

2009 HOUSE TRANSPORTATION

HB 1356

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1356

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01/22/09

Recorder Job Number: 7562

Committee Clerk Signature

*Janette Cook*

Minutes:

**Representative R. Kelsch** introduced HB 1356 and spoke in support of the bill. The bill states that the director of the Department of Transportation **shall** give priority to putting new pavement on a portion of US Highway 83 in the south bound lane from the intersection of Highway 37 north for approximately 13.4 miles. It is the area coming south from Max.

Representative R. Kelsch explained that the bill is not only important to her, but also to two of her constituents, Tom and Patty Regan. A crash history list is attached for the section of road in this bill. See attachment # 1. This report covers the period from 01/01/ 01 through 07/31/08. The report shows four fatalities, 84 total accidents, and 59 animal crashes that are not shown in the report that have taken place on this stretch of highway. Representative R. Kelsch told of an accident that involved the death of Marlo Regan on this stretch of highway. She introduced the bill to emphasize that this stretch of road is not safe and needs to be a priority in the DOT's budget.

**Representative R. Kelsch** has been told by the DOT that they know this stretch of highway needs to be done and have a project planned. This bill does not appropriate money to build the road. It just makes it a priority so no more lives are lost because of the unsafe roadway.

**Representative Heller:** What makes this stretch of road so dangerous? I have driven it many times and haven't noticed that it is dangerous.

**Representative R. Kelsch:** It has to do with the grade of the shoulder. It is not a wide shoulder, and also the rumble strips add to the danger.

**Tom Regan** from Mandan spoke to tell of the story of his daughter's accident. He feels that there is no shoulder on the road at that point, and it causes a real danger. He spoke of others that have also regarded that stretch of road dangerous, including Ken's Towing from Garrison who know of many fatalities in that area. It is Mr. Regan's understanding that the state has been asked by many to improve this section of highway because it is unsafe. He wants to try to do anything that he can to try to get this south bound section of road improved to make it safer for everyone.

**Grant Levi, Deputy Director for Engineering for the North Dakota DOT** expressed his sympathy to Mr. and Mrs. Regan. He spoke in opposition of HB 1356 on behalf of the DOT. He introduced a map that tracked all the fatal crashed in North Dakota from 2003-2007. See attachment #2. Mr. Levi explained that whenever a fatality occurs the DOT puts together a team to look at the site and to study and analyze it. They want to know if there is anything that they should be doing differently. Mr. Levi provided written testimony that explains the process that the DOT follows when making decisions on road projects (STIP). See attached testimony #3. He added that from an engineering prospective that section of Highway 83 is not dangerous. However, it is not constructed to the same standards as the portions north and south of it. When it is redone in 2010 or 2011, it will be a corridor that is consistent with wide shoulders and rumble strips.

**Representative Schmidt:** Are economic recovery dollars, Federal dollars?

**Grant Levi:** Yes, they would be 100% Federal, with no match.

**Representative Schmidt:** Since North Dakota has the best economic situation in the Union, do you think we will get economic recovery dollars?

**Grant Levi:** The Federal government has using the traditional distribution method. We are watching closely to see that it stays on that course.

**Representative Heller:** Why do you think that the road is not dangerous without a wider shoulder?

**Grant Levi:** When we study the crash histories, the additional width for roadways does not always result in the reduction of crashes that occur. Width is not always a contributing factor to safety.

**Chairman Ruby:** Considering the language in this bill, why would it be a problem for you? Would a wording change make it more acceptable to you?

**Grant Levi:** Philosophically, the DOT believes that it is in the state's best interest not to have the legislative body start earmarking highway projects. We feel that the process that is in place allows us to select projects according to engineering data and other factors as explained before. This is in the state's best interest.

**Representative Thorpe:** I understand that this stretch of road is already in your plan. Is this bill necessary?

**Grant Levi:** It is in our program, and we do intend to proceed. From our prospective we are opposing the bill because we do not feel it is necessary at this point.

**Representative Weiler:** When did the new director come on?

**Grant Levi:** Mr. Frances Ziegler joined the department as the director about two and one half years ago.

**Representative Weiler:** Was this prior to this unfortunate accident? When the team was formed, did you go out inspect this location?

**Grant Levi:** We did an extensive review of this location this past summer. We shared with Representative R. Kelsch that we feel that the project that we are proceeding with will address her concerns.

**Representative Weiler:** How soon after an accident does your team go out and inspect a site?

**Grant Levi:** The first step is to look at the crash report. Based on the information that the team sees in the crash report and conversations with district engineer and safety personal in DOT, they will make a decision whether to go out and inspect the site. For example, if a fatality occurs because of an icy road, and it is noted by the Highway Patrol, they will not go out to look at that fatality site. If they know there is an engineering concern, the team will get out as soon as they can to look at it.

