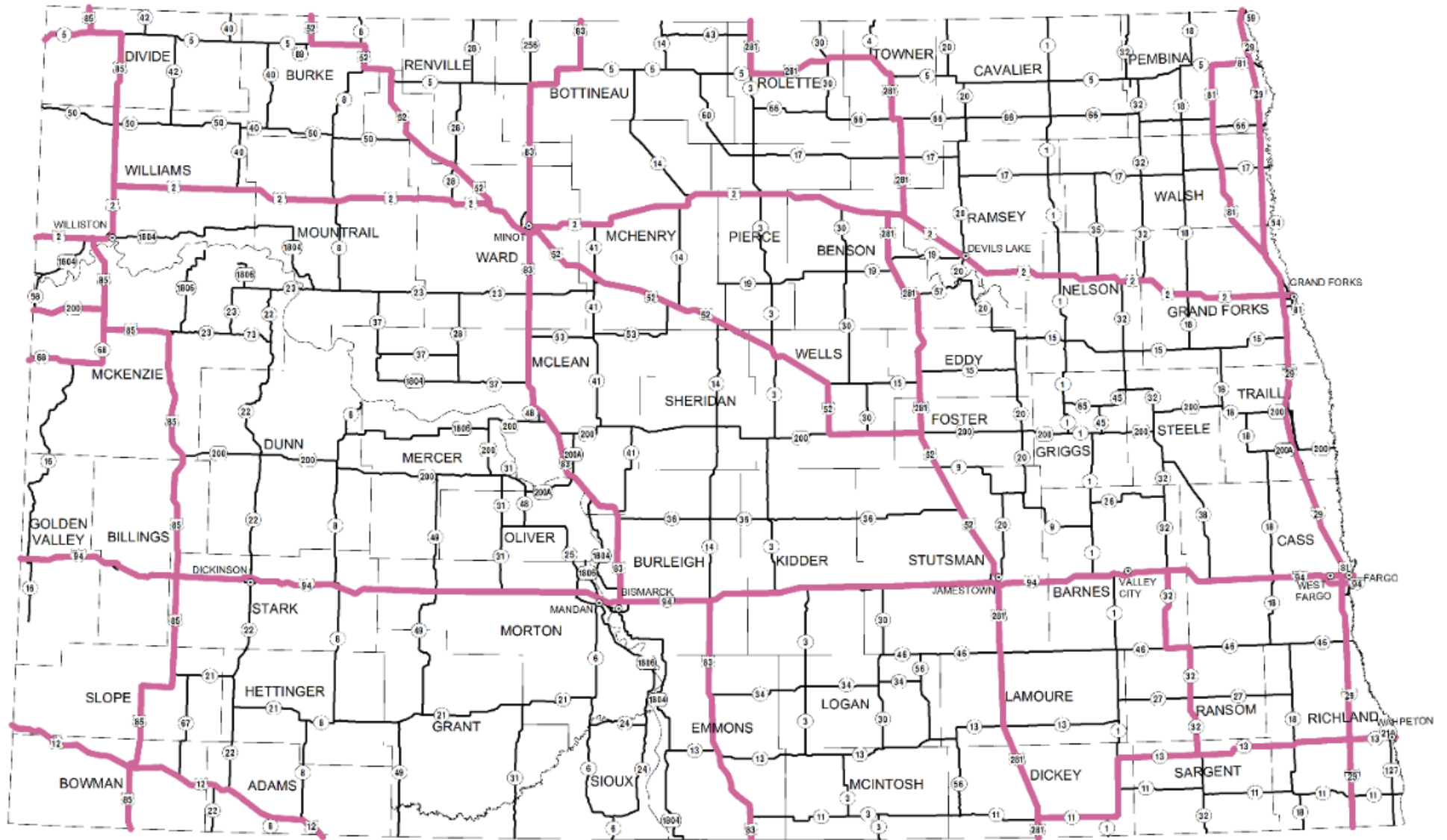
With the challenges of not being able to use road trains on the national network roads, if Counties will not support road train routes on their network, then this leaves only our non-national NDDOT network roads. With these limited roadways to pick from, who in industry is going to provide the trucks to test this out.

Finally, nearly every truckload in the state starts on a local road whether it is a city street, township road, or county highway. Any pilot program would have to have buy in from the local road authorities to get these road trains from the state highway to its destination.

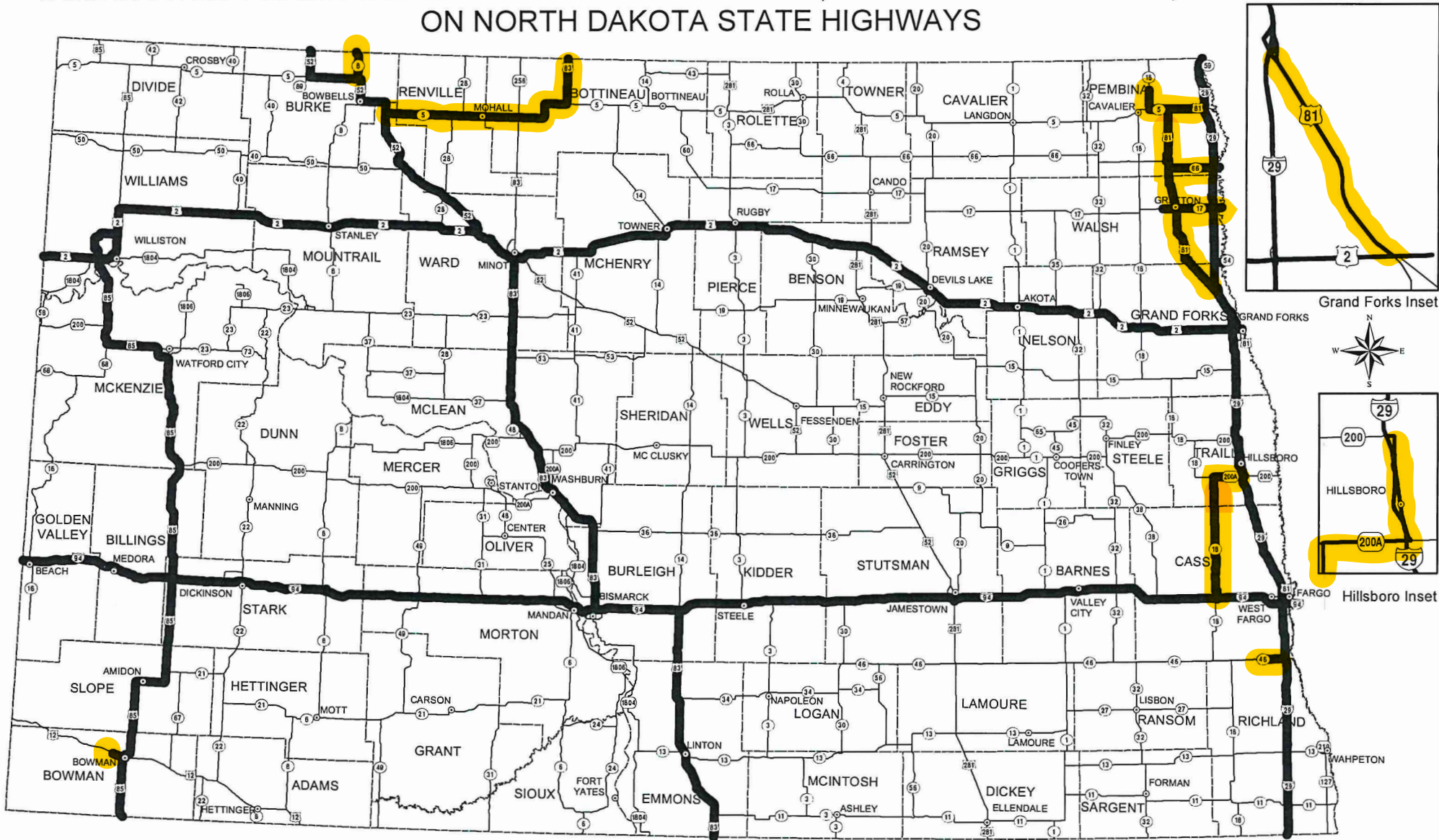
Chairman Ruby and committee members, I want to reiterate that NDACE opposes the bill as written. I want to stress our current opposition of the bill is concerned with the lack of local oversight, independent evaluation, and infrastructure and safety concerns. Let us work with the system we have, and continue to evaluate and grow our 129,000-pound network rather than start a new system for road trains.

## APPENDIX A

### North Dakota National Network



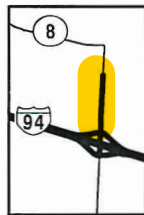
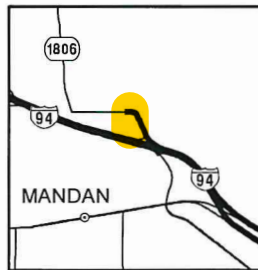
# DESIGNATED PERMITTABLE ROUTES EXCEEDING 105,500 POUNDS UP TO 129,000 POUNDS ON NORTH DAKOTA STATE HIGHWAYS



Vehicles may be permitted up to what is allowed by inner and outer bridge formula not to exceed 129,000 pounds

NOTE 1 : For information on overall length allowed see NDHP Policy 9-1 Annex B.

**NOTE 2 : No individual trailer can exceed 53 feet.**

Red Trail Energy  
Richardton Inset

Mandan Inset

APPROVED:

NDDOT DIRECTOR

DATE

9-28 ANNEX A



# MCKENZIE COUNTY SHERIFF'S OFFICE

7338

1201 12th St SE Ste B • Watford City, ND 58854

**Matthew Johansen, Sheriff**

Phone: (701) 842-6010

Fax: (701) 842-6455

Testimony Prepared for the  
House Transportation Committee

March 4 2021

By: Matthew Johansen, McKenzie County Sheriff

Re: SB:2026

Chairman Ruby and Members of the Committee on Transportation, I would like to thank you for allowing me to come before you today.

My name is Matthew Johansen McKenzie County Sheriff and I am here today to express opposition to Senate Bill 2026, a bill which would allow "road trains". While this legislation does not specifically state what size these massive trucks would be, I have seen reports they could weigh over 300,000 pounds and be 200 feet long.

It has been my position, that allowing heavier and longer trucks would create serious safety hazards and accelerate the deterioration of our state and local roadways, highways and our bridges. Senate Bill 2026 runs contrary to our mission of protecting the public.

Study after study has shown that adding more weight and length to a truck makes it more dangerous. The United States Department of Transportation (USDOT) found in its 2016 report to Congress that heavier trucks had anywhere from 47 percent to 400 percent higher crash rates in limited state testing. And these are for trucks weighing 91,000 and 97,000 pounds – not the "road trains" we are referring to here. Other safety concerns include braking problems, longer stopping distances and higher out-of-service violation rates, all of which lead to more dangers for North Dakota residents.

And from a common sense perspective, these bigger trucks, when involved in a crash, will lead to more injuries and deaths. This is simple physics. The more the mass of the truck, the more damage it will do when it hits something. Unfortunately, many times those are cars with people inside.

Taking into account that North Dakota normally sees some form of winter storms that affects our roadways, this is another factor that makes the integrity of stopping and control even more important.





