



# GRASS ROOTS REPORT

SUMMER 2023

## Legislative Session Wrap Up

BY LARRY SYVERSON

The 68th Session of the North Dakota Legislature was completed a few months ago and now all the bills have passed the Governor’s review and have been signed. This session was quite a success for townships and transportation in general.

**Policy bills:** Leading off the list of successes was Senate Bill 2178 which was sponsored by Senator Jordan Kannianen of Stanley. It allows that a township may carry a special road fund of \$500,000, which is an increase from the \$100,000 limit which was set in 2015. The special road fund is a means by which a township can set aside funds for road repairs and maintenance and not reduce their ability to levy taxes so they can continue to build the fund so a project can be afforded. The need for this increase was pointed out by a township officer at the Mountrail County Township Officers meeting last fall, citing that a regrade and gravel for a mile of road would be over \$300,000 in the western townships. That township officer, Wyatt Goetle of Stave Township, took time from his work and family to travel to Bismarck twice and testified for this bill.

Representative Jason Dockter of Bismarck sponsored House Bill 1236 for NDTOA. The bill does two things, first it allows a township to hold its annual meeting any day in March. One advantage of this would be that an alternative storm day in March could be included on the notice so in case of inclement weather a backup day is already provided for, and it would qualify as a legal township annual meeting. The other change is that the maximum allowable compensation for township officers is raised to \$100 per day of necessary service to the township. The maximum rate is established and approved by the voters at the annual meeting. Also, the

cap on total annual earnings increases to four thousand dollars. And yes, there are townships where the level of duties warrants that much pay.

**Funding bills:** Of course, NDTOA put a lot of effort into securing funding for townships and that paid off quite well. We were very involved in developing Senate Bill 2183 which provided twenty million dollars for emergency snow removal aid to townships, counties, tribes, and cities. Besides advocating for the need of the emergency funding, we provided background information for the committees that drafted the bill. We also advocated for the amendment in SB 2015 that provides an additional five million dollars for snow removal if the first twenty got used. This aid was offered in a very short time frame and was handled through the county emergency managers. This fund was paid out to townships that applied and were qualified. This program ended June 30th.

Earlier this year the Prairie Dog Fund paid off for the non-oil townships and the good news from this session is that the Prairie Dog is set to continue to fill and pay off every two years. We were hoping to get the law changed so it would pay off earlier in the biennium but that did not work out.

More funding opportunities came from House Bill 1012, the ND Department of Transportation budget bill. Section 14 deals with funds left over from last session that required a federal match before they could be used but none of the proposed township projects qualified for any Federal grants. The requirement for Federal match has been removed and the new program is now the Township Assistance Program which is described in other articles. There is \$10 million available for this program.

Also continued into the new biennium was the \$750,000 to provide for FEMA matches when the townships had no way to raise enough cash for the match. All of this fund was awarded but some had not yet been paid out before the end of the biennium.

Sections 12 and 11 route \$100 million of Legacy Fund Earnings to transportation each biennium, of that \$10 million is go into the Legacy Earnings Township Highway Fund. This will be distributed based on the maintained miles of each township in non-oil producing counties just like the current Township Mileage payments which are received quarterly. This will be an ongoing fund; our rough estimate

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# PRESIDENT'S REPORT

BY LEE BRANDVOLD

Greetings Township Officers,

I would like to start by thanking everyone that attended the NDTOA annual convention that was held in Mandan at the Baymont Inn on January 23-24, 2023.

If you recall the annual meeting was scheduled for December 12-13, 2022. However, due to a storm that was coming into North Dakota a tough decision needed to be made by the NDTOA Board of Directors. The board met and discussed our options for the annual meeting, and it was decided to put everyone's safety as priority and to postpone the annual meeting to a later date. An attempt was made to notify everybody of the decision to reschedule the meeting. Telephone calls were made to those that had pre-registered for the convention, also notifications were e-mailed out on Constant Contact, NDTOA Facebook and several TV and radio stations were notified to get the word out to those that planned to attend. If you did not get notified of the change and traveled to Mandan, I apologize.

It is not general practice of NDTOA to refund registration fees, however due to the storm related postponement the Board of Directors voted to refund registration to those that were not able to attend the annual convention in January. The speakers that attended the convention were once again top notch and brought a lot of valuable information to the township officers that were in attendance.

At the same time as the NDTOA Annual Convention got underway, the 68th Legislative Session was also being held. This gave us the opportunity to be in contact with legislators that were working on bills that affected townships. Several bills were passed during the session that will affect townships. The bills that were worked on and passed are explained in detail in this addition of The Grassroots.

A lot of demanding work from NDTOA goes into the legislative session. I would like to take this time to thank two individuals. Mr. Larry Syverson the NDTOA Executive Director/Lobbyist, and Mr. Scott Meske, Assistant Lobbyist. Together they worked endless hours ensuring that townships were represented to the highest degree. These two individuals were at the Capitol working on bills that pertained to laws and funding that affect townships and township officers.

