

TRANSCRIPT OF PUBLIC HEARING

Held on March 15, 2007 at the Max City Hall in Max, North Dakota

<u>Project No.</u>	<u>PCN</u>
NH-4-083(053)159	940
NH-4-083(069)159	949

RECONSTRUCTION AND SURFACING

**Southbound Roadway of US 83:
From the north side of the junction of ND 37 to
approximately 1 mile north of Max**



Prepared by

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

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

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April, 2007

TRANSCRIPT OF PUBLIC HEARING

NH-4-083(053)159 PCN 940 And NH-4-083(069)159 PCN 949

Southbound Roadway of US 83:

From the north side of the junction of ND 37 to approximately 1 mile north of Max

Prepared by: North Dakota Department of Transportation – Design Division

Topic: Proposed Improvements on the Southbound Roadway of US 83 from the north side of the junction of ND 37 to approximately 1 mile north of Max

Date: March 15, 2007

Time: 4:00 P.M. to 6:00 P.M. C.S.T.

Hearing Location: Max City Hall, Max, ND 58759

TABLE OF CONTENTS

NOTICE OF PUBLIC HEARING.....	2
Newspaper Announcement.....	2
Press Release Announcement.....	3
SUMMARY.....	4
Location and Date.....	4
Purpose.....	4
Hearing Procedure.....	4
Proposed Improvements.....	4-5
Issues.....	6
VIDEO SCRIPT.....	7-11
EXHIBITS.....	12
BROCHURE.....	13-17
COMMENTS.....	18-20
ROSTER.....	21
POST HEARING.....	22

NOTICE OF PUBLIC HEARING

Newspaper Announcement

The public hearing announcement was published in the McLean County Independent on March 1, 2007 and March 8, 2007; and the Minot Daily News on March 1, 2007 and March 13, 2007. The announcement is shown in Figure 1.

PUBLIC HEARING

WHY?

To discuss proposed improvements to the southbound roadway of US 83, from the north side of Jct. ND 37 to 1 mile north of Max. The project consists of reconstruction and resurfacing.

WHEN?

March 15, 2007
Open House: 4:00 p.m. to 6:00 p.m. CST

WHERE?

Max City Hall
Max, ND

**OPEN HOUSE
CONDUCTED BY**

ND Department of Transportation (NDDOT)

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.

Representatives from the NDDOT will be on hand to answer your questions and discuss your concerns.

WRITTEN STATEMENTS or comments about this project must be mailed by March 30, 2007, to Ranka Samardzic, Project Engineer, Design Division, ND Department of Transportation, 608 East Boulevard Avenue, Bismarck, ND 58505-0700.
Email: rsamardz@nd.gov
Note "Public Hearing" in email subject heading.

DISABILITIES: People with disabilities who plan to attend the meeting and need special arrangements should contact Ranka Samardzic, Project Engineer, Design Division before the meeting.
Phone: 701-328-2634 TTY : 701-328-4156

PUBLIC INSPECTION: The project concept report is available for public inspection at the NDDOT Minot District Office, 1305 Hwy 2 Bypass E, Minot, and at the NDDOT Central Office, Design Division, 608 East Boulevard Avenue, Bismarck.

Figure 1

Press Release Announcement

The press release announcement was submitted to the following press release agencies on March 2, 2007: 'Garrison McLean County Independent'; 'Harvey Herald Press'; 'Kenmare News'; 'Minot Daily News'; 'Mohall Renville County Farmer'; 'Radio Bottineau'; 'Radio--Harvey'; 'Radio--Minot (Clear Channel)'; 'Stanley Montrail County Promoter'; 'Towner Mouse River Journal'; 'Turtle Lake McLean County Journal'; 'TV--Minot (KMOT-TV)'; 'TV--Minot (KXMC-TV)'; 'TV--Minot (KXND-Fox/ABC West)'; 'Velva Area Voice'; 'Westhope Standard'; 'Jim Murphy/freightcommerce.com'; 'KFYR'; 'Phil Parker - KFYR'; 'apbismarck'; 'bnicholson'; 'dalewetzal'; 'dewetzal'; 'dkolpack'; 'jmacpherson'; 'pmensing'. The press release announcement is shown in Figure 2.