# MCKENZIE COUNTY SHERIFF'S OFFICE

1201 12th St SE Ste B • Watford City, ND 58854

**Matthew Johansen, Sheriff**

Phone: (701) 842-6010

Fax: (701) 842-6455

Based on statistics from the Federal Motor Carrier Safety Administration, there were 626 large-truck crashes in North Dakota in 2018. Unfortunately, 21 people lost their lives in those crashes. Throughout my 20 plus years in Law enforcement I have seen my fair share of serious crashes involving semi trucks vs Vehicles where lives have been lost, one life lost is too many and I can't imagine what would happen if we had larger trucks than what we already have. I ask you, Is it really worth it?

One last point. Federal law does not allow these massive trucks on North Dakota interstates. If passed, SB 2026 would force the heaviest trucks in operation onto our state, county and local roads and bridges. I do not think anyone would argue that our local infrastructure was not built to handle "road trains". This would directly impact our communities – the very communities where our families live, work and play.

I recognize the importance of the trucking industry and the men and women that do the job. However, from a public safety perspective, I ask that you put safety first and oppose SB 2026.



Testimony on SB 2026  
Amy McBeth, BNSF Railway  
House Transportation Committee  
March 4, 2021

## **INTRODUCTION**

Mr. Chairman, my name is Amy McBeth and I am the Regional AVP of Public Affairs for BNSF Railway. Thank you for the opportunity to testify. I will briefly address freight railroad capacity in the state, as it has been cited as a reason for considering “road trains” in North Dakota, and then I will touch on the impact of supporting road trains through this bill, including costs to taxpayers.

BNSF has played an important role in North Dakota’s economy for over a century and continues to today. As one of the state’s primary freight rail transporters, we link the state’s commodities to markets around the country and world.

These commodities as well as consumer products for everyday living have been available throughout the pandemic because our 1,400 employees who call North Dakota home continued to go to work safely each day. We recognize their efforts for continuing to serve our customers, and helping to keep the economy moving during very challenging and uncertain times.

## **FREIGHT RAIL CAPACITY**

Regarding rail capacity in North Dakota, supporters of road trains say railroad infrastructure has diminished 40 percent since 1920 and so railroads must have more difficulty meeting demands for moving freight.

Without question, the railroad has changed since 1920, thankfully. I don’t think anyone here would want today’s BNSF to operate like our predecessors of 1920.

Today’s freight railroads are leveraging technology to be safer and more efficient than ever, while moving more freight and keeping rates down for customers.

Freight railroads are capital intensive, and the good news for taxpayers is they’re privately owned and maintained. To operate safely and serve and grow with our customers, each year we allocate capital for infrastructure and expansion projects.

In this state much discussion occurred a few years ago and occasionally since then about railroads’ and BNSF’s in particular, service issues in 2013-14. On top of a horrific winter, BNSF saw increases in all kinds of commodities that wanted to move on this corridor of our railroad.

Fifty percent of all the freight volume increases in the entire rail industry in 2013 occurred on our network. While much of that new traffic here was crude oil, the freight volume growth leader on BNSF was consumer products, moving in what we call intermodal trains, not crude oil.

Crude oil volumes increased, but so did several other segments of traffic, including a late grain traffic surge.

In response to the constraints on our system we responded quickly as the private sector can to add capacity throughout our Northern Corridor running from Chicago through North Dakota to the Pacific Northwest.

North Dakota was at the center of those investments. Since 2013, BNSF has invested more than \$1.5 Billion in our infrastructure here in the state. That includes:

- Building nearly 100 miles of a second main line track, or double track, through northwestern North Dakota from Minot through Williston and into Montana
- Adding or lengthening a number of sidings
- Upgrading signal systems
- Installing positive train control technology on certain main routes; and
- Performing ongoing maintenance like replacing thousands of rail ties and relaying miles of rail.

#### **Increased agricultural volumes moved by rail**

Infrastructure we've added and maintained has created a railroad that's in the best shape it's ever been, with added capacity to serve North Dakota industries for another 100 years. The increased rail capacity in the state benefits all commodities on our railroad, but particularly agricultural commodities moving to the Pacific Northwest for export to international destinations.

We continue to see an upward trend in the volume of agricultural commodities hauled by BNSF, both in North Dakota and across our network. 2018 and 2020 were the top two years for all-time ag volumes moved in our company history, with 2019 and 2017 not far behind.

For comparison, 10 years ago, we shipped about 162,000 units of ag products from the state. In 2018 it was more than 205,000 units.

While our ag volumes have grown, we continue to haul about equal volumes of industrial products, as well as coal, from the state. With inbound traffic also corresponding to those business units.

Far from diminishing, our freight rail capacity, along with safety, has increased through enormous private investments in physical infrastructure and technological advancements. We expect freight moving on our and other railroads to increase over the coming decades and so we invest in our physical assets with the long-term in mind.

#### **IMPACT OF ROAD TRAINS**

We continue to grow with our customers so they have the freight capacity they need. I'd like to mention briefly concerns with impacts of a road train program.

Trucks cause the overwhelming majority of damage to roads and bridges compared to other vehicles, and the fuel taxes and other fees heavy trucks pay do not come close to covering the costs of that damage. Like many other states, North Dakota already has unmet needs for roads and bridge repair.

Allowing heavier longer trucks to operate would cause more freight to move in trucks at a greater cost to taxpayers. The Upper Great Plains Transportation Institute, in its 2016 study, found that increasing truck weights would result in more than \$2 billion in bridge replacement needs.

While trucks operate on publicly funded infrastructure, freight railroads' infrastructure is private – we own, build, maintain and pay for it. The more freight that moves by rail, the less wear and tear on the public's roadways. This does, however, set up a distorted competitive environment within the freight transportation sector.

Allowing longer heavier trucks distorts it further, putting freight railroads at a competitive disadvantage.

Not only would North Dakota citizens have to deal with the safety concerns that come with more dangerous trucks on roads in the state, they would be paying more for them to be there.

## **CONCLUSION**

In its report, Legislative Management concluded more research is needed on the economic impact of permitting road trains in the state, and on impacts to existing infrastructure, as well as on the costs of such a program. There are many unknowns with likely many costs with allowing heavier, longer trucks on the roadways.

Freight railroads have the capacity to serve current and future customers and appropriately respond to market conditions to meet their customers' needs, and we have a demonstrated track record of doing so for North Dakota.

Public policies ought to spur additional private industry investment, not commit taxpayers to an unstudied and unneeded program like road trains. We ask that you vote do not pass on Senate Bill 2026. Thank you.

**HOUSE TRANSPORTATION COMMITTEE****March 4, 2021 10:30 AM – 327E****North Dakota Department of Transportation  
Wayde Swenson, P.E., Office of Operations Director****SB 2026 – Road Train Excess Limit Authorization**

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Good morning Mr. Chairman and members of the committee. I'm Wayde Swenson, Office of Operations Director for the North Dakota Department of Transportation (DOT). I'm here today to give testimony on Senate Bill 2026.

Senate Bill 2026 would allow the governor to permit and prescribe definite excess limitations as to size and weight for the operation of road trains.

Regarding weight or length, neither the State of North Dakota or Federal government agencies can waive related statutes or federal regulations for weight on interstates and length on the National Network (NN) respectively, that can only be changed by the U.S. Congress. Appendix A is a map showing North Dakota's NN.

The 23 Code of Federal Regulations (CFR) 658.23 Longer Combination Vehicle (LCV) Freeze, Cargo-Carrying Unit Freeze does not allow a state to increase the weight limit on interstates and the load carrying length on the NN.

Under 23 US Code 127(d), Special Permits During Periods of National Emergency, allows that a state may issue special permits during an emergency to overweight vehicles and loads that can easily be dismantled or divided if,

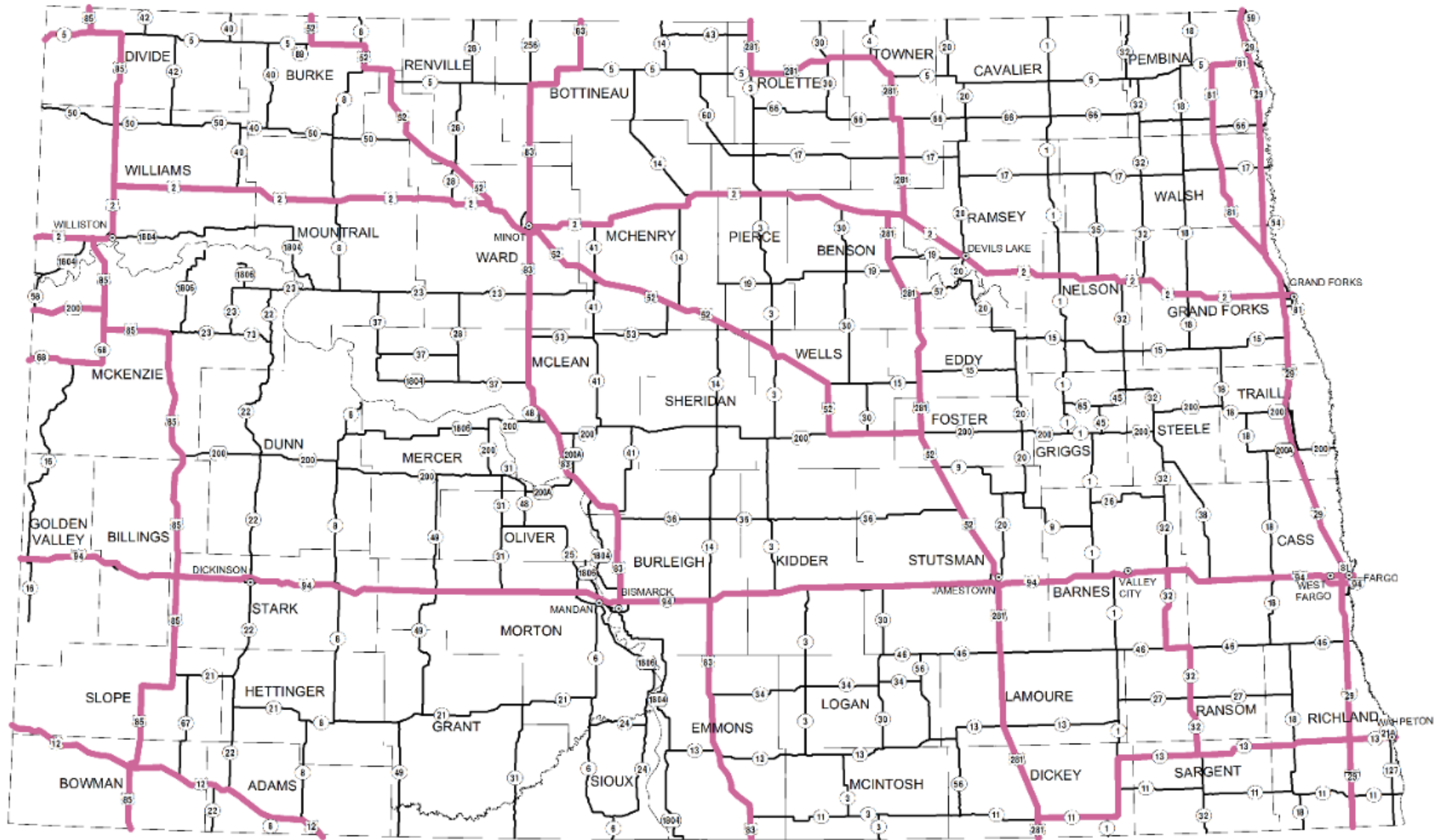
- a) the President has declared the emergency to be a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act;
- b) the permits issued in accordance with state law; and
- c) the permits are issued exclusively to vehicles and loads that are delivering relief.