**Representative Weiler:** So, the team that went out to inspect this site didn't go out until over a year after the accident?

**Grant Levi:** On this particular fatality, that is correct.

**Representative Weiler:** Does that seem like a long time to you?

**Grant Levi:** We have changed our process and tried to look at the sites more quickly. It places more emphasis on getting out sooner.

**Representative Delmore:** Does the Highway Patrol file a report?

**Grant Levi:** That is correct. They file a report and note if there is an engineering concern.

**Representative Delmore:** In this case and the other three fatalities, would they list roadway as being a cause? Or is that your job to figure out what the cause was?

**Grant Levi:** The Highway Patrol fills out a crash report. They will make a decision whether or not they feel that there were any roadway or engineering concerns. They will list it on the

report. We are in constant contact with the Highway Patrol. If they see a concern, they do bring it to our attention.

There were no other questions.

No one else spoke in opposition to HB 1356.

The hearing was closed on HB 1356.

# 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1356

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01/23/09

Recorder Job Number: 7648

Committee Clerk Signature

*Janette Cook*

Minutes:

**Chairman Ruby** brought up HB 1356 that provides repaving on a section of road south of Max.

**Representative Weiler:** I am going to support this bill for a couple of reasons. We had a good discussion about telling the DOT what to do. But, they acknowledge that is a bad area.

It is already on their priority list. By passing this it won't do anything one way or the other, just nudge them a little bit.

**Representative Potter:** I feel just the opposite. Since the DOT says that the road will be repaired and is already on their list, and could even be bumped up with Economic Recovery money, I think that we should just let them go with their plan. We should do the same as we did with the last bill.

The committee reviewed the map and the area where the accidents occurred on Highway 83. It was also confirmed that there were four fatalities on the south bound lane.

**Chairman Ruby** stated that this bill does set a precedence. The DOT did say that they would bump this road project up, if they get the funding. It is in their plan, and it may be a couple of years down the road.

**Representative Heller:** If you go through this crash report, it shows 18 accidents attributed to the bad shoulder on that stretch of road. How long does it take for it to sink in that there is a shoulder problem in that area?

**Chairman Ruby:** The DOT has been updating Highway 83 for years. If it is the last section, it may be the one that has the most issues.

**Representative Weisz:** There are thousands of roads in North Dakota without shoulders. It is not just a simple issue of the DOT blowing it off. They have a certain amount of money, and they have to figure out how to spend in the best way. The question is if we want to force them into something.

**Representative Heller:** I wasn't necessarily speaking in favor of the bill. I was just pointing out that that section of road is bad.

**Representative Schmidt:** I believe that the DOT will move the project up without us telling them to.

**Representative Frantsvog:** I want go on record as supporting this bill. I think in both cases the intent is to create awareness.

**Representative Potter** moved a **Do Not Pass** on HB 1356.

**Representative Griffin** seconded the motion.

A roll call vote was taken: **Aye 11 Nay 3 Absent 0**

**Representative Thorpe** will carry HB 1356



Date: 1-23-09

Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1356

House TRANSPORTATION Committee

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Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do pass  Don't Pass  Amended

Motion Made By Potter Seconded By Griffin

Representatives	Yes	No	Representatives	Yes	No
Representative Ruby - Chairman	✓		Representative Delmore	✓	
Rep. Weiler - Vice Chairman		✓	Representative Griffin	✓	
Representative Frantsvog		✓	Representative Gruchalla	✓	
Representative Heller	✓		Representative Potter	✓	
Representative R. Kelsch		✓	Representative Schmidt	✓	
Representative Sukut	✓		Representative Thorpe	✓	
Representative Vigesaa	✓				
Representative Weisz	✓				

Total Yes 11 No 3

Absent 0

Bill Carrier Thorpe

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
January 23, 2009 5:00 p.m.

**Module No: HR-14-0887**  
**Carrier: Thorpe**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1356: Transportation Committee (Rep. Ruby, Chairman) recommends DO NOT PASS**  
(11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1356 was placed on the  
Eleventh order on the calendar.

2009 TESTIMONY

HB 1356

Crash Summary  
1/1/2001 - 7/31/2008  
Hwy: 83 R/P: 159.621 (ND 37) to 173.0

Summary:	Animal	59
	Ran off Road	21
	Overtum / Rollover	32
	Other	31
TOTAL # OF CRASHES:		143

-Animal crashes are not shown in the sheets below.

