

# Transcript of Public Hearing

ND Highway 40  
ND 40 from US 2 to CMC 5316

**Project No.**

SS-7-040(012)000

**PCN**

16332



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Prepared for

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION  
BISMARCK, NORTH DAKOTA**

<http://www.dot.nd.gov/>

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# **TRANSCRIPT OF PUBLIC HEARING**

ND Highway 40  
US Highway 2 to County Major Collector 5316  
Williams County  
Project # SS-7-040(012)000  
PCN # 16332

## **MEETING LOCATION**

Tioga High School Library  
Tioga, North Dakota

## **DATE**

October 24, 2006  
5:00 to 7:00 p.m. (CST)

### **Prepared By:**

Kadrmass, Lee & Jackson, Inc.

### **For:**

North Dakota Department of Transportation

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# **APPENDIX A**

## **Transcript of Public Hearing**

- **Transcript of Public Hearing**

BEFORE KADRMAS, LEE & JACKSON

IN RE:

NORTH DAKOTA HIGHWAY 40 FROM  
US HIGHWAY 2 TO COUNTY MAJOR  
COLLECTOR 5316, WILLIAMS  
COUNTY

TRANSCRIPT OF  
PUBLIC HEARING OPEN HOUSE

Taken At  
Tioga High School Library  
Tioga, North Dakota  
October 24, 2006

COPY

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1 (The proceedings herein were had and made  
2 of record, commencing at 5:30 p.m., Tuesday,  
3 October 24, 2006, as follows:)

4 MR. KELLY: Well, I think we'll get  
5 started. I would like to welcome everybody that  
6 came tonight for this public hearing. My name is  
7 Tim Kelly with the engineering firm of Kadrmas, Lee  
8 & Jackson. We're working for the North Dakota  
9 Department of Transportation on the Highway 40  
10 improvement project, and we'll talk a little bit  
11 more about some of the things that have been done  
12 since the last public input meeting was held in  
13 January of this year.

14 Before we get started, I would just like  
15 to introduce a few people that are here. With our  
16 firm we have Jennifer Turnbow, who works in our  
17 environmental section. In the back of the room is  
18 Grady Wolf with our company. He also works with  
19 Jennifer. From the North Dakota Department of  
20 Transportation you have Walt Peterson. He's the  
21 district engineer in Williston.

22 And, again, I would like to welcome  
23 everybody that's here. We do have a court reporter  
24 taking oral transcript of the presentation, as well  
25 as any questions and answers that you might have.

1 first time so that the court reporter knows who you  
2 are. If you haven't signed in, we would ask that  
3 you do that so she can get the spelling of  
4 everyone's name correct when she does the  
5 transcript. Just a couple of those housekeeping  
6 items.

7 With that, I'll step in through this  
8 handout a little bit right now, just step through  
9 it. If you open up the first page, the project,  
10 itself, is looking at improvement options for  
11 Highway 40 from U.S. 2 up to the -- what's called  
12 the county major collector 5316, which is really  
13 the gas plant road. That's the limits of the  
14 project.

15 The need for the project, I'm not going to  
16 read this verbatim, but it's basically the roadway  
17 has reached the end of its design life, there's  
18 some concern about shoulder width, and there are  
19 some proposed improvement alternatives to try to  
20 address some of these issues.

21 The first meeting, as I stated earlier,  
22 was held in January at Tioga City Hall. Since that  
23 time we have developed for the department this  
24 document here, which is the project concept report,  
25 which is addressing the environmental issues in the

3

5

1 After the formal presentation and the question and  
2 answer period, we'll be here to answer any other  
3 questions you might have. Again, feel free to mill  
4 around if you haven't had the opportunity to look  
5 at the exhibits and any of the other information  
6 that we have over on the sign-up desk.

7 If you haven't or didn't get a copy,  
8 please grab a copy of this handout. I'm going to  
9 step everyone through this a little bit. It talks  
10 a lot about -- it summarizes a lot of the things  
11 that have been done to date on the project. Some  
12 of the alternatives we'll talk a little bit more in  
13 greater detail.

14 Jen, do you have anything to add about  
15 sign-up, comments once we're done?

16 MS. TURNBOW: We have the comment sheets,  
17 and so you can either just put them in this basket  
18 tonight or else you can mail them, and there's the  
19 address right below, or you can e-mail comments,  
20 whichever is easiest. And then the court reporter  
21 is here and you can also ask questions and give  
22 your comments that way, too, and then she'll record  
23 them for the official transcript.

24 MR. KELLY: Thanks, Jen. When you do ask  
25 a question, please state your name at least the

1 project, as well as the proposed improvement  
2 alternatives. All of these exhibits that you see  
3 up here are in this report, and a copy of this  
4 report is available from the North Dakota  
5 Department of Transportation.

6 A little bit about project schedule. The  
7 department is currently looking at bidding this  
8 project in November of 2008 for a 2009 construction  
9 season, so it would be about two years out, two and  
10 a half years out for construction, and that's a  
11 tentative schedule depending on funding, how other  
12 projects -- how the cost on other projects go,  
13 et cetera. That stuff has a tendency to move  
14 around a little bit. Sometimes they get moved up.  
15 A lot of times they get moved back. So right now  
16 that's the tentative plan that the department has  
17 for this project.

18 There are several proposed improvements --  
19 actually, I guess there are only two, but there are  
20 several subsets of improvements, and I'll step  
21 through each one of those.

22 The alternative A on the inside sheet is a  
23 no-build alternative, and that's always an  
24 alternative that's looked at and sometimes  
25 implemented, although rarely implemented, but

6

1 sometimes it is.  
 2           Alternative B is the rehabilitation  
 3 options for this roadway. There are again several  
 4 of those, and I'll point you to this map right  
 5 here. There are three sections of roadway that are  
 6 being evaluated, and they're all being evaluated  
 7 just a little bit differently. Section 1 begins at  
 8 the intersection of Highway 2 and Highway 40 and  
 9 proceeds up to just the south end of the railroad  
 10 overhead project. The second section is this  
 11 yellow, and that's through the railroad overhead  
 12 project. The roadway there, it's a two-lane  
 13 roadway with a little bit wider shoulders than the  
 14 rest of the roadway for those of you that are  
 15 familiar with it. That's section number 2. Then  
 16 section number 3 actually ends right here. At one  
 17 time we looked at going a little further north, but  
 18 actually it ends right here on the gas plant road,  
 19 a very short segment. And there's an improvement  
 20 option looked at -- one improvement option looked  
 21 at for that area.  
 22           So I'll step through the improvement  
 23 options for each of these areas. And I would ask  
 24 that you hold your questions to the end. I should  
 25 be done in ten minutes or so and then I would be

7

1 glad to step through and answer any questions that  
 2 you have on any of this information. Once I get  
 3 through the alternatives, we'll talk a little bit  
 4 about some of the other ideas and options that the  
 5 department had us look at in the project, including  
 6 trying to do some approach consolidation or  
 7 possibly a frontage road construction in the  
 8 S-curve area south of Tioga, and we'll talk a  
 9 little more about that later on.  
 10           I'll start over here on the left side of  
 11 the road and just -- you can't see all of this, you  
 12 can step up and look at it, but I'll just briefly  
 13 step through this. This is the existing roadway  
 14 right now. And in the first section of roadway,  
 15 you have two 12-foot driving lanes and about a foot  
 16 and a half of shoulder on either side of the  
 17 roadway. That's what's there today. The area  
 18 through the railroad overhead, you have two 12-foot  
 19 driving lanes with two 12-foot paved shoulders.  
 20 And, finally, the last section is from the railroad  
 21 overhead to the gas plant road, there are two  
 22 12-foot driving lanes with approximately two-foot  
 23 shoulders on the roadway. So that's existing.  
 24 That's what's currently there.  
 25           There are four improvement options for

8

1 segment number 1. And, again, segment number 1 is  
 2 from Highway 2 to just south of the railroad  
 3 overhead. That's the largest segment of the  
 4 project. It's just short of three and a half miles  
 5 in length.  
 6           The first option that was looked at in  
 7 this section is reconstruction, remove the existing  
 8 asphalt, rebuild the roadway on the existing  
 9 alignment, widen the roadway approximately eight  
 10 feet on each side from the current width, flatten  
 11 curves -- or, excuse me, lower hills, raise the  
 12 draws a little bit, improve the roadway profile.  
 13 That's one option that was looked at.  
 14           What you would have with that section is  
 15 two 12-foot driving lanes with two six-foot gravel  
 16 shoulders instead of the foot-and-a-half-wide  
 17 shoulders that are currently there. The section  
 18 thickness would be 15 inches of aggregate base with  
 19 five inches of hot mix pavement. The estimated  
 20 construction cost in today's dollars for that  
 21 roadway is just a little over \$3 million.  
 22           The next options that were looked at, one  
 23 is just a variation -- there are variations within  
 24 each other -- would be mine and blend with widening  
 25 in that area. Basically the existing road profile

9

1 would remain the same, we would widen the roadway  
 2 eight feet -- approximately eight feet on either  
 3 side, grind up the existing pavement and gravel,  
 4 add additional material, and spread it out over the  
 5 new roadway, put in what's called blended base,  
 6 which would be incorporating the existing roadway  
 7 materials, and adding five inches of pavement on  
 8 top of that. Again, you would be following the  
 9 existing alignment. You would also be following  
 10 the existing road profile. You would just continue  
 11 to follow the roadway the way it is. You would  
 12 have the two 12-foot driving lanes and the two  
 13 six-foot gravel shoulders in this option, also.  
 14           The second alternative in this option is  
 15 the alternative B-1-C, which is mine and blend with  
 16 widening, but there would also be some selective  
 17 grading in a couple of areas where the road profile  
 18 may be altered a little bit to improve sight  
 19 distance. There's a few areas along the 3.4 miles  
 20 where we would look at that. The cost for the two  
 21 options, one at 2.775 million, and with the  
 22 selective grading, the cost would be just a little  
 23 bit greater at 2.845 million. That's the second  
 24 and third options for section 1.  
 25           The last option that is being reviewed by

10

1 the department in section 1 is simply putting a  
 2 one-and-a-half-inch hot bituminous maintenance  
 3 overlay on the existing roadway to try to take out  
 4 some of the dips, improve the ride a little bit and  
 5 improve the structural -- the existing structural  
 6 capacity of the roadway. It would not add anything  
 7 as far as shoulder width. You would have your  
 8 foot-and-a-half shoulders remaining on the roadway  
 9 and your two 12-foot driving lanes. That  
 10 construction cost is estimated at approximately  
 11 \$373,000.