If this bill is passed, it will only apply to state highways off the NN as it will go against federal law that does not allow for these changes without Congressional approval on Interstate and National Network.

This concludes my testimony, and I am available to answer questions the committee may have. Thank You.

## APPENDIX A

### North Dakota National Network





# North Dakota Legislative Council

Prepared by the Legislative Council staff  
March 2021

## **TESTIMONY - SENATE BILL NO. 2026 HOUSE TRANSPORTATION (ROOM 327E - 10:30 A.M.) MARCH 4, 2021**

Chairman Ruby and members of the House Transportation Committee, good morning. For the record, my name is Dustin Assel. I am a staff attorney with the Legislative Council. I staffed the most recent interim Agriculture and Transportation Committee, which worked on, drafted, and recommended Senate Bill No. 2026 (2021), which is before you today. This testimony is provided in a neutral capacity. The testimony is offered to provide background and information regarding the recommendations of the interim committee.

The bill was introduced by the Legislative Management at the request of the 2019-20 interim Agriculture and Transportation Committee. The bill crossed over from the Senate in its original introduced form without any amendments. Section 2 of 2019 Senate Bill No. 2176 directed a study of the feasibility and desirability of creating a road train pilot program. The study was required to include consultation with the department of transportation, highway patrol, agriculture commissioner, industrial commission, department of commerce, the upper great plains transportation institute, and the governor. The study was also required to include an assessment of the federal regulations impacting road train operations, the economic impact of permitting road train operations in the state, and the costs associated with implementing a road train pilot program. Road trains are trucking vehicles consisting of two or more connected trailers or semitrailers linked and hauled by a single operating prime mover or tractor unit in the front. Australia and several countries in Europe are using road trains as a way to move large amounts of freight and counteract a current shortage of CDL (commercial)-licensed truck drivers.

The United States Department of Transportation Federal Highway Administration is responsible for certifying state compliance with federal standards regarding commercial motor vehicle (CMV) size and weight to preserve the nation's infrastructure and keep vehicles moving efficiently on the highways. The national network is an approved network of state highways and interstates throughout the US, which receive federal funding, and are used by large trucks and commercial drivers. Federal and state law places limits on the size and weight of motor vehicles allowed on the national network of highways. Cargo carrying lengths and weights on the national network are subject to federal limitations of approximately 100 feet and 80,000 gross pounds, depending on the truck configuration, and exceptions. North Dakota has grandfathered provisions, in North Dakota Century Code Chapter 39-12 which allow trucks up to 110 feet and 105,500 pounds depending on truck configuration and roadway used. There is also a limited transportation network in the state which authorizes vehicles up to 129,000 pounds on certain routes.

During the course of the of the interim committee's work on this topic, the committee received testimony indicating a road train pilot program may be a viable solution to the issue in the state regarding increased freight demands, a shortage of CDL drivers, and decreasing railroad availability by moving more freight with bigger trucking loads. The committee also received testimony from representatives of the Department of Transportation and the Highway Patrol regarding how an intrastate and interstate road train pilot program would operate, state and federal approvals required, concerns, and recommendations. The testimony indicated there were issues with attempting to implement a pilot program in the state at the present time because there are no mechanisms under current law which allow trucks that are longer and heavier than those allowed under federal law to be operated on the national network due to federal restrictions on truck weights and lengths. The testimony further indicated a pilot program could not currently be conducted on the national network using longer and heavier trucks unless federal restrictions are lifted or changed. The testimony indicated there is potential to allow longer and heavier trucks on state highways not connected to the national network and which do not receive any federal funding without amending the federal restrictions. The committee noted federal approval would be required in order for the state to be allowed to operate a pilot program which allows longer and heavier truck configurations on the national network than what are currently allowed by federal law.

It is important to note for context that the interim Agriculture and Transportation also recommended House Concurrent Resolution No. 3001 out of committee which you heard before crossover, and which is a companion resolution to this bill. The resolution urges Congress to temporarily amend the weight and length restrictions on the national network to allow the state to conduct the pilot program on the national network roadways, and to permanently amend the restrictions if the pilot program is successful.

### **EXPLANATION OF THE BILL**

Senate Bill No. 2026 amends North Dakota Century Code Section 39-12-23, relating to the Governor's authority to allow excess size and weight vehicles on state roadways. The bill adds road trains to the items the governor may issue an order for allowing them on the roadways and exceeding the size and weight limits under current law. The road trains may not exceed the single axle gross weight limitations.

Interim committee discussions indicated if House Concurrent Resolution No. 3001 passes, there is no mechanism existing under current law to allow individuals who wish to drive road trains in the state to do so. The bill was intended to allow the Governor to allow for road trains meeting certain criteria to be operated in the state on state roadways not tied to the national network. The size and weight limitations on the road trains would be prescribed by the governor.

Mr. Chairman and members of the committee, that concludes the information I have prepared for you today. Thank you.

21.0175.01003  
Title.

Prepared by the Legislative Council staff for  
Representative D. Ruby  
March 3, 2021

## PROPOSED AMENDMENTS TO SENATE BILL NO. 2026

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a department of transportation long combination vehicle study and pilot program; to provide for a legislative management report; to provide an appropriation; to provide for a loan authorization; and to provide an expiration date.

### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

#### SECTION 1. DEPARTMENT OF TRANSPORTATION LONG COMBINATION VEHICLE STUDY - REPORT TO LEGISLATIVE MANAGEMENT.

1. During the 2021-22 interim, the department of transportation shall study the feasibility and impact of long combination vehicle operations on North Dakota roadways and establish a committee of stakeholders as an advisory committee to the department of transportation as to the weight and length of vehicle configuration to study. The study must include:
  - a. An assessment of the federal regulations impacting long combination vehicle operations;
  - b. An evaluation of the economic benefits and cost impact of permitting long combination vehicle operations in the state, including modal diversion, in particular the impact on North Dakota shortline railroads and rural communities served by the railroads;
  - c. An assessment of the impact long combination vehicle operations would have on North Dakota roads, bridges, and structures;
  - d. An analysis of the safety impacts of the long combination vehicles, including braking, equipment wear and tear, compatibility of the vehicles with automobile traffic, suitability of state and local roads to accommodate long combination vehicles, and crash severity;
  - e. An assessment of the costs associated with implementing long combination vehicle operations; and
  - f. A recommendation for a method of recovering the full costs of the damages to North Dakota roads and bridges from the operations of long combination vehicles.
2. Before August 1, 2022, the department of transportation shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative management.

**SECTION 2. APPROPRIATION - LONG COMBINATION VEHICLE PILOT PROGRAM - LOAN AUTHORIZATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$300,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of conducting a long combination vehicle pilot program, in collaboration with

the upper great plains transportation institute, for the biennium beginning July 1, 2021, and ending June 30, 2023. The department of transportation may borrow \$3,000,000, or so much of the sum as may be necessary, from the Bank of North Dakota, which is appropriated to the department of transportation to make any needed repairs as a result of damages or improvements needed to conduct the pilot program. The department of transportation shall request from the sixty-eighth legislative assembly an appropriation to repay any outstanding loans authorized in this section. The funding in this section is a one-time funding item. Upon the approval of county transportation officials, the department of transportation, in collaboration with local law enforcement, highway patrol, and the upper great plains transportation institute, shall establish a long combination vehicle pilot program to operate on North Dakota roadways shall establish a long combination vehicle pilot program to operate on North Dakota roadways, only upon approval by the United States department of transportation and the federal motor carrier safety administration, if required. The department of transportation shall seek any needed approvals from the United States department of transportation and the federal motor carrier safety administration to conduct the pilot program if necessary. The department of transportation shall establish the parameters and policies regarding the use and operation of long combination vehicles on state, county, city, or local roadways, including designation of routes, hours of operation, and length and weight restrictions.

**SECTION 3. EXPIRATION DATE.** This Act is effective through June 30, 2023, and after that date is ineffective."

Renumber accordingly



TELEPHONE: (701) 642-8257

P.O. BOX 608, WAHPETON, NORTH DAKOTA 58074

March 4, 2021

Representative Dan Ruby, Chairman  
House Transportation Committee

Mr. Chairman and Committee Members:

My name is Dan Zink, I am with the Red River Valley & Western Railroad Company (RRVW), headquartered in Wahpeton, ND. The RRVW is one of four short line railroads in North Dakota. Short Line railroads are small companies that provide local rail service in rural parts of North Dakota where the larger railroad networks do not reach. The map on page 2 of this letter shows the many rural branch lines and communities that short line railroads serve in North Dakota (shown highlighted in yellow).

This letter is to express my opposition to SB 2026 which would give executive authority to the Governor to allow operation of "Road Trains" on North Dakota roads and highways.

Recently the ND Legislature granted authority to allow up to 129,000 lb loads on a specified network of highways in ND. This was a 61 percent increase in weight, and now SB 2026 would increase that limit to an unknown length and unlimited weight. I do not know if the bill's proponents have used the recent 129,000 lb network option, but I have to ask, how much is enough?

When the 129,000 lb network was established, it was thoroughly researched and analyzed by the Upper Great Plains Transportation Institute, which gave the process credibility and an orderly, scientific review. At a minimum, this is the type of rigorous study that should be conducted for the "Road Trains" proposal, to include all the engineering challenges, safety issues, local road impacts, and other issues that are still unknown. It should also provide an objective look at the impact on short line railroads and how the bill will affect the future of the many rural communities served by short line railroads.

If higher allowable truck weights and lengths are permitted, it is the short line railroad companies that will be impacted the most. Many of our carload shipments are shorter distances and within the State's borders. Therefore the economic impact will be concentrated on these smaller railroad companies, not on the larger railroads whose much longer shipments are far less likely to be affected. This will also shift freight transportation from the privately maintained short line railroad network to the publicly maintained county and state road network.

We therefore stand in opposition to SB 2026.

Respectfully,

Daniel L. Zink  
Red River Valley & Western Railroad Company  
Wahpeton, ND





## County Highway Department

### Testimony Prepared for the **House Transportation Committee**

Thursday March 3, 2021

By Nick West PE, Grand Forks County Engineer, Allendale Township Chairman,  
NDACE President

### **RE: Senate Bill 2026**

Chairman Ruby and members of the House Transportation Committee, thank you for the opportunity to provide testimony in opposition to SB 2026 on behalf of Grand Forks County, Allendale Township and ND Association of County Engineers.

I believe SB 2026 has good intentions, but the way it's currently written would create safety and infrastructure issues, gives too much authority to the Governor, warrants further collaboration, and I question the overall need for what the bill is trying to accomplish.

