

2015 HOUSE TRANSPORTATION

HCR 3007

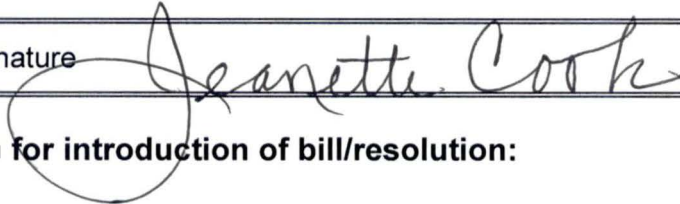
2015 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HCR 3007
1/15/2015
#22016

Subcommittee
Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A concurrent resolution urging the Department of Transportation to use dynamic message signs solely for weather-related, road condition, emergency, work zone, and missing persons messages.

Minutes:

Attachment #1

Chairman Dan Ruby: Opened hearing on HCR 3007.

Representative Rick C. Becker: Introduced HCR 3007. This Current Resolution urges the Department of Transportation to limit the use of their dynamic messaging boards to circumstances that are weather-related, road conditions, emergency, work zones and missing persons. This would exclude other sorts of safety reminders and PSAs. There are 17 messages that are being shown right now that do not relate to the circumstances listed above.

These are the concerns:

- These large messaging boards can be a distraction.
- They are constantly going and giving repetitive messages. After a while they tend to get ignored. When something more important comes up, it may get missed.
- These messages are an inducement to modulate our behavior: remember this law, or do this. It is a sense of an omnipresent government.

Representative Rick C. Becker suggested that we just use the road signs for what they are actually intended for: traffic, road conditions, or missing persons.

Representative Gary Sukut: We're starting to see more and more of those types of signs through private enterprise. If we are going to control what goes on these state controlled signs, are we going to get into trying to tell private enterprise what they can put on their signs?

Representative Rick C. Becker: The private signs generally are addressed and controlled by the local subs. As far as messaging, I don't see that this would be an inroad to limiting a private board message. There is a big difference. What a private individual would put on

their message board is free speech. What the government puts on their message board as an inducement to modulate behavior is an entirely different thing.

Representative Gary Sukut: We're talking about distractions. I'm having trouble seeing the difference between the two. It seems the government and public signs would be the same type of thing. How would we make that work?

Representative Rick C. Becker: My understanding is that any type of sign on the roadway is limited in number by statute as far as on the interstates. These electronic signs and any sign are a distraction to some degree. That is a good point. I'm not providing that as the thrust of my argument.

Representative Marvin Nelson: It sounds to me that you think maybe too much saturation of this would make us lose the effect. Would you agree that if we have a flashing yellow sign every mile it would become part of the landscape, and have no effect? Is that part of your concern?

Representative Rick C. Becker: That's correct.

Representative Chris Olson: Is it your view that what you're seeking to do with this resolution is to ensure that the quality of the information remains high, so that when the signs are engaged people are going to pay attention? Would you like to retain the importance of what the signs are intended to do?

Representative Rick C. Becker: I pass a sign going home every day. When I first saw it then it caught my attention all the time. Now I don't look at it because it irritates me. Some people might think that since they cost a lot of money, we should use them. If they aren't on maybe they aren't working, but if they are on too much, people may ignore them.

Rep. Mark Owens: The MUTCD dictates the frequency of signs and the size of the letters so they are not a distraction, but also that they are easy to read and how much is on the sign. There is an issue that when nothing is on the sign, the Department of Transportation or cities get e-mails, phone calls, etc. that wonder if the sign is working. It doesn't surprise me that Department of Transportation is putting up safety messages. We can question some of the safety messages, that is a separate program within the federal government that we get money to share safety messages with the traveling public. So, the reason that they have messages is to let the public know that the signs are operating. We could possibly do it less frequently. I don't think that it is that distraction. We have studied this. It is important to let people know it is working, so that when something pops up, the people actually pay attention. This is for the committee's information.

Representative Kathy Hawken: It says "urge the department of transportation" so what are we going to do?

Representative Rick C. Becker: I am not aware on other types of wording for resolutions.

Chairman Dan Ruby: Did you have any comments about what Representation Owens discussed?

Representative Rick C. Becker: Referring to Rep. Mark Owens comment about the people wondering if the signs are working, if it is understood that they are only used for emergency use, they won't be used if there is no emergency.

Chairman Dan Ruby: Getting back to Representative Hawken's question about the wording "urge". It could have been put into a bill and made a law, but this is a softer approach. Representative Rick C. Becker did you consider the other?