In the past the question has been asked, why do we pay township dues to the North Dakota Township Officers Association? Good question and it is a fair question. If you refer to the paragraph above, it is easy to see a substantial portion of that question can be answered. Without NDTOA hiring the two individuals that we had working for us this year, there were several bills that could have easily had townships left out of them. We need to stay united as an association and continue to always have a voice during the legislative session.

Hope everyone has a great spring.

President Lee Brandvold

## New NDTOA Logo Contest, \$250 PRIZE!

BY LARRY SYVERSON

The NDTOA Board of Directors has authorized a contest to seek a new association logo. So put your artistic talents to work and design a new modern logo for the NDTOA. The \$250 prize for the winning entry will be announced at the 2023 NDTOA annual convention. The convention will be held on December 4th and 5th at the Bismarck Ramada.

To be considered entries should be mailed to NDTOA, 465-150th Ave NE, Mayville. ND 58257. Or email to larry.ndtoa@gmail.com. The deadline for submission is November 1, 2023. The NDTOA Board of Directors reserves the right to reject any and all entries.



# NDTOA 2022 LEGISLATOR OF THE YEAR

## Senator Robert Erbele

Senator Robert Erbele, District 28, has served in the Senate since 2001. He is a rancher from Lehr. He and his wife Susan have 4 children.

He has served several sessions in the Senate Appropriations Committee where he has been a constant supporter for rural and township issues. He has always been someone we could count on. Thank you, Senator Erbele!

Senator Erbele received the award at the rescheduled 56th NDTOA convention held at the Mandan Baymont Inn, January 23, 2023.

## Bryon Fuchs Named New NDLTAP Director *25 Years Transportation Engineering Experience*

The Upper Great Plains Transportation Institute has announced that Bryon Fuchs has been named director of the ND Local Technical Assistance Program.

Fuchs replaces Dale Heglund, who retired in June. Fuchs brings more than 25 years of transportation engineering experience to NDLTAP, which provides training and technical assistance to local governments in the areas of road and bridge construction and maintenance. He has worked as a consultant engineer, spent six years working in the Materials and Research Division of the ND Department of Transportation, and most recently as the Assistant Local Government Engineer for NDDOT overseeing the Rural and Special Program areas and as NDDOT's Tribal Liaison.

Fuchs oversaw or was involved in about 10 different programs that provided federal and state funds to local public agencies and tribal governments. He was the program manager for NDDOT's LPA Bridge Inspection and Load Rating contracts. He also oversaw the Oil Impact Funds that were distributed to all 53 Counties over three bienniums that totaled nearly \$900 million.

Fuchs is an active-duty veteran of the United States Navy, a graduate of NDSU with a Bachelor of Science Degree in Civil Engineering, and a registered Professional Engineer in the state of North Dakota. He will start his new position effective August 2.

### Legislative Session Wrap Up *CONTINUED FROM PAGE 1*

is that it will amount to an additional \$100+ per maintained mile each year.

One of the most important changes to transportation funding policy in many years was achieved in this session. Half of the motor vehicle excise tax is now dedicated to transportation. This will go into the Flexible Transportation Fund. An important change is that NDDOT will now be able to share funding with townships through this fund. Of that, 25% of the motor vehicle excise tax that flows into the Flexible Transportation Fund must be allocated for projects and grants in non-oil producing counties and townships. The rest of the funds will be available for use anywhere in the state including the oil producing counties and townships.

NDTOA joined with the Western Dakota Energy Association in attempting to change the non-oil threshold that determines which townships receive the non-oil funding for the purpose of this bill. We know that something like two hundred dollars per mile of oil and gas tax that trickles down to a township in a minor producing county does not come anywhere near covering the damage oil traffic does to township roads. However, we ran into some legislators with stubborn opposition and after some unproductive

discussions it was apparent that goal was not reachable in this session.

During the session, I was contacted by the oil industry with a complaint that a township had barricaded the road to a well site in one of the minor producing counties. I pointed out that those townships only get some \$200 per mile per year of oil and gas tax. A township cannot do much maintenance on an oil-field road with \$200. I suggested that perhaps the company could make a road use agreement with the township and accept responsibility for the wear and tear on the road to the well site. They have not responded to that suggestion. It is unfair to require the surface owners to subsidize the oil industry with taxes on their lands. We will continue to work with the WDEA to find a solution to the short funding for the townships in the minor producing counties.

The NDDOT grant programs require the counties to apply for their townships and if awarded the funds will come through the county to reimburse for the projects. If your county balks at handling the township applications, please let me know. You can email me [larry.ndtoa@gmail.com](mailto:larry.ndtoa@gmail.com) or call 701-430-1735.

# Township Assistance Program

The NDDOT, working with NDSU-UGPTI, is accepting applications for the Township Assistance Program. The priority and intent of the Township Assistance Program is to:

1. Help match federal funds for improvements on township roadways and bridges.
2. Improve roadways that serve as local corridors or economic generators, as well as bridges on these roadways.

If your Township previously submitted an application under the previous program, you will need to work with your respective county and have them resubmit your project(s). The program requirements, etc. are listed below.

## **Interested townships will need to work with their county to apply.**

The following limits will apply:

- FEMA approved sites – Local match required must be at least \$10,000. Multiple sites within a township can be combined to meet this minimum.
- Non-FEMA approved sites – Minimum project size must be greater than \$50,000.

