2023 HOUSE APPROPRIATIONS

HB 1217

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee

Brynhild Haugland Room, State Capitol

HB 1217 2/1/2023

BILL for an Act to provide an appropriation to the department of transportation for transportation projects to alleviate flooding impacts; to provide for a department of transportation study; and to provide for a report to the legislative management.

10:40 AM Chairman Vigesaa- Meeting was called to order and roll call was taken:

Members present; Chairman Vigesaa, Representative Kempenich, Representative B. Anderson, Representative Bellew, Representative Brandenburg, Representative Hanson, Representative Kreidt, Representative Martinson, Representative Mitskog, Representative Meier, Representative Monson, Representative Nathe, Representative J. Nelson, Representative O'Brien, Representative Pyle, Representative Richter, Representative Sanford, Representative Schatz, Representative Schobinger, Representative G. Stemen and Representative Swiontek.

Members not Present Representative Mock Representative Strinden

Discussion Topics:

- Red River Bridge
- Hydraulic Study Funding
- Federal Implications

Representative Monson- Introduces HB 1217

Senator Janne Myrdal- Testifies in favor of HB 1217.

Terry Effertz- Testifies in favor and introduces BTAG group. (Testimony #18580)

James Bergman- Higdem Township, Polk County- Testifies in favor (Testimony #18582)

Gary Babinski- Pulaski Township- Answers questions

Matt Linneman, ND DOT- Neutral (Testimony #18319)

Patrick Fridgen, Department of Water Resources – Neutral (Testimony #18137)

Chairman Vigesaa Closed the meeting for HB 1217 11:52 AM

Risa Berube, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee

Brynhild Haugland Room, State Capitol

HB 1217 2/9/2023

BILL for an Act to provide an appropriation to the department of transportation for transportation projects to alleviate flooding impacts; to provide for a department of transportation study; and to provide for a report to the legislative management.

9:12 AM Chairman Vigesaa- Meeting was called to order and roll call was taken:

Members present; Chairman Vigesaa, Representative Kempenich, Representative Bellew, Representative Brandenburg, Representative Hanson, Representative Kreidt, Representative Martinson, Representative Mitskog, Representative Meier, Representative Mock, Representative Monson, Representative Nathe, Representative O'Brien, Representative Pyle, Representative Richter, Representative Sanford, Representative Schatz, Representative Schobinger, Representative Strinden, Representative G. Stemen and Representative Swiontek.

Members not Present- Representative J. Nelson and Representative B. Anderson

Discussion Topics:

- Bridge Work for Red River
- Funding from Minnesota
- Borrowing Authority at Bank of ND

Representative Monson- Move for a Do Not Pass

Representative J. Stemen- Seconds the motion.

Roll Call Vote

Representatives	Vote
Representative Don Vigesaa	Υ
Representative Keith Kempenich	Υ
Representative Bert Anderson	Α
Representative Larry Bellew	Υ
Representative Mike Brandenburg	Υ
Representative Karla Rose Hanson	Υ
Representative Gary Kreidt	Υ
Representative Bob Martinson	Υ
Representative Lisa Meier	Υ
Representative Alisa Mitskog	Υ
Representative Corey Mock	Υ
Representative David Monson	Υ
Representative Mike Nathe	Υ

House Appropriations Committee HB 1217 Feb. 9th 2023 Page 2

Representative Jon O. Nelson	Α
Representative Emily O'Brien	Υ
Representative Brandy Pyle	Υ
Representative David Richter	Υ
Representative Mark Sanford	Υ
Representative Mike Schatz	Υ
Representative Randy A. Schobinger	Υ
Representative Greg Stemen	Υ
Representative Michelle Strinden	Υ
Representative Steve Swiontek	Υ

Motion Carries 21-0-2 Representative Monson will carry the bill.

Chairman Vigesaa Closed the meeting for HB 1217 9:19 AM

Risa Berube, Committee Clerk

Module ID: h_stcomrep_26_032

Carrier: Monson

REPORT OF STANDING COMMITTEE

HB 1217: Appropriations Committee (Rep. Vigesaa, Chairman) recommends DO NOT PASS (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1217 was placed on the Eleventh order on the calendar.

TESTIMONY

HB 1217

Testimony HB 1217—Department of Water Resources House Appropriations Representative Don Vigesaa, Chairman February 1, 2023

Chairman Vigesaa, and members of the House Appropriations Committee – I am Patrick Fridgen, Director of the Planning and Education Division for the Department of Water Resources (DWR). I am here today to provide neutral testimony regarding House Bill (HB) 1217, and more specifically, background information related to the DWR Cost-Share Program since the potential for DWR cost-share assistance is referenced in the bill.

My comments today are in line with what might be expected to address flood risk reduction efforts in rural areas in the northern Red River Valley – with reference to a pertinent example. Most recently, in 2021, DWR was approached by the Walsh County Water Resource District for cost-share to modify a hydraulic study performed by an engineering firm in 2018. The purpose of that study was to analyze the impact of flow restrictions within the floodplain of the Red River in the Oslo, Minnesota area for a range of flood events.

The total cost to complete the update of the hydraulic study was about \$14,000. The Minnesota Department of Natural Resources provided approximately \$7,000. Because the study was related to rural flood protection efforts, DWR provided 45% cost-share on the remaining \$7,000, which amounted to \$3,139. The update of the hydraulic study was very recently completed, and we are awaiting a copy of the analysis.

To be in line with the State Water Commission's current policy, and the modified policy that takes effect in the 2023-2025 biennium related to rural flood protection, future studies would be recommended for cost-share at up to 45%. This would also be the recommended percentage for any future construction projects to complete rural flood protection. Having said that, depending on the scope of a future project, if the cause and solution are entirely related to road or bridge repairs or replacements, that would need to be looked at by the Commission for eligibility.

Mr. Chairman, and members of the committee, this concludes my testimony related to HB 1217, and I will stand for any questions that you might have.



House Bill No. 1217

Transportation House Appropriations Committee

Brynhild Haugland Room | February 1, 2023, 10:15am Matt Linneman, Deputy Director for Engineering

Good morning, Mr. Chairman and members of the committee. I'm Matt Linneman, Deputy Director for Engineering for the North Dakota Department of Transportation (NDDOT). I'm here to provide information related to House Bill 1217.