North Dakota Department of Transportation NEWS
608 East Boulevard Avenue, Bismarck ND 58505-0700
■ Fax 701-328-1420 ■ TTY 701-328-4156

March 2, 2007

For more information:

Ranka Samardzic, Project Engineer, NDDOT, (701)328-2634
NDDOT Communications, (701)328-2671

Public hearing to be held March 15, to discuss proposed improvements to southbound roadway of US 83

A public hearing will be held March 15, at the Max City Hall in Max, N.D. There will be an open house format from 4 p.m. to 6 p.m.

The purpose of this hearing is to update the public on the proposed improvements to the southbound roadway of US 83, from the north side of Jct. ND 37 to one mile north of Max, and provide an opportunity for public comment. Representatives from the North Dakota Department of Transportation (NDDOT) will be on hand to answer your questions and discuss your concerns.

If unable to attend the public hearing, written statements or comments must be mailed by March 30, to Ranka Samardzic, Project Engineer, NDDOT, 608 East Boulevard Avenue, Bismarck, ND 58505-0700.

Email: rsamardz@nd.gov

Note "Public Hearing" in the e-mail subject heading.

People with disabilities who plan to attend the meeting and need special arrangements should contact Ranka Samardzic before the meeting.

Phone: 701-328-2634

TTY: 701-328-4156

Figure 2

SUMMARY

Location and Date

The public hearing was held from 4:00 to 6:00 p.m. CDT at the Max City Hall on Thursday, March 15, 2007.

Purpose

Public hearings, in regard to state highway projects, are held to inform the public of proposed highway improvements and the impacts the project will have on them. Also, the views of interested parties are made known to the North Dakota Department of Transportation (NDDOT).

Hearings, or acceptable substitute procedures, are required by federal law involving the expenditure of federal funds for highway improvements. In addition, they are in accordance with policy of the NDDOT to ensure that proper consideration is given to all social, economic, and environmental factors before final decisions are reached.

Hearing Procedure

The public hearing was an open house format, with information provided by the Project Concept Report, a repeating video, exhibits of proposed features and existing conditions, a brochure with project information and proposed improvements, and a comment sheet. Representatives from the NDDOT were present to answer questions.

Proposed Improvements

The scope of work presented in the project concept report was reconstruction and surfacing of the southbound roadway of US Highway 83 from the north side of the junction of ND 37 to approximately 1 mile north of Max.

The scope of work presented in the project concept report also investigated the need for the following improvements in Max: the installation of a bridge deck anti-icing system on the northbound and southbound bridge decks; a lighting study to evaluate the existing flashing beacon system and the existing roadway lighting; and an intersection relocation study to evaluate the intersections of US 83 & ND 53 and US 83 & McLean County Route 2.

The installation of a bridge deck anti-icing system on the northbound and southbound bridges through Max is not anticipated at this time because the NDDOT has experienced several problems with ones that have been installed. The NDDOT has suspended all further bridge deck anti-icing systems until they are proven to work better.

A lighting study was completed on US 83 through Max to determine if new upgrades were needed. The lighting study recommended that the existing flashing beacon system be removed and replaced due to the system having a substandard 2-wire system and the heads from the flashing beacon do not have back plates. For these reasons it was recommended to remove and replace the flashing beacon system. Furthermore, metal type intersection lighting and continuous roadway lighting alternatives were presented to the city of Max to determine if they could participate in funding these alternatives. If the city of Max would wish to add metal type intersection lighting or continuous roadway lighting they would be responsible for 50% of the installation cost of the lighting and 100% for all maintenance and operating costs. After further review, the city of Max decided to not advance any lighting improvements and retain the existing lighting at the intersections of US 83 & ND 53 and at US 83 & Flower Street. The maintenance and operation of the existing lighting at both intersections will continue to be responsibility of the city. If the existing lighting is disturbed during construction the lighting will be replaced at project funding splits.

The purpose of the intersection relocation study was to determine whether it would be cost effective to relocate the intersections of ND 53 and McLean County Route 2 in Max to the south in order to provide better sight distance from the southbound bridge to both intersections. The intersection relocation study determined that complete relocation of the intersections was not cost effective due to the high construction cost for relocating the intersections and the amount of impacts to utilities, agricultural lands, and wetlands. The NDDOT Deputy Director for Engineering indicated that no further improvements would be considered at this time. The speed limit has been reduced to 50 mph through Max and is working effectively.