12 So those are the three options -- or the  
 13 four options -- excuse me -- that are being looked  
 14 at that were proposed in this first section.

15 In the second section, which is the  
 16 railroad overhead project area, there are two  
 17 options that are being looked at. The first is a  
 18 structural overlay which would provide a little  
 19 more than what we call the maintenance overlay.  
 20 This would provide a little more structural  
 21 capability for carrying roadway loads. We would  
 22 include four inches of hot bituminous pavement over  
 23 the top of the existing roadway. You would have  
 24 two 12-foot driving lanes and two 10-foot  
 25 shoulders. So the shoulder width would narrow up a

11

1 little bit in that area.

2 The other option is a maintenance overlay,  
 3 which would include just an inch and a half of hot  
 4 bituminous pavement. You would have two 12-foot  
 5 driving lanes, two 11-foot shoulders. And your  
 6 estimated construction cost for these two  
 7 alternatives, the structural overlay would be  
 8 approximately \$400,000, the maintenance overlay  
 9 approximately \$122,000.

10 In the last section, which is the area  
 11 from the railroad overhead project to the gas plant  
 12 road, only one build option was looked at. That is  
 13 putting one and a half inches of overlay over the  
 14 existing roadway, two 12-foot driving lanes again  
 15 with a foot-and-a-half shoulder. So that would  
 16 just be a maintenance overlay. That is common to  
 17 all of the proposals that were laid out today.  
 18 That's the only build alternative that the  
 19 department is looking at north of the railroad  
 20 overhead project.

21 A couple of other things that the  
 22 department had us look at as we developed this  
 23 project. One of them is in the S-curve area south  
 24 of Tioga, there's approximately 30 approaches  
 25 within a half a mile. There's some concern about

12

1 the amount of access. That is in excess of what  
 2 the department typically would do on a highway  
 3 project. I believe, Walt, your current standard is  
 4 five approaches per mile per side. This is far in  
 5 excess of that. So the department has asked us to  
 6 look at some possible alternatives for dealing with  
 7 access, whether it would be approach consolidation  
 8 or I'll talk a little bit later about the frontage  
 9 road.

10 The approach consolidation, for anybody  
 11 that's looking at this, this is a sample literally.  
 12 We just took a look at some of the existing  
 13 approaches and said what are some options that we  
 14 could do to try to consolidate them. Nothing about  
 15 this plan is final. It's just an example to show  
 16 that we could eliminate maybe eight, ten approaches  
 17 by doing some consolidation of approaches. That's  
 18 one thing that the department had us look at.

19 The other thing that they had us look at  
 20 was to construct frontage road in the S-curve area  
 21 for approximately a half a mile. On this map be  
 22 the area in green. The red is the existing  
 23 roadway. The green would be a proposed frontage  
 24 road on both sides of the roadway. The green --  
 25 the larger green spaces would be approaches. What

13

1 this would do is reduce the amount of approaches in  
 2 this area from approximately 30 down to eight, four  
 3 on a side. And, again, the location of the  
 4 approaches is just approximate. What we try to do  
 5 in a frontage road situation is space them as  
 6 evenly as possible so that somebody coming off the  
 7 property doesn't have too far to go in either  
 8 direction to get to an access to a highway. So we  
 9 just try to space them as evenly as we can when we  
 10 do that.

11 This would be a possible typical section  
 12 for an approach -- or for a frontage road. Excuse  
 13 me. You would have half your roadway over here, an  
 14 inslope, a ditch section, a backslope, a couple of  
 15 driving lanes for the approach road, possibly curb  
 16 and gutter, depending on how much room we had to  
 17 operate, and then some room for driveways, to tie  
 18 driveways in and do whatever landscaping we would  
 19 need to do to make everything tie in. In our  
 20 attempt -- or I should say this typical section  
 21 here we're trying to stay within the existing  
 22 100-foot right-of-way that is currently -- that the  
 23 department currently has along Highway 40.

24 The only other thing I want to touch on  
 25 before I go into question and answers is a little

14

1 bit about right-of-way acquisition. And I see that  
 2 Don Wolf from the right-of-way department from the  
 3 North Dakota DOT is here, and Chad Orn, who is the  
 4 project manager for the North Dakota DOT, has also  
 5 just walked into the meeting. So, Don, if I say  
 6 anything out of line, let me know here.

7       Currently we're not looking at any  
 8 permanent right-of-way acquisition along the  
 9 roadway, especially if we stay along the existing  
 10 alignment, but there may be some areas where we  
 11 would need temporary construction easements to do  
 12 some of the blending, tie-in work, backsloping,  
 13 that kind of stuff. That would require some  
 14 right-of-way acquisition. Again, it would be a  
 15 temporary right-of-way acquisition. But this  
 16 little brochure here -- and we have several copies  
 17 up here if you're interested -- talks a little bit  
 18 not only about the project development process for  
 19 highway projects in North Dakota, but also talks  
 20 about some of the right-of-way process, talks about  
 21 appraisals, negotiations, acquisition, relocation  
 22 assistance, although we're certainly not  
 23 anticipating anything on this project as far as  
 24 relocating businesses or residences. And there's  
 25 several questions -- commonly asked questions in

15

1 the back of the brochure, that if you have any  
 2 questions or anything on right-of-way acquisition,  
 3 certainly feel free to page through this and ask us  
 4 any questions that you might have.

5       With that, I don't think I have anything  
 6 else to go through right now. If there are any  
 7 questions -- I guess before I do that, Chad or Don,  
 8 do you have anything to add, or Walt? If not -- go  
 9 ahead, Jen.

10       MS. TURNBOW: I was just going to kind of  
 11 remind everyone, we have these public hearings so  
 12 we can get a lot of public input, and that's a  
 13 really important part of this whole process,  
 14 because what happens after tonight is we take all  
 15 your comments, all your questions and answers and  
 16 that information will go up to the DOT to the  
 17 decisionmakers. So please state your name when you  
 18 ask questions for the first time so the court  
 19 reporter can get that in the transcript. Then we  
 20 have these comments sheets, and you can either fill  
 21 them out tonight and put them in the basket or else  
 22 you can mail them or e-mail, whichever is easiest  
 23 for all of you. So it's a really great tool to get  
 24 your voice heard. So with that, I think we can  
 25 open it up for question and answer.

16

1       MR. KELLY: Thanks, Jen. Walt.

2       MR. PETERSON: Hi. I'm Walt Peterson with  
 3 the Department of Transportation, and for those of  
 4 you that missed the first meeting that we had, we  
 5 also had a lot of discussion about possible  
 6 relocation of the roadway, and we received comments  
 7 from the public and we reviewed those and made the  
 8 decision to stay on the current alignment. And so  
 9 that is why those alignment -- proposed alignments  
 10 are not being shown tonight, because we've decided  
 11 we will stay on the existing alignment. I just  
 12 wanted to clarify that.

13       MR. KELLY: Thanks, Walt. And I'll add to  
 14 that -- or add one thing to that, I think a lot of  
 15 it was because people responded to the DOT either  
 16 positively or negatively about the proposal and all  
 17 of that public input was taken into account when  
 18 the department made that decision. Yes, sir.

19       MR. ULVEN: Dave Ulven. I live out by  
 20 Sheldon Welding. Is there any proposal of  
 21 softening of the curve or straightening of the  
 22 curve?

23       MR. KELLY: You're talking, Dave, the  
 24 S-curve right in here?

25       MR. ULVEN: Yes.

17

1       MR. KELLY: Actually, no. The proposal  
 2 right now is to stay on the existing alignment.  
 3 The horizontal alignment, the curvature does meet  
 4 the design speed for North Dakota DOT for this  
 5 classification of highway, so there's no plan to do  
 6 any alignment change.

7       MR. ULVEN: My second question was, how  
 8 far would -- the frontage road you're proposing,  
 9 how far is that going to go as opposed like from  
 10 the machine shop north?

11       MR. KELLY: To just south of the section  
 12 line. This would be the section line right here.  
 13 Would just be south of the section line.

14       MR. ULVEN: Okay.

15       MR. MARTINSON: I'm Lee Martinson. I live  
 16 on Highway 40, also. How far would it be from the  
 17 center of the highway to the frontage road?

18       MR. KELLY: To the center of the frontage  
 19 road or to the back?

20       MR. MARTINSON: To the center, I guess.  
 21 Just give an idea.

22       MR. KELLY: It would be approximately --  
 23 sure, I've got to do math. About 80 feet. The DOT  
 24 currently has a hundred feet of right-of way from  
 25 the center of the highway. The center of the

18

1 frontage road with this proposal would be  
 2 approximately 80 feet from the center of the  
 3 highway.  
 4 MR. MARTINSON: And then that's taking in  
 5 all that underground electric lines and pipe, I  
 6 suppose, and stuff? That wouldn't bother you guys  
 7 as far as rebuilding it. I'm sure you know what's  
 8 all involved in there.  
 9 MR. KELLY: The department has completed a  
 10 survey on the project and they have that  
 11 information. Our preliminary look at this thing,  
 12 we do not see a lot of grade changes happening, so  
 13 any utilities that would be within the existing  
 14 right-of-way -- there would be some relocation  
 15 needed of utilities, but --  
 16 MR. MARTINSON: You probably wouldn't go  
 17 back that far. You would probably stay --  
 18 MR. KELLY: Well, we would probably end  
 19 up -- for a frontage road alternative, we would  
 20 probably end up using the entire hundred feet to  
 21 try to get that built. And -- yeah, we would  
 22 probably be using almost the entire hundred feet to  
 23 get that built.  
 24 MR. MARTINSON: And then that frontage  
 25 road, that would be just a gravel road, would it?

