

Good morning, Mr. Chairman and members of the committee. I'm Matt Linneman, Deputy Director for Engineering of the North Dakota Department of Transportation (NDDOT). I'm here to provide opposition to House Bill 1246.

House Bill 1246 would require the department to obtain consent of the political subdivision to remove or deactivate a traffic control device placed within 1,000 feet of a school or licensed daycare. We have reviewed the existing state and federal laws the department must adhere to relating to traffic control devices and have concluded what the impacts to the department and the state of North Dakota would be.

The Manual on Uniform Traffic Control Devices (MUTCD) is the law governing all traffic control devices. As part of the Federal Highway Administration (FHWA) federal aid program, all states shall adopt the National MUTCD or have a State MUTCD/supplement that is in substantial conformance with the national manual.

Century Code 39-13-06 and 39-13-07 states the director shall adopt the MUTCD and that no traffic-control devices, including markings, signs, and signals, may be used on any street or highway that do not conform to the standards of design and location as prescribed in the manual and specifications for a uniform system of traffic-control devices. The MUTCD defines traffic control devices as all signs, signals, markings, and other devices used to regulate, warn, or guide traffic.

The Century Code defines political subdivision as all counties, townships, park districts, school districts, cities, public nonprofit corporations, administrative or legal entities responsible for administration of joint powers agreements, and any other units of local government which are created either by statute or by the Constitution of North Dakota for local government or other public purposes.

House Bill 1246 would substantially impact the efficient operations of the department and the ability of the department to adhere to sound engineering principals and existing laws. According to FHWA key messages about the MUTCD, non-compliance with the MUTCD ultimately can result in the loss of federal-aid funds as well as a significant increase in tort liability. The department opposes the passage of House Bill 1246.

This concludes my testimony. Thank You.