Representative Rick C. Becker: No, Mr. Chairman. When I said I hated these signs, this is what legislative council came up with. If this passes in both houses, then the Department of Transportation will have some guidelines. If it doesn't pass, then it shows that they have support to continue to do it the way they are doing it now.

Vice Chairman Lisa Meier: Do you know if all 30 permanent signs are being utilized all the time?

Representative Rick C. Becker: I do not know that, but would guess that we would be able to get the answer from opposing testimony.

There was no further support for HCR 3007.

(23:35)

Karin Mongeon, Director Safety Division, North Dakota Department of Transportation, provided written testimony in opposition to HCR 3007. See attachment #1.

Vice Chairman Lisa Meier: Are all 30 signs being utilized all the time?

Karin Mongeon: They are not being used at all times. So, they are used in emergency situations listed in the testimony, and they are used during planned safety campaigns. The safety messages are only shown on Friday, Saturday, and Sunday.

Chairman Dan Ruby: In your testimony you mentioned the messages can change behavior. At this point the messages are for following the law, or safety. Is that correct?

Karin Mongeon: Correct.

Chairman Dan Ruby: What if someone came to you asking for a message for domestic violence or some other types of neglect, which are worthy but not necessarily related to roads?

Karin Mongeon: We would not consider any requests for messages on boards that are outside motor vehicle or transportation road safety issues.

Representative Rick C. Becker: Is it within the department's discretion to use the type of messages that Chairman Dan Ruby just inquired about?

Karin Mongeon: We'd have to discuss that. We haven't discussed the use of the signs outside of transportation or motor vehicle situations.

Representative Rick C. Becker: I understand you haven't had this discussion, so the current intent is to relate it to something that is road or transportation related. Are the messages being determined by administration? There is nothing in statute that limits what can be put on the signs, correct?

Karin Mongeon: I believe that is true.

Representative Chris Olson: When did North Dakota Department of Transportation decide to begin promoting social norms campaigns through the use of these signs? How was the decision arrived at?

Karin Mongeon: We began to use the DMS for safety messages for the first time in the year 2013. Our priority within the Department of Transportation is safety and saving lives. So, to further promote our various campaigns that were being distributed through other media venues, we made the decision to use the DMS as an additional component to further distribute safety messages.

Chairman Dan Ruby: A lot of these messages aren't necessarily law, they are just things being promoted as safety, correct?

Karin Mongeon: You're correct. Our messages support enforcement, promote a social norm, or demonstrate a best practice in traffic safety. Those are the reasons behind the messages.

Representative Marvin Nelson: How are the locations of the signs determined?

Karin Mongeon: Our division of safety programs the messages into the boards where ever they may be. I know there are some permanent boards and mobile boards. I'm not sure how the decision is made.

Ron Henke, Deputy Director for Engineering for the Department of Transportation: When we were placing those signs, we were placing them more for snow and ice control. If we had to close a road, we want to get the exposure to the people who are driving to give them a chance to get off the road. This would help lessen stranded motorists on the highway.

Representative Mike Schatz: How are the messages different when you're having a behavior message than when there is a weather message?

Karin Mongeon: You would not see a planned message when there is a weather situation.

Representative Mike Schatz: Does the sign look different; like a different color, flashing, or does it look just the same?

Karin Mongeon: I don't believe they look any different. There is just gold text on the message board.

There was no further opposition to HCR 3007.
The hearing on HCR 3007 was closed.
(36:12)

Chairman Dan Ruby: Opened discussion on HCR 3007.

Representative Chris Olson: What is a social norm? If we say that social norms are a proper use of these signs, how do we determine that?

Chairman Dan Ruby: I think that society would dictate a social norm.

Representative Rick C. Becker: If I was riding the fence on the resolution, hearing opposing testimony on the resolution would make me vote for the resolution. To me the idea that there are social norm campaigns is a bit disturbing. As the messages are slowly expanded, can we then accept greater and greater messaging?

Representative Rick C. Becker moved an amendment to use the word "compel" rather than "urge".

Representative Kathy Hawken: You can't make law from a resolution; it has to be a statue. I don't think you can use the word "compel" in a resolution

Representative Robin Weisz: I believe Representative Kathy Hawken is correct. To use the word "compel" we would have to introduce a bill. A resolution cannot force the Department of Transportation to do anything.

Representative Rick C. Becker: I will withdraw the previous motion and then move a DO PASS on HCR 3007.

Representative Mike Schatz seconded the motion. (40:50)

Rep. Mark Owens: For the record I don't disagree with Representative Rick C. Becker on social norms campaigns. The question was asked if there are standards as to what can go on these signs. There are to a certain extent in the MUTCD (Manual on Uniform Traffic Control Devices). We would have to get a copy of that to see what they are. I also wanted to clarify that the receptiveness of the signs is necessary because there are constantly different people driving by the signs. I don't disagree with some of the concerns here, but I do disagree with over regulation.