19

1 MR. KELLY: Actually, no. That would  
 2 be -- our proposal -- our estimated cost, by the  
 3 way, and I don't think I got to that earlier,  
 4 694,000, that would be paved. That would be  
 5 proposed to be paved. Plus the approaches up to  
 6 the highway, the eight approaches would be paved.  
 7 And this option -- I guess, Chad, maybe you can  
 8 answer this question, is this being considered only  
 9 if one of the reconstruction or widening options is  
 10 selected? Is this being considered with the  
 11 maintenance overlay option?  
 12 MR. ORN: I guess -- Chad Orn with the  
 13 DOT. I guess the way the document is set up, it  
 14 could go either way. Chances are probably with the  
 15 maintenance overlay you probably wouldn't do too  
 16 much, but it could still go if there would be a lot  
 17 of public comment on it, concerns. You could do a  
 18 combination of frontage roads and driveway access  
 19 combinations, not saying we have to go completely  
 20 one way or the other. So if you have opinions, if  
 21 you're on, say, the south side or north side, you  
 22 could do some form of a combination, maybe not  
 23 saying you've either got all frontage roads or all  
 24 access combination. Maybe we could do a little bit  
 25 of both to have just chunks of it here and there.

20

1 MR. KELLY: Yeah. That's a good point,  
 2 Chad. And I think part of what Chad is alluding to  
 3 is that with the 30-some approaches in that area, I  
 4 think the department is just looking to improve the  
 5 safety a little bit by reducing the number of  
 6 access points. And, you know, this would go from  
 7 approximately 30 down to 22. This would take it  
 8 all the way down to eight. You could certainly  
 9 look at some combination in between, just to try to  
 10 limit the access to that highway in that area just  
 11 a little bit more than what currently is there.  
 12 MR. MARTINSON: There is a chance it could  
 13 stay just like it is and just put an overlay on it,  
 14 too, then?  
 15 MR. KELLY: That's correct. That's  
 16 correct. That is one option that the department  
 17 would be looking at.  
 18 MR. MARTINSON: Then there wouldn't be any  
 19 changes on approaches or anything like that?  
 20 MR. KELLY: Very possible, yes. Yeah,  
 21 that certainly would be a possibility. Does anyone  
 22 else have any other questions? We will be here for  
 23 another hour, so, I mean, if you want to come up  
 24 later and talk to us, we'll be here. Yes, sir.  
 25 MR. SOVIG: Mark Sovig. The question is,

21

1 if you do a reconstruct, is that going to change  
 2 the weight permits on the road, or is that --  
 3 MR. KELLY: The roadway would be designed  
 4 to handle the unrestricted loading. I'm not sure  
 5 if load restrictions would still go on in the  
 6 winter. Walt, what are your thoughts on that  
 7 regard? Or not in the winter. Excuse me. The  
 8 spring.  
 9 MR. PETERSON: I believe currently the  
 10 spring load restriction from Highway 2 into Tioga  
 11 is unrestricted, and the summertime is the  
 12 105,500-pound weight.  
 13 MR. SOVIG: It's less than that north of  
 14 the overpass there?  
 15 MR. PETERSON: Yes, from, I believe, the  
 16 CMC route, County 10 going north has a -- would  
 17 either be a seven-ton or an eight-ton load  
 18 restriction currently, which would not change.  
 19 MR. SOVIG: What have you seen in terms of  
 20 increased traffic over the last couple years?  
 21 Quite substantial?  
 22 MR. PETERSON: I think we are due to count  
 23 next year again. We count on a three-year  
 24 interval. So if there was a concern with the  
 25 increased traffic, we would pick it up next year.

22

1 MR. KELLY: I don't have any of the  
 2 historical numbers, but we do have current numbers  
 3 of traffic on this route, and right now the traffic  
 4 is just about 1500 ADT, or average vehicles per  
 5 day, with approximately 15 to 20 percent of those  
 6 vehicles being trucks. The traffic projections are  
 7 20 years out to be approximately 1900 vehicles per  
 8 day. That's current -- based on current  
 9 projections. Again, Walt, as he said, the  
 10 department will be collecting additional data this  
 11 year. Yes, sir.

12 MR. SKARPOHL: My name is Jay Skarpohl. I  
 13 was just wondering how current those numbers are as  
 14 to what the traffic is right now.

15 MR. KELLY: The traffic data you collect  
 16 every three years, so it's pretty recent. It's  
 17 probably not more than two or three years old --  
 18 two years probably.

19 MR. SKARPOHL: The only comment I would  
 20 have to make on that is that in the last probably  
 21 six months that number has really went up. If you  
 22 drive that road at six o'clock in the morning, it's  
 23 unbelievable how much traffic is on this stretch of  
 24 road.

25 MR. ULVEN: All night long.

23

1 MR. SKARPOHL: With Highway No. 2 we're  
 2 just about finished. Now, 2008, that thing is  
 3 going to be complete. You drive between here and  
 4 Williston at seven o'clock in the morning, it's  
 5 unbelievable traffic. A lot of traffic. It's due  
 6 to the oil activity obviously, but there's a lot of  
 7 other traffic, also.

8 MR. KELLY: The current traffic is a  
 9 fairly high amount. Even the 15 to 18 hundred  
 10 number, it's fairly high for a rural highway in  
 11 this part of the state. I mean, I think everybody  
 12 is acknowledging that. In fact, the department  
 13 changed the classification on the first three and a  
 14 half, four miles of the roadway, and then that kind  
 15 of directs in with the weight restriction thing  
 16 that Walt brought up. From Highway 2 up to the gas  
 17 plant road, that roadway is classified as a state  
 18 corridor, which is a little bit higher than the  
 19 rest of the classification, which is a lower  
 20 classification of district corridor, and that's  
 21 part of what's driving the desire for improvement  
 22 in the area, is the traffic and the ability to  
 23 handle the loads and everything else. Yes, sir.

24 MR. ULVEN: One more thing. With this --  
 25 putting this new highway in and stuff like that,

24

1 are speed limits going to change? Are they going  
 2 to go down or stay the same?

3 MR. KELLY: Currently there's no plan to  
 4 change the speed limit on this stretch of highway.

5 Are there any other questions that you  
 6 would like to have in the official transcript? If  
 7 not, again, like I said earlier, we'll be around  
 8 here for another hour. We'll discuss this with  
 9 you, answer questions, take notes, and we'll get  
 10 all this information in a report that we will  
 11 submit to the Department of Transportation for  
 12 consideration as they make their final decisions on  
 13 which improvement options they're going to proceed  
 14 with on this project.

15 MS. TURNBOW: And if you like one of the  
 16 alternatives a lot, please write that in your  
 17 comments. You know, you can name the number or the  
 18 section or that type of thing, because that will  
 19 get to the decisionmakers, as well.

20 MR. KELLY: Yes, ma'am, you had a  
 21 question.

22 MS. HEINLE: My name is Tressy Heinle.  
 23 Say, Walt, a couple years ago when you and I  
 24 started talking about this, you and I discussed  
 25 that the original construction was done in 1956 and

25

1 that an overlay had been done in 1982 and that no  
 2 improvements had been made to this stretch since.  
 3 So it is 25 years since improvements have been made  
 4 to it; right?

5 MR. PETERSON: Okay.

6 MR. KELLY: In section 1, from Highway 2  
 7 to the railroad overhead, the original surfacing  
 8 was put down in 1953. In 1982 an additional two  
 9 inches of recycled hot bituminous pavement was  
 10 added to the roadway, and then since that time it's  
 11 been chip sealed. In the section north of there,  
 12 up in this area, the paving was done -- or, excuse  
 13 me, in the railroad overhead area, that was done in  
 14 1988, and that's six inches of gravel base with  
 15 four and a half inches of pavement. Then from  
 16 there north it received the two inches in 1982. So  
 17 the bulk of this roadway, the last paving on this  
 18 roadway was completed in 1982.

19 And, you know, as Dave came up here, feel  
 20 free to come up here if you want to look at  
 21 something a little bit closer. This stuff is a  
 22 little tough to see from a long distance. It's  
 23 easy for me to see up here, but feel free to walk  
 24 up here and look at something if there's something  
 25 specific you want to get clear on in your own mind

26

1 before you ask a question or whatever.  
 2 If there's nothing else, I would like to  
 3 thank everybody for coming, and we'll still be here  
 4 for a while. Dave, did you have another question?  
 5 MR. ULVEN: One more question. At the  
 6 beginning of the curve like if it stays like this,  
 7 the machine shop approach is right here. Okay. If  
 8 people coming up out of the machine shop and  
 9 stuff -- this hill is sloped so when they come up  
 10 to the highway, it's really tough to see. I was  
 11 wondering if there was any type of proposal to kind  
 12 of shave the hill, or are they going to restructure  
 13 and make like -- what do they call it -- a no-  
 14 rollover ditch, or whatever the heck they call it?  
 15 Because, I mean, it's really steep right in through  
 16 here.  
 17 MS. AUER: Isn't that where it comes out  
 18 of Halliburton?  
 19 MR. ULVEN: No, no. Halliburton is back  
 20 here.  
 21 MR. KELLY: Yeah, this is the machine shop  
 22 right here.  
 23 MR. ULVEN: The shoot-off for the machine  
 24 shop is right here.  
 25 MS. AUER: Okay.