Our road and bridge infrastructure is barely capable of sustaining the current configuration of trucks and equipment, many argue our infrastructure is going backwards in terms of quality. The undefined road train truck would further set back the quality of our roadway system, create load capacity issues for bridges and puts a severe strain on the intersection geometric improvements necessary to accommodate a longer truck.

This bill authorizes the Governor to have total control of the program, which means he could dictate that the program includes County or Township roads without the local government's input. If while during the pilot program is conducted and the roadways are damaged, there is no mechanism to repair such damages. Having one agency/person having an unfunded control authority over another agency is not good policy.



## County Highway Department

A road train would create a load capacity issue for bridges that needs to be specifically addressed in detail and must include collaboration with the County's. Even if the per axle weight is maintained by the current laws, the total weight on a longer bridge is compromised and must be evaluated. Additionally, the County and Township intersections are not wide enough to support the large turning radius of a road train.

In questioning the true need of this initiative, we already have a good process in place to analyze and permit larger trucks, up to 129,000 pound trucks. In Grand Forks County we've only had one industry inquire about options to use heavier trucks. In 2019, American Crystal Sugar Company obtained permission from Grand Forks County to use this heavier truck option, however they've never requested the permit, and thus haven't taken advantage. Similarly, when this bill was heard in the Senate Transportation Committee there was no industry testimony in support. This low level of interest from industry indicates to me that the desire or need for road trains is minimal.

I am not against larger heavier trucks on the road, as I was truly supportive of the 129,000 pound initiative. The difference between the 129,000 and road train program is the local collaboration & control and steps in place to process and approve the permits.

I would recommend that SB 2026 be tabled, researched further, collaborated with local government in the interim session, and readdressed in the 68<sup>th</sup> Legislative Assembly, therefore I would recommend a "do not pass" vote on this bill. Please feel free to reach out to me with any questions. I can be reached via phone at Office: 701-780-8248, Mobile: 701-317-0126 or via email at [nick.west@gfcounty.org](mailto:nick.west@gfcounty.org).



AAA-The Auto Club Group  
4950 13<sup>th</sup> Ave. S., Ste. 15  
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March 3, 2021

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Representative Dan Ruby  
State Capitol  
600 E. Boulevard Ave.  
Bismarck, ND 58505

Chairman Ruby and Members of the House Transportation Committee,

AAA-The Auto Club Group (North Dakota) supports good public policy that grows our economy and will also support our principles of keeping roads safe and preserving the condition of roads and bridges. We are concerned, however, by changes proposed in SB 2026 that would allow trucks weighing 360,000 pounds and as long as 200 feet – the configuration called a “road train” -- to travel throughout North Dakota.

AAA has been opposed to heavier and longer trucks for a number of years. Studies have clearly determined that as weight and length are added, these vehicles become more dangerous to our members and the motoring public at large. In addition, our members, as taxpayers, will be in the position of paying for the road and bridge damage that this heavier and longer configuration would cause. This at a time when an increase in the state gas tax is being considered.

Our bridges here in North Dakota already rank 9th worst in the nation, by percentage, with 4,329 bridges in fair/poor condition. That is over 10 percent of all bridges statewide, according to the 2019 Federal Highway Administration report. The proposed road trains will only make the situation worse and increase the burden on taxpayers.

AAA’s responsibly, like that of our elected officials, is to put the safety of our state’s residents first. Asking our residents to share their roads with these mega-trucks in a pilot program represents an unacceptable level of risk.

For the reasons outlined above, AAA urges a “Do Not Pass” recommendation on SB 2026.

Sincerely,

A handwritten signature in black ink, reading "Gene LaDoucer".

Gene LaDoucer  
Public Affairs Director

*AAA-The Auto Club Group (ACG) is a membership based, non-profit corporation operating in fourteen states and two US Territories. It is one of the largest American Automobile Association (AAA) clubs in the United States with approximately 14 million members. ACG provides travel, insurance, automotive, and financial services to its members. In North Dakota, AAA – The Auto Club Group serves more than 69,000 members and works to represent the interests of members and the traveling public in the state legislature.*

JIM CHASE  
State Legislative Director

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Testimony of Jim Chase  
Before the House Transportation Committee  
In Opposition to Senate Bill 2026  
March 4, 2021

Chairman Ruby and honorable members of the House Transportation Committee, my name is Jim Chase. I represent SMART-Transportation Division of the International Association of Sheet Metal, Air, Rail, and Transportation employees. SMART is the largest rail labor union in North America. Our membership includes conductors, engineers, switchmen, trainmen and yardmasters; I am a locomotive engineer for BNSF Railway at Mandan.

This written testimony is in opposition to Senate Bill 2026, which would give the governor power to order authorizing excess limits on size and weight for, among other reasons, allowing the operation of road trains.

There are many concerns unresolved in this bill, in particular, the increased stress (and associated costs) on our roads and bridges and the safety of the traveling public who will be forced to interact with road trains in our state.

Under SB 2026, trucks would have no limits on weight and length other than they could not exceed the maximum weight per axle and length permitted now. Engineers estimate that the current interstate maximum, a five-axle rig weighing 80,000 pounds, causes more damage to a highway than 5,000 cars. When the trucks are overloaded, as quite a few of them are, the damage is exponentially worse. Increasing a truck's weight to 90,000 pounds results in a 42 percent increase in road wear. Pavement designed to last 20 years wears out in seven.

Road trains are currently used only in remote areas of Australia where there is little vehicular traffic, and they do not have the extreme weather challenges that we do in North Dakota.

If you've passed or been passed by freight companies pulling triple trailers in North Dakota, you know they sway under normal weather conditions. Now imagine passing even longer, heavier truck trailer combinations in windy or stormy weather. In addition, as temperatures rise in the summer, the oil in blacktop roads comes to the top, creating conditions mimicking ice which require increased stopping distances.

Additional infrastructure will also be required for long road trains, including places to park these over-sized rigs, refuel, and provide rest stops for Hours of Service that are currently not available for long road trains. Who will bear the costs for these needed improvements?

The nation's economy depends on trucking, but every method of shipment comes with a price. Heavier and longer trucks will make our roads and highways less safe for the general public and will have a very significant physical impact on our public roadways, with all costs ultimately being paid by taxpayers. I urge a do not pass on SB 2026.

Attached is some supporting documentation regarding the increased risks and costs associated with road trains.

## “Road Trains”



### The size of these behemoth trucks will mean added dangers to our roads

Study after study has shown that adding more weight and length to a truck makes it more dangerous. Safety Concerns include: braking problems, longer stopping distances and, when there is a crash, the crash becomes more severe, leading to more deaths and serious injuries.

- **Dramatically higher crash rates:** The United States Department of Transportation (USDOT) found in its 2016 report to Congress that heavier trucks had anywhere from 47 percent to 400 percent higher crash rates in limited state testing.<sup>1</sup> There were 632 large-truck crashes in North Dakota in 2018. Unfortunately, 30 people lost their lives in those crashes, a 7% increase over the prior year.<sup>2</sup>
- **More severe crashes.** The severity of a crash is determined by the velocity and mass of a vehicle. If its weight increases, so does the potential severity of a crash.<sup>3</sup> Any increase in crash severity increases the likelihood of injuries becoming more serious or resulting in fatalities.

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<sup>1</sup> USDOT; 2016. Comprehensive Truck Size and Weight Limits Study, Final Report to Congress

<sup>2</sup> Federal Motor Carrier Safety Administration; 2018. Analysis & Information- Crash Statistics

<sup>3</sup> Ibid.

Heavier trucks tend to have a higher center of gravity because the additional weight is oftentimes stacked vertically. Raising the center of gravity increases the risk of rollovers.<sup>4</sup>

- **Increased wear and tear.** Increasing the weight of trucks causes additional wear and tear on key safety components. The 2016 USDOT study found that trucks weighing over 80,000 pounds had higher overall out-of-service (OOS) rates **and 18 percent higher brake violation rates** compared to those at or below 80,000 pounds.<sup>5</sup> This is especially important because a 2016 study by the Insurance Institute for Highway Safety found that trucks with any out-of-service violation are 362 percent more likely to be involved in a crash.<sup>6</sup>

### **Heavier trucks would destroy our bridges**

The North Dakota State University Upper Great Plains Transportation Institute, at the request of the North Dakota Department of Transportation, studied the impacts of trucks weighing up to 129,000 pounds and as long as 121 feet, significantly smaller than the road train proposal.<sup>7</sup> The study found:

- Increasing truck weight limits to 129,000 pounds would incur as much as \$2.26 billion in statewide bridge replacement, with \$1.26 billion occurring on county and local bridges—these cost estimates do not account for the current bridge backlog to adequately support 80,000-pound trucks.
- The study found that the current bridge backlog to adequately support trucks weighing 80,000 pounds is \$163 million for state bridges, and \$449 million for county and local bridges.
- The study found that approximately 21,000 county and local intersections may need to be upgraded to accommodate the increased turning radii needed for longer tractor-trailers, costing between \$130 million and \$306 million.
- 462 of the 4,329 bridges in North Dakota are rated in poor condition,<sup>8</sup> ranking North Dakota 9th worst in the nation with over 10 percent of its bridges in poor condition.

### **Heaviest trucks would shift to our local roads**

To make matters worse, these massive trucks will be going through our local communities, the very places where our families live, work and play. In North Dakota, from 2013-2017, an average of 52 people per one million population were killed annually in crashes involving a large truck, the highest rate in the nation.<sup>9</sup> Introducing these massive trucks on state and local roads will only increase these dangers.

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<sup>4</sup> USDOT; 2000. Comprehensive Truck Size and Weight Study

<sup>5</sup> USDOT; 2016. Comprehensive Truck Size and Weight Limits Study, Final Report to Congress

<sup>6</sup> Insurance Institute for Highway Safety; 2016. Crash Risk Factors for Interstate Large Trucks in North Carolina

<sup>7</sup> North Dakota State University Upper Great Plains Transportation Institute; 2016. North Dakota Truck Harmonization Study

<sup>8</sup> Federal Highway Administration; 2019. Bridge Condition by Highway System.

<sup>9</sup> TRIP; October 2019. America's Rolling Warehouses: Opportunities and Challenges with the Nation's Freight Delivery System.

## **NEW STUDY SHOWS MAJOR DIVERSION OF FREIGHT FROM RAIL TO ROADS IF BIGGER TRUCKS ALLOWED**

July 2020

A new study, commissioned by the Coalition Against Bigger Trucks, was just released showing major diversion of freight traffic from rail to truck if longer and heavier trucks are allowed by Congress. This study shows some **“... scenarios will reduce intermodal traffic by 20-25 percent and railroad carload traffic by as much as 20 percent. More disruptive scenarios could reduce both intermodal and certain carload traffic by nearly 60%.”** The author of the study is Mark Burton, Appalachian Transportation Institute, Marshall University. Previously, Burton was the Director of Transportation Economics, Research Associate Professor at the University of Tennessee-Knoxville. He has over 40 years of experience in freight economics and has authored numerous articles and other publications on rail and truck movement of goods.