Issues

The proposed improvements addressed at the Public Hearing included the following:

- Regrading and widening 11.96 miles to accommodate an 8' outside shoulder, two 12' driving lanes and a 4' inside shoulder.
- Grade raising the roadway at three locations to eliminate high water problems.
- Realigning the roadway to the east to avoid impacts to the cemetery south of Max.
- Resurfacing 1.35 miles of the roadway through Max. Two alternatives are proposed for the inside shoulder width. Alternative 1: widen the inside shoulder from 3' to 4'. Alternative 2: retain the inside shoulder width at 3'.
- Extensions and / or replacement of centerline pipes and replacement of approach pipes.
- Extension of a cattle pass if needed.
- Signing and pavement marking improvements.
- Guardrail improvements at the southbound railroad separation bridge.
- Bridge slope protection repair at the northbound and southbound railroad separation bridges.
- Replacement of the existing flashing beacon system.

VIDEO SCRIPT

Welcome to the public hearing on the proposed improvements for the southbound roadway of US Highway 83 from the north side of junction ND 37 to approximately one mile north of Max. The purpose of this project is to improve the load carrying capacity, ride quality, and overall safety features.

US Highway 83, referred to as the "Central North American Trade Corridor," is a high priority corridor for trade and economic activity and is part of North Dakota's Statewide Strategic Transportation Plan.

This short video discusses a number of the project details, but does not attempt to address all of the details in the project concept report. Copies of the report are available for review at this hearing. If you have questions, comments, or suggestions about the project, please talk to a DOT representative today.

NEED FOR PROJECT

This project is on the southbound roadway of US Highway 83, concentrated upon an approximately 13 and 1/2 mile stretch of road that goes through Max. The project begins at the north side of junction ND 37 and ends approximately one mile north of Max.

The original section of this roadway was constructed 50 years ago. The proposed project will provide better sight distance, flatter side slopes, and wider shoulders to accommodate current and projected traffic and enhance safety of the traveling public. In addition to widening and regrading the roadway, the grade will also be raised at three slough locations to eliminate high water problems. The roadway will also be shifted to the east along the cemetery south of Max to avoid any potential impacts to the cemetery.

While this roadway has served the community of Max and other travelers well - the current pavement has several areas of concern including: depressed transverse cracking, rutting and longitudinal cracking. The roadway will be constructed with a new pavement and base capable of supporting the load carrying capacity and providing ride quality required on interregional highways.

There are three slough locations where the water level gets quite high at the certain times of the year. Proposed grade raises in three slough locations will eliminate high water problems. This work will improve the safety of the traveling public at these locations.

US Highway 83 is an interregional corridor on the National Highway System. A good, safe and efficient highway system is important to the region, as rural areas are dependant on the highway system to meet the needs for agriculture, industry, commerce and tourism, which is the basis of the overall economic well-being of the area.

PROPOSED IMPROVEMENTS

The project is split into two phases. Both phases will cover the same 13 and ½ mile section of roadway, but will be completed in two construction seasons.

Phase 1:

The first phase is scheduled for the 2010 construction season and will consist of the grading, widening, base course, and the initial layer of hot bituminous pavement. The project will entail regrading and widening 11.96 miles to accommodate an 8 foot outside shoulder, two 12 foot driving lanes and a 4 foot inside shoulder. The proposed typical section will consist of two inches hot bituminous pavement and eighteen inches salvaged base course.

The grade of the roadway will also be raised at three slough locations to eliminate high water problems. The roadway will also be realigned to the east to avoid impacts to the cemetery south of Max. Thirty two vertical curves will be regarded to meet the stopping site distance requirements for a design speed of 70 mph. The project will also include signing and pavement marking improvements, guardrail improvements at the southbound railroad separation bridge, and bridge slope protection repair at the northbound and southbound railroad separation bridges. Phase 1 will address the replacement of the existing culverts and median drains due to their age.

Phase 2:

The second phase is scheduled for the 2011 construction season and will consist of placing the final layers of hot bituminous pavement.