-Angle = 15, Rear End = 4, SS SD = 4, Other = 8

CRASH NO.	HWY	SP	DATE	DAY	TIME	LIGHT	DRY	WET	COND	VEH1	DIR1	AGE	SEX	ALCOHOL INVOLV	FAT	CRASH SEV	CRASH TYPE	COMMENTS	Possible Corrective Action (Intersection of Crash)
31446	83	159.620	9/15/2001	Sat	9:40 AM	X			Dry	Passenger Car Truck Tractor	West North	72 33	F M		X		Angle	No narrative available.	(US 83 & ND 37)
107472	83	159.620	7/3/2005	Sun	2:12 AM		X		Wet	Motorcycle	East	27	M			X	Other	D1 was WB on ND 37 and it was raining. At the intersection with US 83 D1 attempted to make a WB right turn, slid onto motorcycle's side while turning, and slid into the median.	(US 83 & ND 37)
127105	83	159.750	8/24/2006	Thu	11:45 AM	X			Dry	Truck Tractor Truck Tractor	South South	26 21	M M			X	Sideswipe Same Dir	D2 attempted to change lanes and was sideswiped by V1.	(US 83 & ND 37)
82261	83	159.800	3/10/2004	Wed	4:15 PM	X			Dry	Pickup - Van - Utility Pickup - Van - Utility Passenger Car	North North North	41 72 33	M M M			X	Rear End	V1, V2, and V3 were travelling ~25mph in a convoy due to poor weather conditions (blowing snow/soil). A veh was stopped on the roadway (facing the wrong direction, SB), so V3 stopped. V2 stopped also, but was rear-ended by V1.	
96256	83	159.800	12/30/2004	Thu	12:25 PM	X			Ice/Sno	Passenger Car	South	20	F			X	Ran Off Roadway	Veh ahead of V1 slowed to make a SB right turn. D1 attempted to slow, but lost control of veh on icy road, slid into the west ditch, and hit a sign.	(US 83 & ND 37)
96855	83	160.300	12/27/2004	Mon	5:45 AM		X		Ice/Sno	Passenger Car	South	16	F			X	Overtum / Rollover	Icy road due to freezing mist and fog. D1 lost control of veh on icy, hilly curve. V1 slid sideways into the median, hit a median crossover, and rolled over.	
74846	83	160.500	12/4/2003	Thu	12:45 PM	X			Ice/Sno	Passenger Car Pickup - Van - Utility	South South	67 58	M M			X	Sideswipe Same Dir	D1 was travelling ~50mph, attempted to pass V2, and lost control of veh on icy road. V1 sideswiped V2.	
36488	83	160.900	12/3/2001	Mon	1:30 AM		X		Dry	Pickup - Van - Utility	North	19	M	DUI		X	Ran Off Roadway	No narrative available.	
132114	83	160.980	11/24/2006	Fri	4:05 AM		X		Ice/Sno	Pickup - Van - Utility	South	45	M			X	Overtum / Rollover	Freezing rain. D1 lost control of veh on icy road, slid into the west ditch, hit an approach, and rolled over.	
73279	83	161.000	11/11/2003	Tue	9:10 AM	X			Ice/Sno	Pickup - Van - Utility	South	62	F			X	Overtum / Rollover	Roads were not slippery except for this extremely icy curve. D1 lost control of veh on icy curve, slid into the west ditch, hit a ditch embankment, and rolled over.	

1356  
 Attachment #1  
 HB

Crash Listing  
 1/1/2001 - 7/31/2008  
 Hwy: 83 R/P: 159.621 (ND 37) to 173.0

CRASH NUM	HWY	MILE	DATE	DAY	TIME	LIGHT	WIND	DRY	COND	VEHICLE	DIRECTION	DRIVER AGE	SEX	Alcohol Involve	CRASH REV	CRASH TYPE	COMMENTS	Possible Corrective Action (Interaction of Crash)
122902	83	161.000	6/7/2006	Wed	1:35 PM	X			Dry	3+ Axle	South	51	M		X	Overtum / Rollover	V1's tire blew, causing V1 to go into the west ditch and roll over into a slough.	
81148	83	161.050	3/6/2004	Sat	9:52 PM		X		Ice/Sno	Pickup - Van - Utility	North	39	M		X	Overtum / Rollover	Strong winds and icy roads. D1 was travelling ~60mph and lost control of veh on icy road. V1 spun into the median and rolled over.	
21685	83	161.090	1/9/2001	Tue	11:25 AM	X			Ice/Sno	Passenger Car	South	49	F		X	Ran Off Roadway	No narrative available.	
46104	83	161.300	6/12/2002	Wed	2:20 PM	X			Wet	Truck Tractor	North	38	M		X	Jackknife	No narrative available.	
131861	83	161.300	11/18/2006	Sat	11:15 PM		X		Dry	Passenger Car	South	19	M		X	Overtum / Rollover	D1 swerved into the median to avoid a deer. V1 slid sideways in the median, and V1 rolled over when its tires caught the snow.	
82900	83	161.400	4/2/2004	Fri	11:10 AM	X			Dry	Passenger Car	North	39	M		X	Other	V1's hood blew off and hit the windshield and roof. It was discovered the hood had a defective latch.	
46162	83	161.650	6/17/2002	Mon	1:05 PM	X			Dry	Truck Tractor	South	24	M		X	Fire / Explosion	No narrative available.	
27816	83	161.800	6/1/2001	Fri	11:35 AM	X			Dry	Passenger Car	South	17	F		X	Overtum / Rollover	No narrative available.	
92412	83	162.200	10/18/2004	Mon	7:30 AM	X			Ice/Sno	Pickup - Van - Utility	North	47	M		X	Separation of Units	V1 was pulling two trailers. The end trailer broke free on icy road, went into the east ditch, and rolled over.	
104436	83	163.100	6/11/2005	Sat	5:11 PM	X			Dry	Pickup - Van - Utility Motorcycle	South South	54 40	M M		X	Other	V1's left front tire came loose, and rolled into V2 (which was passing V1 at the time).	