27

1 MR. KELLY: That was one area that was  
 2 looked at. Actually, the vertical profile in that  
 3 area for the traveler moving down the highway  
 4 provides adequate sight distance. Now, approaches  
 5 are a different thing. You can have a hill that is  
 6 low enough for the traveler that's moving down the  
 7 road to see, but that's not always true for  
 8 somebody who's parked at an approach, and so those  
 9 are the kinds of things that would be looked at  
 10 further in the design, if maybe a slight shift of  
 11 that approach or if the department does look at one  
 12 of the options with selective grading, maybe that's  
 13 one short area that could be lowered a little bit.  
 14 But currently it meets the standard, so there's  
 15 real no definitive plan today to do anything with  
 16 the profile of that roadway.  
 17 Are there any other questions, anything  
 18 else?  
 19 MR. ORN: Tim --  
 20 MR. KELLY: Chad, did you have something?  
 21 MR. ORN: -- did you mention anything  
 22 about the possible detour?  
 23 MR. KELLY: You know, I did not, and  
 24 that's a good point. One of the possibilities that  
 25 was looked at on the project -- and I guess I'll

28

1 have to go back to this map right here, and I  
 2 realize it's going to be hard to see. There are --  
 3 should the department decide to do one of the  
 4 widening or regrading options, it will involve  
 5 replacing three or four box culverts that are  
 6 currently under the roadway in this area, and one  
 7 of them -- or two of them, actually, are located  
 8 just south of Tioga. I can't think of the  
 9 gentleman that lives right by this place.  
 10 MR. ULVEN: LeRoy Lokken.  
 11 MR. KELLY: Okay. Sounds familiar.  
 12 Anyway, there's two box culverts in that area that  
 13 would be replaced, and one of the options that was  
 14 looked at while those box culverts are under  
 15 construction would be to detour traffic a mile to  
 16 the west, come down here and bring them back onto  
 17 the highway over here for the duration of the box  
 18 culvert construction. Part of the reason that was  
 19 being looked at was that there are -- this is a  
 20 fairly deep -- these are both fairly deep draws.  
 21 Building bypasses around two box culverts that are  
 22 real close together is a pretty expensive  
 23 proposition. There's also some concerns with  
 24 filling wetlands during that time period. Even  
 25 though it is a temporary impact, it's pretty -- and

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1 Jen maybe could allude to some of that a little bit  
 2 later. But basically it's a pretty big impact and  
 3 some big dollars in some cases for maintaining  
 4 traffic for a short duration of time if you replace  
 5 a couple of box culverts. So that was one option  
 6 that was looked at in the report, was to do some  
 7 detouring on the adjacent county roadways for the  
 8 time that that would be under construction. And  
 9 typically something like that would be six to eight  
 10 weeks.  
 11 MR. ULVEN: How about the approach, would  
 12 they still keep the deep hill there or would they  
 13 kind of level it out and make it not quite so  
 14 steep?  
 15 MR. KELLY: That was one of the areas that  
 16 was looked at real heavily, Dave, for the selective  
 17 grading, was as long as -- if the department  
 18 selects one of those options, they may go in there  
 19 when they replace those box culverts and flatten  
 20 those hills coming out, raise that draw up a little  
 21 bit and flatten some of that profile. Now, they  
 22 may or may not select that because the current  
 23 curvature does meet the design standards that the  
 24 department has for sight distance, so they may or  
 25 may not select that option, but that certainly was

30

1 looked at.

2 MR. ORN: One reason we brought up the

3 detour is that's one of the areas that we're going

4 to be looking for public input on, whether you feel

5 that would be okay with you. It's something that

6 our decisionmakers will use, also. That's the

7 reason we want to bring it up, so if you have any

8 major concerns about that, you can address it. Of

9 course, we need access to their houses or something

10 along that stretch, we'll find ways to maintain

11 that access the best we can.

12 MR. SKARPOHL: I have one other question.

13 MR. KELLY: Yes, sir.

14 MR. SKARPOHL: The other question I got

15 is, you know, the tentative construction schedule

16 is the 2009 construction season?

17 MR. KELLY: Yes.

18 MR. SKARPOHL: Now, you would start

19 grading that season. Would it be completed the

20 fall of 2009, or would it be kind of like we're

21 sitting here with Highway 2 where the construction

22 is done one year and then paved the following

23 summer or spring?

24 MR. ORN: Based on how we usually do

25 that -- like Highway 2, you're able to just let

31

1 that sit, nobody had to drive on it, because this

2 would still be driving. Generally if we do a lot

3 of regrading, we like to let the soil compact or

4 settle, so we'll put a thin course on, an inch and

5 a half, we'll put a small course on to sit through

6 the winter, and then we'll come back the following

7 summer and then we'll put the top lift on and

8 smooth out or fix any breakups. That might be the

9 way that we stage. We have done that in a lot of

10 reconstruction projects, and that might be

11 something that might be done here, or it would all

12 be done at one time, but we wouldn't leave you a

13 gravel surface to drive on.

14 MR. KELLY: Any other thoughts or

15 questions? Again, as we pointed out several times,

16 the department does take into account all the input

17 that we gather not only from these meetings, but

18 even within the comment periods, the ten-day

19 comment period after this meeting. If you have a

20 preference for something, if you have a strong

21 feeling one way or another about something on the

22 project, whether it's which construction

23 alternative, detour or not to detour, approach

24 changes, whatever thoughts you may have, we welcome

25 the input. Actually, the more input I think the

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1 department gets, in some ways it makes their life a

2 little bit easier because they are getting more of

3 a cross-section of what people feel like rather

4 than just getting the vocal minority, so it is

5 something that is used in the decision process.

6 MR. ORN: The DOT is going to ask KLJ to

7 go out and specifically talk to the people that

8 live along this S-curve to get their feeling on it,

9 either through phone call or through meetings with

10 them. That's part of what -- the environmental

11 document that we put together asked that question.

12 We're going to go out and try to ask the majority

13 of the people along here what they think, maybe

14 show them these drawings, get your input on it.

15 MR. KELLY: Yes, I saw I think it was you

16 first.

17 MR. SOVIG: On the frontage road, if

18 that's paved and that work done, who's responsible

19 for maintenance of that and snow removal and those

20 types of issues on the frontage road?

21 MR. KELLY: I'm fuzzy on that one, Walt.

22 MR. PETERSON: I am, too. I assume that

23 we would put together some kind of an agreement

24 with the local entity or, I guess, the DOT would be

25 stuck for it. I don't know.

33

1 MR. KELLY: That's a good question. We

2 can get an answer for that one, or at least maybe

3 -- I don't know if we'll get a solid answer, but at

4 least investigate a little more and see what the

5 department normally does in situations like this.

6 MR. ORN: But that would be something we

7 would want worked out prior to committing to doing

8 it, prior to we going down the road and building a

9 stretch of frontage road that nobody wants to

10 maintain. We don't want to do that.

11 MR. SOVIG: We just thought maybe we could

12 get a commitment today.

13 MR. KELLY: Ma'am, I believe you had a

14 question.

15 MS. GREER: Phyllis Greer is my name. I

16 am assuming when you talked about the box culverts,

17 that one of them is on my property. I have a steep

18 ravine running through my property. It would be

19 just south of LeRoy Lokken's there.

20 MR. KELLY: Right. Yeah, it would be

21 actually this green spot. You must live right

22 here, just south. You live north of the gas plant?

23 MS. GREER: That's right. Well, the Hess

24 production office, you mean?

25 MR. KELLY: Or excuse me. Not the gas

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1 plant. The office, yes.  
 2 MS. GREER: What would be the reason for  
 3 taking those out? Are they not going to stand up  
 4 or what? The one on mine is concrete, you know.  
 5 MR. KELLY: They're all concrete actually.  
 6 A lot of them are in pretty tough shape. I think  
 7 when we did the field review out here, we walked  
 8 through all of them. Most of them were built in  
 9 the '30s or '40s. Some of them were extended once  
 10 or twice. I would have to look in here to get the  
 11 exact information. The other issue is they're too  
 12 short. The slopes over them are real steep. Even  
 13 if --  
 14 MS. GREER: If you widen the shoulders, I  
 15 suppose that would be big problems.  
 16 MR. KELLY: Yes. So we would have to --  
 17 you know, one option with a box culvert is to look  
 18 at just lengthening, but with the age and the  
 19 condition of these structures, it's not feasible to  
 20 do anything with them except replace them.  
 21 MS. GREER: Okay. Just wondered. Thank  
 22 you.  
 23 MR. KELLY: Yes, sir.  
 24 MR. KOSTAD: My name is Orvy Kostad. I'm  
 25 married to Phyllis Greer. Who would pay for

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1 raising up the approach? When we come from our  
 2 property and want to get to the highway, we glance  
 3 off to the right towards the Amerada offices or  
 4 Hess offices, and we have to keep that road mowed  
 5 really short because just like a snap of the  
 6 fingers the cars are coming around that curve and  
 7 we're down too low.  
 8 MS. GREER: It's our approach that's too  
 9 low.  
 10 MR. KOSTAD: Yeah, our approach is too  
 11 low. And we have a lot of close calls. And I know  
 12 what he said, the state has about a hundred feet  
 13 back.  
 14 MR. KELLY: The state has a hundred feet  
 15 of right-of-way from the center of the existing  
 16 road. If the roadway grade -- if they would select  
 17 one of the alternatives that would change the  
 18 roadway grade in that area, then the department  
 19 would include as part of the project doing the work  
 20 necessary to build a suitable approach from the new  
 21 roadway back to tie into your existing approach.  
 22 That would all be part of the project. Should they  
 23 select a maintenance or overlay or just go through  
 24 and do the widening and leave the roadway profile  
 25 alone, then they would do just enough work -- for

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1 example, if they built the road up three or four  
 2 inches additional material, then we would have to  
 3 do enough to not leave you a three- or four-inch  
 4 bump there when the project is complete, so they  
 5 would just tie into the existing approaches.  
 6 Unless there would be some need to address  
 7 the safety issue -- the crash history along this  
 8 roadway, there really -- you had alluded to some  
 9 near misses. Most of the crash history is run off  
 10 the road or I believe there was one crash that was  
 11 talked about just before the public meeting where  
 12 some vehicle was parked on the side of the roadway  
 13 and somebody got hit. For now, if they did a major  
 14 grade change and raised the road three feet at your  
 15 approach, we would need to do enough work to make  
 16 that work out for you.  
 17 MS. GREER: I think the problem really has  
 18 come up since 1982 when they added just that two  
 19 inches, because -- you wouldn't think it would make  
 20 a difference, but it did.  
 21 MR. ORN: If you note that as a comment,  
 22 that's something we'll take into -- we'll look at  
 23 that. If we have to do some minor grading or a  
 24 flattened area up there, that's something we can  
 25 look at. We do do that sometimes as part of the

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1 projects where there's steep driveways or people  
 2 have had issues. That's something we can look at  
 3 and consider. We just need to -- if you would note  
 4 it down, and that would be something that Tim will  
 5 bring up when he presents it to our management at  
 6 the department.  
 7 MR. KELLY: Yes, ma'am.  
 8 MS. HEINLE: Will you be having any more  
 9 public hearings or is this the last?  
 10 MR. KELLY: This is currently scheduled to  
 11 be the last one, and then sometime in the near  
 12 future the department will make a decision and then  
 13 it will move into the design phase, preparing plans  
 14 and specifications. That would be the next step.  
 15 Then, of course, the third step would be letting it  
 16 for bids and then getting it constructed.  
 17 MR. MARTINSON: Also, you had mentioned it  
 18 could be possible you would just put a new overlay  
 19 on the road -- existing road?  
 20 MR. KELLY: That's correct.  
 21 MR. MARTINSON: Would that correct all  
 22 these needs for the proposed project? There you  
 23 say in there that the life design of the pavement  
 24 along the shoulders does not conform to DOT. But  
 25 just by repaving it, that won't help the width or

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1 anything.