Selection priority will be given to projects that meet the following:

- Help with the local match on FEMA approved sites to make permanent repairs to township roadways and bridges, from the 2022 disaster and 2023 disaster if applicable. Any pending site from the 2023 disaster will be held until a determination is made by FEMA.
- Help with local match on other federal funds townships may receive.

- Maintenance and improvements to paved and unpaved roadways that serve as local corridors, as well as bridges on local corridors.
  - Local corridors are defined as a road that connects to a County Major Collector (CMC), Bureau of Indian Affairs (BIA), or State Road on both ends. Roads that connect to another township road are not eligible unless it is an approved FEMA site. Township roads that connect to an economic generator will also be considered.
    - A project within a local corridor that is a limiting factor to that corridor is considered an eligible project. If there are areas that are restricting movement of commodities such as a bridge/culverts or low-lying areas next to a slough as examples will be eligible.
    - **Local corridors can cross multiple townships and/or counties.**
  - Maintenance is considered a minimum of 3” gravel surfacing over the corridor, no spot graveling will be considered. Subgrade repairs will be allowed provided it is an issue along the corridor and a minimum of a 3” graveling surfacing is part of the project. Graveling less than 3” will not be considered as maintenance. Other maintenance activities may be considered acceptable along the local corridor and should be discussed with NDSU-UGPTI prior to submitting an application.
- Preference will be given to those townships that levy at least 18 mills.



*Scan code for more information on the Township Assistance Program or go to [www.dot.nd.gov/townshipprogram](http://www.dot.nd.gov/townshipprogram).*

## NDDOT accepting applications for Township Assistance Program

BISMARCK, N.D. – The North Dakota Department of Transportation (NDDOT), in partnership with the Upper Great Plains Transportation Institute (UGPTI) at NDSU, is seeking applications for the Township Assistance Program.

The NDDOT is seeking applications to distribute \$10 million in state funds to townships.

“Investing in townships is an integral part of keeping North Dakota moving,” said NDDOT Director Ron Henke. “The Township Assistance Program provides state funds to adequately connect corridors in all areas of North Dakota.”

Up to \$10 million is available through the Township Assistance Program. The funds are primarily for projects

that serve the purpose of improving or repairing corridors that move freight and other commodities to market, and for matching federal aid.

Townships must apply through their respective county.

Each individual project should be submitted in its own application.

Applications are due by September 8, 2023, and should be submitted electronically using the Geographic Roadway Inventory Tool (GRIT) through the NDSU-UGPTI.

For technical assistance, please call Kenneth Steiner at 701-318-6320 or email at [Kenneth.steiner@ndsu.edu](mailto:Kenneth.steiner@ndsu.edu).



# TREASURER'S REPORT

BY BARB KNUTSON

Looks like we finally had a spring, after a very long winter. Beautiful rain this week.

Legislature is in the books. A session of a lot of effort and seemingly good results.

I am happy to report that things are finally getting a bit more normal. This time of year brings us to the change of some officers on our boards and we need to make sure we get that information to the auditors along with the other reports that need to be submitted. It is so helpful to us also, because the auditors have been helpful in keeping up the county lists so we, in turn, can keep current records and the current officers get the information. It aids us in keeping officers updated if we have name, address, office held, phone #'s, cell if available and email addresses. I really appreciate all that have contacted me personally to make updates.

There are still a few counties that have not paid dues. Just a reminder that due date for dues is May 1 and if not paid by October 1, they become delinquent. Makes it easier to do the annual budget if we get them in the correct year. End of fiscal year is October 31. Thanks to all that have remitted so far.

Never too early to put the annual meeting date in your calendars! This years convention will be held at the Ramada in Bismarck, December 4th and 5th, 2023. Hope to see many of you there. Good place to learn of the changes that have occurred during this legislative session.

If you have questions during the year, always feel free to contact your directors and board members. Hope the summer is prosperous for all. Thank you all for doing what you do for our state! It is important!

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## Township Officers, Is It Time for a Dues Increase?

If you were unable to attend the NDTOA 2022 annual convention, I will bring you up to date on the proposed dues increase.

Currently the annual state dues are costing each township \$125. This amount has been the same since 2010. NDTOA has been successful in operating within the budgeted amount for many years. However, with the increased cost of operating and with the need to hire additional staff we are finding that our current revenue will not cover all costs.

Listed below are what your annual dues support.

1. Lobbying effort and expenses during the legislative session.
2. On going defense of the allocation to townships of 2.7% of the highway users tax fund.
3. Officers and Board of Directors expense.
4. Executive Secretary position.
5. Township workshop expense.
6. Annual Convention expense.
7. General assistance and advise to townships.

We currently have funds in reserve that we can operate for a few years with deficit spending. But soon we will run short of funds and not be able to supply adequate representation for townships and township officers.

In the year 2022, 1340 townships paid into NDTOA for a total income received of \$167,120. Of the townships that paid, 1265 were organized townships and 75 unorganized townships. For the year 2023, we have a projected loss of

\$25,430. If we don't look into the future and do something now it will only take a few years of deficit spending before our association will not be able to continue to operate.