Crash Listing  
 1/1/2001 - 7/31/2008  
 Hwy: 83 R/P: 159.621 (ND 37) to 173.0

CRASH NO.	ROUTE	SP. MILE	DATE	DAY	TIME	WIND	COND	VEH TYPE	DIRECTION	AGE	SEX	INVOLV	FAT	INJ	PD	CRASH TYPE	DESCRIPTION	REMARKS	Possible Corrective Action (Intersection of Crash)
64831	83	163.200	6/9/2003	Mon	5:30 AM	X	Dry	Truck Tractor	South	39	M				X	Overtum / Rollover	D1 swerved right and went slightly into the ditch to avoid a group of three deer. When D1 attempted to turn left to get back onto the roadway, V1's trailer overturned.		
65874	83	163.300	6/27/2003	Fri	6:30 AM	X	Dry	Truck Tractor	South	34	M			X		Overtum / Rollover	D1 fell asleep while driving and V1 drifted into the west ditch. When D1 awoke he steered left to get back onto the roadway, and V1's trailer overturned.	Possible Rumble Strips or Stripes	
157983	83	163.300	3/6/2008	Thu	8:45 PM		Dry	3+ Axle	South	38	M			X		Overtum / Rollover	D1 was checking guages, looked up and saw a small animal, swerved right, overcorrected to left, spun on roadway, and rolled over into the median.		
152641	83	163.720	12/26/2007	Wed	8:00 AM		Dry	Passenger Car	South	23	M				X	Ran Off Roadway	There was no shoulder. V1 drifted off the west side of the road, hit a culvert marker post, and went over a culvert.	Possible Rumble Strips or Stripes Possible Wider Shoulder	
53887	83	164.020	11/9/2002	Sat	10:10 PM		Ice/Sno	Pickup - Van - Utility	North	21	M				X	Overtum / Rollover	D1 lost control of veh on black ice. V1 spun into the median and rolled over.		
85749	83	164.200	6/27/2004	Sun	11:08 AM	X	Dry	Passenger Car	South	16	F			X		Overtum / Rollover	V1 drifted off the west side of the roadway, overcorrected to left, went into median, overcorrected to right, and rolled over.	Possible Rumble Strips or Stripes Possible Wider Shoulder	
127096	83	164.300	9/15/2006	Fri	7:10 AM	X	Dry	3+ Axle	South	40	M				X	Overtum / Rollover	D1 was travelling ~65-70mph and drifted off the west edge of the roadway. D1 overcorrected to left and lost control of veh. V1 went back onto the roadway, swerved left and right, then rolled over into the west ditch.	Possible Rumble Strips or Stripes Possible Wider Shoulder	
87366	83	164.500	7/18/2004	Sun	5:35 PM	X	Dry	Pickup - Van - Utility	North	22	M				X	Ran Off Roadway	D1 fell asleep while driving, drifted into the east ditch, and hit a one-way sign (at the intersection with 21st St NW).		(US 83 & 21st St NW)
116198	83	165.000	1/15/2006	Sun	7:50 PM		Ice/Sno	Pickup - Van - Utility	North	39	M				X	Ran Off Roadway	A veh passed V1 and cut back into the driving lane too soon. D1 braked to avoid hitting the other veh, lost control of veh on icy road, slid into the east ditch, and struck a delineator post.		
126091	83	165.000	8/21/2006	Mon	3:10 PM	X	Dry	Passenger Car	South	18	F				X	Ran Off Roadway	D1 was briefly distracted, drifted off the west edge of the roadway, overcorrected to left, overcorrected to right, and went into the west ditch.	Possible Rumble Strips or Stripes Possible Wider Shoulder	

