

Morton County Road Commission Agenda

Morton County Highway Department, 2916 37th St NW, Mandan ND

20 November 2024 @ 9:00 am

Call to order

Roll Call

Approval of Agenda

Approval of minutes for the previous meeting

1. Update on BNI Coal in Oliver County – Greg Petrick;
2. Discuss Policy 7007 – Weight Enforcement – Sheriff Kyle Kirchmeier;
3. Monthly Updates:
 - a. Design Projects
 - b. Construction Projects
 - c. Culvert Replacements
 - d. Budget Update
 - e. Update on Bid Bond Graf Bridge
4. Other

Morton County Road Commission Meeting
Morton County Highway Department, 2916 37th St NW, Mandan, ND 58554
October 16, 2024

Commission members Present: Jackie Buckley, Ron Leingang, Kyle Kirchmeier, Roger Hille, Steve Tomac

Commission members Absent: None

Others present: John Saiki, Chad Schneider, Greg Petrick, BNI Coal, Mark Isaacs

The meeting was called to order at 9:00 am by Chair Jackie Buckley

Steve made a motion to approve the amended agenda. Added Greg Petrick to the agenda as Item No. 1. Added Shop Policy Review as Item No. 4 and 2025 proposed schedule, Michael Fetch – Section Lines and Matt Pazdernik – mowing were added to Other. Roger 2nd. Motion carried.

Kyle made a motion to approve the minutes from the previous meeting. Steve 2nd, motion carried.

1. Greg Petrick – BNI Coal, Greg provided information regarding future expansion of the coal mine, which involves petitioning to close some section lines and a County Road in Oliver County. He wanted to advise Morton County of their plans and what potential impact there could be to Morton County. No action was taken by the Commission, information only.
2. Discuss Right of Way along County Road 85 and County Road 139 in New Salem – Mark Isaacs, City of New Salem want to install a sign east of CR 85 and south of CR 139 by the bank. The County Right of Way is wider in this area than west of this location and 3 blocks east of this location. Discussion involved possible vacating the Right of Way, obtaining a variance for the sign or issuing a permit. All of the items discussed carry consequences that have to be considered. No action was taken by the Commission. Mark will go back to the city and bank for further discussion before proceeding.
3. Discuss Policy 7007 – Weight Enforcement – Sheriff Kirchmeier, Sheriff's Department has obtained scales from McClean County. This will need to be certified. Kyle is still working on the policy and said to put the policy on next months agenda. Steve stated he would like to see an education program, for example announcing that the County will be weighing trucks with no penalty at first. This will get the word out and introduce the policy. The others concurred.
4. Shop Policy – Policy was reviewed. No changes were recommended. Kyle made a motion to approve. Steve 2nd. Motion carried.
5. Monthly Updates – a & b. Design Projects and Construction projects – Bridges near Flasher and St Anthony are under contract with APEX, bidding in January 2025. Structure type has been selected. Bridge South of Almont (Sauber Engineering) selected Alignment, Bidding January 2026. Schmidt Bridge is being designed by Ulteig Engineering. They have completed the Class III Environmental Investigation. Starck is open, old bridge removal will start in November. Youngtown bridge is

scheduled for December 2024 bid opening. Will be issuing an RFP for Construction Engineering. Construction Engineering will be funded 100% by NDDOT, therefore we will be following the NDDOT process for selection. Graf bridge Box Culvert Pre-Construction Conference is scheduled for October 17, 2024. Sauber Engineering is handling the Construction Engineering. KLJ has completed survey, working permitting for the Mork bridge. Roger stated there is potential for the Legislature to provide additional funding for Counties for bridges. We should get more bridges under design. Northern Improvement is paving the Frontage Road, CR 139A. Fisher is mobilizing to start crushing gravel.