2 MR. KELLY: Won't help the shoulder width,  
3 but it will address the load-carrying capability  
4 for the short term. Typically a maintenance  
5 overlay, Chad, ten years?

6 MR. ORN: That's on the high end. We're  
7 looking at somewhere between five and ten.

8 MR. KELLY: That's on the high end. Five  
9 and ten years. Usually try to get an additional  
10 five to ten years out of the roadway before they  
11 would come in and do a more major improvement. And  
12 that's one option they look at on many of the  
13 highways in North Dakota, you know, as they develop  
14 a project, is sometimes the five- to ten-year call  
15 it a Band-Aid, but it's a five- to ten-year  
16 improvement to get by until they can do a major  
17 improvement on a roadway. That's one of the  
18 reasons that that option is being considered at  
19 this time.

20 MR. ORN: With the recent spike in  
21 construction costs, as a department as a whole,  
22 we've had to look statewide and try to find areas  
23 to still maximize the amount of miles that we cover  
24 with the amount of dollars that we have. Fuel  
25 prices have went from -- have almost doubled.

1 this. Again, this is just an example of -- just to  
2 illustrate the concept. The frontage road concept,  
3 it's a little bit easier to quantify. You know,  
4 this wide, this deep, this many dollars, this many  
5 feet, so it was easier to put a dollar amount on  
6 this. This would be substantially less. And as  
7 Chad alluded to earlier, should the department go  
8 in with the widening option, or even this still  
9 might be looked at, some consolidation, even if  
10 they just do a maintenance overlay or it could be  
11 some combination in between here. Again, a lot of  
12 that would be depending on how people would be  
13 receptive to doing something like this or anything  
14 along this portion of the highway.

15 Does anybody else have anything to add,  
16 any questions? Again, like I say, we'll be here  
17 for a half-hour or so. If you want to hang around,  
18 ask some more questions, take a look at what we  
19 have here, you're certainly welcome to do that.

20 If there's no other questions, I would  
21 like to thank everybody for coming, participating.  
22 Again, you can turn your comments in tonight, you  
23 can e-mail them to me, you can mail them. My  
24 address is on all the information.

25 Again, thank you for coming. And feel

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1 They've come down some, but our money hasn't went  
2 up the same amount, so we as a department are  
3 looking statewide and we're doing -- looking how we  
4 can still get the miles and benefit as many people  
5 while still maintaining our budget and safety.

6 MR. KELLY: Yes.

7 MS. HEINLE: Just one more comment. With  
8 the comment that you made that an overlay maximum  
9 life span should be approximately ten years and  
10 this stretch is going on 24 to 25 years, I would  
11 hope that that would set a priority for this  
12 stretch in funding.

13 MR. KELLY: Okay.

14 MR. ULVEN: On your proposals there -- one  
15 more question -- is there one that they're looking  
16 at more than the other with the frontage road or  
17 just the removal of a couple of the approaches? Is  
18 there one they're looking at more than the other?

19 MR. KELLY: Yeah. This one here is -- we  
20 really didn't put a major dollar cost to this  
21 because we're using most of the existing  
22 approaches. There's a couple areas where we're  
23 sliding them over, but basically you're just trying  
24 to use as many existing approaches as possible, so  
25 we really didn't try to put too much of a cost to

1 free to hang around. If you have other questions,  
2 I would be happy to answer them. If not, I'll  
3 refer you to one of the people that are here that  
4 might be able to answer them.

5 (Concluded at 6:25 p.m., the same day.)

6 -----

1 CERTIFICATE OF COURT REPORTER

2

3 I, Denise M. Andahl, a Registered  
4 Professional Reporter,

5 DO HEREBY CERTIFY that I recorded in  
6 shorthand the foregoing proceedings had and made of  
7 record at the time and place hereinbefore  
8 indicated.

9 I DO HEREBY FURTHER CERTIFY that the  
10 foregoing typewritten pages contain an accurate  
11 transcript of my shorthand notes then and there  
12 taken.

13 Bismarck, North Dakota, this 31st day of  
14 October, 2006.

15

16

17 -----  
Denise M. Andahl  
Registered Professional Reporter

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# **APPENDIX B**

## **Notification Package**

- **Newspaper Advertisement**
- **Public Service Announcement**

# **ND HIGHWAY 40**

**US HIGHWAY 2 to CMC (COUNTY MAJOR COLLECTOR) 5316**

## **PUBLIC HEARING**

### **WHY?**

On behalf of the owner, ND Department of Transportation, Kadrmas, Lee & Jackson, Inc. is conducting a project development and environmental study that will evaluate improvement options for ND Highway 40 from US Highway 2 to CMC (County Major Collector) 5316. This hearing is designed to allow for public input which is required for compliance with the National Environmental Policy Act of 1970 and National Historic Preservation Act of 1966.

Presenters will inform the public on the progress of the project, and receive input on the alternatives, which include: reconstruction; mine & blend with widening or selective grading; or a maintenance overlay. Please plan to attend this meeting, examine the alternatives, discuss the project with the study team, and make your voice heard. Questions, comments, and open discussion will be encouraged.

Representatives from the ND Department of Transportation and Kadrmas, Lee & Jackson, Inc. will be on hand to answer your questions and discuss your concerns.

### **WHEN?**

**Tuesday, October 24, 2006**

5:00 pm–7:00 pm

Formal Presentation at 5:30 pm

### **WHERE?**

Tioga High School Library  
303 North Linda Street  
Tioga, ND 58552

### **CONDUCTED BY:**

ND Department of Transportation  
and Kadrmas, Lee & Jackson, Inc.

**TRANSCRIPT:** Written statement will be made part of the official transcript if received by **Nov. 7, 2006** to Tim Kelly, PE; KL&J Inc.; PO Box 290; Dickinson, ND 58602-0290; (701) 483-1284 or E-mail: [timothy.kelly@kljeng.com](mailto:timothy.kelly@kljeng.com).

**DISABILITIES:** People with disabilities who plan on attending the meeting and need special arrangements should contact: Chad Orn, PE; NDDOT, Design Division; (701) 328-4587, TTY (701) 328-4156; or Timothy Kelly, PE; Kadrmas, Lee & Jackson, Inc.; (701)483-1284

# Public Service Announcement

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RELEASE DATE: October 17, 2006  
FROM: Kadmas, Lee and Jackson, Inc.  
CONTACT: Tim Kelly, Project Manager  
Kadmas, Lee & Jackson  
(701) 483-1284

## Public Hearing for ND Highway 40 from US Highway 2 to County Major Collector 5316

A Public Hearing regarding improvements to ND Highway 40 will be held on Tuesday, October 24, 2006 at the Tioga High School Library, from 5:00 pm–7:00 pm, with a presentation beginning at 5:30 pm. Representatives from the ND Department of Transportation and Kadmas, Lee & Jackson will be available to address questions and concerns.

The purpose of the meeting is to inform the public on the progress of the project, and receive input on the alternatives.

Exhibits will be on display. Questions, comments, and open discussion are encouraged. Your input is an important part of the process, please plan to attend.

Written statements or comments about this project must be received by **November 7, 2006** to Tim Kelly, Project Manager; Kadmas, Lee & Jackson, Inc.; PO Box 290; Dickinson, ND 58602-0290; (701) 483-1284 or E-mail: [timothy.kelly@kljeng.com](mailto:timothy.kelly@kljeng.com).

People with disabilities, who plan on attending the meeting and need special arrangements, should contact: Chad Orn, P.E.; ND Department of Transportation; (701) 328-4587 or TTY (701) 328-4156 or Tim Kelly, P.E., Kadmas, Lee & Jackson, Inc. (701) 483-1284

###

# **APPENDIX C**

## **Public Hearing Materials**

- **Sign in Sheet**
- **Handout**
- **Public Hearing Exhibits**





# ND HIGHWAY 40

US Highway 2 to County Major Collector 5316

Williams County, ND

## **PUBLIC HEARING open house**

TUESDAY, OCTOBER 24, 2006  
TIOGA HIGH SCHOOL LIBRARY  
5:00 PM–7:00 PM  
FORMAL PRESENTATION AT 5:30 PM

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### **Project Development & Environmental Study**

**NDDOT**  
North Dakota  
Department of Transportation

Kadmas  
Lee &  
Jackson  
Engineers Surveyors  
Planners

### Description Of The Proposed Project

Kadrmass, Lee & Jackson, Inc., on behalf of the North Dakota Department of Transportation, is conducting a project development and environmental study that will evaluate improvement options for ND Highway 40 from US Highway 2 to CMC (County Major Collector) 5316, Williams County, North Dakota.

### Need For The Proposed Project

The current roadway has recently been reclassified from a District Corridor to a State Corridor. The result of this reclassification is different design guidelines/standards are now required. The roadway has reached the end of its design life for the asphalt pavement, along with shoulder widths that do not conform to NDDOT's guidelines. The proposed improvements are needed to meet design guidelines/standards, to accommodate current and future traffic flow, and to improve the ride of the asphalt pavement.

### Project Update

The first public input meeting was held on January 26, 2006 at the Tioga City Hall in Tioga, North Dakota. Since the meeting, a Draft and Final Project Concept Report has been submitted to the NDDOT.

### Project Schedule

The project is scheduled for a November 2008 bid opening, with construction starting during the 2009 construction season.

### Proposed Improvements

Alternative A	No Build
Alternative B	Rehabilitation Options
Section 1	RP 0.000-RP 3.345
Alternative B-1-A	Reconstruction
Alternative B-1-B	Mine and Blend with Widening
Alternative B-1-C	Mine and Blend with Widening and Selective Grading
Alternative B-1-D	Maintenance Overlay
Section 2	RP 3.345 – RP 3.998
Alternative B-2-A	Structural Overlay
Alternative B-2-B	Maintenance Overlay
Section 3	RP 3.998 – RP 4.223
Alternative B-3	Maintenance Overlay

### Public Involvement Process

An important aspect of this study is the public involvement process. Written statements will be made part of the official transcript if received before *November 7, 2006*.