Crash Listing  
 1/1/2001 - 7/31/2008  
 Hwy: 83 R/P: 159.621 (ND 37) to 173.0

CRASH NO.	ROUTE	POST MILE	DATE	DAY	TIME	USHTF	WIND	ROAD	VEHICLE TYPE	DIRECTION	DRIVER AGE	DRIVER SEX	ALCOHOL	CRASH SEV.	CRASH TYPE	COMMENTS	Possible Corrective Action (Intersection of Crash)
32446	83	165.200	9/7/2001	Fri	9:17 AM	X		Dry	Pickup - Van - Utility Pickup - Van - Utility	North South	19 37	M M		X	Angle	No narrative available.	
140613	83	165.300	5/28/2007	Mon	9:00 PM	X		Dry	Passenger Car	South	19	M			X Ran Off Roadway	D1 reached down to grab a CD, drifted off west edge of roadway, overcorrected to left, went back onto road, overcorrected to right, went into the west ditch, overcorrected to left, and V1's bumper dug into the side of the ditch.	Possible Rumble Strips or Stripes Possible Wider Shoulder
97761	83	165.750	1/20/2005	Thu	10:50 AM	X		Ice/Sno	Pickup - Van - Utility	South	39	M		X	Overtum / Rollover	D1 was travelling ~65mph (with cruise control on) and lost control of veh on a patch of ice. V1 spun into the median, rolled over, and came to rest in the NB driving lane.	
111006	83	166.000	11/6/2005	Sun	1:30 AM		X	Dry	Truck Tractor	South	35	M			X Overtum / Rollover	V1's trailer tires drifted off the west edge of the roadway and the trailer tipped over.	Possible Wider Shoulder
133004	83	166.000	12/29/2006	Fri	6:00 PM		X	Ice/Sno	Pickup - Van - Utility	South	23	M			X Ran Off Roadway	D1 lost control of veh on icy road. V1 slid into the west ditch, hit a delineator post, and hit a fence.	
92185	83	166.050	10/18/2004	Mon	8:50 AM	X		Ice/Sno	Passenger Car	North	32	M			X Ran Off Roadway	Freezing rain. D1 lost control of veh on icy road and slid into the median.	
53886	83	166.090	11/9/2002	Sat	9:15 PM		X	Ice/Sno	Passenger Car	North	34	M			X Overtum / Rollover	D1 lost control of veh on black ice, spun into the median, and rolled over.	
89602	83	166.900	9/1/2004	Wed	5:05 PM	X		Dry	Pickup - Van - Utility	South	37	M		X	Overtum / Rollover	D1 lost control of veh while swatting at a bee in the veh. V1 went out of control, rolled over on the roadway, and rolled into the west ditch.	
66492	83	166.920	7/9/2003	Wed	4:00 AM		X	Wet	Passenger Car	South	19	M			X Ran Off Roadway	V1 drifted off the west edge of the roadway and went into the west ditch.	Possible Rumble Strips or Stripes Possible Wider Shoulder
131562	83	167.000	11/16/2006	Thu	10:40 PM		X	Frost	Pickup - Van - Utility	North	28	M			X Ran Off Roadway	D1 swerved to avoid a large animal (possibly a moose), went into the east ditch, and struck a delineator post.	

Crash Listing  
 1/1/2001 - 7/31/2008  
 Hwy: 83 R/P: 159.621 (ND 37) to 173.0

CRASH NUM	Hwy	Mile	Date	Day	Time	Wet	Road	Weather	Vehicle 1	Dir	Age	Sex	CRASH REA			Type	COMMENTS	Possible Corrective Action (Intersection of Crash)
													Fat	Inj	PO			
152304	83	167.500	12/24/2007	Mon	1:00 PM	X		Dry	Pickup - Van - Utility	North	15	F			X	Overtum / Rollover	D1 was distracted, drifted into the median, overcorrected to right, crossed the roadway, and rolled into the east ditch.	
36413	83	167.600	12/1/2001	Sat	12:33 PM	X		Frost	Passenger Car	South	18	F			X	Ran Off Roadway	No narrative available.	
76408	83	167.600	12/17/2003	Wed	6:55 PM		X	Ice/Sno	Pickup - Van - Utility Pickup - Van - Utility	North North	61 58	M M			X	Sideswipe Same Dir	While V1 was attempting to pass V2, V1's trailer fishtailed and sideswiped V2.	
125763	83	167.800	8/16/2006	Wed	3:30 PM	X		Dry	2-Axle	South	19	M			X	Overtum / Rollover	When a semi passed V1, D1 lost control of veh due to turbulence. D1 went into the west ditch, overcorrected to left, went back onto the road, overcorrected to right, and rolled over into the west ditch.	Possible Wider Shoulder
100981	83	167.900	3/8/2005	Tue	5:45 PM		X	Ice/Sno	Pickup - Van - Utility	South	25	M			X	Ran Off Roadway	D1 lost control of veh while going up a hill, went into the west ditch, hit a cemetery fence, and hit a tree.	
81360	83	168.100	3/4/2004	Thu	5:35 PM	X		Dry	Passenger Car	South	17	M			X	Ran Off Roadway	D1 fell asleep while driving, went into the west ditch, and hit a cement post (which is part of the cemetery fence).	Possible Rumble Strips or Stripes
58888	83	168.700	1/30/2003	Thu	8:38 AM	X		Ice/Sno	Truck Tractor Passenger Car	South South	35 18	M F			X	Angle	V2 passed V1, attempted to change back into the driving lane, and lost control of veh on icy road. V2 spun and was hit in the right rear bumper by V1.	
24124	83	168.980	2/3/2001	Sat	1:30 PM	X		Ice/Sno	Passenger Car	South	32	M			X	Overtum / Rollover	No narrative available.	
140401	83	169.100	5/17/2007	Thu	6:30 PM	X		Dry	Pickup - Van - Utility	South	51	M			X	Overtum / Rollover	D1 fell asleep while driving, went into the west ditch, overcorrected to left, went back onto the road, overcorred to right, again went into the west ditch, struck an approach, and rolled over.	Possible Rumble Strips or Stripes
38114	83	169.800	12/26/2001	Wed	6:40 PM		X	Ice/Sno	Pickup - Van - Utility	North	22	M			X	Overtum / Rollover	No narrative available.	