HB 1217 provides for an appropriation of \$37.25M to the NDDOT for Phase 1 of a project to alleviate flooding impacts in the northern Red River Valley for the biennium ending July 30, 2025, and to provide for an NDDOT study and report of findings and recommendations to the legislative management before August 1, 2024.

We understand this bill is focused on the areas near and adjacent to ND Hwy 54 and Oslo, Minnesota (see attached map). This region of the Red River Valley has a very flat, wide, and complex floodplain. There is a vast network of levees, roads, bridges, and other features in this floodplain and any changes can have significant impacts for many miles. These impacts will need to be fully modeled and mitigated before moving forward with any highway or bridge improvement project.

Given that there are transportation resiliency needs in this area, the NDDOT would approach this major project with a Feasibility Study which would include detailed hydraulic modeling and analysis to identify feasible alternatives which can then be carried forward in an environmental document. The Feasibility Study would determine:

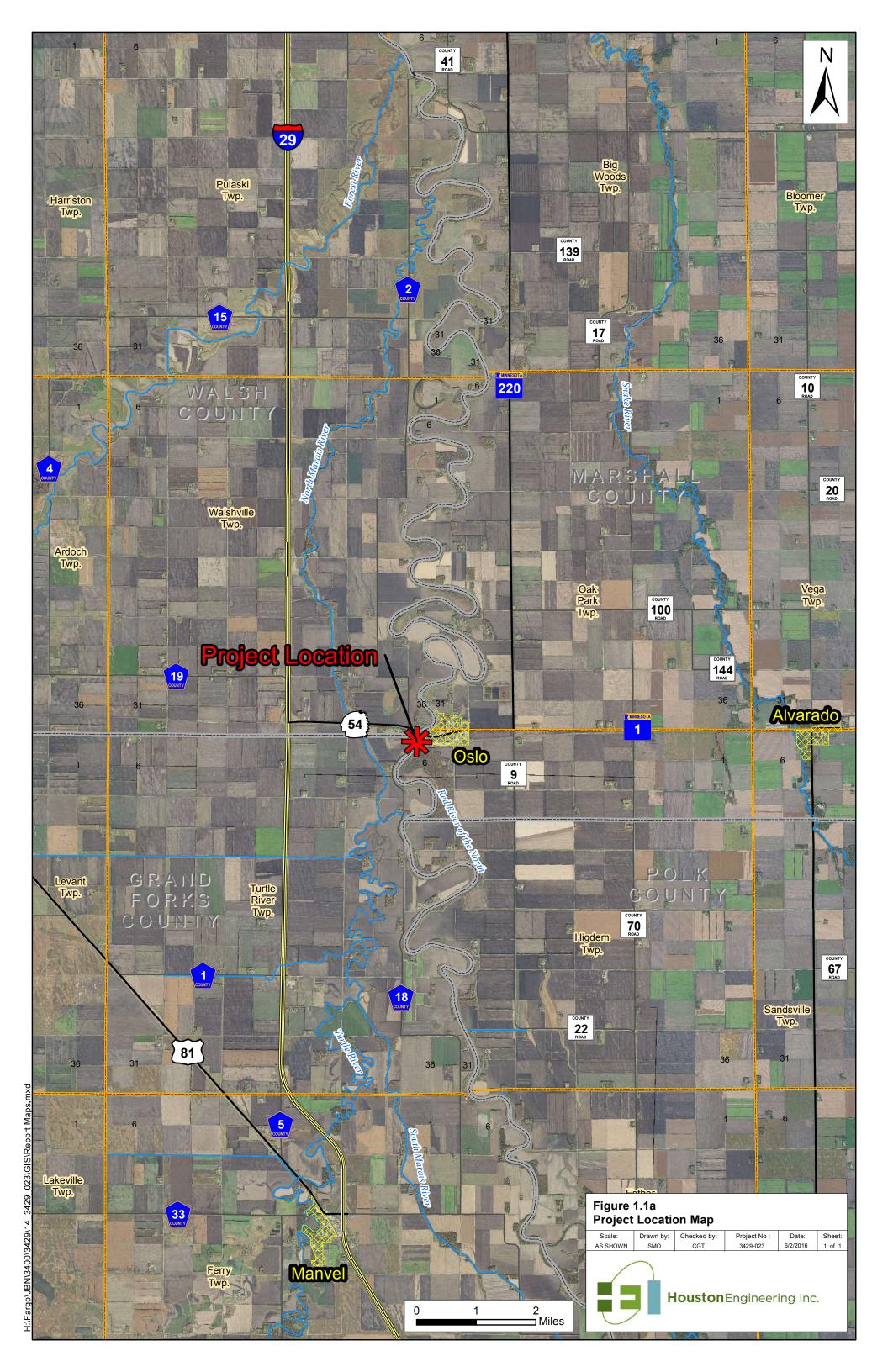
- Project study area
- Need, purpose, and goals of the project
- Stakeholders and their role in the project
- Detailed hydraulic modeling and analysis
- Engineering design criteria
- Preliminary range of alternatives including potential priority or phasing of projects
- Current legal and regulatory framework
- Level of environmental documentation required
- Estimated costs and funding scenarios
- Potential contracting methods
- Schedules and timelines

In short, the Feasibly Study would set the roadmap on how this project could move forward. It is also important to note, that with the NDDOT leading this study, it would be focused on transportation infrastructure needs, which may or may not fully address the issues of importance to local entities.

The NDDOT would also work cooperatively with the state of Minnesota and the Minnesota Department of Transportation (MnDOT). As with most border bridge projects, we would expect to split the costs evenly with MnDOT. They have given us a preliminary indication they would be willing to move forward with a Feasibility Study. The preliminary estimated cost for the complete Feasibility Study and hydraulic modeling is in the range of \$4.0 to \$5.0 million. A study of this size would also likely take more than two years to complete.

It is also our understanding the Minnesota Legislature is considering a similar bill, HF No. 599, that would appropriate money to the MnDOT Commissioner of Transportation to address Phase 1 of an Oslo area Red River flood mitigation project.

This concludes my testimony. Thank You.



The Problem: Frequent Flooding Due to Restrictive Channel Openings

he Oslo area has a significant transportation dilemma on its hands that has been causing headaches for years. The Oslo Bridge, which is the primary link between Minnesota and North Dakota over the Red River in this region, is nearing the end of its useful life and must be replaced.

The 55-year-old fracture critical structure has many deficiencies and falls short on several transportation standards and requirements, which threatens public safety.