- c. Culvert Replacements – Chad reviewed the work completed.
 - d. Budget Update – No large overages like last year. There appears to be an excess of money, but we still have a portion of the match for Starck Bridge, Gravel Crushing and the Graf Bridge to pay, in addition to operation costs.
 - e. Update on Bid Bond Graf Bridge – Submitted the required released and advised the attorney to send the check to the Auditors Office. Have not received confirmation that the check has been received. Received a letter from the NDDOT that the Haul Summaries submitted with the final paper work for the two Hebron bridge replacement did not meet specifications and are ineligible for Federal Aid and that portion will have to be reimbursed to the NDDOT. This is the Quality Dirtworks project and they went out of business and ignored all communication in an attempt to resolve the deficiencies. Attempts to contact Quality Dirtworks, their attorney, and the aggregate supplier were unsuccessful.
7. Other –
- 1. Proposed 2025 meeting dates. Dates were reviewed. Roger made a motion to approve, Kyle 2nd, motion carried.
 - 2. Michael Fetch – Section Lines, he was asking if a particular Section Line was legally closed. No one in the meeting was aware if it was closed. We will do some research and follow up with Jackie.
 - 3. Matt Pazdernik – mowing, called since the road by his place had not been mowed. Chad stated that mowing was complete in the Flasher and New Salem areas was complete. Mowing is going slow since it so dry and so windy. We have not mowed for several days for fear of starting a fire.

Kyle moved to adjourn, Roger 2nd. The meeting was adjourned 11:20 am.



~~700-007 Over Dimension Vehicle Regulations – Harvest Permit – Seasonal Load Restrictions for Roads~~

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Weight, Size, Width and Height Restrictions – Permits - Seasonal

Adopted-

Revised-

DRAFT

Legal Reference - NDCC 39-12;

Deleted: NDCC 39-12-05.3 (4)

Purpose [NDCC 39-12-05.3](#)

This policy regulates vehicle dimensions and weights on Morton County paved and gravel surfaced roadways, Commerce, that use trucks, trailers, and buses to move their products or equipment, depending on the size and practical use of those vehicles, a business and its drivers may be subject to the states commercial vehicle regulations.

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General Policy

This policy is made pursuant to North Dakota Century Code Chapter 39-12. Maximum gross vehicle weight allowed on all Morton County roads is 80,000 lbs., unless otherwise noted. For heavier loads the Morton County Highway Department can issue oversize or overweight permits. ~~Contact the County Engineer's office for further instruction or special routing.~~ The legal load of a truck shall be determined by the [North Dakota Weight Limitations Chart](#). Overweight and over dimensional permits are issued through a third party vendor.

~~Morton County no longer issues over length, width or weight permits. All permits will be handled by "LoadPass Permits."~~

~~All per trip permits for over length, width and weight are considered through a third party vendor called "LoadPass Permits."~~

To obtain a permit go to www.loadpasspermits.com or call 701-566-5576.
email: permits@loadpasspermits.com .

For further information please contact:
Contact the Morton County Highway Department Office: 701-667-3346.

Harvest Permit

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Effective July 15th through December 1st of the current year, the Morton County Commission, as authorized in Section 39-12-05.3 of the North Dakota Century Code, have granted permission to allow a 10% weight exemption on County Roads in Morton County, for movement of all farm products and solid wastes from the field to a point of storage. This coincides with the policy of the North Dakota Department of Transportation. Permits are good only through harvest.

Effective December 1st through March 7th of the current year, the Morton County Commission, as authorized in Section 39-12-05.3 of the North Dakota Century Code, have granted permission to allow a 10% weight exemption on County Roads in Morton County, the general movement of products.

The Morton County Commission shall establish an appropriate fee for the Harvest Permit and direct how it shall be issued.

Seasonal Load Restrictions for Roads

Seasonal load restrictions are placed on all roads during the spring in Morton County. Typically load restrictions are in place from mid-February through May, but vary each year depending on actual moisture and weather conditions. The County uses the same guidelines, time frame and recommendations as the North Dakota Department of Transportation (NDDOT).

Official notices of Seasonal Load Restrictions will be posted in the various County newspapers by the County Engineer. Official notice of Seasonal Load Restrictions will be posted on the Morton County website. Official notices of Seasonal Load Restrictions will be posted each spring.

Special Permits for Vehicles of Excessive Size and Weight - Contents - Fees NDCC 39-12-02

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Upon application and payment of appropriate charges through the third party vendor, Morton County may issue a special written permit authorizing the applicant to operate or move a vehicle, mobile home, or modular unit of a size or weight exceeding the maximum specified by this policy upon a roadway, under the jurisdiction of the County.

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Every such permit may designate the route to be traversed, and may contain any other restrictions or conditions deemed necessary by the body granting such permit. Every such permit must be carried in the vehicle to which it refers and must be opened to inspection by any peace officer or agent in Morton County, North Dakota. It is a violation of the provisions of this policy for any person to violate any of the terms or conditions of such special permit.

