

**2023 HOUSE TRANSPORTATION**

**HCR 3027**

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Room JW327E, State Capitol

HCR 3027  
3/2/2023

A concurrent resolution to consider studying needed safety improvements to highways within the boundaries of the Fort Berthhold Reservation and to reduce the speed limit on State Highway 22 and 23 to 55 miles per hour.
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**Chairman Ruby** opened the hearing at 10:53AM.

**Members present:** Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Koppelman, Murphy, Timmons, Wagner, Weisz, Dakane, Dobervich. No members absent.

**Discussion Topics:**

- Oil and gas development areas
- Effects of oil and gas traffic on roads and highways

**Representative Finley-DeVille** introduced the bill in support (#21757).

**Wendi Wells, Woman in the Lead, resides in the Fort Berthhold Indian Reservation,** testified in support (#21759).

**Lloyd Vegan, Three Affiliated Tribes member,** verbally testified in support.

**Rosie White Owl, resides on Highway 22,** verbally testified in support.

**Sherry Turner-Lone Fight, President and Councilwoman for the West Segment,** verbally testified in support.

**Chad Orn, Project Development Director with the North Dakota Department of Transportation,** testified in a neutral capacity (#21670).

**Chairman D. Ruby** closed the hearing at 11:51AM.

*Mary Brucker, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee  
Room JW327E, State Capitol

HCR 3027  
3/2/2023

A concurrent resolution to consider studying needed safety improvements to highways within the boundaries of the fort Berthold Reservation and to reduce the speed limit on State Highway 22 and 23 to 55 miles per hour.

**Chairman D. Ruby** opened the meeting at 1:44PM.

**Members present:** Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Murphy, Timmons, Wagner, Weisz, Dakane, Dobervich. **Members absent:** Representative Koppelman.

**Discussion Topics:**

- Committee vote

**Representative Murphy** moved a **Do Not Pass**.

**Representative Hauck** seconded the motion.

**Roll call vote:**

<b>Representatives</b>	<b>Vote</b>
Representative Dan Ruby	Y
Representative Jim Grueneich	N
Representative Karen A. Anderson	N
Representative Cole Christensen	N
Representative Hamida Dakane	N
Representative Gretchen Dobervich	N
Representative Scott Dyk	Y
Representative Kathy Frelich	N
Representative Dori Hauck	Y
Representative Ben Koppelman	AB
Representative Eric James Murphy	Y
Representative Kelby Timmons	Y
Representative Scott Wagner	Y
Representative Robin Weisz	Y

**Motion carried 7-6-1**

**Representative Murphy** is the bill carrier.

**Chairman D. Ruby** adjourned at 1:58PM.

*Mary Brucker, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HCR 3027: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HCR 3027 was placed on the Eleventh order on the calendar.

**TESTIMONY**

**HCR 3027**

**HCR 3027****House Transportation Committee**

Room 327E | March 2, 2021, 10:45 a.m.