Year after year the Red River floods in the spring, which temporarily shuts down the Oslo, Marais, Highway 317, and Northern Plains Railroad Bridges. Many hours are wasted for area residents, agricultural production suffers, additional fuel costs are realized, and railroad service is disrupted.

In addition to the Oslo Bridge, the Border Township Associative Group's (BTAG) comprehensive transportation solution for the entire Oslo area will address the Marais Bridge and the Northern Plains Railroad Bridges adjacent to Highway 1/ND 54 over the Red River and North Marais River as well as the Highway 317 Bridge. All of these structures and approach roadways need modification or replacement in order to provide efficient and safe transportation for the Oslo area.

Oslo Area Economic Losses

- » Average loss/flood event: \$25.6 million
- » Land value losses: \$320 million
- » FEMA money spent: \$1.35 million/ flood
- » \$250K Railroad damage and 5–8 weeks of lost service time per flood event



Transportation Issues

- » The Oslo, Marais, and Northern Pacific Railroad Bridges lose service during common Red River flooding.
- » Lengthy detours result from frequent flooding.
- » Hazardous conditions for transporting farm machinery.

Bridge Deficiencies and Restrictions

- » The Oslo and Highway 317 Bridges are fracture critical structures.Potential for collapse with loss of one tension member.
- » Load capacities do not meet current standards.
- » Lead-based paint system on the Oslo Bridge.
- » History of damage to structural members from vehicles.
- » The Oslo and Highway 317 Bridges have limited remaining useful life.
- » Horizontal and vertical clearances are substandard.
- » No pedestrian accommodations are available on the Oslo and Highway 317 Bridges.
- » The Northern Plains Railroad Bridge adjacent to the Oslo Bridge is 109 years old.
- » Massive center of channel pier on Railroad Bridge is restrictive and susceptible to scour and debris accumulation.
- » Embankment and soil movement issues.

Proposed Comprehensive Solutions

- » Provide bridge openings proportional to up and downstream locations compliant with FEMA requirements.
- » Site new bridges/roads/railroad grades with residual clearance above flood elevations.
- construct contemporary cost-effective bridge replacement designs to minimize long-term maintenance costs, provide structural integrity, and accommodate future conditions.
- » Coordinate solutions to enhance service levels on I-29 and TH1 east of Oslo.
- » Promote strategic distributed storage projects throughout the Red River Basin for mainstem flow reduction.
- » Capitalize on the unprecedented spirit of cooperation between local, county, state, and federal entities.
- » Promote growth/economic prosperity for the region.
- » Assist in leveraging funding sources.

WE NEED EVERYONE'S SUPPORT

BTAG

ND DOT

BANK OF ND

STATE OF ND

YALSH COUNTY

WALSH COUNTY

FEDERAL HWY DEPARTMENT

WALSH COUNTY

POLITICAL OFFICES

CTTY OF OSLO

STATE OF MN

MN DOT

FEMA

DNR

BTAG

Border Township Associative Group

"We're really excited about this project!
The need is definitely there—we've been battling flooding issues with these bridges for a long time." — BTAG

BTAG Contact Information

20487 470th Ave NW Oslo, MN 56744

218-965-4660 ext #1 218-965-4902 fax 218-686-0804 cell

jamesbergman@beamco.biz

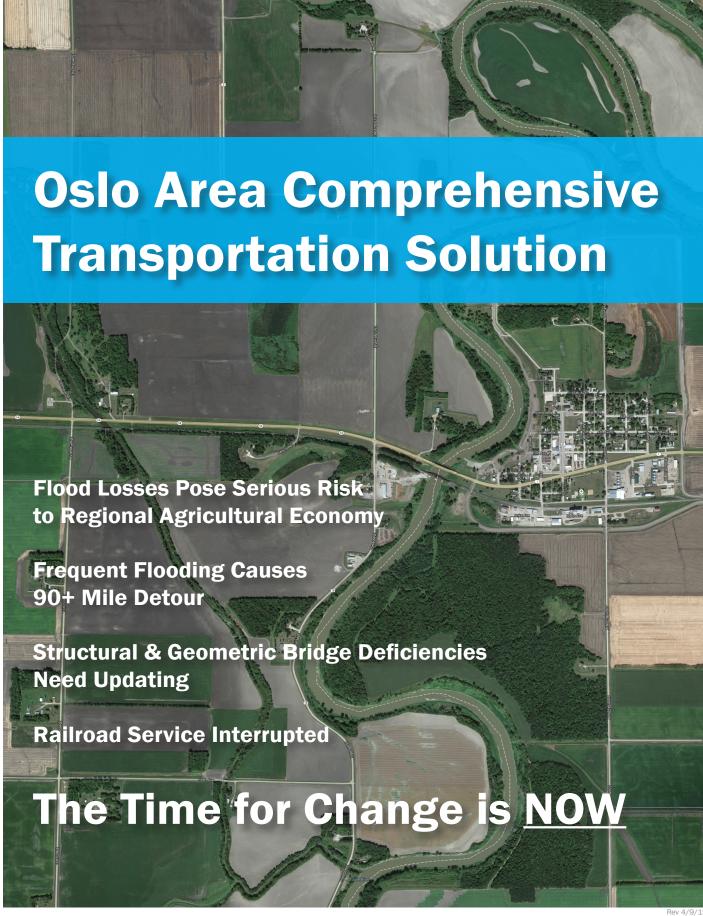
The Border Township Associative Group (BTAG) was formed in early 2013 and consists of area townships in Minnesota and North Dakota and the City of Oslo, MN. This group is on a mission to bring an end to one of the biggest headaches the Oslo area has faced for many years—unsafe bridges that are prone to flooding year after year, which jeopardize safety and result in significant economic losses to the region.

BTAG Representatives

- » Big Woods, MN Joel Osowski
- » Fork, MN Cary Osowski
- » Higdem, MN James Bergman
- » Oak Park, MN John Nelson
- » Pulaski, ND Gary Babinski
- » Turtle River, ND Derek Gowan
- » Walshville, ND Craig Jones
- » City of Oslo, MN Tom Kallock

Border Township Associative Group (BTAG) Goals

- » Provide transportation service levels consistent with up and downstream Red River crossing locations.
- » Contain flows as close to the main channel center line as possible.
- » Serve as local experts on water decisions.
- » Work cooperatively with other entities to facilitate local water management.
- » Promote inter-state cooperation on cost-effective transportation improvements.