This study will be an important resource in the ongoing debate in Congress and state legislatures as these bodies consider the issue of truck size and weight. A core argument for proponents of bigger trucks is that heavier and longer trucks will mean fewer trucks on the road, thereby making our roads safer and causing less damage to roads and bridges. This study confirms bigger trucks mean more trucks on our roads, creating more dangers for American motorists and further stressing our already inadequate infrastructure system.

### **Additional background**

- Current federal law limits the size of two trailers tethered together, so-called twin trailers or double trailers, to no more than 28 feet in length per trailer. Federal law limits the weight of any single trailer to no more than 80,000 pounds on the interstates.
- Each year, lawmakers are pressured to raise the limits for the weights and lengths of trucks that travel public highways. Doing so would lower truck costs and thereby benefit a relatively small subset of the nation's freight shippers and provide greater profits for some of the largest trucking companies.
- However, the downsides to changing the federal limits are serious:
  - Relaxing weight and size limits would lead to increased crash-related casualties, unaffordable wear and tear on highways and the diversion of freight traffic from congestion-reducing, environmentally friendlier non-highway alternatives to all-highway truck routings.
  - Increasing truck size and weight limits would slash the use of intermodal truck-rail freight shipping which is contrary to national transportation policies that seek to promote the efficient use of rail and truck transportation partnerships.
  - The most aggressive changes to truck size and weight standards could be ruinous to rail carriers and to the public sector policies designed to mitigate the growth of truck-related harms.

### **Additional details on the new study**

- The new study used decades of actual truck and rail pricing and demand data, including data as recent as 2019, to estimate the shipper and carrier response to various truck size and weight scenarios over a period of five

years. The study estimates these impacts for both intermodal and carload freight traffic.

- The new study evaluated the diversion impacts of six different truck configurations: 91,000 pound single trailer trucks with six axles; 97,000 pound single trailer trucks with six axles; 80,000 pound double 33 ft trailer trucks; 91,000 pound double 33 ft trailer trucks; 97,000 pound double 33 ft trailer trucks; and 120,000 pound double 33 ft trailer trucks.
- The new study did not attempt to estimate the likely increase in rail operating and capital costs that would result from changes to container and/or trailer dimensions.

## Findings

The diversion volumes vary significantly by truck configuration. For example, an increase in allowed total gross truck weights from 80,000 to 91,000 pounds (but with no change in trailer length) is estimated to result in the diversion of 2.6 million annual railroad carloads and 1.8 million intermodal units. Alternatively, an increase of truck weights to 120,000 pounds combined with twin 33-foot trailers leads to a predicted diversion of 7.5 million annual rail carloads and 8.5 million diverted intermodal shipments. The diversion estimates for each configuration can be found in the table below.

| Rail Traffic Diversions (net loss after 5 years) |            |            |           |            |
|--|------------|------------|-----------|------------|
| Configuration                                    | Intermodal | % of Total | Carload   | % of Total |
| 91,000 lbs. - Single                             | 1,841,320  | 12.7%      | 2,654,986 | 20.4%      |
| 97,000 lbs. - Single                             | 3,042,936  | 20.9%      | 4,287,168 | 33.0%      |
| 80,000 lbs. Double 33s                           | 2,857,553  | 19.6%      | 29,724    | 0.2%       |
| 91,000 lbs. Double 33s                           | 3,691,558  | 25.3%      | 2,654,986 | 20.4%      |
| 97,000 lbs. Double 33s                           | 4,668,003  | 32.1%      | 4,287,168 | 33.0%      |
| 120,000 lbs. Double 33s                          | 8,507,972  | 58.4%      | 7,517,974 | 57.8%      |

# Environmental Impacts of Longer and Heavier Trucks

Prepared by CABT, January 2021

Policymakers are tasked with addressing severe environmental problems that are central to climate change. Transportation is the largest contributor of greenhouse gases, and within the freight sector, trucking represents the majority of harmful emissions. A major issue surrounding transportation policy is the most efficient way to move freight and the goods people need in their everyday lives, with some calling for longer and heavier trucks as the solution. Proposals include increasing the weight limit of trucks from 80,000 pounds to 91,000 pounds and the length of double trailers from 28 feet to 33 feet, also known as “double 33s”. As we work towards addressing climate change, allowing bigger trucks would represent a significant step backwards.

Proponents of these bigger trucks claim significant environmental benefits but rely on the false premise that bigger trucks mean fewer trucks. This simplistic view ignores the complex dynamics of shipping rates and shipper choices. Once accounted for, we see a dramatic shift of both intermodal and carload freight away from the rails to our roads. In terms of both fuel use and emissions, rail is far more environmentally friendly on a ton-mile basis.<sup>1</sup>

**Recent research on the subject found that proposals for bigger trucks could lead to an increase of as much as 600 billion ton-miles of truck traffic, resulting in an additional 4.27 billion gallons of fuel burned and 55.58 million tons of carbon emissions.**

## Diversion

The fundamental issue at hand is that of diversion from other modes of transportation, particularly rail. Increasing truck size and weight shifts the economics of shipping, leading to large amounts of freight diverted from the rails to our roads.

Bigger truck proponents rely on the argument that “bigger trucks mean fewer trucks”, utilizing flawed data from the USDOT that theorized minimal diversion. There are two ways to derive diversion estimates. The USDOT utilized a deterministic model, relying on restrictive assumptions about the relationships between carrier costs, the resulting shipping rates and the choices of shippers. Our research uses actual available data to estimate the responsiveness of modal choice to changes in the price of transportation alternatives. These elasticity estimates are used to simulate the effect on traffic shares under the new rate structure.

Our data-driven econometric estimates identify large amounts of diverted freight associated with proposals allowing double 33s and increasing the national weight limit to 91,000 pounds.<sup>2</sup>

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<sup>1</sup> American Association of Railroads; 2020. *Freight Rail and Preserving the Environment*.

<sup>2</sup> Mingo, Roger D; December 2020. *Another Look at FHWA’s Analysis of Twin 33 and Six-axle Single Combination Vehicles in the 2015 Comprehensive Truck Size and Weight Study*

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**Table 1 – Summary of Carload Traffic Diversions**

| Gross Truck Weight (Pounds) | Configuration  | Estimated Cross-Price Elasticity | Estimated Unit Cost Change | Total Diverted Carloads at 5-Years* | Percentage of Subject Carloads** |
|-----------------------------|----------------|----------------------------------|----------------------------|-------------------------------------|----------------------------------|
| 80,000                      | Twin 33-Foot   | 0.411                            | -16.0%                     | 29,724                              | 0.2%                             |
| 91,000                      | Single 53-Foot | 0.301                            | -15.0%                     | 2,654,986                           | 20.4%                            |
| 97,000                      | Single 53-Foot | 0.301                            | -25.7%                     | 4,287,168                           | 33.0%                            |
| 120,000                     | Twin 33-Foot   | 0.301                            | -52.7%                     | 7,517,974                           | 57.8%                            |

\* Reflects cumulative annual total of diverted carload traffic after five-year period.

\*\* Denominator = all carload traffic within selected commodity groups.

**Table 2 – Summary of Intermodal Traffic Diversions**

| Gross Truck Weight (Pounds) | Configuration  | Estimated Cross-Price Elasticity | Estimated Unit Cost Change | Total Diverted Intermodal Units at 5-Years* | Percentage of Subject Intermodal Units** |
|-----------------------------|----------------|----------------------------------|----------------------------|---|--|
| 80,000                      | Twin 33-Foot   | 0.476                            | -16.0%                     | 2,857,553                                   | 19.6%                                    |
| 91,000                      | Single 53-Foot | 0.476                            | -15.0%                     | 1,841,320                                   | 12.7%                                    |
| 91,000                      | Twin 33-Foot   | 0.476                            | -11.3%                     | 3,691,558                                   | 25.3%                                    |
| 97,000                      | Single 53-Foot | 0.476                            | -25.7%                     | 3,042,936                                   | 20.9%                                    |
| 97,000                      | Twin 33-Foot   | 0.476                            | -15.3%                     | 4,668,003                                   | 32.1%                                    |
| 120,000                     | Twin 33-Foot   | 0.476                            | -34.4%                     | 8,507,972                                   | 58.4%                                    |

\* Reflects cumulative annual total of diverted intermodal traffic after a five-year period.

\*\* Denominator = all intermodal traffic.

The double 33 foot configuration could cause a 19.6% diversion of intermodal traffic to truck. A weight increase to 91,000 pounds was associated with a 20.4% diversion of carload units and a 12.7% diversion of intermodal loads.

Unlike data used by proponents of bigger trucks, our data relies on an empirical approach utilizing decades of actual pricing, providing a more accurate prediction of shipper responses. Taking this more thorough examination into account, it is clear that bigger trucks do not mean fewer trucks, and in fact lead to a net increase in total vehicle miles traveled by heavy vehicles. The data shows that for the 91,000-pound configuration, total large truck vehicle miles traveled would increase by 17.49 billion, representing a 10.7% overall increase. For double 33s, there would be an increase of 2.18 billion miles in travel by large trucks.

### **Fuel Use**

With more accurate diversion data, we can calculate the amount of fuel needed to haul diverted freight by plugging correct variables into existing USDOT calculations.

Rail transportation is inherently more fuel efficient, averaging 492 ton-miles per gallon<sup>3</sup>. Truck transportation averages 121 ton-miles per gallon.<sup>4</sup>

The resulting fuel use and subsequent emissions by trucks carrying diverted loads is as follows<sup>5</sup>:

| Fuel/Emission Changes by Configuration | 91K   | Twin 33 |
|--|-------|---------|
| Fuel Change (Billion Gals)             | 3.53  | 0.74    |
| Carbon Emissions (Million Tons)        | 37.49 | 18.09   |

<sup>3</sup> CSX; 2020. *The CSX Advantage: Fuel Efficiency*.

<sup>4</sup> Bureau of Transportation Statistics; 2020. *Combination Truck Fuel Consumption and Travel*. Calculation assumes an average 20-ton freight capacity.

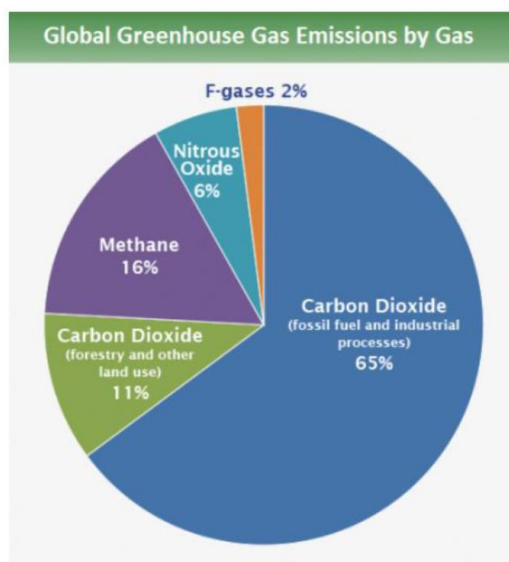
<sup>5</sup> Mingo, Roger D; December 2020. *Another Look at FHWA's Analysis of Twin 33 and Six-axle Single Combination Vehicles in the 2015 Comprehensive Truck Size and Weight Study*

## Emissions

Transportation represents the largest share of greenhouse gas emissions by industry<sup>6</sup> and must be at the focal point of our efforts to combat climate change.