Chad M. Orn, Director of Project Development

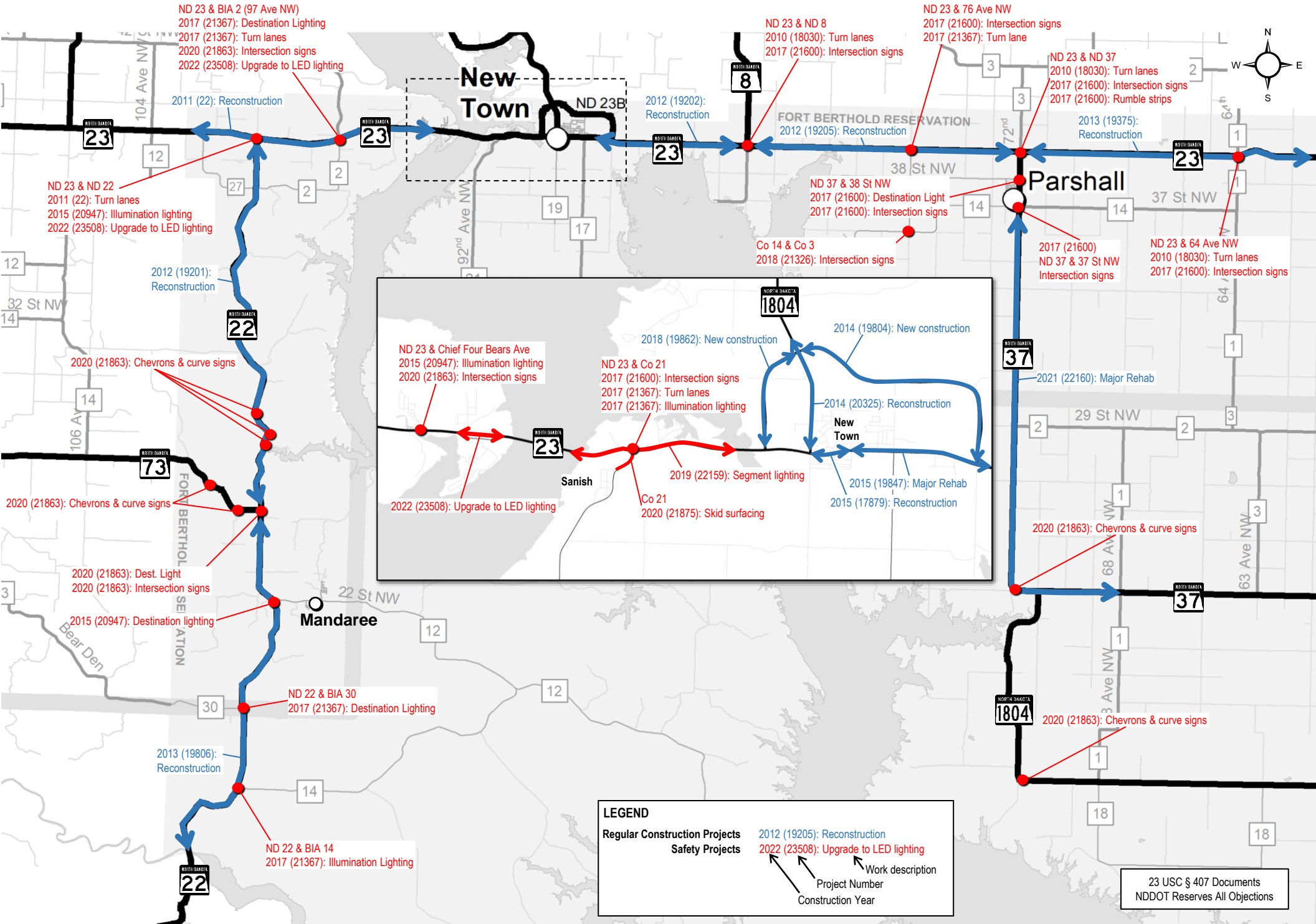
Good morning, Mr. Chairman and members of the committee. I'm Chad M. Orn, Director of Project Development for the North Dakota Department of Transportation (NDDOT). I'm here to provide information related to HCR 3027.

HCR 3027 includes requests to study several highway locations within the Fort Berthold Reservation. The NDDOT and FHWA meet with tribal entities annually during the Statewide Transportation Improvement Program (STIP) process to discuss upcoming programmed projects, needs, or concerns. The NDDOT also works closely with the MHA Nation throughout the year to coordinate studies of locations that either the tribe or the NDDOT identify as problematic. When a concern is raised to the NDDOT district office, the district coordinates with central office, usually our Traffic Operations Section. Traffic Operations studies provide recommendations for traffic control, need for turn lanes, lighting, signals, beacons, and other safety improvements. The results of the studies are shared with the NDDOT district office and the tribal entity. To advance the recommendations from the study to a project, the NDDOT district and tribal entity work together and submit a request during the STIP development process, during the annual Highway Safety Improvement Program (HSIP) solicitation process, or through other applicable NDDOT funding programs.

This process has resulted in over \$210 million in projects from 2011-2022 within the Fort Berthold Reservation and another \$50 million in projects programmed for the future. Please see attached maps. We believe the process is effective and therefore do not see a need for HCR 3027. We are always open to input and would be happy to meet with any of our tribal or local public agency partners.

We sincerely appreciate MHA Nation's dedication to and support of Vision Zero. They've been a good partner. This concludes my testimony. Thank You.