Crash Listing  
 1/1/2001 - 7/31/2008  
 Hwy: 83 R/P: 159.621 (ND 37) to 173.0

CRASH NUM	Hwy	SPD	DATE	DAY	TIME	DIRTY	WIND	COND	VEH TYPE	DIRECTION	AD	EX	DRIVER	CRASH DEV	CRASH TYPE	COMMENTS	Possible Corrective Action (Intersection of Crash)
47636	83	169.970	7/16/2002	Tue	6:30 AM	X		Dry	Pickup - Van - Utility	South	49	M		X	Ran Off Roadway	No narrative available.	
77171	83	169.980	1/4/2004	Sun	8:20 AM	X		Snow	Passenger Car	South	24	M		X	Ran Off Roadway	V1 hit something that was on the road and went into the west ditch.	
136419	83	170.000	3/1/2007	Thu	8:00 AM	X		Ice/Sno	Pickup - Van - Utility	South	57	M		X	Ran Off Roadway	Freezing drizzle. D1 lost control of veh on icy road, slid into the west ditch, went over an approach (for a missile site), and hit a stop sign.	(US 83 & Missile Site)
22693	83	170.200	1/29/2001	Mon	5:10 PM	X		Dry	Truck Tractor	South	27	M		X	Overtum / Rollover	No narrative available.	
162736	83	170.200	7/9/2008	Wed	6:25 AM	X		Dry	Truck Tractor	South	39	M		X	Overtum / Rollover	V1 dropped off the west edge of the roadway. D1 attempted to drive back onto the roadway, but V1 and trailer (8500 gallons of gasoline) overturned and started on fire. D1 was unable to escape the fire.	Possible Rumble Strips or Stripes Possible Wider Shoulder
121203	83	170.300	5/6/2006	Sat	3:18 PM	X		Dry	Pickup - Van - Utility	South	21	F		X	Overtum / Rollover	Witness stated V1 swerved right, then overcorrected left, spun into the median, and rolled over (across the NB roadway, and into the east ditch). D1 was belted, but was partially ejected.	
53463	83	170.500	10/31/2002	Thu	2:30 PM	X		Dry	Pickup - Van - Utility	South	44	M	DUI	X	Ran Off Roadway	D1 (DUI) went off the west edge of the roadway, struck a delineator post, and came to rest partially in a slough.	Possible Rumble Strips or Stripes Possible Wider Shoulder
29179	83	170.700	6/30/2001	Sat	11:22 AM	X		Dry	Passenger Car	South	84	F		X	Overtum / Rollover	No narrative available.	
54218	83	170.990	11/16/2002	Sat	9:15 AM	X		Ice/Sno	Pickup - Van - Utility Passenger Car	South South	41 24	F F		X	Sideswipe Same Dir	Black ice. While V2 was attempting to pass V1, D1 lost control of veh on icy curve/hill, and sideswiped V2.	
160092	83	171.000	5/10/2008	Sat	7:15 AM	X		Slush	Passenger Car	South	34	M		X	Immersion	D1 was travelling ~60mph and lost control of veh on snow-covered roadway. V1 slid into the west ditch and was partially submerged in a slough.	