The second phase will also include resurfacing 1.35 miles of the roadway through Max. Two alternatives are proposed for the inside shoulder width through Max.

The alternatives are:

- Widen the inside shoulder from 3 feet to 4 feet.

The proposed typical section will consist of milling three inches of the existing bituminous pavement and then overlaying with 5.5 inches of hot bituminous pavement.

Or:

- Retain the inside shoulder width at 3 feet.

The proposed typical section will consist of milling three inches of the existing bituminous pavement and then overlaying with 5.5 inches of hot bituminous pavement.

Traffic Operations

During the reconstruction of the southbound roadway the southbound traffic will be routed on the northbound roadway by median crossovers. Two-way traffic will be maintained on the northbound roadway for approximately 14 miles. Temporary left turn lanes will be in place at junctions ND 37 and US 83 and McLean County Route 8 and US 83.

Lighting

A lighting study was completed on US 83 through Max to determine if new upgrades were needed. Metal type intersection lighting and continuous roadway lighting were presented to the city of Max to determine if they could participate in funding these alternatives. After further review, the city of Max decided to not advance any lighting improvements and retain the existing lighting at the intersections of US 83 & ND 53 and at US 83 & Flower Street. The maintenance and operation of the existing lighting at both intersections will continue to be the responsibility of the city.

The existing flashing beacon system located at the intersection of Flower Street and US 83 in Max will be replaced with a new flashing beacon system. Also, if the existing lighting system on US 83 is disturbed during construction, it will be replaced at project funding splits.

Potential Effects on Agricultural Lands, Utilities, and Wetlands

The department is mindful of the effects this project will have on agricultural lands, utilities and wetlands. Due to the widening and regrading, there may be a need to acquire some additional right-of-way. Borrow will be needed for the additional embankment that will be used to widen the roadway.

Overhead transmission power lines may need to be adjusted or relocated especially at locations where the surrounding terrain is higher than the roadway.

Permanent wetland impacts that may result from the roadway widening will be mitigated.

The US Fish and Wildlife Service have easement wetlands adjacent to the existing right-of-way. These easement wetlands are part of the Audubon National Wildlife Refuge, a Section 4(f) resource.

Section 4(f) has been part of Federal law since 1966. It is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.

If these easement wetlands are affected by these projects a Section 4(f) evaluation will be required. Section 4(f) clearance is required whenever a federal action involves the use of publicly owned properties such as a public park and recreation lands, wildlife and waterfowl refuges, and historic sites.

If impacts to these easement wetlands can not be avoided, the North Dakota Department of Transportation will proceed by using a *De Minimis* 4(f) evaluation. *De Minimis* impacts on publicly owned properties such as a wildlife and waterfowl refuge are defined as those impacts that do not “adversely affect the activities, features and attributes” of the Section 4(f) resource.

Funding

The total estimated cost for both projects together is approximately \$14.93 million. Additional costs for utility relocation, wetland mitigation, and the acquisition of additional right-of-way, permanent or temporary, are not included. Funding for the projects will be 80 percent federal and 20 percent state.

CANNED PORTION

It's important that North Dakota citizens understand how highway projects are funded and how the Department of Transportation acquires right-of-way. This video will explain both processes briefly. If you have any questions, please ask a DOT representative.

All money to build our roads, streets, and bridges comes from state and federal trust funds, which collect fees from people who use the highways. Most of the funding in the state highway distribution fund comes from the state motor fuel tax. The North Dakota motor fuel tax is 23 cents per gallon. Funding also comes from special permits and fees paid by truckers, motor vehicle registration fees, driver's license fees, trip and equipment permits, and motor vehicle license fees. State highway distribution monies are split according to a formula between the state, counties, and cities.

In 1956, Congress established the Highway Trust Fund to finance the federal-aid highway program. Some of the monies come from federal taxes on tires, tubes, and truck parts. The main source of funding is the federal motor fuel tax, which is currently 18.4 cents per gallon for gasoline, 24.4 cents per gallon for diesel fuel, and 13.2 cents per gallon for gasohol. Part of these federal fuel taxes goes to reduce the federal deficit. Federal highway trust fund monies are split between the states according to a formula. Each state transportation agency plans and develops its highway projects, but most of the funds are federally provided and require Federal Highway Administration approval.