Rev 4/9/15

Drayton, ND (Downstream from Oslo, MN) Highway 317 Bridge Detour Through Oslo. MN Marais B<mark>ridge • Oslo Bridge </mark> **Detour Through ™Grand Forks** Flows North Grand Forks, ND Fo (Upstream from Oslo, MN)

The Solution: New Construction and Adjusted Road Elevations for the Oslo, Marais, Highway 317, and Northern Plains Railroad Bridges

Highway 317 Bridge

The Highway 317 Bridge is frequently out of service during elevated water levels. It's the oldest of the highway bridges in this group and has numerous structural problems. The restrictive opening compounds flooding and dechannelizes the river. Option A or B will solve this problem. This improvement, along with the Oslo and Marais Bridges will ensure safe, efficient transportation routes for this region well into the future. **Option A** would provide a new bridge structure and larger

channel opening consistent with up and downstream bridges, resulting in more efficient flood flows through the crossing and reducing flooding.

Option B would provide for efficient flood flows through this crossing using the existing bridge and modified roadway elevations. Flow will pass over the road and through the bridge simultaneously, reducing the dechannelization of the water.

1,950 ft. Bridge

Existing Channel Opening — 16,318 sq. ft.

Proposed Channel Opening — 51,600 sq. ft.

Option A: Highway 317 Bridge Concept





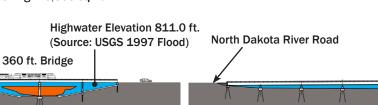
Highwater Elevation 803.1 ft. (Source: MSTRWD 1997 Flood)

Oslo, Northern Plains Railroad, and Marais Bridges

As part of the comprehensive transportation solution we propose the Oslo. Northern Plains Railroad, and Marais Bridges be replaced concurrently. The Marais Bridge sits a little over one mile west of Oslo and is prone to flooding. If one crossing is open and one is out of service, the route is still unusable. Reconstructing both crossings will ensure this vital link remains open at all times. The Oslo and Northern Plains Railroad Bridges have geometric and structural deficiencies which threaten public safety. We propose constructing new bridges and channel openings and adjusting elevations to ensure these routes remain open even during future flood events.

- Existing Channel Opening 2,940 sq. ft.
- Proposed Channel Opening 6,000 sq. ft.

larais Bridge & RR Bridge Concept



Oslo Bridge & RR Bridge Concept



Highwater Elevation 811.0 ft. (Source: USGS 1997 Flood)				

Existing Channel Opening — 14,368 sq. ft. 1,850 ft. Bridge Proposed Channel Opening — 41,000 sq. ft.

Oslo Dike

Bridge Name	Approx. Distance Up/Downstream from Oslo Bridge	Drainage Area (sq. mi.)	Existing Waterway Opening (sq. ft.)	Proposed Waterway Opening (sq. ft.)
Drayton Bridge (TH 11)	26 Miles Downstream (North)	34,800	57,623	_
Highway 317 Bridge (ND 7)	14 Miles Downstream (North)	32,290	16,318	51,600
Marais & Oslo Bridges (ND 54/TH 1)	_	31,200	17,308	47,000
Kennedy Bridge Complex (US 2)	19 Miles Upstream (South)	30,100	30,970	I
Thompson Bridge (CR 9)	31 Miles Upstream (South)	24,010	34,239	_

Like all rivers, the width and depth of the Red River changes as it flows down the border of Minnesota and North Dakota. As water levels increase, bottlenecks begin to occur in portions of the river that have smaller waterway openings. This causes flooding to occur. One of the reasons the Oslo and Highway

317 Bridges are so prone to flooding is because their waterway areas are restrictive. The excess water needs to go somewhere, and therefore rises out of the river channel and floods adjacent roads and fields. The table above and chart below compare waterway openings of up and downstream bridges.

Existing Waterway Opening Comparison



Drayton Bridge

57,623 sq. ft.



Highway 317 Bridge

16,318 sq. ft.



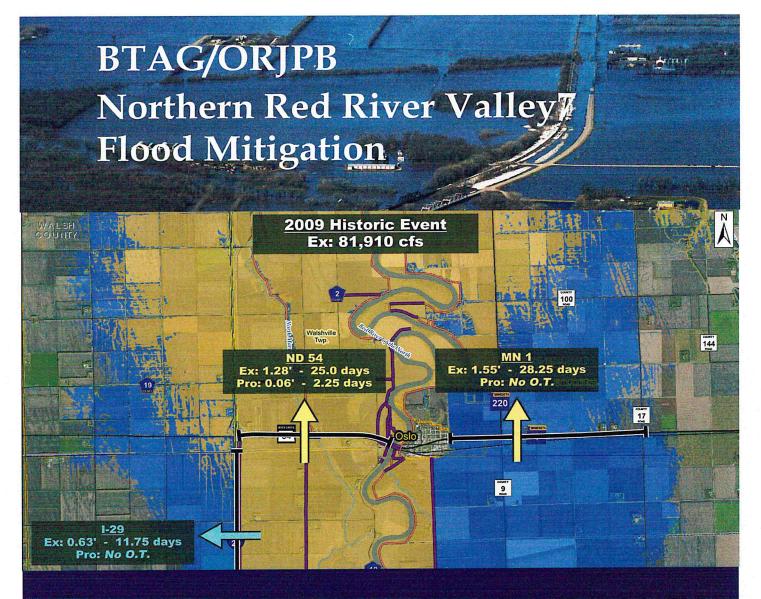


Marais & Oslo Bridges

17.308 sq. ft.