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~~An appropriate charge may~~ A charge for each type of permit will be set by the Morton County Board of Commissioners ~~be made~~ for each permit collected hereunder by the County and must be deposited in the County and may be used for the operating expenses of the County Highway Department. Official or publicly owned vehicles may be exempted from fees.

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General Travel Restrictions

Moved (insertion) [1]

- a. Permits shall not be issued for over dimensional movements between sunset and sunrise, unless approved by the County Engineer or Sheriff.
- b. Permits shall not authorize movements when inclement weather prevails, highways are slippery, or when visibility is poor.
- c. Permits do not authorize travel on shoulders of road.
- d. Permits shall apply to movement of one vehicle or one vehicle combination only.
- e. All permits shall require a minimum distance of 1,000 feet between vehicles in a convoy of two or more vehicles.

Permits Must Accompany Movement

The driver of the vehicle must be in possession of the permit, in written or electronic form, prior to Movement. The County/Sheriff has the authority to revoke permits when the holder violates or abuses the privilege or conditions of the permits.

Commissioners May Limit Use of Vehicles on Highways [NDCC 39-12-03](#)

Whenever any highway will be seriously damaged or destroyed by reason of deterioration, rain, snow, or other climatic conditions unless the use of vehicles is prohibited or the weight of the vehicle thereon is limited, the County Commissioners or employees authorized by them by ordinance or resolution, may prohibit the operation of vehicles upon such highway or may impose restrictions as to the weight of vehicles. The commissioners or employees who are making such order or enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the order, ordinance, or resolution. Such signs must be erected and maintained at each end of that portion of any highway affected thereby, and such order, ordinance, or resolution is not effective until such signs are erected and maintained. The operation of trucks or other commercial vehicles or limitations as to the weight thereof on designated highways may be prohibited or limited in the same manner. County Commission order does not constitute a violation of the statutes relative to limitations on sizes and weights.

Peace Officers May Weigh Vehicle to Determine Load [NDCC 39-12-07](#)

Morton County Sheriff/Deputies, including members of the State Highway Patrol, having reason to believe that the weight of a vehicle and the load carried thereon is unlawful, may weigh such vehicle and load or have the same weighed either by means of portable or stationary scales, and for that purpose the Officer may require the vehicle to be driven to the nearest scales. Such Officer may require the driver of such vehicle immediately to unload such portion of the load as may be necessary to decrease the gross weight to the maximum allowed by the provisions of this policy.

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[Extraordinary use of the roads assessed fees per NDCC 39-12-17](#)

Impounding Overweight Vehicle [NDCC 39-12-11](#)

Any vehicle found to have been moved or used upon any highway, street, or road in Morton County, at a weight exceeding the limitations as specified in any order, ordinance, or resolution issued under this policy may be impounded by any jurisdictional peace officer and taken to a warehouse or garage for storage.

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Impounding Receipt – Information [NDCC 39-12-12](#)

A receipt must be given by the officer impounding the vehicle, to the driver or person in charge of such vehicle. Such receipt must identify, as nearly as possible, the owner of the vehicle and cargo, the driver or person in charge of such vehicle, the cargo, the place the vehicle is to be stored during impoundment, the weight of the loaded vehicle and the name and address of the impounding officer. Information as to the owner of the vehicle and cargo must be obtained from the driver or person in charge of the vehicle.

Impounding Notice – Perishables NDCC 39-12-13

The impounding officer shall notify the owner or owners, if they can be found, by wire or telephone, of the impoundment and the charges involved. If the cargo consists of perishables, the impounding officer shall use reasonable diligence in assisting the operator or owner in finding suitable storage facilities for such perishables, but all risk of loss or damage to such perishables must be upon the owner, operator, or lessee of such vehicle.

Penalty NDCC 39-12-21

Any driver of a vehicle who refuses to stop and submit the vehicle and load to a weighing when directed to do so by any police officer or any agent of this state having police powers relating to motor vehicles is guilty of a class B-Misdemeanor.

Governor or County Commission Order Authorizing Excess Limits NDCC 39-12-23

The Governor of this state or the Morton County Commission may authorize, by order of general application, permit and prescribe definite excess limitations as to size and weight for the operation of motor vehicles in emergencies and to meet unusual conditions for the general welfare of the public. The operation of such vehicles, in accordance with the Governor's or County Commission's order, does not constitute a violation of the statutes relative to limitations on sizes and weights.

Harvest Permit

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-Impounding or penalties on overweight vehicles will be according to ND Century Code 39-12.