A project's location and description determine what percent of the funding will be federal, state, county, or local. Congress decides how the states can use federal highway funds. The federal and state transportation agencies also consider the social, economic, and environmental effects of projects.

Once the construction plans for a project are prepared and the DOT is authorized to purchase right-of-way, DOT appraisers contact owners of land needed for right-of-way. The appraisers answer questions the land owner may have, inspect the property, take photographs, and gather information needed to determine the fair market value of the property. If the state's offer is not acceptable to the landowner, he or she may choose to have the court establish the amount of just compensation.

A relocation assistance program offers various kinds of help, financial or otherwise, for owners and tenants who are displaced by the purchase of right-of-way. The DOT has brochures explaining right-of-way acquisition in more detail. If you have right-of-way concerns, please talk to a DOT representative.

The Department of Transportation will make a transcript of this hearing available to all interested persons. Any comments that you make at this hearing will be included in the transcript. In addition, any written comments received by the DOT on or before March 30, 2007, will be included in the transcript. All your comments need to go to Ranka Samardzic, Project Engineer, North Dakota Department of Transportation, 608 East Boulevard Avenue, Bismarck, North Dakota 58505-0700.

After this hearing, DOT and the Federal Highway Administration engineers will review the proposals, along with any new information or comments brought out at the hearing or received in writing afterwards. When all factors have been considered, the DOT director and Federal Highway division administrator will approve design features of the project so that final plans can be developed.

Thank you for participating in this public hearing. We appreciate your comments and questions.

EXHIBITS

The exhibits presented at the Public Hearing are listed below.

- Map of project area.
- Pictures of proposed work locations.
- United States Fish & Wildlife Service wetland easements adjacent to project.
- Existing roadway typical sections.
- Proposed roadway typical sections - regrading and widening sections.
- Proposed roadway typical sections – resurfacing section through Max.
- Realignment of the southbound roadway at the cemetery located 3.64 miles south of Max – Sheet 1. Plan layout and aerial photograph.
- Realignment of the southbound roadway at the cemetery located 3.64 miles south of Max – Sheet 2. Plan layout and aerial photograph.

BROCHURE

The following brochure shown on pages 13 to 17 was distributed at the Public Hearing to meeting participants.

Public Hearing

Southbound Roadway of US Highway 83 from the north side of the junction of ND 37 to approximately 1 mile north of Max

Open House: Thursday, March 15, 2007 4:00 P.M. - 6:00 P.M.
Max City Hall - Max, North Dakota

Welcome.....

Welcome and thank you for attending. Your input is appreciated. There are several exhibits on display. The public is invited to make comments, ask questions, and express their views. Representatives from the North Dakota Department of Transportation and Federal Highway Administration are available to answer questions.

Purpose of Meeting.....

The purpose of this hearing is to provide an opportunity for people with either public or private interest to become fully acquainted with the proposed project and to provide a medium for discussion of design features.

Need for Project.....

The purpose of the project is to improve the load carrying capacity, ride quality, and overall safety features of US Highway 83.

Map of Project Area.....





Existing roadway cut section. The adjacent terrain is higher than the roadway.

Proposed Improvements.....

Proposed improvements consist of the following:

- Regrading and widening 11.96 miles to accommodate an 8' outside shoulder, two 12' driving lanes and a 4' inside shoulder.
- Grade raising the roadway at three locations to eliminate high water problems.
- Realigning the roadway to the east to avoid impacts to the cemetery south of Max.
- Resurfacing 1.35 miles of the roadway through Max. Two alternatives are proposed for the inside shoulder width. Alternative 1: widen the inside shoulder from 3' to 4'. Alternative 2: retain the inside shoulder width at 3'.
- Extensions and / or replacement of centerline pipes and replacement of approach pipes.
- Extension of a cattle pass if needed.
- Signing and pavement marking improvements.
- Guardrail improvements at the southbound railroad separation bridge.
- Bridge slope protection repair at the northbound and southbound railroad separation bridges.
- Replacement of the existing flashing beacon system.