This Public Hearing Open House is an important part of the public information program designed to keep the public, agencies, and interested parties informed about the project. This hearing is designed to allow for public input which is required for compliance with the National Environmental Policy Act of 1970 and National Historic Preservation Act of 1966. Comments received from all interested parties will be made public record, which ultimately is considered during the decision making process.

We hope that this Public Hearing Open House is informative and useful to you. Thank you for your interest in the ND Highway 40 project.

Please mail your comments by *November 7, 2006* to:

Tim Kelly, PE

Kadrmass, Lee & Jackson, Inc.

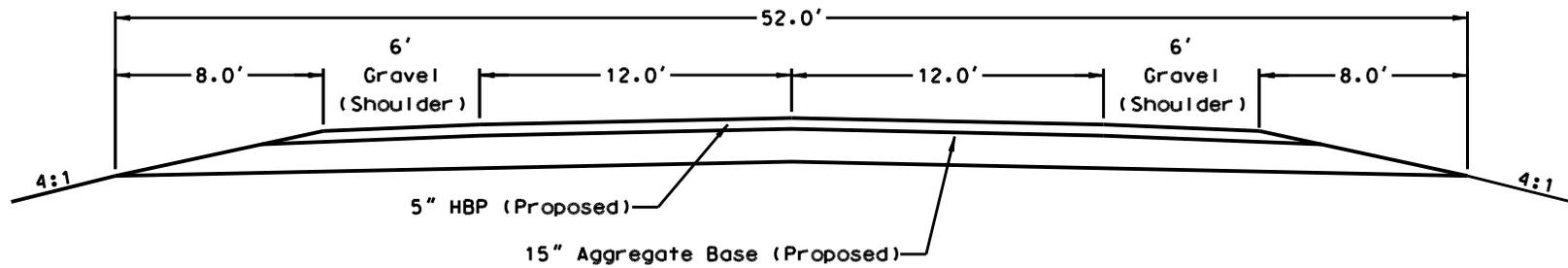
PO Box 290

Dickinson, ND 58602-0290

E-mail: [timothy.kelly@kljeng.com](mailto:timothy.kelly@kljeng.com) (*Please include Public Meeting in the title*).

STATE	PROJECT NO.	SECTION NO.	SHEET NO.
ND	SS-7-040(012)000	.	.

ALTERNATIVE B-1-A  
RECONSTRUCTION

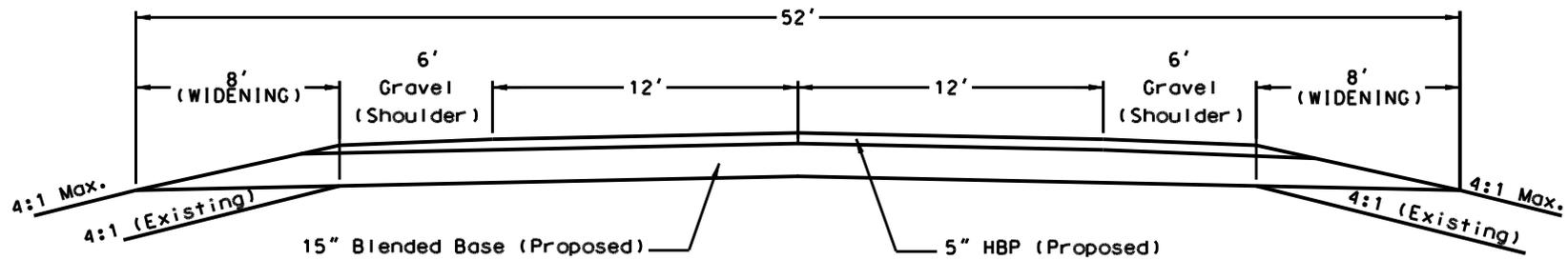


ESTIMATED CONSTRUCTION COST \$3,020,000

ALTERNATIVE B-1-A  
TYPICAL SECTION  
RECONSTRUCTION  
RP 0.000 - RP 3.354

STATE	PROJECT NO.	SECTION NO.	SHEET NO.
ND	SS-7-040(012)000	.	.

ALTERNATIVE B-1-B MINE & BLEND (WITH WIDENING)  
 ALTERNATIVE B-1-C MINE & BLEND (WITH WIDENING & SELECTIVE GRADING)

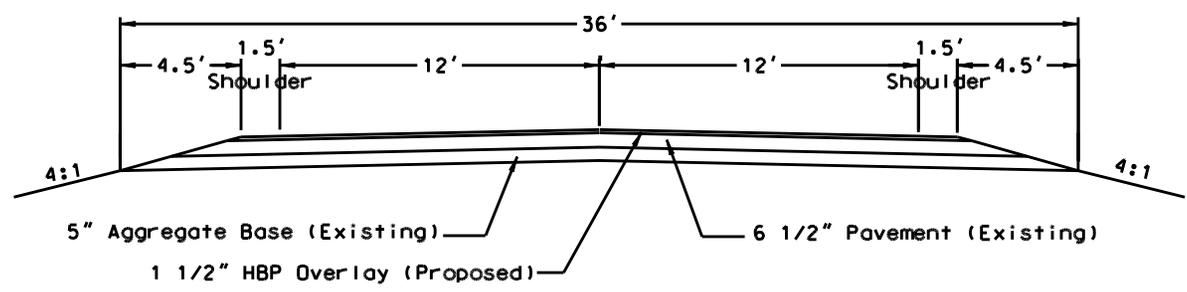


ESTIMATED CONSTRUCTION COST \$2,775,000 ALTERNATIVE B-1-B  
 ESTIMATED CONSTRUCTION COST \$2,845,000 ALTERNATIVE B-1-C

ALTERNATIVE B-1-B  
 ALTERNATIVE B-1-C  
 TYPICAL SECTION  
 MINE & BLEND  
 (WITH WIDENING)  
 RP 0.000 - RP 3.354

STATE	PROJECT NO.	SECTION NO.	SHEET NO.
ND	SS-7-040(012)000	.	.

ALTERNATIVE B-1-D  
MAINTENANCE OVERLAY

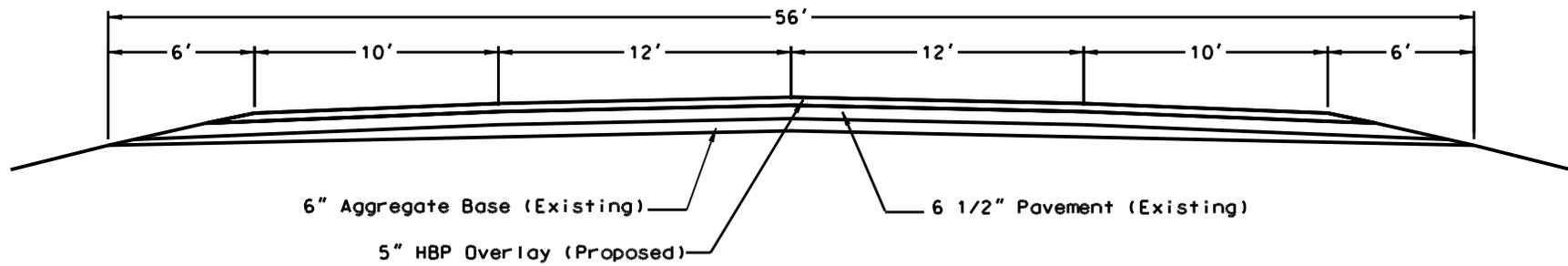


ESTIMATED CONSTRUCTION COST \$373,000

ALTERNATIVE B-1-D  
TYPICAL SECTION  
MAINTENANCE OVERLAY  
RP 0.000 - RP 3.354

STATE	PROJECT NO.	SECTION NO.	SHEET NO.
ND	SS-7-040(012)000	.	.

ALTERNATIVE B-2-A  
STRUCTURAL OVERLAY

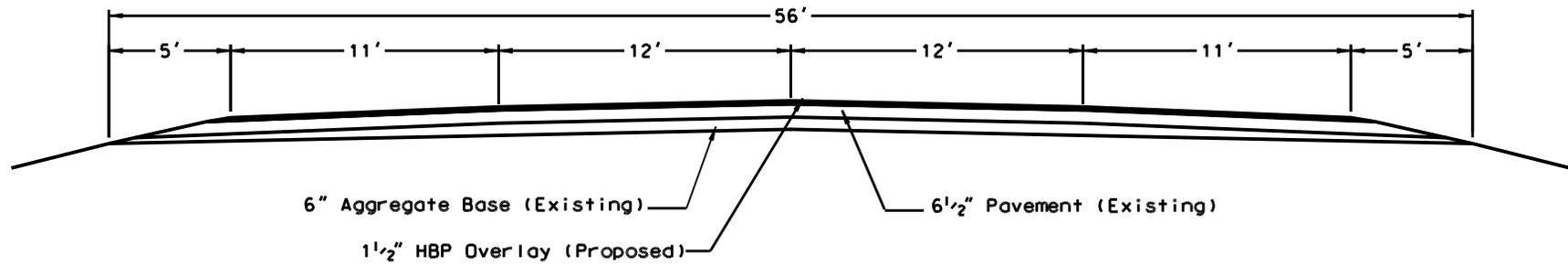


ESTIMATED CONSTRUCTION COST \$400,000

ALTERNATIVE B-2-A  
TYPICAL SECTION  
STRUCTURAL OVERLAY  
RP 3.354 TO RP 3.998

STATE	PROJECT NO.	SECTION NO.	SHEET NO.
ND	SS-7-040(012)000	.	.