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Official notices of Seasonal Load Restrictions will be posted in the various County newspapers by the County Engineer. Official notice of Seasonal Load Restrictions will be posted on the Morton County website. Official notices of Seasonal Load Restrictions will be posted each spring. ¶

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New or continuing...policy

TRUCK WEIGHING PROCEDURES

PURPOSE

To establish guidelines for truck weighing procedures that are uniform and safe at permanent pit scales and when using portable scales.

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POLICY STATEMENT

As authorized by section 39-12-07 NDCC, Morton County Sheriff (MCSO) will enforce truck weights as found in Chapter 39-12 NDCC. MCSO recognizes the need for a vigorous weight enforcement effort to protect the county roads and its citizens' investment in the county roads system.

The following procedures outline the requirements for weighing when using permanent pit scales, or portable scales.

PROCEDURE

A. When weighing vehicles on permanent pit scales:

1. Scale platform must be clear of ice, snow, and other debris.
2. Ensure the scale readout is cleared and indicates zero before a vehicle moves onto the scale platform.
3. Ensure the tires to be weighed are completely on the scale.
4. Inform the driver to release all brakes on each axle grouping.
5. Ensure the vehicle has come to a complete stop prior to recording the weight.
6. When weighing liquids, ensure the load has settled before recording the weight.

B. When weighing vehicles on portable scales:

1. Determine clear visibility in all directions.
2. Roadway must be level, shoulder level with road, and debris removed from roadway surface. The gradient should not exceed 5 percent in any direction where the vehicle is to be weighed.
3. The base of the scale must be evenly supported on the surface where the weighing is being conducted. Do not weigh on hard surfaces with protruding stones and roadways with ruts.
4. All axles must be weighed; if blocking is required, use a mat of equal thickness to the scales.
5. Dials must read zero prior to every weigh.
6. Wheels should be centered on the scale.
7. Weights must be visually checked and recorded by inspecting officer.

- 8. Patrol vehicles should be positioned to the rear and slightly to the left of the vehicle being weighed with amber lights activated.
- 9. Do not weigh vehicle on or near crest of hill.
- 10. Do not weigh vehicle on icy roads nor in inclement weather.
- 11. The operating temperature range for the Haenni portable scales is 0 degrees F to 120 degrees F.
- 12. In the event of unsuitable conditions listed above, move the vehicle to a County maintenance yard, or other acceptable location.
- 13. Upon completion of weighing, move the vehicle to an approach, if enforcement action is required.
- 14. The Weight Information Warning, may be issued to the driver if no enforcement action is required.
- D. When requested to weigh vehicles with portable scales, a fee should be charged for actual weighing time. Charge time and mileage to the place of weighing, but not for the return trip or to the assigned patrol area.

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- 1. Mileage rate – 50 cents per mile per deputy.
- 2. Hourly rate – \$50 per hour per trooper
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ROAD RESTRICTION REDUCTION IN WEIGHTS

PURPOSE

To establish guidelines as to what gross axle weights and gross vehicle weights will be enforced during the spring of the year when highways break up due to frost leaving the ground.

POLICY STATEMENT

As authorized by section 39-12-03 NDCC, the NDDOT Director or local authorities will reduce allowable weights on highways under their jurisdiction that may become seriously damaged or destroyed by reason of deterioration, rain, snow, or other climatic conditions.

PROCEDURE

A. Listed below are the restricted highway classifications, restricted gross axle weights, and restricted gross vehicle weight limits on state highways. Weight limits may vary on local roads and on the interstate system.

<u>CLASS</u>	<u>SINGLE AXLE</u>	<u>TANDEM AXLE</u>	<u>3 OR MORE AXLE GROUPINGS</u>	<u>GROSS VEHICLE WEIGHT</u>
<u>Restricted by Legal Weights</u>	20,000 lbs	34,000 lbs	17,000 lbs per axle not to exceed 48,000 lbs gross weight on divisible loads	105,500 lbs
8-Ton	16,000 lbs	32,000 lbs	14,000 lbs per axle not to exceed 42,000 lbs gross weight on divisible loads	105,500 lbs
7-Ton	14,000 lbs	28,000 lbs	12,000 lbs per axle not to exceed 36,000 lbs gross weight on divisible loads	105,500 lbs
6-Ton	12,000 lbs	24,000 lbs	10,000 lbs per axle not to exceed 30,000 lbs gross weight on divisible loads	80,000 lbs