Other

- A lighting study was completed on US 83 through Max to determine if new upgrades were needed. Metal type intersection lighting and continuous roadway lighting were presented to the city of Max to determine if they could participate in funding these alternatives. After further review, the city of Max decided to not advance any lighting improvements and retain the existing lighting at the intersections of US 83 & ND 53 and at US 83 & Flower Street. The maintenance and operation of the existing lighting at both intersections will continue to be the responsibility of the city. If the existing lighting is disturbed during construction the lighting will be replaced at project funding splits.



High water adjacent to the roadway.

Effects On Agricultural Lands, Utilities, and Wetlands.....

- Due to widening and regrading, there may be a need to acquire some additional right-of-way. Borrow will be needed for the additional embankment to widen the roadway.
- Overhead transmission power lines may need to be adjusted or relocated especially at locations where the surrounding terrain is higher than the roadway. Other utilities located within the right-of-way may need to be adjusted or relocated.

continued.

Effects On Agricultural Lands, Utilities, and Wetlands continued.....

- Permanent wetland impacts resulting from roadway widening will be mitigated.
- The US Fish and Wildlife Service have easement wetlands adjacent to the existing right-of-way. These easement wetlands are part of the Audubon National Wildlife Refuge, a 4(f) resource. If these easement wetlands are affected by these projects a Section 4(f) evaluation will be required. Section 4(f) clearance is required whenever a federal action involves the use of publicly owned properties such as a wildlife and waterfowl refuge. If impacts to these easement wetlands can not be avoided, the North Dakota Department of Transportation will proceed by using a De Minimis 4(f) evaluation. De Minimis impacts on publicly owned properties such as a wildlife and waterfowl refuge are defined as those impacts that do not "adversely affect the activities, features and attributes" of the Section 4(f) resource.



Utility near McLean County Route 6.

Traffic Control

The southbound traffic will be routed on and off the northbound roadway by median crossovers. Two-way traffic will be maintained on the northbound roadway for approximately 14 miles. Temporary left turn lanes will be in place at the intersection of junction ND 37 and US 83 and McLean County Route 6 and US 83.

Construction.....

Reconstruction of the southbound roadway will be completed by two projects.

Project NH-4-083(053)159 is scheduled for the 2010 construction season and will consist of the grading, widening, base course and the initial layer of bituminous pavement.

Project NH-4-083(069)159 is scheduled for the 2011 construction season and will consist of the final layers of the hot bituminous pavement. This project will also include resurfacing 1.35 miles of the roadway through Max with or without inside shoulder widening.

Cost/Funding.....

The total estimated cost for both projects is approximately \$14.93 million.

Funding for the projects will be 80% Federal and 20% State.

Comment Period.....

Comments received will be incorporated into the project development process.

Comments for the record will be received until March 30, 2007. Statements not submitted at the Public Hearing should be sent to:

Ranka Samardzic, Project Engineer
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

Fax # 701-328-0310
E-mail to: rsamardz@nd.gov - note "Public Hearing" in e-mail subject heading



Due to roadway widening some borrow material will be needed from land adjacent to or within the proximity of the project. If you are an adjacent landowner and have land not containing easement wetlands that you feel could be used for borrow without affecting your farming operations, please let us know.

Some of the wetlands within the highway right of way will be filled in due to roadway widening. If you are a landowner and have land that you're willing to set aside for conversion to a wetland or expansion of an existing wetland, please let us know.

Please submit comments by March 30, 2007 to:

Ranka Samardzic, Project Engineer
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, North Dakota 58505-0700

Fax # 701-328-0310
E-mail to: rsamardz@nd.gov
Note: "Public Hearing" in email
subject heading

COMMENTS

The only person who attended the public hearing was Mr. Duwayne Haynes, an employee with the city of Max. Television reporters from the CBS broadcasting station KXMC– Minot and the NBC broadcasting station KMOT – Minot were present at the hearing to gather information about the project from NDDOT representatives Ranka Samardzic, Project Engineer, Design Division; and Jeff Nuelle, Transportation Engineer, Design Division. News stories about the project were broadcasted that evening on the 10:00 o'clock news. News media information from KXMC can be reviewed at <http://www.kxmc.com/t/north-dakota-department-of-transportation>. Other NDDOT representatives who were present at the public hearing to answer questions were: James Rath, Program Manager, Design Division; Don Wolf, Program Manager Right Of Way, Design Division; Sheri Lares, Environmental Section Leader, Design Division; Monte Dockter, Utilities Engineer, Design Division; Brian Wallner, Multimedia, Communications Division; and Jim Redding, Assistant District Engineer, Minot District.