WITH YOUR VOTE WE CAN MANAGE THIS PROBLEM

Reduced Roadway Overtopping Frequency

Increased ND/MN transportation over Red River
Increased access to homes and businesses during floods
Allows the Railroad working through the flood
Allows I-29 to remain open during floods

Reduction to Ag Land Inundation

Reduced time of flooding-more chance to get the crop planted Reduce overall flooded acres

Total Project Phases

Construction and Non-Construction Costs Opinion of Probable Cost

经产业等过程的支撑等。	North Dakota	Minnesota	Total Cost
<u>Phase 1-Bridges/Bridge Modifications</u> (Properly Sized Conveyance Areas)	\$51,656,438	\$33,924,628	\$85,581,065
<u>Phase 2-Infrastructure Protection</u> (Interstate, State Highways, Railroad Flood Protection)	\$15,949,378	\$4,545,513	\$20,494,891
<u>Phase 3-River Restrictions Removal</u> (Ag Levee Modifications, Abandoned Driveways, etc.)	\$15,865,202	\$11,492,050	\$27,357,252
Grand Total:	\$83,471,018	\$49,962,191	\$133,433,209
DOT Portion of Project	North Dakota	Minnesota	Total
DOT Portion of Project DOT Phase 1	North Dakota \$37,250,000	Minnesota \$28,065,571	Total \$63,315,571

BTAG Contact Information 20487 470th Ave NW Oslo, MN 56744

218-965-4660 ext. 1# 218-965-4902 Fax 218-686-0804 Cell

North Dakota Townships

Pulaski-Gary Babinski Walshville-Craig Jones Turtle River-Derek Gowan Ferry Township Financial Support

Minnesota Townships

Fork-Cary Osowski Big Woods-Curtis Haugen Oak Park-David Nelson Higdem-James Bergman City of Oslo-Tim Solem

Existing Waterway Opening Comparison



Drayton Bridge 57,623 sq. ft.



Highway 317 Bridge **16,318 sq. ft.**



Marais & Oslo Bridges 17,308 sq. ft.

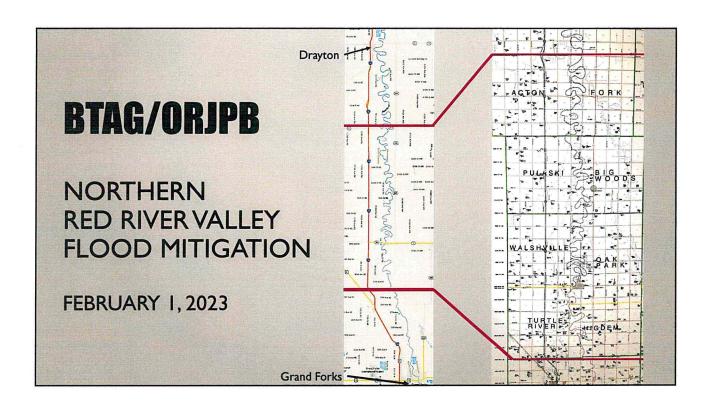


Kennedy Bridge Complex in Grand Forks, ND 30,970 sq. ft.

To watch a 8 minute video go to:

fixtheflood.org or scan here.

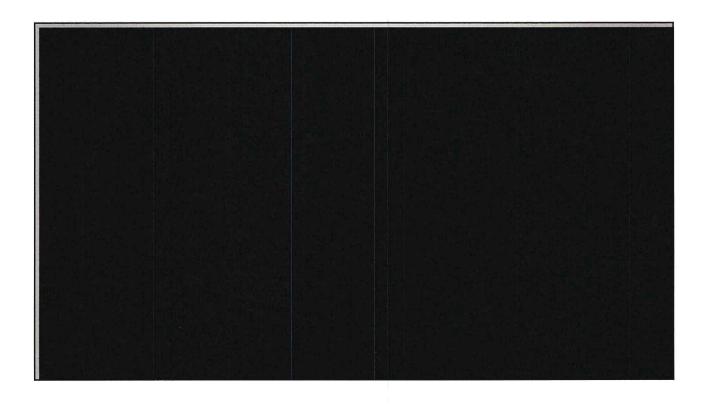


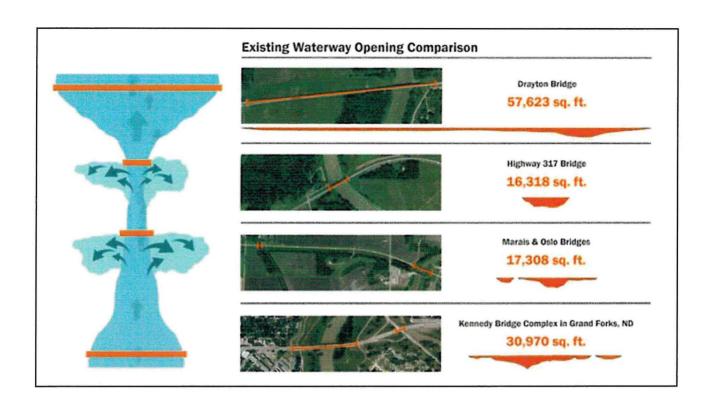


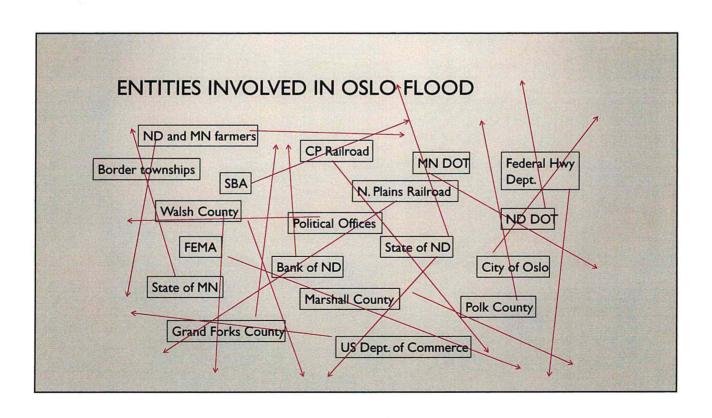
BORDER ASSOCIATIVE GROUP North Dakota Minnesota Walsh County Marshall County City of Oslo-Tim Solem Pulaski Township-Gary Babinski Fork Township-Carey Osowski Walshville Township-Craig Jones Big Woods Township-Curtis Haugen Oak Park Township-David Nelson **Grand Forks County** Turtle River Township-Derek Gowan Ferry Township-financial support Higdem Township-James Bergman