The increased emissions stemming from the diversion of freight from our rails to our roads is deeply concerning. A weight increase to 91,000 pound trucks would lead to an additional 37.49 million tons of carbon emissions stemming from truck freight. Adoption of double 33s would result in an additional 18.09 million tons of carbon dioxide emissions.

Carbon dioxide is responsible for 76% of all greenhouse gas emissions<sup>7</sup> and must be the focus of our efforts to combat climate change.



<sup>6</sup> United States Environmental Protection Agency; 2020. *Fast Facts: U.S. Transportation Sector Greenhouse Gas Emissions 1990-2018*

<sup>7</sup> Intergovernmental Panel on Climate Change; 2014. *Climate Change 2014: Mitigation of Climate Change*



## Board of Commissioners

**Diane K. Knauf**  
Grand Forks, ND

**David Engen**  
Northwood, ND

**Cynthia Pic**  
Niagara, ND

**Tom Falck**  
Grand Forks, ND

**Bob Rost**  
Grand Forks, ND

### **RESOLUTION ON GRAND FORKS COUNTY, NORTH DAKOTA'S OPPOSITION TO SB 2026: ROAD TRAIN EXCESS LIMIT AUTHORIZATION**

**WHEREAS**, SB 2026 is a concurrent resolution urging congress to temporarily amend cargo carrying truck length and weight restrictions on state highways and interstates that are a part of the National Network to allow North Dakota and surrounding states to conduct a road train pilot program and to permanently amend the restrictions to allow road trains on the National Network highways and interstates if the pilot program is successful.

**WHEREAS**, The Federal Highway Network, operated by the NDDOT, would not be eligible for "road trains" based on federal regulations;

**WHEREAS**, Road trains would only be allowed on the other state highways, county highways, or township roads;

**WHEREAS**, The road infrastructure that is used today has not been designed to accommodate the latest size and load limits;

**WHEREAS**, Grand Forks County has ongoing maintenance and infrastructure needs that are costly and necessary for the safety of its citizens;


**WHEREAS**, Under SB 2026 the Governor would have the authority to designate certain roads to act as pilot sites for road trains, without local government input or oversight;

**WHEREAS**, No independent evaluation has been done to determine the costs and safety of road trains on the transportation system.

### **NOW THEREFORE BE IT RESOLVED:**

That the Grand Forks County Commission opposes SB 2026 in its entirety.

Dated at Grand Forks, ND this 2<sup>nd</sup> day of March, 2021 by the Grand Forks County Commission.

  
Cynthia Pic, Chair

  
Debbie Nelson, Auditor

# Professional Fire Fighters of North Dakota

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Darren Schimke, President | 218-779-4122 | [dschimke@wiktel.com](mailto:dschimke@wiktel.com)

3-2-2021

House Transportation Committee,

Mr. Chairman and members of the Transportation Committee,

My name is Darren Schimke, President of the Professional Fire Fighters of North Dakota (PFFND). I represent 415 professional firefighters across our great state. We appreciate the opportunity to provide testimony in opposition of SB 2026.

The PFFND strongly believes that if approved, road trains will pose undue safety hazards to firefighters, EMT's and paramedics while on our highways responding to emergency scenes and while on said scenes treating motor vehicle accident victims and/or individuals experiencing a medical emergency while traveling. We base our opinion on actual incidences and near misses that have been experienced traffic loads throughout our State by our members. We respond and do all types of "work" on these highways, the shoulders and ditches. This work consists of vehicle fires, patient extrication, vehicle accident treatments and medical emergencies.

All members of the PFFND are employed with Departments that have the National Network highways and interstates running through or near them or are at least part of their respective response areas. This does not include the departments that provide patient transports. These transports take our members not only throughout North Dakota but also into Montana, South Dakota and Minnesota. An example would be Williston ND Fire/Ambulance conducting a patient transport from Williston, ND to Rochester, MN.

We are not implying that the operators of road trains would be causing accidents throughout our State. In fact, we believe that these operators are some of the best drivers in the country. The fact is, circumstances present themselves and accidents occur. Our State is considered rural by some but we are not as large and barren as the Australian Outback where these road trains are more common. What we do have is more highway traffic than some of the Outback. Some of our National Network highways are the main thoroughfare through cities and towns. Additionally, our wind and snow conditions can be quite treacherous for large vehicles. Again, it's not necessarily the road train operators; it's others that may try to pass these long vehicles through snow dust, heavy winds or just while climbing up a good old North Dakota mountain not knowing what is coming up on the other side.

We respectfully request your consideration of a Do Not Pass recommendation from the House Transportation Committee regarding SB 2026.

Thank you,

Darren Schimke

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Transportation Committee Room JW327E, State Capitol

SB 2026  
3/18/2021

|  |
|--|
| A bill relating to a governor's order authorizing excess limits regarding road trains. |
|--|

**9:28 AM Chairman Ruby** brought the bill back to committee.

### Attendance

| Representatives                  |   |
|----------------------------------|---|
| Representative Dan Ruby          | P |
| Representative Tom Kading        | P |
| Representative Rick Becker       | P |
| Representative Cole Christensen  | A |
| Representative LaurieBeth Hager  | P |
| Representative Jared C. Hagert   | P |
| Representative Karla Rose Hanson | P |
| Representative Terry B. Jones    | P |
| Representative Emily O'Brien     | P |
| Representative Mark S. Owens     | P |
| Representative Bob Paulson       | P |
| Representative Gary Paur         | P |
| Representative Robin Weisz       | P |
| Representative Greg Westlind     | P |

### Discussion Topics:

- Amendment
- Authorization from Department of Transportation
- Multiple configurations of tractor-trailers

**Chairman Ruby** offered proposed amendment from Senator Luick # 10013.

Discussion.

**Representative Jones** moved the amendments LC 21.0175.01006

**Representative Westlind** seconded.

Voice Vote Carried.

**Representative Jones** moved a Do Pass as amended.

**Representative Paulson** seconded.

### Roll Call Vote

| Representatives            | Vote |
|----------------------------|------|
| Representative Dan Ruby    | Y    |
| Representative Tom Kading  | Y    |
| Representative Rick Becker | Y    |

|                                  |   |
|----------------------------------|---|
| Representative Cole Christensen  | Y |
| Representative LaurieBeth Hager  | N |
| Representative Jared C. Hagert   | Y |
| Representative Karla Rose Hanson | N |
| Representative Terry B. Jones    | Y |
| Representative Emily O'Brien     | Y |
| Representative Mark S. Owens     | N |
| Representative Bob Paulson       | Y |
| Representative Gary Paur         | N |
| Representative Robin Weisz       | Y |
| Representative Greg Westlind     | Y |

Motion Carried. 10-4-0 **Representative Kading** carrier.

9:57 AM **Chairman Ruby** adjourned.

*Jeanette Cook, Committee Clerk*

March 18, 2021

DP 3/18/21  
10f2

**PROPOSED AMENDMENTS TO SENATE BILL NO. 2026**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a department of transportation long combination vehicle study and pilot projects; and to provide for a legislative management report.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. DEPARTMENT OF TRANSPORTATION LONG COMBINATION  
VEHICLE STUDY AND PILOT PROJECTS - REPORT TO LEGISLATIVE  
MANAGEMENT.**

1. During the 2021-22 interim, the department of transportation shall study and conduct pilot projects on the feasibility and impact of long combination vehicle operations on North Dakota roadways. The study must include:
  - a. An assessment of the federal regulations impacting long combination vehicle operations beyond the configurations currently allowed, including configuration combinations allowed in Canada and other jurisdictions;
  - b. An evaluation of the economic impact of permitting long combination vehicle operations in the state;
  - c. An assessment of the impact long combination vehicle operations would have on North Dakota bridges and structures;
  - d. An assessment and evaluation of road networks that are compatible with certain long combination vehicle configurations, or with minor modifications, not exceeding one hundred eighty feet of cargo carrying capacity unless approved by the director of the department of transportation;
  - e. An assessment of the costs associated with implementing long combination vehicle operations; and
  - f. An examination of the size and weight provisions provided under chapter 39-12.
2. The director of the department of transportation may waive certain statutory size and weight restrictions for the pilot projects.
3. The department of transportation may continue any pilot project commenced under subsection 1 until the department determines sufficient information has been gathered to determine the pilot project is no longer necessary.
4. Before August 1, 2022, the department of transportation shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative management."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2026: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SB 2026 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a department of transportation long combination vehicle study and pilot projects; and to provide for a legislative management report.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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  - d. An assessment and evaluation of road networks that are compatible with certain long combination vehicle configurations, or with minor modifications, not exceeding one hundred eighty feet of cargo carrying capacity unless approved by the director of the department of transportation;
  - e. An assessment of the costs associated with implementing long combination vehicle operations; and
  - f. An examination of the size and weight provisions provided under chapter 39-12.
2. The director of the department of transportation may waive certain statutory size and weight restrictions for the pilot projects.
3. The department of transportation may continue any pilot project commenced under subsection 1 until the department determines sufficient information has been gathered to determine the pilot project is no longer necessary.
4. Before August 1, 2022, the department of transportation shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative management."

Renumber accordingly

21.0175.01005  
Title.

Prepared by the Legislative Council staff for  
Senator Luick

March 17, 2021

**PROPOSED AMENDMENTS TO SENATE BILL NO. 2026**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a department of transportation long combination vehicle study and pilot projects; and to provide for a legislative management report.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. DEPARTMENT OF TRANSPORTATION LONG COMBINATION  
VEHICLE STUDY AND PILOT PROJECT - REPORT TO LEGISLATIVE  
MANAGEMENT.**

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  - d. An assessment and evaluation of road networks that are compatible with certain long combination vehicle configurations, or with minor modifications, not exceeding one hundred eighty feet of cargo carrying capacity unless approved by the director of the department of transportation;
  - e. An assessment of the costs associated with implementing long combination vehicle operations; and
  - f. An examination of the size and weight provisions provided under chapter 39-12.
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4. Before August 1, 2022, the department of transportation shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative management."

the upper great plains transportation institute, for the biennium beginning July 1, 2021, and ending June 30, 2023. The department of transportation may borrow \$3,000,000, or so much of the sum as may be necessary, from the Bank of North Dakota, which is appropriated to the department of transportation to make any needed repairs as a result of damages or improvements needed to conduct the pilot program. The department of transportation shall request from the sixty-eighth legislative assembly an appropriation to repay any outstanding loans authorized in this section. The funding in this section is a one-time funding item. Upon the approval of county transportation officials, the department of transportation, in collaboration with local law enforcement, highway patrol, and the upper great plains transportation institute, shall establish a long combination vehicle pilot program to operate on North Dakota roadways shall establish a long combination vehicle pilot program to operate on North Dakota roadways, only upon approval by the United States department of transportation and the federal motor carrier safety administration, if required. The department of transportation shall seek any needed approvals from the United States department of transportation and the federal motor carrier safety administration to conduct the pilot program if necessary. The department of transportation shall establish the parameters and policies regarding the use and operation of long combination vehicles on state, county, city, or local roadways, including designation of routes, hours of operation, and length and weight restrictions.