This hearing had a poor public turnout. No residents, adjacent landowners, utility companies, or wetland agencies from the surrounding community were present. This may have had something to do with the weather as freezing rain mixed with snow covered central North Dakota the night before the hearing making travel conditions in the morning of the hearing difficult. A corn grower's association meeting at the Max City Hall scheduled in the early afternoon of the day of the hearing was cancelled due to the weather. The roads although were in good driving condition the afternoon of the hearing. Another event that might have kept people from attending the hearing was the State Class B Boys basketball tournament going on in Bismarck. A lot of people might have went to the tournament or stayed at home to view the games on television.

Comments Received

Duwayne Haynes – employee, City of Max
705 4th Ave Max, ND 58759
701-679-2563

- 1. It is been needed to widen the southbound lane of US 83 for years. It is very bad in places, where you cross the white line then there is a 12" to 15" inch drop off.*
- 2. The under side of the over pass needs to be checked, since there are some very bad break ups at the concrete wall on the north side.*
- 3. I have been at several accidents at the intersections on the four lane road. What I see that possibly caused the accident is one vehicle turning right and another vehicle is hidden by the turning one and then the person pulled out.*

This has nothing to do with constructing the roadway but could be in driver training to look to check and be sure no one is hiding.

4. *Is there any way for the road project to include tree plantings to make a live snow fence or if farm field leave the field stubble to catch snow? It could work to help the farmer and the DOT by putting snow in field for moisture and save snow cleaning from the highway.*

Stuart Merry - editor, McLean County Independent
P.O. Box 309
Garrison, ND 58540
701-463-7487

Sunday, 3.18.07 McLean County Independent E-Mail:

“Ranka: Stu Merry of the McLean County Independent Newspaper at Garrison here. Sorry we weren’t able to get to the public hearing in Max this past Thursday. Thanks for getting a brochure to Duwayne Haynes for me. Very informative. We will be doing an article on the meeting for our weekly paper, and would like to present a few questions to you.

1. *Who was the turnout?*
2. *Was there response?*
3. *What kind of input did your receive?*
4. *Do you think there will be any trouble with the proposal?*

I for one will anticipate the completion of the project with happiness. I have covered way too many accidents for our paper where the lack of a shoulder has more often than not been the cause of the mishap. Thank you for responding. Appreciate your help.”

Monday, 3.19.07 NDDOT E-Mail Response to McLean County Independent:

“Thank your for your interest in this project. The public hearing didn’t turn out the way we expected it. People did not come to the Hearing. Maybe it was because of the weather that day. As of today, we did not receive any comments, except the one from Mr. Duwayne Haynes, but we are still hopeful.

Mr. Haynes would like the existing shoulders to be widened, railroad structure slope protection to be repaired, and a living snow fence to be planted.

Any public input received on or before March 30, 2007 will be incorporated into the project development. Public involvement is important to the NDDOT and gives the decision-makers valuable information to be used throughout the project development phase.

**Monday, 3.19.07 McLean County Independent E-mail reply to
3.19.07 NDDOT e-mail response**

“I hear you. I covered a public hearing here in Garrison by the NDDOT a few months ago about their master plan as I recall. A McLean county commissioner and I were the only ones who attended. Unfortunately, it’s probably the norm rather than the exception. I will make note of this to our fire department chief, as they are the ones who respond to accidents in our area. They might want to say something. Thanks for the quick reply, too, and good comments.”

POST HEARING

Following the hearing; state and federal highway officials will review the proposals under consideration and the basis of what has been expressed at the public hearing. When all factors affecting design features have been satisfactorily accommodated, the NDDOT will make final design decisions and request approval from the division administrator of the Federal Highway Administration (FHWA) before proceeding with the final plans.

Comment Sheet

Public Hearing held March 15, 2007

Southbound Roadway of US Highway 83

From the north side of the junction of ND 37 to approximately 1 mile north of Max

Project Numbers: NH-4-083(053)159 & NH-4-083(069)159

Name (Please Print) Duwayne Itaynes

Address (Please Print) 705 4TH AVE. MAX ND, 58759

Phone Number 701-679-2563

I wish to offer the following comments:

It is been needed to widen the south Bound lane of 83 for years.