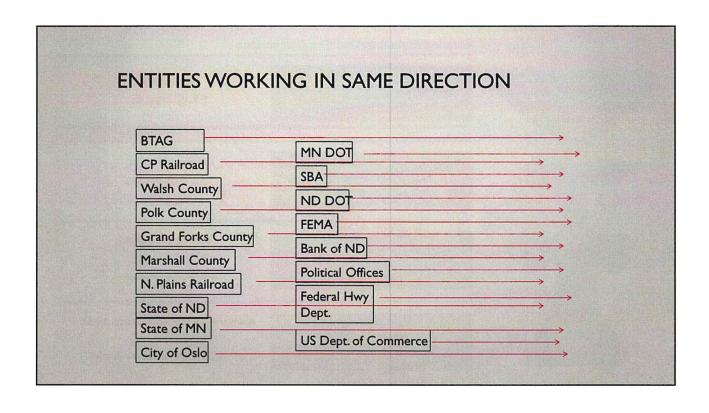
BTAG GOALS

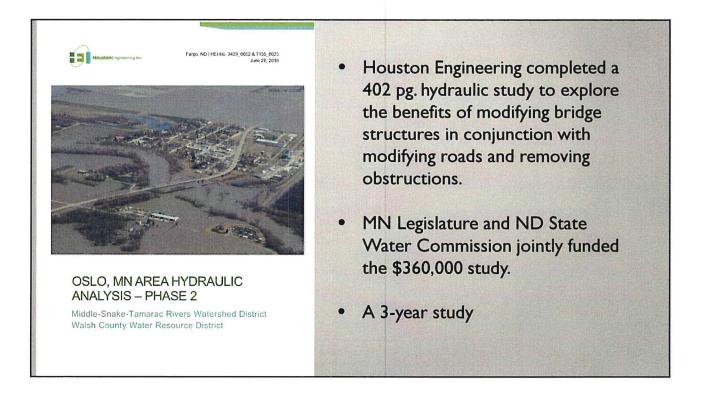
- Contain flows as close to the main channel center line as possible.
- Serve as local experts on water decisions.
- Work cooperatively with other entities to facilitate local water management.
- Promote inter-state cooperation on cost-effective transportation improvements.
- Establish bridges proportional to GF/EGF upstream and Drayton downstream.











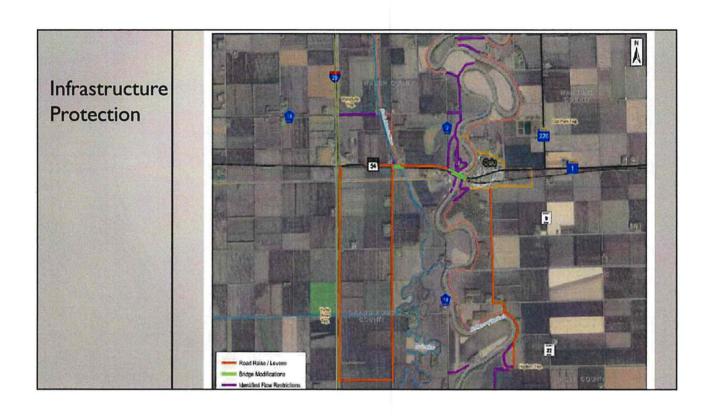
WATER-FLOW OBSTRUCTIONS

BTAG as local experts identified 70 obstructions to Red River waterflow. Houston study included 40 of the most obvious obstructions, including:

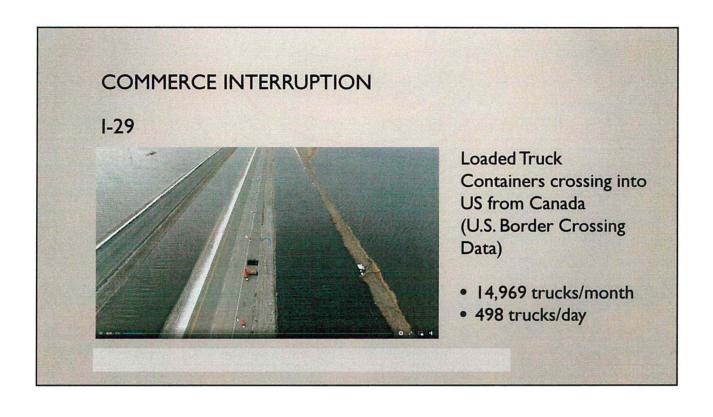
- MN Hwy I/ ND Hwy 54 bridge at Oslo
- Northern Plains Rail Bridge (1905) at Oslo
- ND Hwy 17/ MN Hwy 317 bridge
- Spoilbanks
- Abandoned driveways
- Field roads
- Old farmer dike

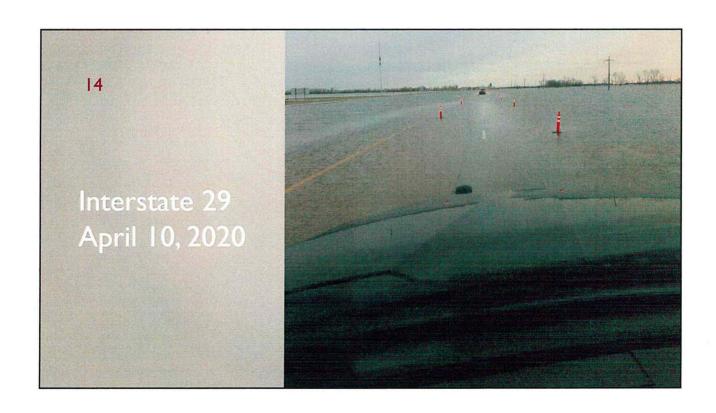
UPSTREAM/DOWNSTREAM EFFECTS

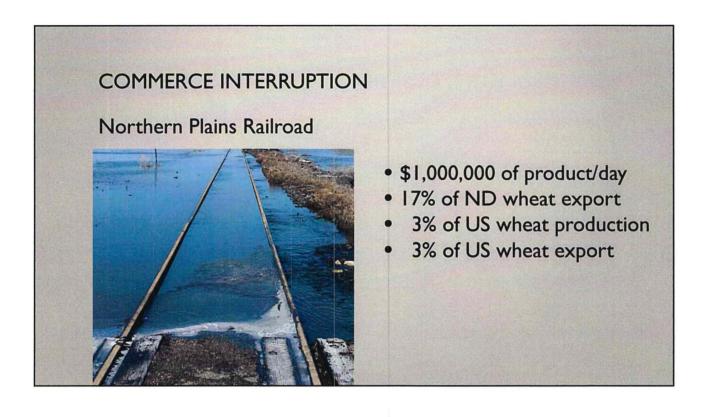
- Houston study considered water levels from EGF/GF to Drayton, ND.
- Removing obstructions lowers water levels.
- Adding protections for infrastructures, requires management of water levels.
- Downstream water levels never showed concerns.
- The project specifications were adjusted to address upstream water level concerns.