**SECTION 3. EXPIRATION DATE.** This Act is effective through June 30, 2023, and after that date is ineffective."

Renumber accordingly

# 2021 HOUSE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Room JW327E, State Capitol

SB 2026  
3/25/2021

|  |
|--|
| A bill relating to a governor's order authorizing excess limits regarding road trains. |
|--|

9:04 AM Chairman **Ruby** brought the committee to order.

| Representatives                  |   |
|----------------------------------|---|
| Representative Dan Ruby          | P |
| Representative Tom Kading        | P |
| Representative Rick Becker       | P |
| Representative Cole Christensen  | A |
| Representative LaurieBeth Hager  | P |
| Representative Jared C. Hagert   | P |
| Representative Karla Rose Hanson | P |
| Representative Terry B. Jones    | P |
| Representative Emily O'Brien     | A |
| Representative Mark S. Owens     | A |
| Representative Bob Paulson       | P |
| Representative Gary Paur         | P |
| Representative Robin Weisz       | P |
| Representative Greg Westlind     | P |

## Discussion Topics:

- Amendment
- Long combination vehicles
- Safety Guidelines
- Local road authority agreements
- Total length of cargo carrying capacity

**Chairman Ruby** proposed amendment 21.0175.01007 (#10727).

**Chairman Ruby** additional information to proposed amendment (#10728).

Discussion

**Representative Jones** made a motion to reconsider.

**Representative Westlind** seconded.

Voice vote carried.

**Representative Jones** moved an amendment – remove language on lines 10 and 11 of the proposed amendment 21.0175.01007.

**Representative Kading** seconded.

Voice vote inconclusive.

Roll Call Vote

| Representatives                  | Vote |
|----------------------------------|------|
| Representative Dan Ruby          | N    |
| Representative Tom Kading        | Y    |
| Representative Rick Becker       | Y    |
| Representative Cole Christensen  | A    |
| Representative LaurieBeth Hager  | N    |
| Representative Jared C. Hagert   | N    |
| Representative Karla Rose Hanson | Y    |
| Representative Terry B. Jones    | Y    |
| Representative Emily O'Brien     | A    |
| Representative Mark S. Owens     | A    |
| Representative Bob Paulson       | N    |
| Representative Gary Paur         | Y    |
| Representative Robin Weisz       | N    |
| Representative Greg Westlind     | N    |

Motion failed. 5-6-3

**Representative Westlind** moved an amendment: change 130 feet cargo length to 150 feet total length.

**Representative Jones** seconded.

Roll Call Vote

| Representatives                  | Vote |
|----------------------------------|------|
| Representative Dan Ruby          | N    |
| Representative Tom Kading        | N    |
| Representative Rick Becker       | N    |
| Representative Cole Christensen  | A    |
| Representative LaurieBeth Hager  | Y    |
| Representative Jared C. Hagert   | N    |
| Representative Karla Rose Hanson | Y    |
| Representative Terry B. Jones    | Y    |
| Representative Emily O'Brien     | A    |
| Representative Mark S. Owens     | A    |
| Representative Bob Paulson       | N    |
| Representative Gary Paur         | N    |
| Representative Robin Weisz       | N    |
| Representative Greg Westlind     | Y    |

Motion Failed 4-7-3

**Representative Jones** moved the amendment 21.0175.01007.

**Representative Hagert** seconded.

Voice vote. Carried.

**Representative Hagert** moved a Do Pass as amended.

**Representative Jones** seconded.

Roll Call Vote

| <b>Representatives</b>           | <b>Vote</b> |
|----------------------------------|-------------|
| Representative Dan Ruby          | Y           |
| Representative Tom Kading        | Y           |
| Representative Rick Becker       | Y           |
| Representative Cole Christensen  | A           |
| Representative LaurieBeth Hager  | N           |
| Representative Jared C. Hagert   | Y           |
| Representative Karla Rose Hanson | Y           |
| Representative Terry B. Jones    | Y           |
| Representative Emily O'Brien     | A           |
| Representative Mark S. Owens     | A           |
| Representative Bob Paulson       | Y           |
| Representative Gary Paur         | N           |
| Representative Robin Weisz       | Y           |
| Representative Greg Westlind     | Y           |

Motion Carried 9-2-3 **Representative Kading** carrier.

9:28 **Chairman Ruby** adjourned.

*Jeanette Cook, Committee Clerk*

JP  
3/25/21  
1 of 2

**PROPOSED AMENDMENTS TO SENATE BILL NO. 2026**

In lieu of the amendments adopted by the House, as printed on pages 1214 and 1215 of the House Journal, Senate Bill No. 2026 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a department of transportation long combination vehicle study and pilot projects; and to provide for a legislative management report.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. DEPARTMENT OF TRANSPORTATION LONG COMBINATION VEHICLE STUDY AND PILOT PROJECTS - REPORT TO LEGISLATIVE MANAGEMENT.**

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  - a. An assessment of the federal regulations impacting long combination vehicle operations beyond the configurations currently allowed, including configuration combinations allowed in Canada and other jurisdictions;
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  - c. An assessment of the impact long combination vehicle operations would have on North Dakota bridges and structures;
  - d. An assessment and evaluation of road networks that are compatible with certain long combination vehicle configurations, or with minor modifications, not exceeding one hundred thirty feet of cargo carrying capacity unless approved by the director of the department of transportation;
  - e. Implementing pilot project safety guidelines that include protocols for traffic safety and inclement weather operations;
  - f. An assessment of the costs associated with implementing long combination vehicle operations; and
  - g. An examination of the size and weight provisions provided under chapter 39-12.
2. If a pilot project includes operating on county or township roads, an agreement with local road authorities must be in place to address traffic safety considerations and costs directly attributed to the pilot project.
3. The director of the department of transportation may waive certain statutory size and weight restrictions for the pilot projects.

4. The department of transportation may continue any pilot project commenced under subsection 1 until the department determines sufficient information has been gathered to determine the pilot project is no longer necessary.
5. Before August 1, 2022, the department of transportation shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative management."

98  
3/25/21  
202

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2026: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). SB 2026 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House, as printed on pages 1214 and 1215 of the House Journal, Senate Bill No. 2026 is amended as follows:

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  - d. An assessment and evaluation of road networks that are compatible with certain long combination vehicle configurations, or with minor modifications, not exceeding one hundred thirty feet of cargo carrying capacity unless approved by the director of the department of transportation;
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4. The department of transportation may continue any pilot project commenced under subsection 1 until the department determines sufficient information has been gathered to determine the pilot project is no longer necessary.

5. Before August 1, 2022, the department of transportation shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative management."

Renumber accordingly

21.0175.01007  
Title.

Prepared by the Legislative Council staff for  
Representative D. Ruby  
March 24, 2021

#### PROPOSED AMENDMENTS TO SENATE BILL NO. 2026

In lieu of the amendments adopted by the House, as printed on pages 1214 and 1215 of the House Journal, Senate Bill No. 2026 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a department of transportation long combination vehicle study and pilot projects; and to provide for a legislative management report.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

##### SECTION 1. DEPARTMENT OF TRANSPORTATION LONG COMBINATION VEHICLE STUDY AND PILOT PROJECTS - REPORT TO LEGISLATIVE MANAGEMENT.

1. During the 2021-22 interim, the department of transportation shall study and conduct pilot projects on the feasibility and impact of long combination vehicle operations on North Dakota roadways. The study must include:
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  - c. An assessment of the impact long combination vehicle operations would have on North Dakota bridges and structures;
  - d. An assessment and evaluation of road networks that are compatible with certain long combination vehicle configurations, or with minor modifications, not exceeding one hundred thirty feet of cargo carrying capacity unless approved by the director of the department of transportation;
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  - f. An assessment of the costs associated with implementing long combination vehicle operations; and
  - g. An examination of the size and weight provisions provided under chapter 39-12.
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5. Before August 1, 2022, the department of transportation shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative management."

Renumber accordingly

21.0175.01007

Sixty-seventh  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2026**

Introduced by

Legislative Management

(Agriculture and Transportation Committee)

1 A BILL ~~for an Act to amend and reenact section 39-12-23 of the North Dakota Century Code,~~  
2 ~~relating to a governor's order authorizing excess limits regarding road trains;~~ for an Act to  
3 provide for a department of transportation long combination vehicle study and pilot projects; and  
4 to provide for a legislative management report.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 ~~SECTION 1. AMENDMENT. Section 39-12-23 of the North Dakota Century Code is~~  
7 ~~amended and reenacted as follows:~~

8 ~~39-12-23. Governor's order authorizing excess limits.~~

9 ~~1. The governor of this state is hereby authorized, by order of general application, to may~~  
10 ~~permit and prescribe definite excess limitations as to size and weight for;~~

11 ~~a. For the operation of motor vehicles in emergencies;~~

12 ~~b. For the operation of road trains; and to~~

13 ~~c. To meet unusual conditions for the general welfare of the public.~~

14 ~~2. The operation of such vehicles, in accordance with the governor's order, does not~~  
15 ~~constitute a violation of the statutes relative to limitations on sizes and weights except~~  
16 ~~an order permitting excess length limitations for the operation of road trains may not~~  
17 ~~exceed the single axle gross weight limitations as established by this chapter.~~

18 **SECTION 1. DEPARTMENT OF TRANSPORTATION LONG COMBINATION VEHICLE**  
19 **STUDY AND PILOT PROJECTS - REPORT TO LEGISLATIVE MANAGEMENT.**

20 1. During the 2021-22 interim, the department of transportation shall study and conduct  
21 pilot projects on the feasibility and impact of long combination vehicle operations on  
22 North Dakota roadways. The study must include:

- 1           a.   An assessment of the federal regulations impacting long combination vehicle
- 2               operations beyond the configurations currently allowed, including configuration
- 3               combinations allowed in Canada and other jurisdictions;
- 4           b.   An evaluation of the economic impact of permitting long combination vehicle
- 5               operations in the state;
- 6           c.   An assessment of the impact long combination vehicle operations would have on
- 7               North Dakota bridges and structures;
- 8           d.   An assessment and evaluation of road networks that are compatible with certain
- 9               long combination vehicle configurations, or with minor modifications, not
- 10              exceeding one hundred thirty feet of cargo carrying capacity unless approved by
- 11              the director of the department of transportation;
- 12           e.   Implementing pilot project safety guidelines that include protocols for traffic safety
- 13               and inclement weather operations.
- 14           f.   An assessment of the costs associated with implementing long combination
- 15               vehicle operations; and
- 16           g.   An examination of the size and weight provisions provided under chapter 39-12.
- 17       2.   If a pilot project includes operating on county or township roads, an agreement with
- 18           local road authorities must be in place to address traffic safety considerations and
- 19           costs directly attributed to the pilot project.
- 20       3.   The director of the department of transportation may waive certain statutory size and
- 21           weight restrictions for the pilot projects.
- 22       4.   The department of transportation may continue any pilot project commenced under
- 23           subsection 1 until the department determines sufficient information has been gathered
- 24           to determine the pilot project is no longer necessary.
- 25       5.   Before August 1, 2022, the department of transportation shall report its findings and
- 26           recommendations, together with any legislation required to implement the
- 27           recommendations, to the legislative management.