Crash Listing  
 1/1/2001 - 7/31/2008  
 Hwy: 83 R/P: 159.621 (ND 37) to 173.0

CRASH NUM	Hwy	SPRINT	DATE	DAY	TIME	ESRT	DRY	WET	VEH UNIT	DIR	AGE	SEX	CAUSE	CRASH TYPE	COMMENTS	Possible Corrective Action (Intersection of Crash)
110690	83	171.400	10/14/2005	Fri	1:26 AM		X	Dry	Pickup - Van - Utility	North	38	F	DUI	Overtum / Rollover	D1 (DUI) lost control of veh, fishtailed, went into the east ditch, and rolled over.	
148668	83	171.500	10/27/2007	Sat	11:30 AM	X		Dry	Passenger Car	North	51	F		Ran Off Roadway	V2 was in the passing lane. When D1 (in the driving lane) attempted to pass V2, V2 began drifting towards the driving lane. D1 swerved right to avoid a sideswipe crash, then overcorrected to left (to avoid going into ditch), and lost control of veh. V1 slid through the median, and came to rest on the SB lanes.	
30742	83	171.616	8/6/2001	Mon	5:00 PM	X		Dry	Passenger Car Pickup - Van - Utility	West South	69 43	F M		Angle	No narrative available.	(US 83 & ND 53)
44383	83	171.616	5/9/2002	Thu	2:50 PM	X		Dry	Pickup - Van - Utility Passenger Car	East North	43 74	M M		Angle	No narrative available.	(US 83 & ND 53)
45084	83	171.616	5/26/2002	Sun	7:05 PM	X		Dry	Passenger Car Pickup - Van - Utility	South West	25 20	M M		Angle	No narrative available.	(US 83 & ND 53)
63071	83	171.616	5/3/2003	Sat	8:05 AM	X		Dry	Pickup - Van - Utility Passenger Car	East North	31 18	M F		Angle	V2 was in the NB left turn lane and was hit by V1 (EB).	(US 83 & ND 53)
85921	83	171.616	7/6/2004	Tue	7:05 PM	X		Dry	Pickup - Van - Utility Passenger Car	North West	44 45	M M	X	Angle	D2 (WB, had been drinking) ran stop sign and was hit by V1 (NB).	(US 83 & ND 53)
93997	83	171.616	12/4/2004	Sat	12:10 PM	X		Dry	Pickup - Van - Utility Passenger Car	North East	79 34	M M		Angle	D2 (EB) did not see V1, attempted to cross US 83 NB lanes, and was hit by V1 (NB).	(US 83 & ND 53)
111842	83	171.616	11/16/2005	Wed	1:30 PM	X		Dry	Passenger Car Pickup - Van - Utility	North East	57 47	M M		Angle	D2 (EB) attempted to cross the US 83 NB lanes and was hit by V1 (NB).	(US 83 & ND 53)
128369	83	171.616	10/11/2006	Wed	8:40 AM	X		Dry	Passenger Car Pickup - Van - Utility	North East	78 0	M M		Angle	D2 stated he could not see due to sun glare, attempted to cross the US 83 NB lanes, and was hit by V1 (NB).	(US 83 & ND 53)

Crash Summary  
 1/1/2001 - 7/31/2008  
 Hwy: 83 R/P: 159.621 (ND 37) to 173.0

CRASH NO.	ROUTE	SPRINT NO.	DATE	DAY	TIME	WAS	ROAD	VEHICLE TYPE	DIRECTION	AGE	SEX	HT	WT	HAIR	EYES	CRASH TYPE	COMMENTS	Possible Corrective Action (Intersection of Crash)
141527	83	171.616	6/11/2007	Mon	3:20 PM	X	Dry	Passenger Car Passenger Car	South West	24 65	F F					X Angle	D2 (WB) attempted to cross the US 83 SB lanes and was hit by V1 (SB, travelling 70mph in a 50mph zone).	(US 83 & ND 53)
52614	83	171.700	10/27/2002	Sun	8:27 AM	X	Snow	Pickup - Van - Utility	South	70	M					X Overtum / Rollover	D1 was travelling ~60mph and lost control of trailer while going over an icy viaduct. V1 and trailer continued south of the viaduct, went into the west ditch, and rolled over.	
58835	83	171.700	1/28/2003	Tue	12:00 PM	X	Snow	Passenger Car Passenger Car	North North	69 47	M M					X Rear End	D2 had turned onto NB US 83 at the ND 53 intersection and was in the passing lane. A semi (in the driving lane) passed V2 and created snow fog. D1 (NB) had been thinking about passing the semi, did not see V2 in the snow fog, and rear-ended V2.	
98306	83	171.800	1/23/2005	Sun	1:37 AM		X Ice/Sno	Pickup - Van - Utility	South	30	M					X Overtum / Rollover	Icy road with strong cross wind. D1 lost control of veh on icy road, fishtailed, spun into the median, and rolled over.	
162761	83	171.800	7/3/2008	Thu	4:38 PM	X	Dry	Pickup - Van - Utility	South	42	M					X Separation of Units	Trailer separated from V1 and rolled onto its side.	
42852	83	171.900	4/1/2002	Mon	6:15 PM	X	Ice/Sno	Pickup - Van - Utility	North	28	F					X Overtum / Rollover	No Narrative Available.	
29903	83	172.000	7/16/2001	Mon	3:15 PM	X	Dry	Passenger Car Passenger Car	South East	17 25	M F					X Angle	No Narrative Available.	(US 83 & Flower St)
46008	83	172.000	6/14/2002	Fri	12:10 PM	X	Dry	Passenger Car Passenger Car	East South	71 85	M F					X Rear End	No Narrative Available.	(US 83 & Flower St)
63612	83	172.000	5/11/2003	Sun	7:15 PM	X	Dry	Truck Tractor Pickup - Van - Utility	North East	43 78	M F					X Angle	D2 (EB) attempted to cross the US 83 NB lanes and was hit by V1 (NB).	(US 83 & Flower St)
138296	83	172.000	4/9/2007	Mon	11:16 AM	X	Dry	Passenger Car Passenger Car	South West	20 42	M M					X Angle	D2 was NB, made a left turn into the median, stopped at the stop sign (facing WB), did not see any traffic, attempted to cross the US 83 SB lanes, and was hit by V1 (SB).	(US 83 & Flower St)