5-Ton	10,000 lbs	20,000 lbs	10,000 lbs per axle not to exceed 30,000 lbs gross weight on divisible loads	80,000 lbs
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Weight Limitations Chart

A. Legal Width

1. 8 feet 6 inches on all highways.
2. Exceptions.
 - a. Construction and building contractors' equipment and vehicles used to move such equipment which does not exceed 10 feet in width when being moved by contractors or resident carriers. Nighttime travel is allowed provided moving equipment is properly lighted.
 - b. Implements of husbandry being moved by resident farmers, ranchers, dealers, manufacturers, or government entities between sunrise and sunset. Nighttime travel is allowed provided the implements are properly lighted and not being moved on the interstate highway system.
 - c. Hay in the stack being moved along the extreme right edge of a roadway between sunrise and sunset by someone other than a commercial mover. Commercial haystack movers, overwidth self-propelled fertilizer spreaders, overwidth self-propelled agricultural chemical applicators, hay grinders, grain cleaners, and forage harvesters if the owners have seasonal permits.

B. Legal Height

1. 14 feet whether loaded or unloaded, unless routes of travel include structures such as bridges and underpasses that are not 14 feet in height.
2. Exception.
 - a. Implements of husbandry may not exceed 15 feet 6 inches in height when being moved by resident farmers, ranchers, dealers, or manufacturers between sunrise and sunset. The distance traveled cannot exceed 60 miles and travel on the interstate system is not allowed.

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C. Legal Length

1. A single unit vehicle with two or more axles including the load thereon shall not exceed a length of 50 feet.
2. A combination of two, three, or four units including the load thereon shall not exceed a length of 75 feet on non-designated highways. Three and four unit combinations are subject to safety rules adopted by the NDDOT director.
3. A combination of two, three, or four units including the load thereon may exceed 75 feet in length but shall not exceed 95 feet or 110 feet in length when traveling on four-lane divided highways and those highways designated by the NDDOT director and local authorities as to the highways under their respective jurisdictions.
4. The length of a trailer or semitrailer including the load thereon may not exceed 53 feet; however, trailers and semitrailers titled and registered in North Dakota prior to July 1, 1987, and towed vehicles may not exceed a length of 60 feet.
5. Exceptions to length limitations.
 - a. Building moving equipment.
 - b. Emergency tow trucks towing disabled lawful combinations of vehicles to a nearby repair facility.
 - c. Vehicles and equipment owned and operated by the armed forces of the United States or the national guard of this state.
 - d. Structural material of telephone, power, and telegraph companies.

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e. Truck-mounted haystack moving equipment, provided such equipment does not exceed a length of 56 feet.

Morton County Bridge Priorities

Bridge #	Location	Notes	Consultant	Contact	Bid Date	Replacement a Major Structure
Off System (100% funded)						
30-152-35.0	11 East 1 North Flasher		APEX	Troy Ripplinger	January 1, 2025	
30-158-27.0	2 South 1 East of St Anthony		APEX	Troy Ripplinger	January 1, 2025	
30-141-25.0	11 North 1 West Flasher		Ulteig	Mary Boechler	January 1, 2027	
On System (100 % funded)						
30-162-41.0	Solen		HDR	Craig Mizera	January 1, 2027	X
On System (80-20 funded)						
30-143-19.0	9 South 3 East of Judson	Stark Bridge	Sauber	John Sauber		X
30-128-19.0	1 South Almont		Sauber	John Sauber	January 1, 2026	
HB 1505 (NDDOT)						
2022	30-133-03.0	7N of New Salem	AEZS	Todd Norton	December 13, 2024	X
ARPA (COVID) Funding						
	30-153-04.0	7N 13E of Judson	Sauber	John Sauber	June 20, 2024	X
	30-156-04.1	2W 6N of Mandan	KLJ	Jennie Krause		
2023	30-123-05.0	9W 4N of New Salem	SRF	Ryan Rykowski		
3	30-114-08.0	3N of Glen ullin	Apex	Troy Ripplinger		
4	30-128-10.0	5W 1S of New Salem				
5	30-120-23.0	5S 8W of Almont				
6	30-164-35.0	3S 9W of Fort Rice				
2024	30-103-06.1	City of Hebron	Open and Posted			
2	30-103-06.2	City of Hebron	Closed			
3	30-129-18.1	3N of Glen ullin	Big Bridge West of Almont			