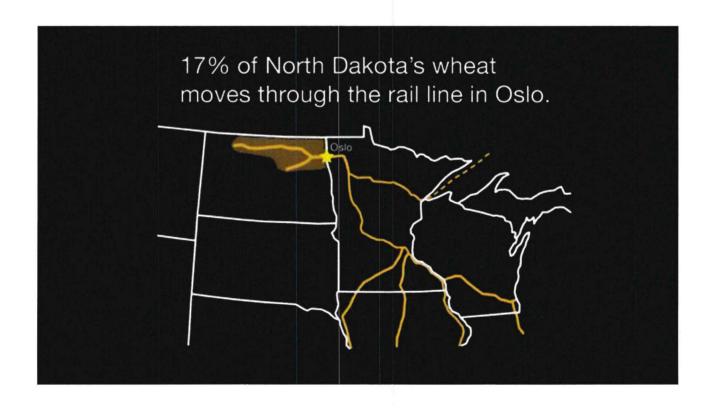


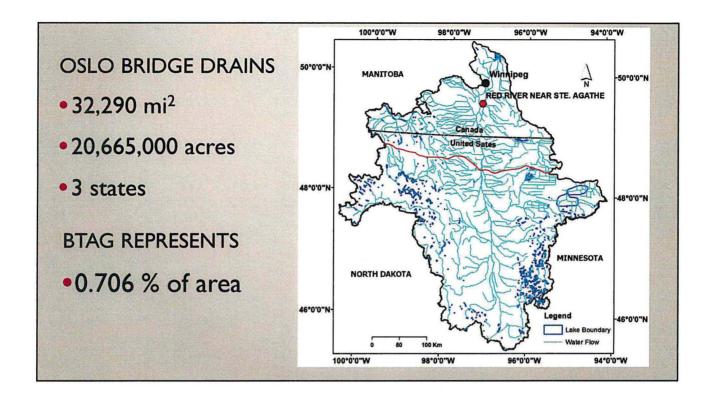


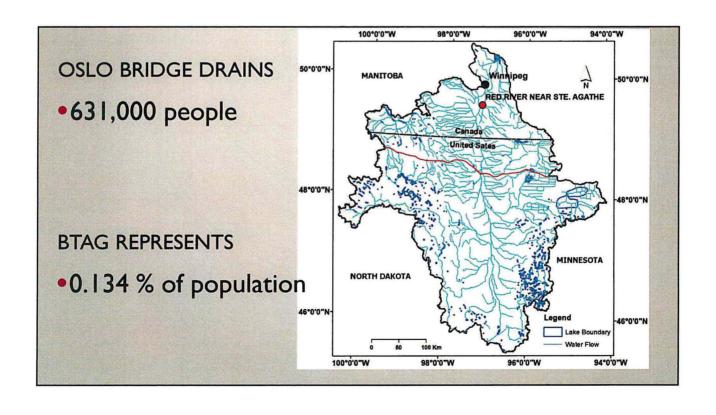


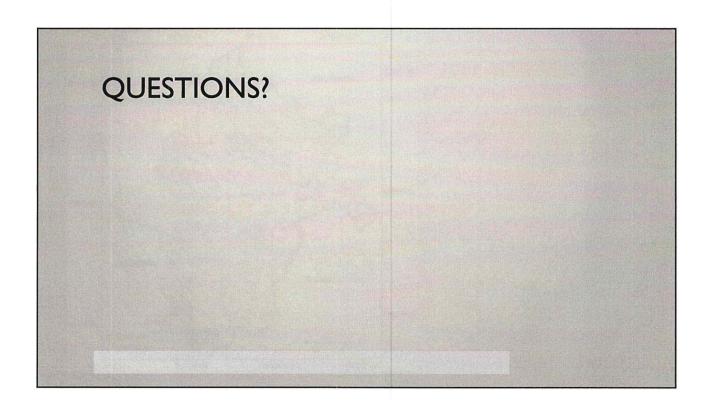


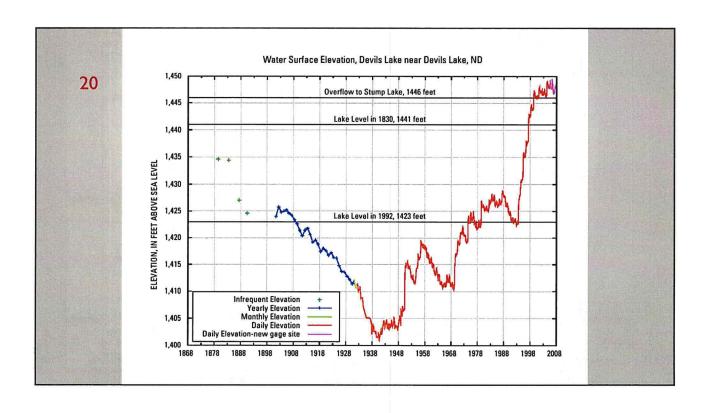


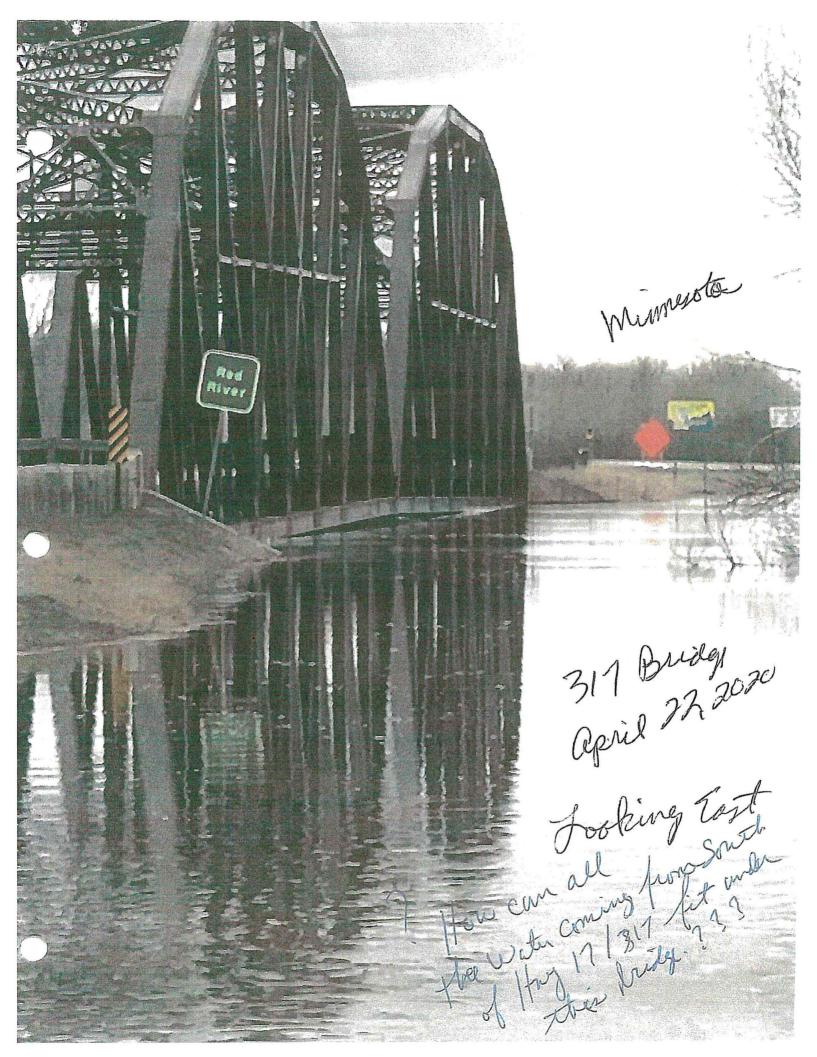


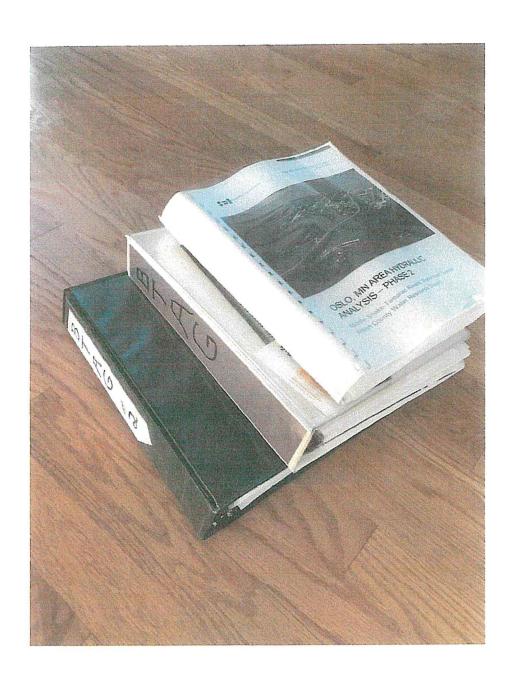












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201	.O Flood			
	County Sites (all)	1,120,705.85		(6 Flood)
	Co. Red River Sites	458,980.45	0.4	1 prents)
MA	Acton Twp	21,773.21 ~	all expenses	
	Pulaskî Twp	183,355.70		18- Event 1999
	St Andrews Twp	16,923.46		Idi Shara
	Walshville Twp	₹ 201,192.06		2000
	Total RRV Twps	423,244.43	30%	7 <i>0</i> 101
	Total All Twps	1,405,907.96		
	Tatal Carrette Mida	2 525 642 94		2002
	Total County Wide	2,526,613.81		2004
	Total RRV	882,224,88	35%	2005
	a occi ithia		<i>₩</i>	
201	.1 Flood			WOOL
	County Sites (all)	732,002.48		2009
	Co. Red River Sites	610,966.09		2010
	Acton Twp	50,371.80		2
	Pulaski Twp	145,977.85		2011
	Walshville Twp	173,752.83		2013
	Total RRV Twps	370,102.48	63%	
	Total All Twps	585,451.23		2013R
				7017
	Total County Wide	1,317,453.71		
	57 . 1 mm. r	454 444 55		2019
	Total RRV	981,068.57	74%	20195
201	3 Spring Flood			2,620
	County Sites (all)	313,051.25		
	Co. Red River Sites	17,924.63		
	Acton Twp	1,761.13		
	Pulaski Twp	26,244.49		Been all Co For
•	St Andrews Twp	2,814.95		
9	Walshville Twp	11,961.61		L L Gloris
	Total RRV Twps	42,782.18	18%	Chilah Mallare
	Total All Twps	235,590.19		M Florida
	Total County Wide	548,641.44		Been N/ Co. For 27 years 1 64 % Chance Of Floori event.