At the 2022 annual convention there was discussion of 3 different dues increases that could possibly be acted upon. Using 1340 which was the number of townships that paid into the association in 2022 the following increases were discussed.

1. Increase dues by \$50 – which would generate an additional \$67,000.
2. Increase dues by \$75 – this would generate an additional \$100,500.
3. Increase dues by \$100 – this would generate an additional \$134,000.

During the 2022 annual convention, a motion was made and approved to vote on a state dues increase of \$75. According to our constitution this motion will now be advertised 30 days prior to our 2023 annual convention and will be voted on during the business meeting. If this motion passes, it will make the new state amount \$200 that each township will pay.

I am hoping that all townships will support the dues increase to keep our association strong and viable.

Hope to see you at the 2023 NDTOA annual convention in Bismarck at the Ramada Inn, December 4th and 5th.

Sincerely,  
President Lee Brandvold



# THE COUNTRY LAWYER

BY THOMAS R. MOE, ATTORNEY AT LAW

Greetings! They say that summer days are fleeting—but seems like summer is steamrolling towards winter! Time flies when you're having fun, but the “fun” days of summer came....and went!

But there are still enough good days left to have some enjoyable times with friends and family, as well as getting some of those ‘summer-only’ chores done, including township tasks. Lots of road graveling is being accomplished, culvert surveys and inspections being done, and any prior winter road damages being documented and notated for repairs. It's a good idea to get these items finished, while the weather cooperates.

The recent legislative session has come and gone, and townships were involved with many areas of new legislation. There is a good run-down of new laws and provisions affecting townships elsewhere in this edition. One item of note is where the legislature has allowed townships some flexibility in annual meeting dates—this will be a major topic in next year's regional workshop agenda, along with the review of all changes and additions to township laws, rules, and regulations.

Township annual meetings and equalization meetings have also come and gone, and I heard of a few glitches and concerns from various parts of the state regarding township meetings and deviations from accepted procedures. Examples include meeting on the wrong date (which will be alleviated next year because of the new legislation as noted above); improper voting procedures, and failure on the part of a very few township in following Robert's Rules during meetings. And of course, I always get the question every year about “who can vote” at an annual meeting—(remember, residents only, can vote!)

It's not too early to make plans to attend the NDTOA state convention in early December. I am always surprised when speaking with township officers in finding that so many have never attended. There is always a good program, with good speakers and activities, and attendees always come away having learned good information about township operations. And, it's good for me to be able to place a voice or a name from a phone call with a face when finally getting to meet in person. A township should pick up the expenses for attendance, so hopefully we'll have a good number of attendees this year!

I was glad to see the US Supreme Court struck down most of the troubling portions of the Clean Water Act known as the ‘Waters of the United States’ provisions. Townships, and all road authorities including counties, cities, and various state DOTs for that matter, have all had difficulties accomplishing road repairs while also trying to comply with some of the stringent interpretations of the federal law. With the Court's decision, its back to the drawing board to

implement some new rules which will not only insure clean water, but will also allow road authorities, like townships, to quickly make repairs to roads which have been impacted with seasonal flooding. NDTOA will no doubt try to have some input via our partnership with the National Association of Towns and Townships (NATaT) in helping to write some of these new rules.

Following are a few questions received in the office recently. Here's hoping the summer days slow down a bit and we get to enjoy this sometimes too-short glorious season in North Dakota! Thanks for all you do for grassroots government. TRM

**Q:** We have a village in our township with just a few houses left and only three people living there. I can't find anything in our handbook regarding villages. I know these residents can come to our township meetings, but are they ‘residents’ of the township even though they live in a village?

**A:** The term ‘village’ really doesn't exist in our law, nor does a ‘town’ for that matter. One resides in either a “city” or a township. A city has some fashion of a government structure—either a city commission or a city council—with a mayor and aldermen or council members. If neither of those exist, then the level of government jurisdiction for those residents is the township structure. Thus, those individuals not living in a ‘city’ are then recognized as residents of the other government entity established in our state—the township. (Although residents of both townships and cities also are residents in their respective county for taxation purposes as well as for other county-only provided services, counties are generally considered arms of the state government rather than of the local jurisdictions). The terms ‘village’ and ‘town’ do indeed appear and are recognized in other states, so that generates some confusion as well. The bottom line is that those people living in North Dakota “villages” are indeed township residents and have all the rights and privileges as all of us who live out ‘in the country’!

**Q:** Do township checks need to be signed by two of the officers?

**A:** Interestingly, the section of the law governing township treasurers (Sec 58-08-02) speaks to “warrants” needing to be signed by the chairman of the board of supervisors and countersigned by the clerk. Warrants are not checks, but rather an order to the treasurer to pay the voucher out of township funds. I suspect many townships just have the treasurer pay the bills as they come due without the formality of a warrant procedure, but yet continue with the policy of having another signature on

# SAVE THE DATE!

## NDTOA 57th Convention and Annual Meeting

Dec. 4th-5th, 2023  
at the Bismarck  
Ramada Inn

## Mill Levy Requirement for State Funding

BY LARRY SYVERSON

The new state funding for townships provided by the legislature comes with a requirement that a township must be levying at least 18 mills of property tax.