ALTERNATIVE B-2-B  
MAINTENANCE OVERLAY

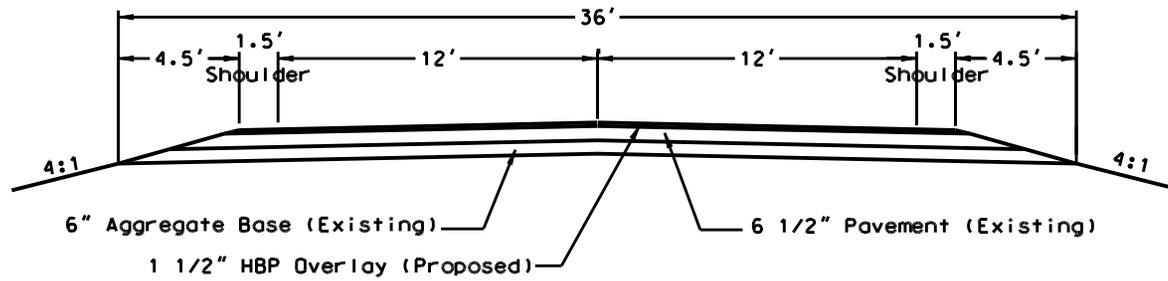


ESTIMATED CONSTRUCTION COST \$122,000

ALTERNATIVE B-2-B  
TYPICAL SECTION  
MAINTENANCE OVERLAY  
RP 3.354 TO RP 3.998

STATE	PROJECT NO.	SECTION NO.	SHEET NO.
ND	SS-7-040(012)000	.	.

ALTERNATIVE B-3  
MAINTENANCE OVERLAY

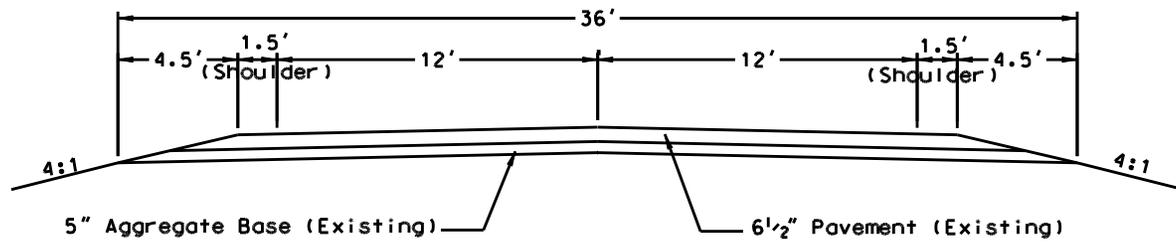


ESTIMATED CONSTRUCTION COST \$27,000

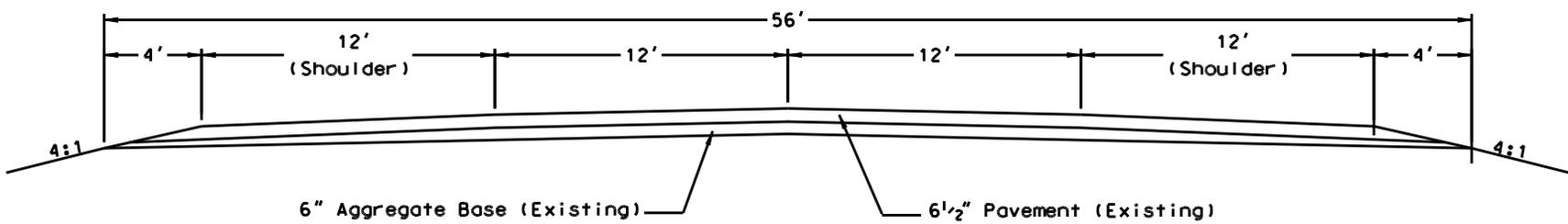
ALTERNATIVE B-3  
TYPICAL SECTION  
MAINTENANCE OVERLAY  
RP 3.998 - RP 4.223

STATE	PROJECT NO.	SECTION NO.	SHEET NO.
ND	SS-7-040(012)000	.	.

RP 0.000 TO RP 3.354

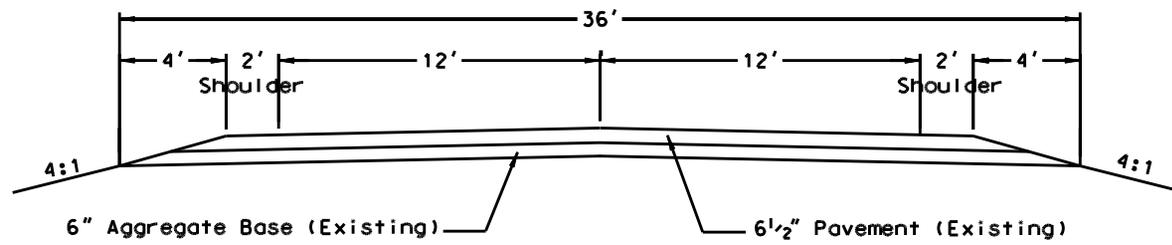


RP 3.354 TO RP 3.998



EXISTING TYPICAL SECTION  
 RP 0.000 - RP 3.354  
 AND  
 RP 3.354 - RP 3.998

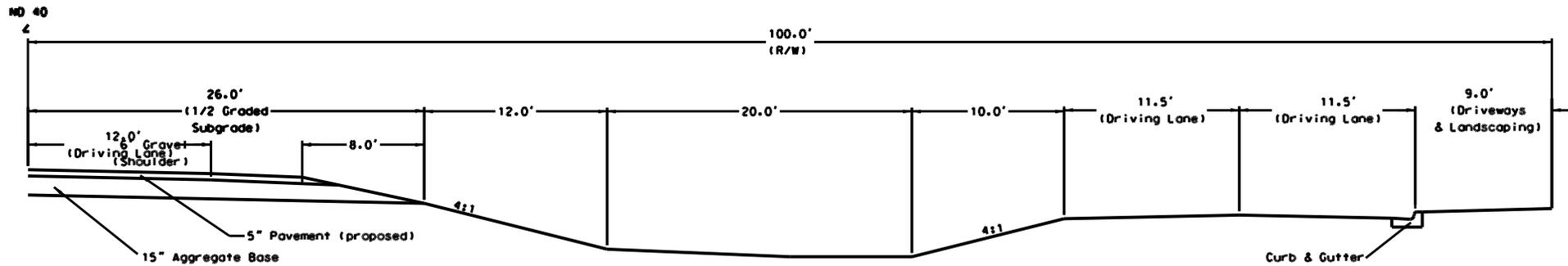
STATE	PROJECT NO.	SECTION NO.	SHEET NO.
ND	SS-7-040(012)000	.	.



EXISTING TYPICAL SECTION  
 RP 3.998 - RP 4.223

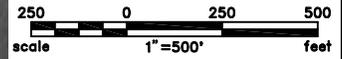
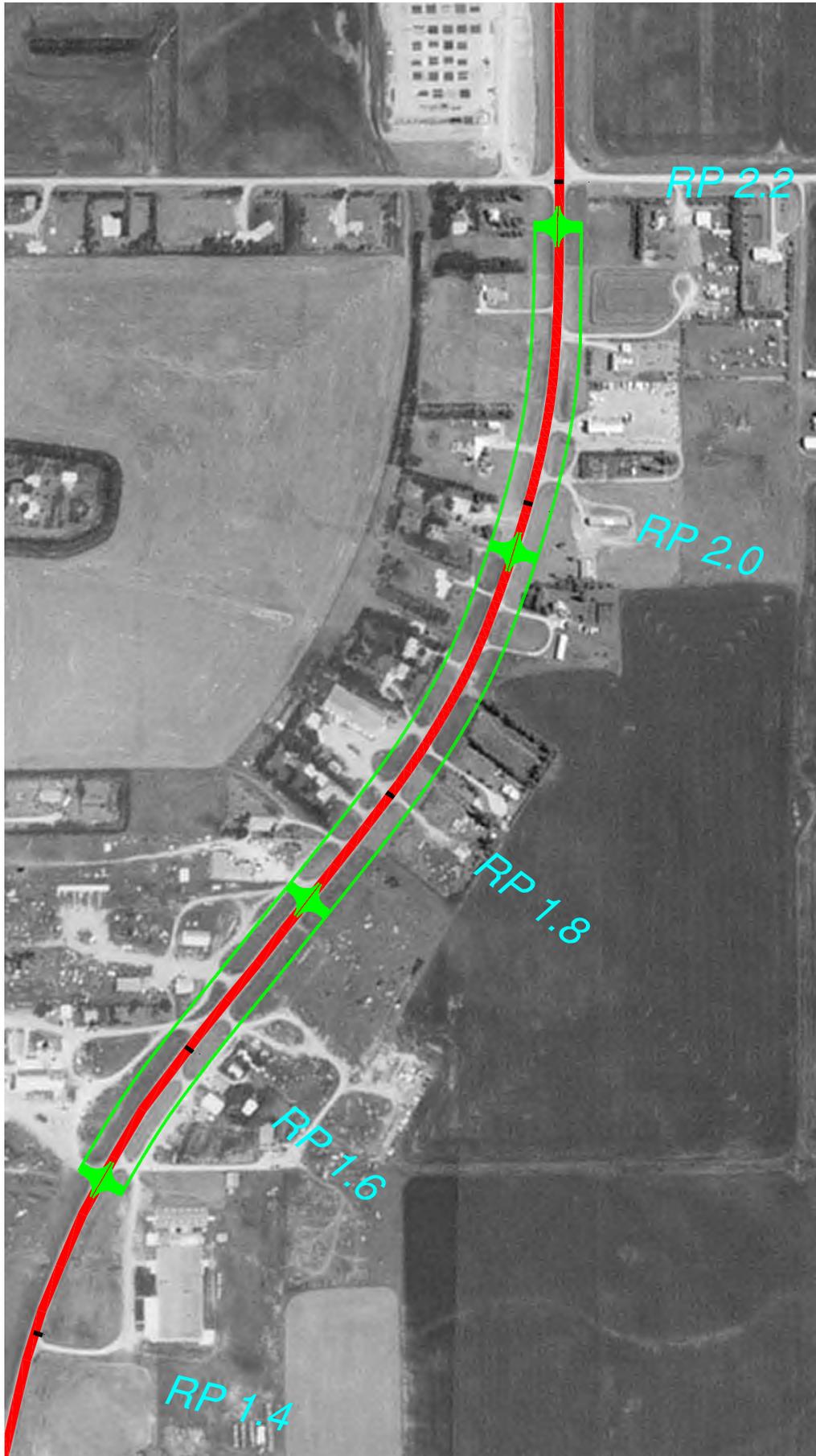
STATE	PROJECT NO.	SECTION NO.	SHEET NO.
ND	SS-7-040(012)000	-	-