# Fort Berthold Reservation Transportation Projects 2011-2022



ND 23 & BIA 2 (97 Ave NW)  
2017 (21367): Destination Lighting  
2017 (21367): Turn lanes  
2020 (21863): Intersection signs  
2022 (23508): Upgrade to LED lighting

ND 23 & ND 22  
2011 (22): Turn lanes  
2015 (20947): Illumination lighting  
2022 (23508): Upgrade to LED lighting

ND 23 & ND 8  
2010 (18030): Turn lanes  
2017 (21600): Intersection signs

ND 23 & 76 Ave NW  
2017 (21600): Intersection signs  
2017 (21367): Turn lane

ND 23 & ND 37  
2010 (18030): Turn lanes  
2017 (21600): Intersection signs  
2017 (21600): Rumble strips

ND 23 & Chief Four Bears Ave  
2015 (20947): Illumination lighting  
2020 (21863): Intersection signs

ND 23 & Co 21  
2017 (21600): Intersection signs  
2017 (21367): Turn lanes  
2017 (21367): Illumination lighting

Co 21  
2019 (22159): Segment lighting  
2020 (21875): Skid surfacing

2014 (19804): New construction  
2014 (20325): Reconstruction  
2015 (19847): Major Rehab  
2015 (17879): Reconstruction