Total RRV

60,706.81

11%

2013 Rain Event

County Sites (all) 95,807.75 Co. Red River Sites 674.43 Acton Twp 0.00 Pulaski Twp 0.00 St Andrews Twp 0.00 0.00 Walshville Twp Total RRV Twps 0.00

Total All Twps 123,398.68

Total County Wide 219,206.43

0% **Total RRV** 674.43

2017 Flood

County Sites (all) 657,136.00

Co. Red River Sites 251,645.14 \$200,000 Silewski Site

0%

0.00 Acton Twp Pulaski Twp 0.00 St Andrews Twp 0.00 Walshville Twp 0.00 **Total RRV Twps**

0% 0.00

Total All Twps 233,005.88

Total County Wide 890,141.88

Total RRV 251,645.14 28%

2019 Spring Flood

County Sites (all) 1,182,442.13 Co. Red River Sites 719,165.96 Acton Twp 14,097.47 Pulaski Twp 93,429.30 St Andrews Twp 5,470.47 Walshville Twp 249,089.78

Total RRV Twps 362,087.02 78%

Total All Twps 463,276.17

Total County Wide 1,645,718.30

Total RRV 1,081,252.98 66%

2019 Fall Flood

County Sites (all)	81,782.46	
Co. Red River Sites	81,782.46	
Acton Twp	0.00	
Pulaski Twp	91,799.90	
St Andrews Twp	0.00	
Walshville Twp	14,893.65	
Total RRV Twps	106,693.55	100%
Total All Twps	106,693.55	
Total County Wide	188,476.01	
Total RRV	188,476.01	100%

2020 Spring Flood (ESTIMATED)

County Sites (all)	853,347.41	
Co. Red River Sites	827,447.41	
Acton Twp	0.00	
Pulaski Twp	58,884.90	
St Andrews Twp	12,180.00	
Walshville Twp	430,785.10	
Total RRV Twps	501,850.00	96%
Total All Twps	523,741.82	

Total County Wide 1,377,089.23

1,329,297.41 **Total RRV**

11 years

In Oslo REBION
In the past 15 years Mutti Peril Crophym has paid out one BILLIUN

teach County Conly