**2021 SENATE AGRICULTURE**

**SB 2026**

# 2021 SENATE STANDING COMMITTEE MINUTES

## **Agriculture Committee** Fort Union Room, State Capitol

SB 2026  
3/26/2021

A BILL for an Act relating to a governor's order authorizing excess limits regarding road trains

**(9:08 AM) Chair Luick** called the Committee to order. Roll call was taken: Present: Chair Luick, Vice Chair Myrdal, Senator Randy Lemm; Excused: Senator Oley Larsen, Senator Jerry Klein and Senator Kathy Hogan.

### **Discussion Topics:**

- Conference Committee Hearings
- Extended-length combination vehicles
- Interstate travel

**(9:08 AM) Chair Luick** stated that this meeting would be only an informational time should the committee members have any questions concerning any upcoming hearings for the Agriculture Committee.

**(9:11 AM) Chair Luick** adjourned the committee at this time.

*Alice Delzer, Committee Clerk*

**2021 CONFERENCE COMMITTEE**

**SB 2026**

# 2021 SENATE STANDING COMMITTEE MINUTES

## Transportation Committee Fort Totten Room, State Capitol

SB 2026  
4/13/2021  
Conference Committee

A BILL for an Act to provide for a department of transportation long combination vehicle study and pilot projects; and to provide for a legislative management report.

**Chair Conley** calls the meeting to order. Present are Chair Conley, Clemens, Bakke and Representatives Kading, Hagert, Hanson. [10:29]

### Discussion Topics:

- North Dakota roadways
- Department of Transportation

**Chair Conley** proposes an amendment [LC 21.0175.01008]. [10:30]

**Representative Kading [10:32]** moves to RECEDE from house amendments and amend [LC 21.0175.01008].

**Representative Hanson** seconds. [10:32]

Vote passes (see below) 6-0-0. [10:33]

**Senator Bakke** and **Representative Kading** will carry.

**Chair Conley** adjourns the meeting. [10:34]

*Sheldon Wolf, Committee Clerk*

April 13, 2021

SK  
182  
4W

**PROPOSED AMENDMENTS TO SENATE BILL NO. 2026**

That the House recede from its amendments as printed on pages 1282 and 1283 of the House Journal and pages 1129 and 1130 of the Senate Journal and that Senate Bill No. 2026 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a department of transportation long combination vehicle study and pilot projects; and to provide for a legislative management report.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. DEPARTMENT OF TRANSPORTATION LONG COMBINATION VEHICLE STUDY AND PILOT PROJECTS - REPORT TO LEGISLATIVE MANAGEMENT.**

1. During the 2021-22 interim, the department of transportation shall study and conduct pilot projects on the feasibility and impact of long combination vehicle operations on North Dakota roadways. The study must include:
  - a. An assessment of the federal regulations impacting long combination vehicle operations beyond the configurations currently allowed, including configuration combinations allowed in Canada and other jurisdictions;
  - b. An evaluation of the economic impact of permitting long combination vehicle operations in the state;
  - c. An assessment of the impact long combination vehicle operations would have on North Dakota bridges and structures;
  - d. An assessment and evaluation of road networks that are compatible with certain long combination vehicle configurations, or with minor modifications, not exceeding one hundred thirty feet of cargo carrying capacity unless approved by the director of the department of transportation;
  - e. Implementing pilot project safety guidelines that include protocols for traffic safety and inclement weather operations;
  - f. An assessment of the costs associated with implementing long combination vehicle operations; and
  - g. An examination of the size and weight provisions provided under chapter 39-12.
2. If a pilot project includes operating on county, city, or township roads, an agreement with local road authorities must be in place to address traffic safety considerations and costs directly attributed to the pilot project.

3. The director of the department of transportation may waive certain statutory size and weight restrictions for the pilot projects.
4. The department of transportation may continue any pilot project commenced under subsection 1 until the department determines sufficient information has been gathered to determine the pilot project is no longer necessary.
5. Before August 1, 2022, the department of transportation shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative management."

Renumber accordingly

**2021 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. 2026 as (re) engrossed

**Senate Transportation Conference Committee**

- Action Taken**    ☐ **SENATE accede to House Amendments**  
☐ **SENATE accede to House Amendments and further amend**  
☐ **HOUSE recede from House amendments**  
☒ **HOUSE recede from House amendments and amend as follows**
- ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Rep. Kading                      Seconded by: Rep. Hanson

| Senators          |  |  |  | Yes | No |  | Representatives |  |  |  | Yes | No |
|-------------------|--|--|--|-----|----|--|-----------------|--|--|--|-----|----|
| Chair Conley      |  |  |  | X   |    |  | Kading          |  |  |  | X   |    |
| Clemens           |  |  |  | X   |    |  | Hagert          |  |  |  | X   |    |
| Bakke             |  |  |  | X   |    |  | Hanson          |  |  |  | X   |    |
|                   |  |  |  |     |    |  |                 |  |  |  |     |    |
|                   |  |  |  |     |    |  |                 |  |  |  |     |    |
| Total Senate Vote |  |  |  | X   |    |  | Total Rep. Vote |  |  |  | X   |    |

Vote Count              Yes: 6                      No: 0                      Absent: 0

Senate Carrier Senator Bakke                      House Carrier Representative Kading

LC Number 21.0175                      . 01008                      of amendment

LC Number 21.0175                      . 04000                      of engrossment

Insert LC: 21.0175.01008  
Senate Carrier: Bakke  
House Carrier: Kading

**REPORT OF CONFERENCE COMMITTEE**

**SB 2026:** Your conference committee (Sens. Conley, Clemens, Bakke and Reps. Kading, Hagert, Hanson) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1129-1130, adopt amendments as follows, and place SB 2026 on the Seventh order:

That the House recede from its amendments as printed on pages 1282 and 1283 of the House Journal and pages 1129 and 1130 of the Senate Journal and that Senate Bill No. 2026 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a department of transportation long combination vehicle study and pilot projects; and to provide for a legislative management report.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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COMBINATION VEHICLE STUDY AND PILOT PROJECTS - REPORT TO  
LEGISLATIVE MANAGEMENT.**

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3. The director of the department of transportation may waive certain statutory size and weight restrictions for the pilot projects.

**Insert LC: 21.0175.01008**  
**Senate Carrier: Bakke**  
**House Carrier: Kading**

4. The department of transportation may continue any pilot project commenced under subsection 1 until the department determines sufficient information has been gathered to determine the pilot project is no longer necessary.
5. Before August 1, 2022, the department of transportation shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative management."

Renumber accordingly

SB 2026 was placed on the Seventh order of business on the calendar.

# 2021 SENATE STANDING COMMITTEE MINUTES

## Transportation Committee Fort Totten Room, State Capitol

SB 2026  
4/15/2021 Conference  
Committee

|  |
|--|
| A BILL for an Act to provide for a department of transportation long combination vehicle study and pilot projects; and to provide for a legislative management report. |
|--|

**Chair Conley** calls the meeting to order. Present are Chair Conley, Clemens, Bakke and Representatives Kading, Hagert, Hanson. [9:30]

### Discussion Topics:

- North Dakota roadways
- Road trains
- Potential efficacy of the attached study

**Senator Ole Larsen [9:29]** is called to the podium to offer clarity regarding his position on this bill.

**Representative Kading [9:35]** motions to recede and further amend. [LC 21.0175.01008]

**Representative Hanson [9:36]** seconds.

Vote passes (see below).

**Senator Bakke** and **Representative Kading** will carry.

**Chair Conley** adjourns the meeting. [9:36]

*Sheldon Wolf, Committee Clerk*

April 13, 2021

**PROPOSED AMENDMENTS TO SENATE BILL NO. 2026**

That the House recede from its amendments as printed on pages 1282 and 1283 of the House Journal and pages 1129 and 1130 of the Senate Journal and that Senate Bill No. 2026 be amended as follows:

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**SECTION 1. DEPARTMENT OF TRANSPORTATION LONG COMBINATION VEHICLE STUDY AND PILOT PROJECTS - REPORT TO LEGISLATIVE MANAGEMENT.**

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  - c. An assessment of the impact long combination vehicle operations would have on North Dakota bridges and structures;
  - d. An assessment and evaluation of road networks that are compatible with certain long combination vehicle configurations, or with minor modifications, not exceeding one hundred thirty feet of cargo carrying capacity unless approved by the director of the department of transportation;
  - e. Implementing pilot project safety guidelines that include protocols for traffic safety and inclement weather operations;
  - f. An assessment of the costs associated with implementing long combination vehicle operations; and
  - g. An examination of the size and weight provisions provided under chapter 39-12.
2. If a pilot project includes operating on county, city, or township roads, an agreement with local road authorities must be in place to address traffic safety considerations and costs directly attributed to the pilot project.

3. The director of the department of transportation may waive certain statutory size and weight restrictions for the pilot projects.
4. The department of transportation may continue any pilot project commenced under subsection 1 until the department determines sufficient information has been gathered to determine the pilot project is no longer necessary.
5. Before August 1, 2022, the department of transportation shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative management."

Renumber accordingly

**2021 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. 2026 as engrossed

**Senate Transportation Conference Committee**

- Action Taken**    ☐ **SENATE accede to House Amendments**  
☐ **SENATE accede to House Amendments and further amend**  
☐ **HOUSE recede from House amendments**  
☒ **HOUSE recede from House amendments and amend as follows**
- ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Kading                      Seconded by: Hanson

| Senators          |  |  |  | Yes | No |  | Representatives |  |  |  | Yes | No |
|-------------------|--|--|--|-----|----|--|-----------------|--|--|--|-----|----|
| Chair Conley      |  |  |  | X   |    |  | Kading          |  |  |  | X   |    |
| Clemens           |  |  |  | X   |    |  | Hagert          |  |  |  | X   |    |
| Bakke             |  |  |  | X   |    |  | Hanson          |  |  |  | X   |    |
|                   |  |  |  |     |    |  |                 |  |  |  |     |    |
|                   |  |  |  |     |    |  |                 |  |  |  |     |    |
| Total Senate Vote |  |  |  | 3   |    |  | Total Rep. Vote |  |  |  | 3   |    |

Vote Count              Yes: 6                      No: 0                      Absent: 0

Senate Carrier Bakke                      House Carrier Kading

LC Number 21.0175                      . 01008                      of amendment

LC Number 21.0175                      . 04000                      of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Insert LC: 21.0175.01008  
Senate Carrier: Bakke  
House Carrier: Kading

**REPORT OF CONFERENCE COMMITTEE**

**SB 2026:** Your conference committee (Sens. Conley, Clemens, Bakke and Reps. Kading, Hagert, Hanson) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1129-1130, adopt amendments as follows, and place SB 2026 on the Seventh order:

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3. The director of the department of transportation may waive certain statutory size and weight restrictions for the pilot projects.

**Insert LC: 21.0175.01008**  
**Senate Carrier: Bakke**  
**House Carrier: Kading**

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Renumber accordingly

SB 2026 was placed on the Seventh order of business on the calendar.