2017 (21600)  
ND 37 & 37 St NW  
Intersection signs

ND 23 & 64 Ave NW  
2010 (18030): Turn lanes  
2017 (21600): Intersection signs

2020 (21863): Chevrons & curve signs

2020 (21863): Chevrons & curve signs

2020 (21863): Dest. Light  
2020 (21863): Intersection signs

2015 (20947): Destination lighting

ND 22 & BIA 30  
2017 (21367): Destination Lighting

2013 (19806): Reconstruction

ND 22 & BIA 14  
2017 (21367): Illumination Lighting

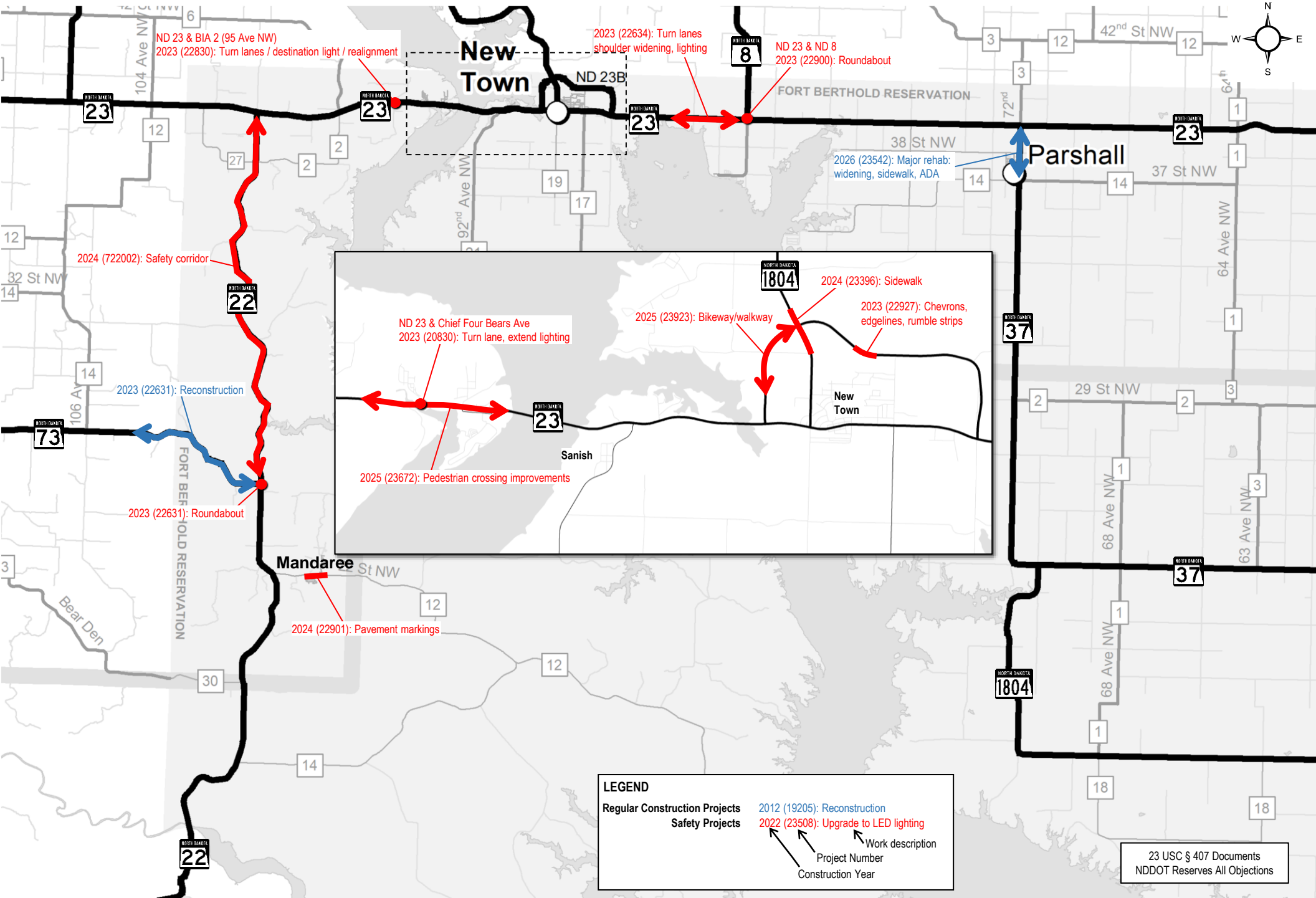
**LEGEND**

Regular Construction Projects    2012 (19205): Reconstruction  
 Safety Projects                      2022 (23508): Upgrade to LED lighting

Work description  
 Project Number  
 Construction Year

23 USC § 407 Documents  
NDDOT Reserves All Objections

# Fort Berthold Reservation Transportation Projects 2023-2026



ND 23 & BIA 2 (95 Ave NW)  
2023 (22830): Turn lanes / destination light / realignment

2023 (22634): Turn lanes shoulder widening, lighting

ND 23 & ND 8  
2023 (22900): Roundabout

2026 (23542): Major rehab: widening, sidewalk, ADA

2024 (722002): Safety corridor

2023 (22631): Reconstruction

ND 23 & Chief Four Bears Ave  
2023 (20830): Turn lane, extend lighting

2025 (23923): Bikeway/walkway

2024 (23396): Sidewalk

2023 (22927): Chevrons, edgelines, rumble strips

2025 (23672): Pedestrian crossing improvements

2023 (22631): Roundabout

2024 (22901): Pavement markings

### LEGEND

- Regular Construction Projects
- Safety Projects
- 2012 (19205): Reconstruction
- 2022 (23508): Upgrade to LED lighting
- Work description
- Project Number
- Construction Year



Good morning, Chairman Ruby and members of the House Transportation Committee. For the record my name is Representative Lisa Finley-DeVille. I'm a member of the Mandan, Hidatsa, Arikara nations and I represent the people of District 4A which encompasses the Fort Berthold Reservation. I have lived in Mandaree my entire life and have been living with oil and gas extraction for 15 years. I am not against fracking and oil production and support responsible development as with any industry.

Fort Berthold Reservation is in the center of the Bakken oil fields. Since 2009 oil and gas development has continued to grow and oil wells on Fort Berthold currently produce approximately 141,000 barrels of oil per day. That is a lot of oil that needs to be transported, resulting in more trucks on the road that transport everything from oil, waste products, water, and other materials that are used and produced on the well pad.

Fort Berthold has greatly benefited from the oil and gas development, but living with a busy industry does have serious implications for the communities. Especially for motorists that travel alongside oil field traffic. All residents that utilize the highway system in and around Fort Berthold Reservation would benefit from this study on creating a safety corridor on Bureau of Indian Affairs routes 14, 30 12, 4, 27, and 2, and North Dakota highways 22, 23, 1804, 8, 37, and 73.

Understanding the impact of traffic patterns and how truck traffic affects communities is important to keeping communities like Mandaree safe when they leave the safety of their homes. Highway safety corridors are designated stretches of roadways that have a higher incidence of accidents, fatalities, and injuries. These corridors are marked with signs and have increased enforcement measures to ensure that drivers adhere to the posted speed limits, use proper signaling and follow all other traffic laws.

The need for highway safety corridors especially in the identified areas near and on Fort Berthold is on the rise because of the alarming statistics of road accidents. The North Dakota Department of Transportation Highway Safety Division report shows that in North Dakota from 2019-2021 there have been 272 fatal car crashes. In the United States, nearly 40,000 people die every year in road accidents, and thousands more suffer from severe injuries. The economic cost of these accidents is also staggering, costing billions of dollars in medical bills, property damage, and lost wages.