It is very bad in places, where you cross the white line there is 12" to 15" inch drop.

The under side of the over pass need to be check, since there are some very bad brake up of the concrete wall. on north side.

I have been at several accident at intersection on four lane road. What I see that possible caused the accident is one vehicle turning right and another vehicle is hiden by the turning one, and the person pulled out. this has nothing in building road but could be in driver training book to check & be sure no one is hiding.

Is there any way af road project include tree planting to make lve snow fence?
Or if farm field leave stubbe to catch snow?

It could work to help farmer & DOT. by putting snow in field for moisture & save snow ~~from~~ cleanis from Highway.

Due to roadway widening some borrow material will be needed from land adjacent to or within the proximity of the project. If you are an adjacent landowner and have land not containing easement wetlands that you feel could be used for borrow without affecting your farming operations, please let us know.

Some of the wetlands within the highway right of way will be filled in due to roadway widening. If you are a landowner and have land that you're willing to set aside for conversion to a wetland or expansion of an existing wetland, please let us know.

Please submit comments by March 30, 2007 to:

Ranka Samardzic, Project Engineer
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, North Dakota 58505-0700

Fax # 701-328-0310
E-mail to: rsamardz@nd.gov
Note: "Public Hearing" in email
subject heading

Nuelle, Jeff C.

From: Samardzic, Ranka
Sent: Monday, March 19, 2007 9:06 AM
To: Nuelle, Jeff C.
Subject: FW: public hearing, hwy 83

FYI

Ranka

From: Editors@nd-bhginc.com [mailto:editors@nd-bhginc.com]
Sent: Sunday, March 18, 2007 10:27 PM
To: Samardzic, Ranka
Subject: public hearing, hwy 83

ranka

stu merry, mclean county independent, garrison, here.

sorry we weren't able to get to the public hearing in max this past thursday. and ... thanks for getting a brochure to duwayne haynes for me. very informative.

am doing an article on the meeting for our weekly paper, and would like to present a few questions to you.

1. who was the turnout?
2. was there response?
3. what kind of input did you receive?
4. do you think there will be any trouble with the proposal?

i for one will anticipate the completion of the project with happiness. i have covered way too many accidents for our paper where the lack of a shoulder has more often than not been the cause of the mishap.

thank you for responding. appreciate your help!

stu merry

Samardzic, Ranka

To: Editors@nd-bhginc.com
Subject: Public Hearing -US Hwy 83

Thank you for your interest in this project. The public hearing didn't turn out the way we expected it. People did not come to the Hearing. Maybe it was because of the weather that day. As of today, we did not receive any comments, except the one from Mr. Duwayne Haynes, but we are still hopeful.

Mr. Haynes would like the existing shoulders to be widened, railroad structure slope protection to be repaired, and a living snow fence to be planted.

Any public input received on or before March 30, 2007 will be incorporated into the project development. Public involvement is important to the NDDOT and gives the decision-makers valuable information to be used throughout the project development phase.

Ranka Samardzic, P.E.
NDDOT - Design Division
608 East Boulevard Avenue
Bismarck ND 58505-0700

Phone: 701-328-2634
Fax: 701-328-0103

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stu merry

Nuelle, Jeff C.

From: Samardzic, Ranka
Sent: Tuesday, March 20, 2007 9:35 AM
To: Nuelle, Jeff C.
Subject: FW: Public Hearing -US Hwy 83

Jeff,

FYI

From: Editors@nd-bhginc.com [mailto:editors@nd-bhginc.com]
Sent: Monday, March 19, 2007 10:49 AM
To: Samardzic, Ranka
Subject: Re: Public Hearing -US Hwy 83

Ranka

I hear ya (re: response).

I covered a public hearing here in Garrison by the NDDOT a few months ago about their master plan (as i recall). I and a McLean County commissioner were the only ones who attended. Unfortunately, it's probably the norm rather than the exception.

I will make note of this to our fire department chief, as they are the ones who respond to accidents in our area. They might want to say something.

Thanks for the quick reply, too, and good comments.

Stu