Crash Listing  
 1/1/2001 - 7/31/2008  
 Hwy: 83 R/P: 159.621 (ND 37) to 173.0

CRASH NO.	ROUTE	SP. NO.	DATE	DAY	TIME	WAS	COND.	VEHICLE	DIRECTION	AGE	SEX	INJURY	FATAL	PROPERTY	CRASH TYPE	COMMENTS	Possible Corrective Action (Intersection of Crash)
121599	83	172.100	5/12/2006	Fri	4:23 PM	X	Dry	3+ Axle Pickup - Van - Utility	North North	51 54	M F			X	Rear End	D1 was travelling ~50-55mph in the passing lane, reached down to grab a soda that had fallen, and rear-ended V2 (which was travelling ~45mph in the passing lane).	
56384	83	172.400	12/20/2002	Fri	7:25 PM		X Ice/Sno	Pickup - Van - Utility	North	25	M			X	Ran off Roadway	Icy road and strong wind. D1 lost control of veh on icy road, slid into the median, and struck a 65mph speed limit sign.	
75830	83	172.700	12/17/2003	Wed	5:30 PM		X Ice/Sno	Pickup - Van - Utility	North	55	M			X	Overtum / Rollover	D1 lost control of veh on icy road, slid into the median, and rolled over.	
81971	83	172.960	3/20/2004	Sat	10:21 AM	X	Dry	Pickup - Van - Utility	South	24	M		X		Overtum / Rollover	D1 reached down to grab a CD, drifted into the median, overcorrected to the right, went back onto the roadway, rolled over, and rolled into the west ditch.	Possible Rumble Strips or Stripes Possible Wider Shoulder



Attachment # 3

**HOUSE TRANSPORTATION COMMITTEE**

**January 22, 2009**

**9:00 a.m. – Fort Totten Room**

**North Dakota Department of Transportation  
Grant Levi, P.E., Deputy Director for Engineering**

**HB 1356**

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Good morning, Mr. Chairman and members of the committee. I'm Grant Levi, Deputy Director for Engineering for the North Dakota Department of Transportation (NDDOT). I'm here to oppose HB 1356.

The Department is responsible for the construction, reconstruction, rehabilitation, preservation, and maintenance of the 8,511 roadway miles on the state highway system. A combination of factors is used in selecting projects including: system condition, maintenance costs, roadway capacity, preservation needs, safety, and public input. The final selection of projects makes up the annual Statewide Transportation Improvement Program (STIP).

As the department develops the STIP, we work hard to ensure the resources made available to the department maximize the expenditures of state funds and allow the department to provide a transportation system that safely moves people and goods. In addition to safety, the department selects projects that will help improve the state highway system's ride quality and load carrying capacity. Even in periods of high inflation, this approach of selecting projects has resulted in maintaining the ride quality and load carrying capacity on the state's roadways. This was accomplished because the department focused the investments on pavement preservation projects. While we have not reached the department's system condition goals and construction inflation is starting to result in additional pavement distress: we believe our strategies are in the best interest of the state of North Dakota.

By using the STIP process we have already programmed a project for the segment of US 83 referenced in HB 1356. We completed the environmental document for the southbound segment of US 83 from Junction ND 37 north to 0.6 mile North of Max. We are working to have the project ready for Economic Recovery funds if they become available this year. If the Economic Recovery dollars become available and the project design and environmental permits can be completed, we will start construction this summer. If for some reason the economic recovery funds do not become available or federal requirement can't be met, then the project will be constructed in 2010 with a follow on paving project in 2011.

Even though we already have the project referenced in the bill programmed, we oppose HB 1356. We already have a process that we believe is in the best interest of the state. Establishing project priorities by statute diminishes the departments' ability to manage the state highway system.

Mr. Chairman, this concludes my testimony and I would be happy to answer any questions the committee may have. Thank you.