The stories of close call collisions that have been shared with me include school buses being nearly impacted by oil field trucks that fail to stop at posted stop signs, emergency first responders forced to give way to large trucks on their way to calls that are life threatening, and other stories of families that have experienced dangerous situations while on the road.

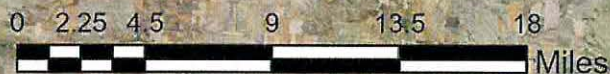
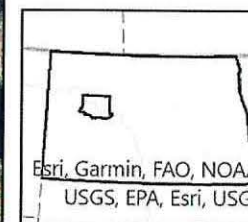
Highway safety corridors where oil field traffic is unavoidable are critical in addressing this problem. Currently, State highways 22, 73, 23, 1804, 8, and 37 are routes that are shared by residents that live on or near Fort Berthold and oilfield trucks creating a high risk for traffic collisions and fatalities.



# Fort Berthold Oil and Gas Wells and Horizontals



- Oil and Gas Horizontals
- Oil and Gas Wells
- ▭ Reservation Boundary



Esri, NASA, NGA, USGS

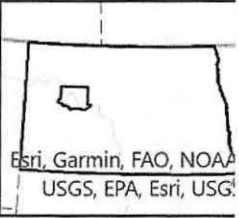
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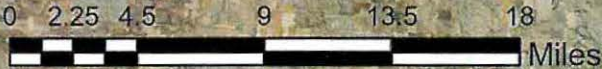
# Fort Berthold State, Federal BIA Roads



-  BIA Roads
-  Roads
-  State/Federal Roads
-  Reservation Boundary



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Esri, NASA, INGA, USGS



Dosha (Hello),

My name is Wendi Wells, "Woman in the Lead", I am Nueta, I am Hidatsa, and I am Sahinish. I am an enrolled member of the MHA Nation, and I reside on the Fort Berthold Indian Reservation. My family owns and leases lands to the state of North Dakota for the use and development of HWY 23. I am the successor to these lands and want to ensure the State of North Dakota is upholding its due diligence on highway management with improvements and development.

Fort Berthold Indian Reservation highway inventory includes a total of 1,557.2 miles. The State of North Dakota is responsible for 152.4 miles of roads on the reservation, while county roads (853.4 miles) make up the bulk of highway miles. The BIA owns and maintains roads consisting of 213.8 miles of roads on the reservation. Tribal roads total 28.9 miles, and city roads total 16.7 miles.

Table 1: NDDOT State Highways within Reservation

State Highway	Reservation Location	Length
ND 8	Southern Portion	11.1
ND 22	Western Portion	34.8
ND 23	Northern Portion	45.3
ND 37	Eastern Portion	30.2
ND 73	Western Portion	4.0
ND 1804	Eastern Portion	24.1
Total Miles		149.5

The State of North Dakota observed that traffic is heavily influenced by oil and gas development and other related fields. The traffic count in 2016 had an average of 7,085 to about 9,000 vehicles per day traveling on highway 23. This data taken in 2016 was at the height of the boom. But data extracted in 2021 from the State of North Dakota, demonstrates the traffic count of highway 23 to be about 7,125 vehicles per day traveling within the boundaries of the Fort Berthold Indian Reservation on highway 23.

When we review and compare large cities such as Bismarck or Dickinson and traffic on interstates in North Dakota such as I94 in Burleigh County we see the traffic of about 7,145 vehicles per day traveling or if we look to the west on I94 in Stark County such as Dickinson we the average 7,700 vehicles. These two cities are highly populated areas, including one being the city of our state capital. Yet highway 23 sees just as much traffic compared to these two cities.

The point of this comparison is that we need this Legislative Management group to consider studying and putting forth funding resources for feasibility studies with the consultation of the Three Affiliated, and its members and landowners which are known as allottees. As well as the Department of Transportation to include safety improvements to State Highways and County Roads.

Highway 23 and Highway 22 need a roundabout or traffic lights to slow down traffic and mitigate risk. I am in support of reducing speeds to 55 mph.

I respectfully ask for your support regarding House Bill 3027.

Respectfully,