FRONTAGE ROAD



ESTIMATED CONSTRUCTION COST \$694,000

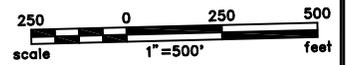
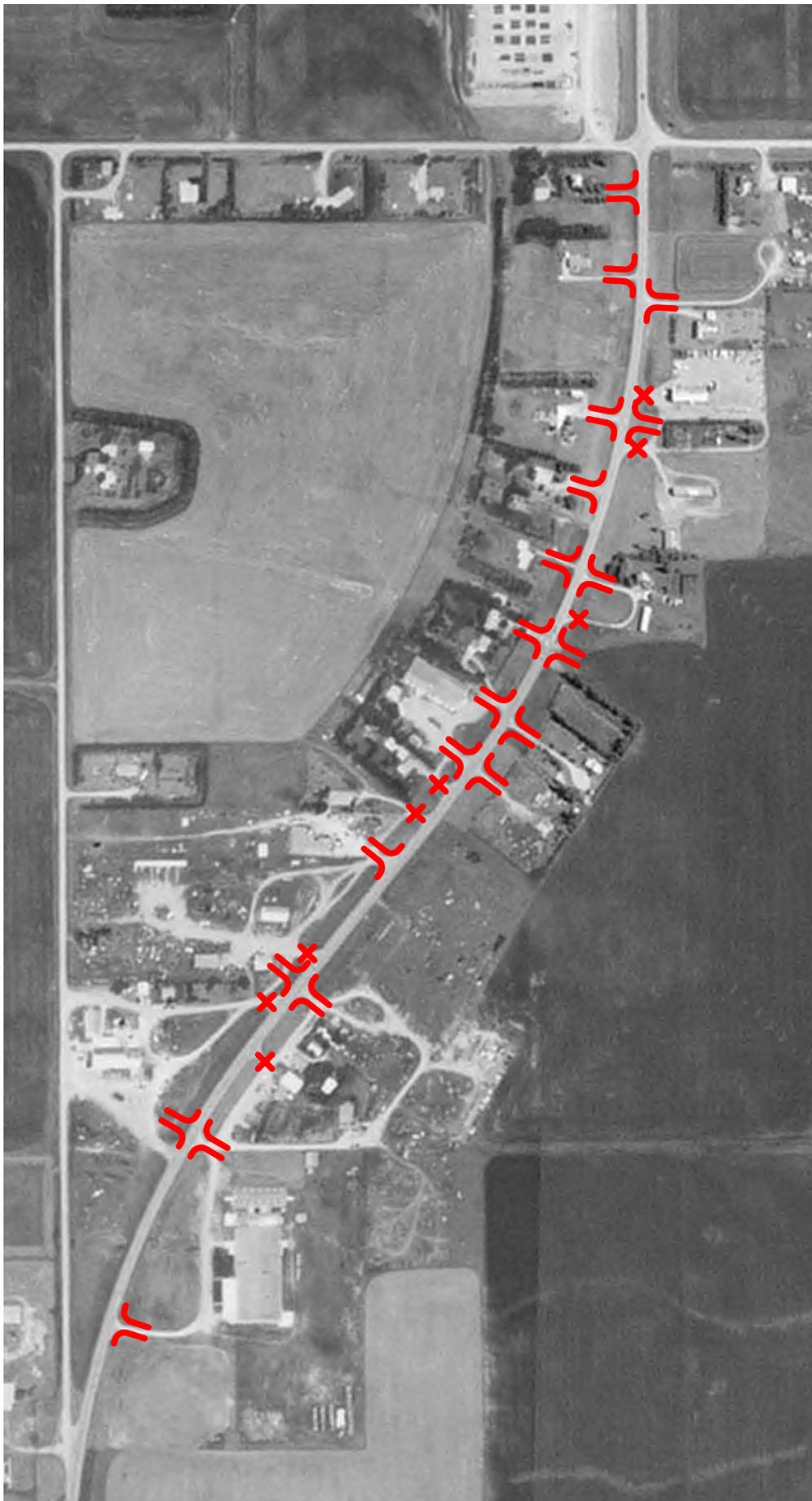
TYPICAL SECTION  
FRONTAGE ROAD (RP 1.5 - 2.2)



**LEGEND**

- Frontage Road
- ▶ Approach

Kadmas  
Lee &  
Jackson  
Engineers Surveyors  
Planners



## LEGEND

 PROPOSED APPROACH

 ELIMINATED APPROACH

Kadmas  
Lee &  
Jackson  
Engineers Surveyors  
Planners

# APPENDIX D

## Written Public Comments

- **Written Public Comments**

*Dennis Tandeski*

*Jay R. Skarphol*

*Joanne and David Ulven*

*Lee K. Martinson*

*Tressy Heinle (Tioga Area Economic Development Corporation)*

**Grady Wolf**

TALKED WITH: Dennis Tandeski  
RECORDED BY: Tim Kelly  
PROJECT: ND Highway 40  
SUBJECT: Discussion of alternatives  
DATE: 11/7/2006

DISCUSSION ITEMS: Dennis contacted Tim at 8:05 a.m. to discuss the alternatives for ND Highway 40. He lives on the north end of the S-curve on the west side of ND Highway 40. He would like to see the roadway widened, and he does not want the thin lift overlay or the frontage road. He also wants the speed limit in this area reduced to 55 MPH.

Email to Tim Kelly on 10/29/2006

I attended the public meeting in Tioga on Oct. 24 and listened to the presentation and alternative proposals. I strongly believe that the only choice for Section 1 is Alternative B-1-A, complete reconstruction, Section 2, Alternative B-2-A, Structural Overlay, Section 3, Alternative B-3, Maintenance Overlay. It was noted that it has been many years since any work has been done on this stretch of Highway 40. With the ever increasing amount of traffic on this road, it is imperative that this project be completed as proposed. I travel this area every day and the amount of traffic on ND 40 has increased dramatically, not just with the increased oil activity, but also with additional traffic from Highway #2. It is a matter of public safety as well as having a healthy infrastructure into the city of Tioga. With the completion of the 4 laning of US #2 in 2008 will bring increased traffic through this area also. I completely support this project and hope it will be completed during the 2009 construction season if not before. Thank You.

Jay R. Skarphol  
215 Willard Blvd.  
Tioga, ND 58852-0302

# COMMENTS

ND HIGHWAY 40 FROM US  
HIGHWAY 2 TO CMC 5316

Tuesday, Oct. 24, 2006 • 5-7 PM • Tioga, ND

Please use the space below to tell us your comments regarding ND Highway 40 from US Highway 2 to CMC 5316.\*

PLEASE  
PRINT

Name: Joanne + David Ulven 701-664-0072

Address: 6573 Hwy 40 S. P.O. Box 965 Tioga

**NO FRONTAGE ROAD** - Concerns are snow removal, maintenance, and closeness to our home, and removal of our sound barrier-lilac bushes.

-THIS SPACE  
OFFICE USE ONLY-

**APPROACH CONSOLIDATION** - looks like the best option, affecting the lease amount of people.

**WIDENING ROAD FOR SHOULDERS** - Best plan - dangerous for those living and working on HWY 40 to pull directly into traffic which is moving between 65 mph to 75 mph. With a shoulder, at least we would have a chance of not getting rear ended before we have a chance to get up to speed. With the present curves and grading there are many blind approaches.

**LOWERING SPEED LIMIT TO 55** as it is many places on HWY 2 where there is a large amount of traffic pulling onto the HWY. **WE WOULD LIKE YOU TO CONSIDER THIS!!!**

**SAFETY CONCERN-** the two approaches from Tioga Machine are completely blind!!! Please consider **raising the grade of these approaches** so those trying to pull onto the HWY can see both ways!

**TAXES** - Will homeowner taxes be raised because of this project?? Do different options affect the amount of the raise in taxes should there be one?

*Joanne Ulven*  
*David Ulven*

\* Please mail your comments by November 7, 2006 to:

Tim Kelly, PE

Kadmas, Lee & Jackson, Inc.

PO Box 290

Dickinson, ND 58602-0290

E-mail: [timothy.kelly@kljeng.com](mailto:timothy.kelly@kljeng.com) (Please include Public Meeting in the title).

# COMMENTS

ND HIGHWAY 40 FROM US  
HIGHWAY 2 TO CMC 5316

Tuesday, Oct. 24, 2006 • 5-7 PM • Tioga, ND

Please use the space below to tell us your comments regarding ND Highway 40 from US Highway 2 to CMC 5316.\*

PLEASE  
PRINT

Name: Lee K. Martinson  
Address: 6581 Hwy 40 Tioga, N.D. 58852

-THIS SPACE  
OFFICE USE ONLY-

I would like to see Hwy 40 rebuilt  
8' wider on both sides and build  
frontage road. If we can't have that  
at least widen Hwy 40 and have  
a new overlay applied.

*Lee Martinson*

\* Please mail your comments by November 7, 2006 to:

Tim Kelly, PE

Kadmas, Lee & Jackson, Inc.

PO Box 290

Dickinson, ND 58602-0290

E-mail: [timothy.kelly@kljeng.com](mailto:timothy.kelly@kljeng.com) (Please include Public Meeting in the title).

Thursday, October 26, 2006

Tim Kelly, PE  
Kadmmas, Lee & Jackson, Inc.  
P.O. 290  
Dickinson, ND 58601

RE: ND Highway 40, Tioga, ND – Public Input Meeting

Dear Mr. Kelly:

I am writing this letter on behalf of the Tioga Area Economic Development Corporation in regards to the Public Input meeting held on Tuesday, October 23, 2006 concerning ND Highway 40, in Tioga, ND. The Tioga Area EDC is strongly in favor of improving Highway #40. It is the opinion of the Tioga Area Economic Development Corporation that a full reconstruction would be most beneficial to the community. The Tioga Area Economic Development Corporation requests that the ND DOT take into consideration the following two points when setting funding priorities:

- The projected increase in oilfield activity
- The age of the existing roadway - As stated at the meeting the maximum life span of an overlay is ten years. Highway #40 was constructed in 1956 with a 2.5" overlay done in 1982. Far exceeding the maximum life span. Culverts are outdated.

Again, the Tioga Area Economic Development Corporation strongly supports the reconstruction of Highway #40 and will look forward to receiving additional information.

Thank you for the opportunity to attend the meeting and ask questions concerning this project.

Sincerely,

Tressy Heinle, Director  
Tioga Area Economic Development Corporation  
Telephone: 1(701)664-3838