So, why the requirement for the local tax?

The legislature wants the funds to go to townships that are demonstrating a commitment to maintaining and improving their local roads but need more funding to make needed significant improvements.

The township levy is determined by the budget approved by the voters at the annual meeting or a special meeting of the township. If a township has not approved a budget large enough to qualify for the added state funding a special meeting of the township can be called to amend the budget. This meeting requires published notice just like the annual meeting does, only items mentioned in the special meeting notice can be considered at this meeting.

Divide the amount requested to be levied by the taxable value of all the properties in the township, the result is the mill levy, (.018 is 18 mills). 18 mills is the maximum a township can levy without holding a special election.

the check. Regardless of whether the warrant procedure is followed or not, accepted auditing principles would require two signatures. This is another good reason for township officers to have regular monthly meeting, if for nothing else but to document and approve the payment of bills by the treasurer.

**Q:** A fiber optic company wants to place a cable in the ditch of one of our township roads. We will allow that, but the adjacent landowner doesn't want it in case he cuts it when cleaning out the ditch in the future. Can he have the final say?

**A:** I'm assuming the road is a section line. The township has jurisdiction over the ditch because it too, is part of the road and the accompanying 33 foot right-of-way. The fiber optic is a public utility much like power and water lines, and burial in the right of way makes sense, rather than out in the adjacent field somewhere. Make sure the fiber optic outfit signs a 'hold harmless' agreement with the township releasing the township from future liability for problems, and that when finished with the cable burial, the road ( and ditch) is not left in bad repair. Future maintenance and road reparations should also be the cable company's responsibility as well. Make sure the cable is buried deep enough so that future ditch maintenance doesn't disturb the cable. Finally, instruct the adjacent landowner/operator that any future ditch cleaning can happen only after prior approval from the township. (For that matter, prior approval for any road ditch

cleaning should always be sought—regardless of whether cables, etc., are buried beneath or not!)

**Q:** We have a landowner who has built a cabin in the woods which is alongside a section line which we have designated as a minimum maintenance road. It's a dirt road about three feet above field level, but we run the road grader on it a couple of times in the summer as several adjacent landowners use it to get to their fields. The landowner says he will be at his cabin during the summer and fall seasons--about six months total. Can we still call it a minimum maintenance road?

**A:** Probably. Two of the requirements for a minimum maintenance road state if the road "... is used only occasionally or intermittently for passenger and commercial travel...." and; ".....the designation cannot be made if the road is used as a schoolbus route, mail route, or as the only access to any existing residence." (see Sec. 24-07-05 in our handbook) So the question is: Even with the cabin used for 6 months plus the adjacent farmers' use still constitute an "intermittent use"? And does 6 month's use constitute a "residence"? (My understanding of the original legislative intent of 'residence' for minimum maintenance reasons was a full time presence.) Regardless, the minimum maintenance designation could be lifted anyways, because it appears that the road does get some annual maintenance and is otherwise safe for travel without any known hazards to the traveling public.



# Grass Roots Report

North Dakota Township Officers Association  
2600 236th St. NE  
McKenzie, ND 58572



RETURN SERVICE REQUESTED

## NOTICE TO COUNTY COMMISSIONERS

### **If your county includes unorganized townships:**

Is your county paying dues for each unorganized township?

The per mile funding each township gets is a result of NDTOA effort. If your county doesn't pay dues, someone else is paying your freight!

Your county has benefited from NDTOA for many years.

**Have you calculated the benefit your county has received from the efforts of NDTOA?**

**CHECK OUT THE NEW FEATURE ON OUR WEBSITE...**

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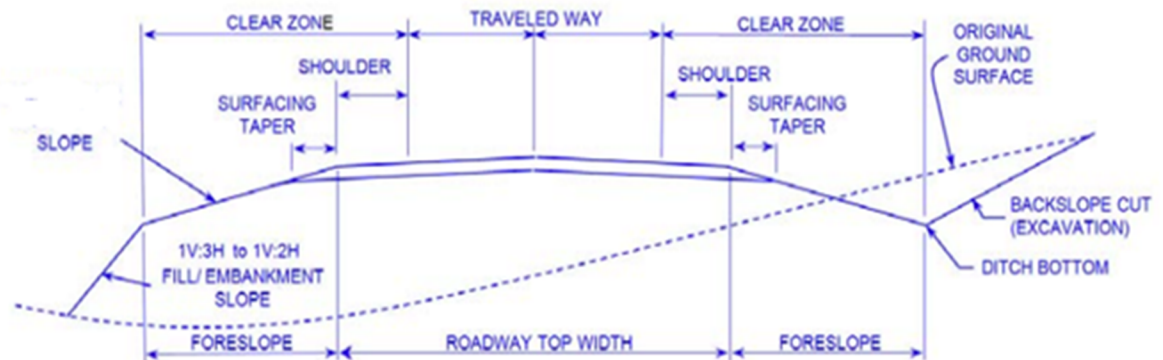
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# FAQ - TOWNSHIP ASSISTANCE PROGRAM:

1. **Should I notify or work with my County Road Superintendent on the application submittal?**
  - Yes, the county your Township is in will need to submit the application on your behalf. For any approved projects, the NDDOT and the County will enter into an agreement for the project.
2. **Is this a different program than what we may applied for previously?**
  - Yes, it is. The previous program was trying to apply for federal grants to match the \$10M that was made available. If federal grants weren't received, no projects were able to be completed. This program will use the funds to get the approved projects constructed, without having the requirement to match federal funds. However, if there is a project application that is requesting the local match for a federal grant, such as a FEMA site, then those projects will get priority.
3. **Can we apply for more than one project in the County?**
  - Yes, but each project must be applied for separately. Multiple locations can be submitted under one project provided the scope of work is the same and all locations are on a local corridor.
4. **If a project that we submit for a grant is approved, will the County receive all the money up front to complete the project? Or, will we receive a percentage of the total grant?**
  - No, this program is considered a reimbursement program. NDDOT will enter into agreements for each approved project with the County that identifies the amount of funds that project will receive based on the scope of work submitted. As the work progresses or is completed, a request for reimbursement from the County must be sent to NDDOT with appropriate invoices, progress estimates, etc. for payment. NDDOT will provide sample documents to request reimbursement.
5. **What happens if we are approved for graveling to be done on our township road(s), and we apply for a certain dollar amount that we anticipate the project will cost, but the cost ends up being less? Do we need to return the grant overpayment amount with interest?**
  - Funds will not be paid for upfront, this is a reimbursement type program. Payment will be made only after work has progressed or has been completed.
6. **What if the project estimate is low and the project ends up costing more than what we applied for in the grant due unforeseen situations such as having to haul gravel from a longer distance than what was anticipated?**
  - Payments will be up to the amount agreed upon in the signed agreement. If other projects end up not using all of their funds, we will look at moving funds from one project to another if at all possible. There is no guarantee that extra funds may become available. The applicant will be responsible for any costs above the awarded amount.
7. **How long will we have to complete a road project? What happens if the road work can't be completed within one year? Two years?**
  - The intent is to have all projects completed within one or two years. If you know you can't complete your project within this timeframe, we suggest you look for other funding sources for your project. Another grant projects will be available soon through NDDOT. Occasionally, there are circumstances that can delay projects, if this should happen, we will review that project and make a determination how we move forward.
8. **If, for some unforeseeable reason, the project is unable to be completed, are we able to return the grant funding with interest?**

- Grant funding will be done strictly on a reimbursement basis and will be provided directly to any County. If you have a project that has any uncertainty, please be clear of that fact in the application narrative.
9. **What are the minimum roadway standards? Do you have a drawing of a roadway with parts labeled to help me understand the minimum standards?**
- Each of the 53 counties has design standards for the county and local roads within their jurisdiction. These are posted on the NDSU-NDLTAP website at the link below: <https://www.ndltap.org/resources/downloads/county-township-design-standards.pdf>
- Source of Cross-section image – Wyoming DOT Road Design Manual



10. **Culverts in a township are rusted out. Can we submit a culvert replacement project? If we do, do we have to use end sections and is an engineering review required to replace the pipes?**
- Yes, a culvert replacement project would be an acceptable application if they are located on a local corridor. ALL culverts being replaced need to follow North Dakota Administrative Code 89-14-01, which requires them to be sized accordingly by an engineer.
11. **Is there a dollar limit?**
- There isn't a maximum dollar limit on the size of project you can submit, but there is a minimum dollar amount. Please see below for the minimum:
    1. FEMA approved sites – Local match required must be at least \$10,000. Multiple sites within a Township can be combined to meet this minimum.
    2. Non-FEMA approved sites – Minimum project size must be greater than \$50,000.
12. **If it's a multi-Township project, can the County still apply for funds?**
- Yes, the County will identify the project on the map in GRIT and identify the Township that wants to be listed as the contact representing those Townships for the project.
13. **Do we need an engineering and or environmental study?**
- Depending on the scope of work, environmental and engineering professionals will need to be involved to ensure all permits and state or federal requirements are followed.
14. **How can I estimate the cost of the project? Should I obtain a formal assessment?**
- Yes, however approved projects will be awarded funds based on the estimate submitted. An accurate estimate to complete the scope of work should be submitted to ensure all the work can be completed as submitted.
15. **What will the forms look like and/or what documentation will be needed to be filed once an approved project is completed? To whom do we submit this data?**

- Any approved project(s) will be required to follow state procurement laws County/Township normally follow. Those documents will need to be kept by the County/Township.