Representative Chris Olson: I have never wondered if the signs work, but if they do work, then I will notice. There will also be some level of distraction in any sign. The question is, if it is not necessary, should the state agency ever be engaging in any level of unnecessary distraction?

Rep. Mark Owens: There's myself and a number of people in the transportation industry across the nation from US Department of Transportation all the way down to somebody driving a truck, wondering "Well it is working, if there is a message, it will be up there, and if not ignore it." We don't understand **why** the complaints come in, but they roll in constantly. So, even the industry has adjusted the way that they build the signs because of that. Now they have a little dot on the new ones that flash constantly to show that the sign is working. It is very bizarre, but it is government reacting to citizen's complaints. In regard to the distraction, there is always someone who may be distracted. The studies state generally people are not distracted.

Representative Rick C. Becker: With regard to Rep. Mark Owens remarks on over regulation, in this case requesting that a government entity do less, is not over regulation. Citizens are regulated. It is concerning, amongst the numerous things that Karin Mongeon brought up, that the "click it or tick it" campaign is there partially because of federal funding. It is not a primary law in North Dakota. It is a disturbing point that our messages may be determined by a national campaign and chosen by the Department of Transportation to be put on the sign because they get funds to do that.

There was no further discussion.

**A roll call vote was taken on a DO PASS on HCR 3007. Aye 8 Nay 5 Absent 1
The motion carried.**

Representative Rick C. Becker will carry HCR 3007.

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HCR 3007**

House Transportation Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
- Other Actions: Reconsider _____

Motion Made By Representative Rick C. Becker Seconded By Representative Mike Schatz

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Rep. Delmore		X
Vice Chairman Meier	X		Rep. Hanson	X	
Rep. Rick Becker	X		Rep. Nelson	X	
Rep. Frantvog	X				
Rep. Hawken		X			
Rep. Olson	X				
Rep. Owens		X			
Rep. Paur	AB				
Rep. Schatz	X				
Rep. Sukut		X			
Rep. Weisz		X			

Total (Yes) 8 No 5

Absent 1

Floor Assignment Representative Rick C. Becker

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

REPORT OF STANDING COMMITTEE

HCR 3007: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HCR 3007 was placed on the Eleventh order on the calendar.

2015 TESTIMONY

HCR 3007

HOUSE TRANSPORTATION COMMITTEE
January 15th – 9:15 a.m. - Fort Totten Room

North Dakota Department of Transportation
Karin Mongeon - Director, Safety Division

HCR 3007

Mr. Chairman and members of the Committee, good afternoon, my name is Karin Mongeon. I serve as the Safety Division Director for the North Dakota Department of Transportation (DOT).

I am here today on behalf of the Department in opposition of House Concurrent Resolution 3007, a resolution that urges the DOT to use dynamic message signs (DMS) solely for weather-related, road condition, emergency, work zone, and missing person messages – and suggests that other messages are unnecessary.

The Department recently began using the DMS for traffic safety messages as a component of a comprehensive public information plan to encourage safe driving and riding choices by motorists on North Dakota roads to reduce motor vehicle fatalities and serious injuries.

There are many studies on the efficacy of public health and safety messages. Studies show that people respond to simple messages over complex and that repeat exposure to a simple message can change behavior.

The DMS are used for safety messages only during planned high visibility enforcement and social norms campaigns to advance public awareness of the campaign. Safety messages are used only when the DMS boards are not in use for other priority purposes including weather-related, road condition, emergency, work zone, and missing person situations.

To assure appropriate use of the DMS signs for safety purposes, the DOT created parameters for use which include that messages can only be displayed for short periods (not to exceed three days).

Since using the DMS for safety purposes, the DOT has received positive feedback about the safety messages and has received several requests to add additional messages into the message rotation. Additional requests for safety messages include:

- A farmer in rural North Dakota to add a message for motorists to watch for slow moving equipment during harvest season. This message was placed beginning in September and through the end of harvest in November.
- A child injury prevention program to add the message *Never Leave a Child Behind. Hot cars can kill.* to prevent child fatalities through heatstroke. This message was placed during the month of August.
- The NDHP for use with heightened enforcement on US 85 corridor (west of Watford City to south of Williston) to begin in early 2015.

The NDDOT supports the use of DMS for distribution of safety messages because simple reminders to buckle up, drive sober, not text and drive, and not to leave a child behind in a hot car, can save lives and saving lives on North Dakota roads is the mission of the DOT.

This concludes my testimony. I would be glad to respond to any questions you may have.