

Koppelman, Ben

From: Solberg, Col. Brandon J. <bjsolberg@nd.gov>
Sent: Thursday, March 30, 2023 6:04 PM
To: Koppelman, Ben
Cc: Kadrmas, Sgt. Wade R.
Subject: House Transportation Subcommittee Follow-Up
Attachments: HB 1193.pdf; Variable Speed Limit Proposal.docx

Hello Representative Koppelman,

I wanted to share a few notes below as you finalize SB 2168 and SB 2169 in your subcommittee. I'll carbon copy Sgt. Wade Kadrmas to keep him in the loop.

Variable Speed Limits

As we discussed, commercial motor vehicle traffic is one of the biggest issues when trying to keep roads open. One jackknifed CMV can back up traffic and cause road closures. One option would be to explore restricting CMV traffic during storms as we currently do for oversize loads, but another option would be to install variable speed limits similar to Wyoming to try to control the speed of all traffic.

Attached is some proposed language that could help clean up authority to implement variable speed limits (see "Variable Speed Limit Proposal.docx"). This language may not be needed, but I said that I'd offer some sort of proposal.

The larger issue may be the costs involved to purchase and install digital signs. For example, DOT estimated that it would cost \$4-5 million to transition to all digital signs along the interstate system. These signs would require power and network connections. In comparison, a rough estimate to swap out all regular speed limit signs to 80 mph could cost around \$250,000.

Road Closure Authority

We discussed the authority to close roads, and I wanted to clarify the difference between law enforcement and DOT:

- Law enforcement "may post appropriate official traffic-control devices" under 39-10-21.1 (this authority is more for shorter-term hazardous road conditions).
- DOT must post "suitable signs" and "barricades, fences, or other obstructions" under 24-03-05 (this authority is under the chapter related to road construction and maintenance and is likely for more longer-term closures).

North Dakota has the highest number of road miles per capita (over 106,000 miles) so it would be impossible to set up barricades at the entry points of every roadway. There isn't enough equipment to pull this off nor human resources available (e.g., law enforcement officers would be responding to calls, and snowplow operators would be treating roads).

Travel Information Map

We discussed the travel information map being a primary resource for public notifications, and I obtained the following statistics from DOT:

- Over the last 12 months (April 1, 2022, to March 30, 2023), the ND Roads website/app had:
 - 66,994,531 page views (the times someone accessed the website)
 - 43,843,723 map views (the times someone viewed the map itself)
 - 2,796,652 users (the number of unique users accessing the map)
- During a recent storm event from March 17-19, 2023, the ND Roads website/app had:
 - 3,851,462 page views
 - 2,402,315 map views
 - 478,546 unique users

These stats show that the travel information map is extremely popular. The NDRoads Android app has been downloaded over 100,000 times, and the iOS version has been downloaded over 180,000 times.

I visited with DOT about adding county/local roads to the travel information map, and they said it is likely possible, but there are a number of factors to consider such as software costs and personnel to keep the system up-to-date for every roadway.

Seat Belt Liability

During the subcommittee hearing today there was discussion about testimony provided by the North Dakota Association for Justice related to concerns over liability. The attachment (HB 1193.pdf) is from 2003 when an attorney from Bismarck, Dave Schweigert, brought a similar issue about negligence and fault to the legislative assembly. This bill passed and added the following language to NDCC 39-21-41.4:

- *A violation for not wearing a safety belt under this section is not, in itself, evidence of negligence. The fact of a violation of this section is not admissible in any proceeding other than one charging the violation.*

If I can help gather any additional information, please let me know! And thanks for allowing our agency to participate in fine-tuning these last couple of bills.

Brandon Solberg, Colonel
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39-09-04. Alteration of maximum speed limits on state highways.

The maximum speed limits specified in section 39-09-02 may be altered on all or any part of the state highway system by an administrative order by the director after a public hearing has been held. Such determination must be based on engineering and traffic investigations with primary consideration given to the establishment of reasonable and safe speeds, highway conditions, enforcement, and the general welfare. Speed limits established pursuant to this section shall be effective only when appropriate signs giving notice thereof are erected and such maximum speed limits may be declared to be effective at all times or at such times as are indicated upon said signs. Differing limits may be established by the North Dakota department of transportation and North Dakota state highway patrol for different times of the day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs. An administrative order is not required to temporarily lower maximum speed limits due to unsafe conditions.

39-09-07. Speed zones on state highways.

Whenever the director with respect to highways and the superintendent of the North Dakota state highway patrol shall jointly determine upon the basis of an engineering and traffic investigation that the speed of vehicular traffic on a state highway is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of such highway to include streets within the corporate limits of any city, when such streets have been designated as part of any state highway, said officials acting jointly may determine and declare a reasonable and safe speed limit thereat not in excess of the maximum prescribed by law, which shall be effective at all times or during hours of daylight or darkness or at such other times as may be determined when appropriate signs giving notice thereof are erected at such intersections or other place or part of the highway. This section does not prohibit the North Dakota department of transportation and North Dakota state highway patrol from temporarily lowering maximum speed limits due to unsafe conditions.

39-09-07.1. Speed zones - Reduction limitation.

Except for highway construction zones, no street, road, or highway in the state highway system or any other township, county, or state road or highway may be posted in a manner which reduces the maximum speed limit on the street, road, or highway by more than twenty miles [32.19 kilometers] per hour between any two signs so posted in a speed zone. Maximum speed limit reductions between any two fixed or variable signs may exceed twenty miles [32.19 kilometers] per hour when speed limits are temporarily lowered by the North Dakota department of transportation or North Dakota state highway patrol due to unsafe conditions. The maximum speed limit reduction between any two signs posted in a highway construction zone may not exceed thirty miles [48.28 kilometers] per hour.