**16. What is the clear zone on a typical township road?**

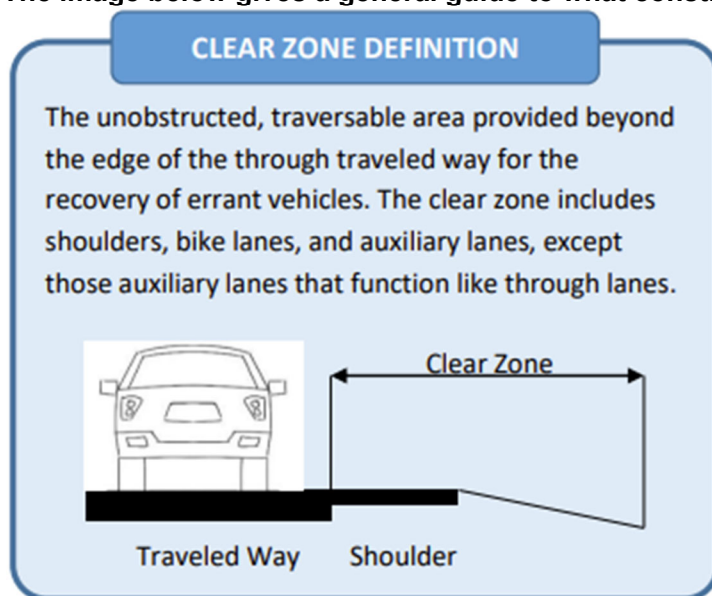
- The clear zone depends on the design speed, the foreslope and the average daily traffic of the roadway. Page 251 of the NDDOT Design Manual provides the suggested clear zone values for various roadways.

<https://www.dot.nd.gov/manuals/design/designmanual/Chapter%203.pdf>

DESIGN CLEAR ZONE DISTANCE											
Design Speed (mph)	Design ADT***	Foreslopes					Backslopes				
		FLAT	1V:6H	1V:5H	1V:4H	1V:3H	1V:3H	1V:4H	1V:5H	1V:6H	FLAT
≤40	UNDER 750	7-10	7-10	7-10	7-10	**	7-10	7-10	7-10	7-10	7-10
	750-1500	10	12	12	14	**	12-14	12-14	12-14	12-14	
	1500-6000	12	14	14	16	**	14-16	14-16	14-16	14-16	
	OVER 6000	14	16	16	18	**	16-18	16-18	16-18	16-18	
45-50	UNDER 750	10	12	12	14	**	8-10	8	10	10	
	750-1500	14	16	16	20	**	10-12	12	14	14	
	1500-6000	16	18	20	26	**	12-14	14	16	16	
	OVER 6000	20	22	24	28	**	14-16	18	20	20	
55	UNDER 750	12	14	14	18	**	8-10	10-12	10-12	10-12	
	750-1500	16	18	20	24	**	10-12	14	16	16	
	1500-6000	20	22	24	30	**	14-16	16	18	20	
	OVER 6000	22	24	26	32*	**	16-18	20	22	22	
60	UNDER 750	16	18	20	24	**	10-12	12	14	14	
	750-1500	20	24	26	32*	**	12-14	16	18	20	
	1500-6000	26	30	32*	40*	**	14-18	18	22	24	
	OVER 6000	30	32*	36*	44*	**	20-22	24	26	26	
65-75	UNDER 750	18	20	20	26	**	10-12	14-16	14-16	14-16	
	750-1500	24	26	28	36*	**	12-16	18	20	20	
	1500-6000	28	32*	34*	42*	**	16-20	22	24	26	
	OVER 6000	30	34*	38*	46*	**	22-24	26	30	28	

**Notes:**  
 \*Where a site specific investigation indicates a high probability of occurrences are indicated by crash history, the designer may provide clear zone distance greater than 30 feet as indicated. Clear zone may be limited to 30 feet for practicality and provide a consistent roadway template if previous experience with similar projects or design indicates satisfactory performance.  
 \*\*Since recovery is less likely on unshielded traversable 3:1 slopes, fixed objects should not be present in the vicinity of the toe of these slopes. Recovery of high speed vehicles that encroach beyond the edge of the shoulder may be expected to occur beyond the toe of the slope. Determination of the width of the recovery area at the toe of the slope should take into consideration right of way availability, environmental concerns, economic factors, safety needs and crash histories. Also, the distance between the edge of the travel lane and the beginning of the 3:1 slope should influence the recovery area provided at the toe of the slope. While the application may be limited by several factors, the fill slope parameters, which may enter into determining the maximum desirable recovery area, is illustrated in Figure 3-2, AASHTO Roadside Design Guide (2011).  
 \*\*\*Design ADT is the total ADT for both directions of travel for the design year. This applies to both divided and undivided facilities. Typically is based on the 20 year projected ADT.  
 Ref: NDDOT Design Manual, Appendix III-14-B, Revised Jan 26, 2016.

The image below gives a general guide to what constitutes a clear zone.



17. **I understand that the bridges are the responsibility of the County. The smaller bridges should be replaced with pipe or small box culverts. Can these replacements be covered under this program or does the county need to look for other funding options?**
  - NDDOT has funding available for county bridges (>20'). If the bridge is less 20' (considered a minor bridge), they would be eligible if they are located on a local corridor. Also, the minor bridge would have to restrict the movement of traffic based load carry capacity and/or condition of the minor bridge.
18. **Once a grant application is approved, how long will it take to receive funds to begin work on a project?**
  - Once a project is approved, NDDOT and the County will enter into an agreement that secures the funds for the project. The funds will be reimbursed after work has been completed and the proper documents have been submitted to NDDOT for reimbursement.
19. **Will there be requirements to meet to obtain this grant, like the thickness of the gravel? Does the gravel have to come out of gravel pits that are specially approved? Can the gravel come out of a pit in Shade Hill, South Dakota, or does gravel need to come from within North Dakota? Do we add 25 percent to the gravel amount to allow for compaction? What is the gravel specification that we should use? Does gravel need to be specified and tested to meet state and federal bidding requirements?**
  - The projects being approved are **STRUCTURAL UPGRADES** (minimum of 3" of gravel) to the road, not maintenance of such. The thickness of gravel is a compacted thickness and will be required to be specified and tested. The gravel will be required to come from environmentally cleared pits that meet the specification. There are areas of the state that do not have sufficient gravel, as such, pits outside of the state are acceptable provided they meet the specifications, etc.
20. **Is this only available for organized Townships roads?**
  - No, unorganized Township roads are eligible as well.

# North Dakota Department of Transportation

## HB 1012 Township Assistance Program

### Application

#### Application Instructions

- Interested applicants must work with their respective County.
- All applications will be submitted through Geographic Roadway Inventory Tool ([GRIT](#)) using the “Construction Planning” layer, then select Type – “NDDOT Township Assistance Program”.
- The applicant should attach any additional information necessary for NDDOT to consider their request such as photos, maps, scope of proposed work, approved FEMA documents, etc. (All documents need to be in a PDF format to upload. If submitting documents electronically to your respective County, all documents should be combined into one PDF file.)
- **Application Deadline is September 8<sup>th</sup>, 2023**
- The applicant should be ready to enter the following information:

If you have questions on filling out the application or the program, please contact:

Kenneth Steiner

[kenneth.steiner@ndus.edu](mailto:kenneth.steiner@ndus.edu)

(701) 318-6320

County:

County contact person

Name:

Phone number:

Email address:

Township:

Township contact person

Name:

Phone number:

Email address:

Is this an organized Township (Yes/No):

Mill levies levied by the Township:

Project cost estimate (\$):

Amount of funds requested (\$):

Project Number:

Does this project have multiple locations or segments (Yes/No):

Project length (miles):

Proposed construction year:

Proposed surface type (Gravel/Pavement):

Average daily traffic (vehicles per day):

Speed limit on roadway (MPH):

Design speed (MPH):

Does this project include a bridge (yes/no):

If yes, what is the NDDOT bridge number:

Type of work (Reconstruction, Gravel surfacing-3", Grade Raise, Bridge (major/minor), Culverts, Paving, Maintenance):

Overall project scope of work:

Does this project involve federal funds (yes/no):

If yes, what is the Federal grant year:

Federal grant Description:

Is this project required due to a FEMA disaster (yes/no):

If yes, what was the disaster year:

If yes, was the project submitted to FEMA (yes/no):

If yes, did FEMA approve this site (yes/no):

If yes, what is the FEMA approved site number:

If yes, what does the approved scope of work consist of:

What is the approved FEMA cost (\$):

What is the local match required by FEMA (\$):

# HB 1012 Township Assistance Program

## Application Instructions

**All applications need to be submitted by the appropriate county, not the township.** For counties submitting an application, GRIT will be utilized using the Construction Planning Layer. After logging into GRIT with the County username and password, select the CONSTRUCTION PLANNING option under the Layers button in the upper left corner. If you are entering a NEW project, simply select the NEW button (blue). If you are updating or adding additional information on a project previously entered, zoom in and select the pin that was created when the project was originally entered.

1. NEW project – under the Location Tab, enter the begin location of the project by dropping a pin on the map. Enter the end location in same manner. **If there are multiple segments with the project, enter the longest segment first. When all data is entered, there is a copy button at the bottom to copy all attributes to any other segments.**

2. Under the Project Info Tab, select the NDDOT Township Assistance Program from the TYPE drop down list.

3. Select the appropriate township from the drop down list. (Township)

4. If the township is unorganized, select that option.

5. Enter the current Mill Levy of the Township.

6. Type of Work – use the drop down list to select the type of work. If you believe your project falls outside of any of these options, contact Kenneth Steiner for direction.

7. Project Scope of Work – this is a text field to allow information to be entered about the project. You can copy and paste information into this field.

8. Application Status – this field is for NDDOT program managers to update as the status changes.

9. Application Status Date – This field is for NDDOT program managers to update.

PROJECT DETAILS: The county/township can create/select the Project Number. If a project has multiple segments, use the same project number for each segment.

Federal Grant Match – select if appropriate and complete appropriate information.

Disaster FEMA Involvement – select if appropriate and complete appropriate information.

The Save button below can be selected at any time to save changes. You will need to select the edit button again after saving.

Document Uploads – if you have any information related to the project you want to upload, add those documents here. All documents must be in a PDF format.

10. If you have entered data in all REQUIRED fields, the SUBMIT button will be available to select. If it is not available, the application is not complete.

Again, once all the REQUIRED information is entered, the SUBMIT button will be available to select.

If you have any questions or problems, call Kenneth Steiner (701) 318-6320. Leave a message if necessary.